

I MINA'TRENTAI UNU NA LEHESLATURAN GUAHAN  
2012 (SECOND) Regular Session

Bill No. 501-31 (COR)

Introduced by:

F. F. Blas, Jr.

2012 AUG - 8 PM 1:38

AN ACT TO AUTHORIZE *I MAGA'LAHEN GUAHAN*  
TO DEVELOP AND PROMULGATE A CONTINUITY  
OF OPERATIONS PLAN FOR THE GOVERNMENT  
OF GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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| Section 1. | Legislative Statement and Policy.                |
| Section 2. | Definition.                                      |
| Section 3. | Preparation of Continuity of<br>Operations Plan. |
| Section 4. | Lead Agency(s).                                  |
| Section 5. | Effective Date.                                  |
| Section 6. | Severability.                                    |

**Section 1. Legislative Statement and Policy. (a) Legislative Statement.** *I Liheslaturan Guåhan* finds that natural and man-made emergencies and disasters can hinder the ability of the government of Guam to deliver essential services to the people of Guam. *I Liheslaturan Guåhan* further finds that the government of Guam lacks a Continuity of Operations Plan (COOP) program. The establishment of a Continuity of Operations Plan (COOP) provides direction to the Executive Branch of

1 the government of Guam on the development and implementation of disaster recovery  
2 plans in accordance with applicable local and federal statutes. These plans shall  
3 address emergencies from an all-hazards approach and contain provisions that ensure  
4 the continued performance of the organization's mission essential functions.

5 The purpose of the Continuity of Operations planning is to ensure the continuity  
6 of essential functions under all circumstances. Effective government agency planning  
7 is vital to the implementation and operation of coordinated and well-managed  
8 Continuity of Operations plan. *I Liheslaturan Guåhan* opines that it is imperative that  
9 all government agencies should have in place viable Continuity of Operations  
10 capabilities which outline the performance of their essential functions during and  
11 immediately after any emergency or situation that may disrupt normal operations.  
12 The people of Guam should expect to receive and agencies must be prepared to  
13 deliver essential services to citizens and customers regardless of situation or  
14 circumstance.

15 **(b) Policy.** It is the policy of the government of Guam to be prepared to  
16 respond to any emergency or threat thereof which may disrupt operations within an  
17 agency or at a territorial facility. Emergencies are any unplanned events that can cause  
18 death or significant injuries to employees, customers, or the public; or that can shut-  
19 down an organization, disrupt operations, cause physical or environmental damage, or  
20 harm the organization's public image. Emergencies may include: fire, hazardous  
21 materials incident, flooding, tsunamis, communications failure, radiological incident,  
22 civil disturbance, typhoon/tropical storm, explosion, "sick-building" syndrome, or  
23 terrorist event.

24 The utilization of the all-hazards planning approach minimizes vulnerabilities  
25 by the systematic development of an operational capability that is not dependent upon  
26 a facility or the loss of personnel. The probability (likelihood that an incident will

1 occur), frequency (how often an incident occurs), and the severity (impact of incident)  
2 are factors which should weigh heavily into COOP planning.

3 Typically risk assessments determine that the most probable/frequent incidents  
4 are less severe and that the most severe events have lower probabilities and occur less  
5 often. This is the reason why COOP planning must address the full range of scenarios.  
6 To maintain a viable COOP capability, each agency's plan must:

- 7 (1) Be maintained at a high level of readiness.
- 8 (2) Be capable of implementation both with and without warning.
- 9 (3) Be operational no later than 12 hours after activation.
- 10 (4) Maintain sustained operations for up to 30 days.
- 11 (5) Take maximum advantage of existing agency field infrastructures.

12 **Section 2. Definition.** For purposes of this Act, the following words and  
13 phrases are defined to mean:

14 *Alternate Location* – A location, other than the normal facility, used to  
15 process data and/or conduct essential functions in the event of a disaster.

16 *Business Impact Analysis* – The process of determining the potential  
17 consequences of a disruption or degradation of critical and/or business  
18 functions.

19 *Cold Site* – An alternate site that is reserved for emergency use, but  
20 which requires the installation of equipment before it can support operations.

21 *Continuity of Operations Planning (COOP)* – The effort to assure that  
22 the capability exists to continue essential functions across a wide range of  
23 potential emergencies.

24 *Delegations of Authority* – Pre-delegated authorities for making policy  
25 determinations and decisions in crisis conditions, at alternate locations, etc., as  
26 appropriate.

1            *Essential Functions* – Activities, processes or functions that could not be  
2 interrupted or unavailable without significantly jeopardizing the operation of an  
3 organization.

4            *Essential Personnel* – Personnel designated by their division as critical to  
5 the continuity and/or resumption of essential functions and services.

6            *Facility* – A location or work space containing the equipment, supplies,  
7 and voice and data communication lines to conduct transactions required to  
8 conduct functions and business under normal conditions.

9            *Hot Site* – A fully-equipped facility, which includes stand-by computer  
10 equipment, environmental systems, communications capabilities and other  
11 equipment necessary to fully support a department’s immediate work and data  
12 processing requirements in the event of a disruption or a disaster.

13           *Recovery Time Objective (RTO)* – The period of time in which systems,  
14 applications or functions must be recovered after an outage to prevent  
15 significant impact on business or service responsibilities.

16           *Risk* – An ongoing or impending concern that has a significant  
17 probability of adversely affecting operations and business continuity.

18           *Risk Management* – The discipline that ensures that an organization does  
19 not assume an unacceptable level of risk.

20           *Shelter in Place* – The process of staying where you are and taking  
21 shelter, rather than trying to evacuate.

22           *Vital Records, Systems and Equipment* – Records, files, documents or  
23 databases, which, if damaged or destroyed, would cause considerable  
24 inconvenience and/or require replacement or re-creation at considerable  
25 expense. For legal, regulatory or operational reasons these records cannot be  
26 irretrievably lost or damaged without materially impairing the organization’s  
27 ability to conduct business.

1                    *Vulnerability* – The susceptibility of a department to a hazard. The degree  
2 of vulnerability to a hazard depends upon its risk and consequences.

3                    *Warm Site* – An alternate work site which is only partially equipped.

4                    **Section 3. Preparation of Continuity of Operations Plan. (a)**

5 **Preparation of Guam COOP plan.** Each government of Guam agency shall prepare  
6 a Continuity of Operations Plan (‘the *Guam COOP Plan*’) to ensure it’s ability to  
7 deliver essential services under any circumstance.

8                    **(b) Guam COOP Objectives.** The Guam COOP Plan shall establish policy  
9 and guidance to ensure the execution of the government’s mission essential functions  
10 in the event that any government agency or facility is threatened or incapacitated, and  
11 the relocation of selected personnel and functions is required. The Guam COOP  
12 planning objectives include the following:

- 13                    1. Ensure the safety of personnel and visitors.
- 14                    2. Provide for the ability to continue essential operations.
- 15                    3. Contain provisions for the protection of critical equipment, records, and  
16 other assets.
- 17                    4. Maintain efforts to minimize damage and losses.
- 18                    5. Contain provisions for an orderly response and recovery from any  
19 incident.
- 20                    6. Serve as a foundation for the continued survival of leadership.
- 21                    7. Assure compliance with legal and statutory requirements.

22                    **Section 4. Lead Agency(s). (a) Designation of Lead Agencies.** The  
23 Bureau of Statistics and Plans together with the Office of Guam Homeland Security  
24 and Civil Defense are hereby designated as the lead agency(s) for the guidance,  
25 preparation, and maintenance of Continuity of Operations plans.

26                    **(b) Guam COOP Steering Committee.** The Bureau of Statistics and Plans,  
27 together with the Offices of Guam Homeland Security and Civil Defense are further

1 directed to establish and organize a Continuity of Operations Steering Committee  
2 comprised of all executive agency heads or their designated representatives and  
3 chaired by the Homeland Security Advisor of Guam or his designated representative.  
4 The Steering Committee shall be responsible for ensuring that each territorial agency  
5 and facility, has a Continuity of Operations Plan.

6 **Section 5. Effective Date.** This Act, being deemed of immediate importance,  
7 shall take effect upon its enactment.

8 **Section 6. Severability.** *If* any provision of this Act or its application to any  
9 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
10 not affect other provisions or applications of this Act which can be given effect  
11 without the invalid provisions or application, and to this end the provisions of this Act  
12 are severable.