

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
190-37 (COR) As amended by the Committee on General Government Operations and Appropriations; and further amended on the Floor	Tina Rose Muña Barnes Dwayne T.D. San Nicolas Chris Barnett Frank Blas, Jr. Christopher M. Dueñas Jesse A. Lujan William A. Parkinson Joe S. San Agustin Roy A. B. Quinata Thomas J. Fisher Joanne M. Brown Telo T. Taitague Sabina Flores Perez Therese M. Terlaje Amanda L. Shelton	AN ACT TO ADD A <i>NEW</i> CHAPTER 15 TO DIVISION 1 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CREATING THE MARIANAS CYBER SECURITY WORKING GROUP.	10/17/23 2:50 p.m.	10/25/23	Committee on General Government Operations and Appropriations	Request: 10/25/23 Waiver: 11/1/23	3/13/24 9:00 a.m.	5/14/24 3:46 p.m. As amended by the Committee on General Government Operations and Appropriations	Referred Version 10/24/23
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	LAPSED	NOTES	
	6/24/24	AN ACT TO <i>ADD</i> A NEW CHAPTER 15 TO DIVISION 1 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CREATING THE MARIANAS CYBER SECURITY WORKING GROUP.	7/10/24	7/10/24	7/22/24	37-109	7/22/24	Received: 7/22/24 Messages and Communications Doc. No. 37GL-24-2382	

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via Email to: speaker@guamlegislature.org

Doc Type: 37GL-24-2382
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

July 22, 2024

THE HON. THERESE M. TERLAJE, *Speaker*
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

JUL 22 2024
Time: 6:40 pm
Received: [Signature]

Re: Bill No. 190-37 (COR) – AN ACT TO ADD A NEW CHAPTER 15 TO DIVISION 1 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CREATING THE MARIANAS CYBER SECURITY WORKING GROUP.

Håfa Adai Madam Speaker,

Bill No. 190-37 creates a “working group” with the Office of the Governor and would assign the Chief Justice of Guam and the Speaker of *I Liheslaturan Guåhan*, among others, as members of this group within the Office of the Governor. The purpose of the working group would be to discuss cyber security best practices and emerging cyber threats.

Regrettably, as passed, the bill appears inconsistent with the Organic Act in at least two respects.

First, the bill erodes the separation of powers in appointing the Chief Justice, head of the judiciary, and the Speaker, who presides over the Legislature, to a body within the Office of the Governor. It is no more proper for the Chief Justice or the Speaker to be appointed part of the Executive Branch than it would be for the Governor to presume to decide cases at the Guam Judiciary Center or vote on the floor of the Legislature. Likewise, it seems inconsistent with the Organic Act’s separation of powers for the Legislature to assign further duties beyond the administration of justice to the Chief Justice.

Second, the bill encroaches upon the Governor’s Organic Act authority to appoint and remove officers and employees of the Executive Branch, as well as the Governor’s Organic Act duties of “general supervision and control” of the Executive Branch. The bill sets up a new body—within the Office of the Governor itself—whose membership is appointed almost entirely by the bill itself or by the various parties designated by the bill who are not already members of the executive branch. Although the working group is assigned to the Office of the Governor, the bill does not allow the Governor to appoint or remove its members or to exercise any meaningful degree of supervision and control, in derogation of the Organic Act.



To: The Hon. Therese M. Terlaje, Speaker
Fr: The Hon. Lourdes A. Leon Guerrero, Governor of Guam
Date: July 22, 2024
Re: Bill No. 190-37 (COR)

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There is a further, practical problem with the bill. The bill contemplates that the working group would discuss confidential threat information and provides a limited mechanism for redacting some information before release to the public, but the bill fails to shield the working group from the mandatory provisions of the Open Government Law of Guam or the Sunshine Reform Act of 1999. As a result, it is not clear that the working group could lawfully meet in confidential sessions or protect its minutes and work product from mandatory public disclosure—even though that disclosure would run counter to the public interest. This means any discussion will necessarily be limited, nonspecific, and largely unhelpful.

Guam must, of course, remain vigilant against cyber threats. The Administration continues to grow its abilities to guard against cyber threats and to coordinate with other authorities in furtherance of that constantly evolving threat. I would note that the Marianas Regional Fusion Center already has the capability to notify critical cyber infrastructure entities of potential threats. Homeland Security Advisor Esther Aguigui and Chief Technology Officer Frank Lujan noted to the Legislature the similar composition of the Guam Emergency Management Council and recommended strengthening that already existing group's mandate. Doing so would build on the expertise that the Guam Emergency Management Council acquired as it developed the Island-wide Cybersecurity Plan. It makes more sense to build on their already existing work and expertise.

For these reasons, I cannot endorse Bill No. 190-37 (COR) but will permit it to lapse as ***Public Law 37-109***.

Senseramente,



LOURDES A. LEON GUERRERO

I Maga'hågan Guåhan

Governor of Guam

Enclosure(s): Bill No. 190-37 (COR) nka P.L. 37-109 (LAPSED)

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÅGAN GUÅHAN

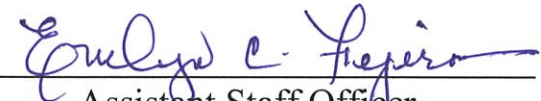
This is to certify that **Bill No. 190-37 (COR)**, “AN ACT TO ADD A NEW CHAPTER 15 TO DIVISION 1 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CREATING THE MARIANAS CYBER SECURITY WORKING GROUP,” was on the 10th day of July 2024, duly and regularly passed.


Therese M. Terlaje
Speaker


Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 10th day of July,
2024, at 4:22 o'clock P.M.

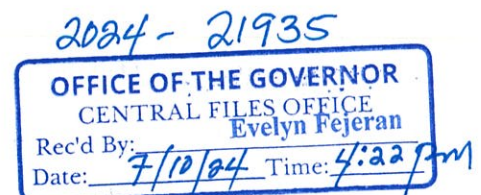

Assistant Staff Officer
Maga'håga's Office

APPROVED:


Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: JULY 22, 2024

Public Law No. 37-109



I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 190-37 (COR)

As amended by the Committee on General
Government Operations and Appropriations;
and further amended on the Floor.

Introduced by:

Tina Rose Muña Barnes
Dwayne T.D. San Nicolas
Chris Barnett
Frank Blas, Jr.
Christopher M. Duenas
Jesse A. Lujan
William A. Parkinson
Joe S. San Agustin
Roy A. B. Quinata
Thomas J. Fisher
Joanne M. Brown
Telo T. Taitague
Sabina Flores Perez
Therese M. Terlaje
Amanada L. Shelton

**AN ACT TO *ADD* A NEW CHAPTER 15 TO DIVISION 1
OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO
CREATING THE MARIANAS CYBER SECURITY
WORKING GROUP.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the monitoring of potential cyber-threats has been an ongoing task for many
4 years, but it has now come out of the shadows and into the limelight with the catchall
5 term “cyber security.” In Guam’s case, whether the end goal is data smuggling or
6 interrupting critical communications for the island, its neighbors or its allies – the

1 mere fact that as much as seventy-five percent (75%) or more of information relayed
2 over the internet transitions through one of the island's undersea cables should be
3 enough reason for the local and federal governments to make and fund drastic
4 improvements of Guam's efforts to combat these bad actors. To set the stage for
5 these efforts, there is a pronounced need to become familiar and conversant with this
6 method of tracking the attempts to access systems by those who would do harm to
7 the island's online systems and programs.

8 Therefore, the establishment of the Marianas Cyber Security Working Group
9 provides a platform to discuss these issues, to be informed of threats that have been
10 detected, and learn of measures taken to mitigate the harm caused by the threats. The
11 collaboration that can result from the issues discussed at the Working Group
12 briefings can generate legislative measures or administrative policies that will help
13 the government of Guam refocus toward capacity building, strategic planning and
14 protection protocols for its management information systems government-wide.

15 **Section 2.** A new Chapter 15 is *added* to Division 1 of Title 5, Guam Code
16 Annotated, to read:

17 **“CHAPTER 15**

18 **MARIANAS CYBER SECURITY WORKING GROUP**

19 § 15100. Creation of Working Group.

20 § 15101. Purpose of Working Group.

21 § 15102. Membership.

22 § 15103. Information Dissemination.

23 **§ 15100. Creation of Working Group.**

24 There is created within the Office of the Governor the Marianas Cyber
25 Security Working Group (Group) which shall be headed by *I Maga'håga/Maga'låhi*,
26 with administrative support provided by the Mariana Regional Fusion Center.

27 **§ 15101. Purpose of Working Group.**

1 The Group shall meet on a monthly basis to discuss issues involving cyber
2 security and its heightened priority within Guam. It shall receive periodic briefings
3 from the Mariana Regional Fusion Center on best practices available to implement
4 cyber security measures and secure management information systems and minimize
5 threats to commerce and government operations. The briefings may also include a
6 recap on any recent threats to government of Guam entities, the outcomes of such
7 threats, and any recommendations to avoid future threats. To the extent practicable,
8 the briefing information shall also be disseminated to the general public as a means
9 to assist them in their individual needs to safeguard their own access to various sites
10 on the internet. The Group may recommend legislation and administrative policy to
11 safeguard and enhance system and software security and eliminate vulnerabilities
12 resulting from threats, and engage in public awareness campaigns and outreach
13 events to support the above goals.

14 **§ 15102. Membership.**

15 The Group's membership shall include *I Maga'håga/Maga'låhi*, or her/his
16 designee; the Speaker of *I Liheslaturan Guåhan*, or her/his designee; the Chief
17 Justice of Guam, or his/her designee; the General Manager, Guam Power Authority,
18 or his/her designee; the General Manager, Guam Waterworks Authority, or his/her
19 designee; the General Manager, Port Authority of Guam, or his/her designee; the
20 Executive Manager, Guam Airport Authority, or his/her designee; the Director of
21 Administration, or his/her designee; the Director, Department of Military Affairs, or
22 his/her designee; the Chief Technology Officer, Office of Technology; one (1)
23 representative from each of Guam's telecommunication companies, to be appointed
24 by *I Maga'håga/Maga'låhi*; a representative recommended by the Guam Bankers
25 Association, to be appointed by *I Maga'håga/Maga'låhi*; a member of the business
26 community with background and experience in computer operations and analytics,
27 to be appointed by *I Maga'håga/Maga'låhi*, and the Attorney General of Guam.

1 **§ 15103. Information Dissemination.**

2 Select information presented by the Mariana Regional Fusion Center shall be
3 disseminated to the general public by no less than ninety (90) business days to allow
4 the information given to go through vulnerability patching before being shared. The
5 reporting of information disseminated to the public shall be anonymized and/or
6 redacted for the general overview of cyberthreats and trends that were discussed
7 during the meeting.”