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**LD 1054 “An Act to Prohibit the Maine National Guard from Combat Deployment Absent
an Act of the United States Congress”**

Joint Standing Committee on Veterans and Legal Affairs

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Senator Hickman, Representative Supica, and honorable members of the Veterans and Legal Affairs Committee, I am Doug Farnham, Commissioner of the Department of Defense, Veterans and Emergency Management. I am here today to testify in opposition of LD 1054, An Act to Prohibit the Maine National Guard from Combat Deployment Absent an Act of the United States Congress.

LD 1054 is nearly identical to legislation, LD 1285, that was unanimously voted ONTP in committee in 2021. I am just as opposed today as I was in 2021. It is problematic for both the Maine National Guard and the National Guard enterprise in all 54 states, territories and the District of Columbia.

A national group is trying to limit the use of the National Guard, in a Title 10 status, to only those missions for which Congress has issued a declaration of war. Last year there were attempts in 31 states with none succeeding to date. The group believes that if states adopt the legislation, Congress would be forced to act. It is my concern and belief that the state would risk the loss of federal units and equipment, as passage of this legislation would be seen by DOD as unwillingness by the state to uphold the federal obligation required by the dual oaths taken by National Guard members. It puts at risk the Guard’s standing as the primary combat reserve of the US Air Force and US Army. It is this status that leads to the funding of the nearly 3000 members of the Maine National Guard and our equipment, including the 10 KC-135 air refueling aircraft in Bangor. This represents over \$130 million in federal payroll alone.

In my military position I don’t weigh in on political issues between the executive and legislative branches of government. As a citizen, I do understand the frustration of the way declarations of war, authorizations for use of force and authority for combat operations are navigated at the federal level. Federal legislation has recently been submitted, co-sponsored by Senators Collins and King, to end some of the old authorizations. That is where this debate belongs.

This legislation is dangerous for the entire National Guard. I am now one of the more senior adjutants general in the country and have the opportunity to sit on several committees, working groups, and conversations with very senior active component and DOD officials. I believe

increasing the role of the Guard is the most effective way to meet the requirements of the National Defense Strategy. The opposing argument is always the misinformed notion that the Guard is not accessible in times of need. This is not true. However, passage of this legislation, even in one state, adds to that narrative. Therefore, even though the legal teams in most states believe this legislation is unconstitutional and unenforceable with respect to the President's power to federalize and mobilize the National Guard, it still poses a danger. The backlash could result in state's National Guard seeing their federal mission moved to a reserve component or another state viewed as more accessible by DOD.

Thank you for your time and I am happy to address any questions you may have. My team and I will be available for the work session as you dig into the details of the bill.