

D 022 03

EXECUTIVE ORDER
Delegation of Authority and
Release for the
Air National Guard Air 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 for the operations of the Air National Guard Air Defense Unit.

1. Background and Mission

The United States Air Force has proposed to utilize a unit of the Colorado Air National Guard for the purpose of executing the federal mission of aerospace warning and aerospace control, (the “ANG Air Defense Unit” or “Unit”). The Unit will have a federal mission in support of national defense. The Unit will provide local employment opportunities and will enhance the Colorado’s significant role in United States defense missions.

Military units of the Colorado Air 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 ANG Air Defense Unit will function under the operational control of the federal active duty armed forces, pursuant to 10 U.S.C.S. § 12301. For administrative purposes, such as hiring and personnel actions, the Unit members will continue to be governed by the authority of the Colorado Air National Guard and Colorado law.

Individuals who are presently members of the State of Colorado ANG Air Defense Unit may volunteer for federal military active duty under 10 U.S.C.S. § 12301(d) and be assigned to the United States Air Force Air Defense Sector in order to execute the federal mission of aerospace warning and aerospace control.

In order to have effective management and operation of the Unit, it is necessary to promote coordination between the Colorado Air National Guard and the Air Force and to ensure that the Unit will not be diverted from its mission. Instantaneous execution of the federal mission of aerospace warning and aerospace control by individuals assigned to the Unit requires the previously obtained consent of such individuals and the Governor on a pre-arranged, coordinated basis. 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 delegate to the State Adjutant General the authority to consent to voluntary federal military active duty of individuals who are members of the State of Colorado ANG Air Defense Unit for the purpose of executing the federal mission of aerospace warning and aerospace control pursuant to 10 U.S.C.S. § 12301(d). It is also appropriate to delegate to the State Adjutant General the authority to enter into any future letters of agreement needed to support the instantaneous execution of the federal mission of aerospace warning and aerospace control. In addition, the Adjutant General shall be responsible for the formation, activation and operations of this Unit.

The ANG Air Defense Unit will be entirely funded from federal sources, including Colorado Air 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 ANG Air Defense Unit to the exclusive operational control of the United States Air Force, 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 ANG Air 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.
- C. This Executive Order supercedes Executive Order D 020 03 in its entirety.

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 31st
day of December 2003.

Bill Owens
Governor