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EXECUTIVE ORDER
Delegation of Authority
for the
Army Ground-Based Midcourse Defense Unit

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, and in particular, Art. IV, Section 5 of the Colorado Constitution, I, Bill Owens, Governor of the State of Colorado, hereby issue this Executive Order concerning the delegation of executive authority to the state Adjutant General regarding the operations of the Army Ground-Based Midcourse Defense Unit.

1. Background and Mission

The United States Army has proposed to establish and fund a new unit assigned to the Colorado National Guard in furtherance of the Ground Based Midcourse Defense System (the “Army Ground-Based Midcourse Defense Unit” or “Unit”.) The Unit will employ approximately 75 Colorado Guard members and will have a 24- hour per day, 7- day per week federal mission in support of national defense against ballistic missile attack. The Unit will provide local employment opportunities and will enhance the Colorado’s significant role in United States space missions.

Military units of the Colorado National Guard are under the command and control of the Governor of Colorado until and unless federalized, and are available for call-up by the Governor for purposes of State Active Duty. C.R.S. §§ 28-3-104 and 204. The Army Ground-Based Midcourse Defense Unit will function under the operational control of the federal active duty Armed Forces, pursuant to 10 U.S.C.S. § 12301(d). Members of the Unit will be ordered to federal active duty only if they consent. For administrative purposes, such as hiring and personnel actions, the Unit members will continue to be governed by the authority of the Colorado National Guard and Colorado law.

In order to have effective management and operation of the Unit, it is necessary to promote coordination between the Colorado National Guard and the Army and to ensure that the Unit will not be diverted from its mission. The state Adjutant General serves in the executive branch of the state government as an appointee of the Governor (C.R.S. § 28-3-105) and will be in the best position to make prompt and informed decisions about the Unit. Therefore, it is appropriate to grant to the State Adjutant General the authority to release the Unit from State Active Duty and to consent to federal military active duty in furtherance of this mission pursuant to 10 U.S.C.S. § 12301(d). In addition, the Adjutant General shall be responsible for the formation, activation and operations of this Unit.

The Army Ground-Based Midcourse Defense Unit will be entirely funded from federal sources, including Colorado National Guard members' salaries. No costs will be incurred by the State of Colorado.

2. Directive

- A. I hereby delegate to the state Adjutant General the authority to release the Army Ground-Based Midcourse Defense Unit to the exclusive operational control of the United States Army, and to agree to refrain from calling the Unit for state missions.
- B. I hereby delegate to the state Adjutant General the authority to consent to federal military active duty of Colorado National Guard members in the Army Ground-Based Midcourse Defense Unit for purposes of this mission. I further delegate to the state Adjutant General the authority to enter into Memoranda of Agreement relating to the formation, activation, and operations of this Unit.

3. Duration

This Executive Order shall remain in force until further modification or rescission by the Governor.

GIVEN under my hand and
the Executive Seal of the
State of Colorado, this 16th
day of September, 2003.

Bill Owens
Governor