I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
62-35 (COR) As substituted by the Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response	William M. Castro Clynton E. Ridgell Joe S. San Agustin Tina Rose Muña Barnes Kelly Marsh (Taitano), PhD	AN ACT TO *ADD* A NEW ARTICLE 14 TO CHAPTER 1 OF DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CODIFYING THE GUAM OFFICE OF HOMELAND SECURITY AS ESTABLISHED UNDER EXECUTIVE ORDER NO. 2003-13, AND RELATIVE TO CREATING THE MARIANAS REGIONAL FUSION CENTER, THE DIVISION OF CYBERSECURITY AND CRITICAL INFRASTRUCTURE SECURITY, AND THE GUAM EMERGENCY MANAGEMENT ADVISORY COUNCIL; TO BE KNOWN AS "THE HOMELAND SECURITY, CRITICAL INFRASTRUCTURE, AND EMERGENCY MANAGEMENT MODERNIZATION ACT OF 2020."	3/12/19 3:38 p.m.	5/2/19	Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response	9/16/19 9:00 a.m.	12/4/20 4:37 p.m. As substituted by the Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response	4/9/19	

SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES
12/7/20	AN ACT TO *ADD* A NEW ARTICLE 14 TO CHAPTER 1 OF DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CODIFYING THE GUAM OFFICE OF HOMELAND SECURITY AS ESTABLISHED UNDER EXECUTIVE ORDER NO. 2003-13, AND TO CREATING THE MARIANAS REGIONAL FUSION CENTER, THE DIVISION OF CYBERSECURITY AND CRITICAL INFRASTRUCTURE SECURITY, AND THE GUAM EMERGENCY MANAGEMENT ADVISORY COUNCIL; AND TO BE KNOWN AS "THE HOMELAND SECURITY, CRITICAL INFRASTRUCTURE, AND EMERGENCY MANAGEMENT MODERNIZATION ACT OF 2020."	12/17/20	12/17/20	12/29/20	35-133	12/29/20	Received: 12/29/20 Mess and Comm. Doc. No. 35GL-20-2560

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

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

December 29, 2020

35GL-20-2560
Speaker Tina Rose Muña Barnes

DEC 29 2020
Time 6:11 ( )AM (X)PM
Received By: Matt

HONORABLE TINA ROSE MUÑA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: **<u>Substitute Bill No. 62-35 (COR)</u> – An Act to Add a New Article 14 to Chapter 1 of Division 1, Title 5, Guam Code Annotated, Relative to Codifying the Guam Office of Homeland Security As Established Under Executive Order No. 2003-13, and to Creating the Marianas Regional Fusion Center, the Division of Cybersecurity and Critical Infrastructure Security, and the Guam Emergency Management Advisory Council; and to be known as "The Homeland Security, Critical Infrastructure, and Emergency Management Modernization Act of 2020**

Dear Madame Speaker:

Since first being established by executive order by then-Governor Felix Camacho, the Office of Homeland Security has been a critical component of the government of Guam's readiness and response system against any manner of threats to the homeland. Substitute Bill No. 62-35, which codifies the Office of Homeland Security and the Marianas Regional Fusion Center, as well as establishes the Guam Emergency Management Advisory Council, is now ***Public Law No. 35-133***. Each of these entities, together with the Office of Civil Defense, will work together to ensure our island is prepared for emergencies, whether caused by nature or by man.

Senseramente,

LOURDES A. LEON GUERRERO
I Maga'hågan Guåhan
Governor of Guam

Enclosure: Substitute Bill No. 62-35 (COR) *nka P.L. 35-133*

cc via email: *Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

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

This is to certify that **Substitute Bill No. 62-35 (COR), "AN ACT TO *ADD* A NEW ARTICLE 14 TO CHAPTER 1 OF DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CODIFYING THE GUAM OFFICE OF HOMELAND SECURITY AS ESTABLISHED UNDER EXECUTIVE ORDER NO. 2003-13, AND TO CREATING THE MARIANAS REGIONAL FUSION CENTER, THE DIVISION OF CYBERSECURITY AND CRITICAL INFRASTRUCTURE SECURITY, AND THE GUAM EMERGENCY MANAGEMENT ADVISORY COUNCIL; AND TO BE KNOWN AS "THE HOMELAND SECURITY, CRITICAL INFRASTRUCTURE, AND EMERGENCY MANAGEMENT MODERNIZATION ACT OF 2020,"** was on the 17th day of December 2020, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 17th day of Dec, 2020, at 10:26 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 12/29/2020

Public Law No. 35-133

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 62-35 (COR)
As substituted by the Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response;
and amended on the Floor.

Introduced by:

William M. Castro
Clynton E. Ridgell
Joe S. San Agustin
Tina Rose Muña Barnes
Kelly Marsh (Taitano), PhD
Régine Biscoe Lee
James C. Moylan
Louise B. Muña
Telena Cruz Nelson
Sabina Flores Perez
Amanda L. Shelton
Telo T. Taitague
Jose "Pedo" Terlaje
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *ADD* A NEW ARTICLE 14 TO CHAPTER 1 OF DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CODIFYING THE GUAM OFFICE OF HOMELAND SECURITY AS ESTABLISHED UNDER EXECUTIVE ORDER NO. 2003-13, AND TO CREATING THE MARIANAS REGIONAL FUSION CENTER, THE DIVISION OF CYBERSECURITY AND CRITICAL INFRASTRUCTURE SECURITY, AND THE GUAM EMERGENCY MANAGEMENT ADVISORY COUNCIL; AND TO BE KNOWN AS "THE HOMELAND SECURITY, CRITICAL INFRASTRUCTURE, AND EMERGENCY MANAGEMENT MODERNIZATION ACT OF 2020."

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Office of Guam Homeland Security (OGHS) was established through Executive Order No. 2003-13 on April 21, 2003 by then *I Maga'låhen Guåhan* Felix P. Camacho.

I Liheslaturan Guåhan finds that the OGHS was created to coordinate and facilitate all government of Guam, military, and federal liaison response agencies and their resources in mitigating, preparing, responding, and recovering from any and all types of emergencies in order to protect the lives, environment, and property of the island of Guam, and further defines that the mission of the OGHS is to develop and coordinate the implementation of a comprehensive plan to protect Guam and its people from terrorism, invasion, insurrection, rebellion, lawless violence, or the threat thereof.

Therefore, it is the intent of *I Liheslaturan Guåhan* to ensure that because this office has critical, respective functions, the OGHS must remain a stable, permanent entity not subject to change by revocation or amendment of an Executive Order.

Section 2. Establishment of the Office of Homeland Security. A new Article 14 is *added* to Chapter 1 of Division 1, Title 5, Guam Code Annotated, to read:

"ARTICLE 14

HOMELAND SECURITY AND EMERGENCY MANAGEMENT MODERNIZATION

§ 14.101. Office of Homeland Security Established.

§ 14.102. Duties and Responsibilities.

§ 14.103. Mission.

§ 14.104.1. Advisor for Homeland Security, Functions Of.

§ 14.104.2. Advisor for Homeland Security, Additional Responsibilities and Support For.
§ 14.105. Marianas Regional Fusion Center.
§ 14.106. Division of Cybersecurity and Critical Infrastructure Security.
§ 14.107. Establishment of the Guam Emergency Management Advisory Council.

§ 14.101. Office of Homeland Security Established.

There is hereby established the Office of Homeland Security (OHS). The OHS will be managed by the Homeland Security Advisor. The Homeland Security Advisor shall be an unclassified employee appointed by *I Maga'hågan Guåhan* (the Governor of Guam), and shall serve at her pleasure. The Homeland Security Advisor position shall be subject to the availability of funds, which may be locally appropriated or in the form of a federal grant award designated for such purpose.

§ 14.102. Duties and Responsibilities.

All the duties and responsibilities of the Office of Guam Homeland Security, as established by executive order, are hereby established by law.

§ 14.103. Mission.

In accordance with the duties and responsibilities imposed upon the Governor by the President of the United States and federal law, rule, or regulation, the mission of the OHS shall be to develop and coordinate the implementation of a comprehensive plan to protect Guam and its people from terrorism, invasion, insurrection, rebellion, lawless violence, or the threat thereof. In addition, the Homeland Security Advisor shall compile a comprehensive analysis of all entities within the Executive Branch of the government of Guam who have similar overlapping responsibilities with the OHS for the Governor to consolidate all such responsibilities.

§ 14.104.1. Advisor for Homeland Security, Functions Of.

(a) The Advisor shall coordinate the Executive Branch's efforts to detect, prepare for, prevent, protect against, respond to, and recover from acts of terrorism, invasion, insurrection, rebellion, lawless violence, or the threat thereof against Guam and its people.

(b) In carrying out its functions as defined in § 14.104.1(a), the Advisor shall cooperate and coordinate her or his efforts and those of the OHS with:

(1) all branches of the government of Guam, including subdivisions thereof;

(2) all agencies of the federal government, whether civil or military;

(3) all agencies of the governments of all states, territories and freely associated states, and the subdivisions of all such governments;

(4) private entities within Guam or elsewhere in the United States whose participation would be helpful to the OHS in carrying out its mission; and

(5) to the extent not preempted or prohibited by federal or local law, such foreign persons or entities, public or private, whose participation would be helpful to the office in carrying out its mission.

(c) The Advisor shall recommend to the Governor ways to improve coordination, cooperation, and communication among and between:

(1) all agencies of all branches of the government of Guam, including subdivisions thereof;

(2) all agencies of the federal government, whether civil or military;

(3) all agencies of the government of all states, territories and freely associated states, and the subdivisions of all such governments;

(4) private agencies within Guam or elsewhere in the United States whose participation would be helpful to the office in carrying out its mission; and

(5) to the extent not preempted or prohibited by federal or local law, such foreign persons or entities, public or private, whose participation would be helpful to the office in carrying out its mission.

(d) The Advisor shall assemble, assimilate, synthesize, and summarize for the Governor scholarly research, technological advice, and information concerning processes and organizational management practices with the objective of formulating the most cost-efficient and effective homeland security plan and procedures for Guam.

§ 14.104.2. Advisor for Homeland Security, Additional Responsibilities and Support For.

(a) The Advisor shall coordinate the activities of all of the Executive Branch agencies pertaining to terrorism-related issues, including, but not limited to, legislative issues, contact with federal and local agencies, training, and public outreach activities.

(b) All departments and agencies of the government of Guam, however denominated, shall assist the Advisor in carrying out the purposes of this Section and the functions of the OHS.

(c) The Advisor shall coordinate activities between government of Guam departments and agencies, however denominated, and federal agencies on topics related to terrorism and coordinate, in conjunction with the Guam State Clearinghouse, all of Guam's requests for federal funds designated for terrorism-related activities, developing guidelines for such requests, and approving the distribution of any federal funds allocated to Guam. The Advisor shall coordinate with the United States Department of Homeland Security as appropriate.

(d) Utilizing the Incident Command System (ICS) concept of emergency management, the Advisor shall be the individual primarily responsible for coordinating facilities, equipment, personnel, procedures, and communications

operating within the organizational structure of the OHS in the event of imminent terrorist threat, domestic or foreign. The Advisor shall coordinate the domestic response efforts of all departments and agencies in the event of an imminent terrorist threat, domestic or foreign, and during and in the immediate aftermath of a terrorist attack, domestic or foreign, within Guam and shall be the principal point of contact for and to the Governor with respect to coordination of such efforts. The Advisor shall coordinate with the United States Department of Homeland Security as appropriate.

(e) The Advisor, in coordination with the United States Department of Homeland Security, shall review plans and preparations for ensuring the continuity of local government in the event of a terrorist attack threatening the safety and security of Guam, its people, and its government.

§ 14.105. Marianas Regional Fusion Center.

There is hereby established the Marianas Regional Fusion Center (MRFC). The MRFC shall operate under the direction of the OHS, and its purpose shall be to coordinate the exchange of criminal intelligence, information regarding threats to physical security and cybersecurity, and chemical, biological, radiological, nuclear, and conventional explosive hazards, and to facilitate local, regional, national, and international communication, which may include the Commonwealth of the Northern Mariana Islands law enforcement entities, first responders, and government and private sector partners.

§ 14.106. Division of Cybersecurity and Critical Infrastructure Security.

There is hereby established a Division of Cybersecurity and Critical Infrastructure Security within the OHS' MRFC, whose multiple functions shall be the protection of information networks and telecommunications networks, including hardware, software, and data, from cyberattacks and the security of critical

infrastructure, including, but not limited to, buildings, transportation and equipment, roads, ports, monuments, and utilities.

§ 14.107. Establishment of the Guam Emergency Management Advisory Council.

There is hereby established the Guam Emergency Management Advisory Council (GEMAC) to advise and assist the Governor of Guam, the Lieutenant Governor of Guam, and the Homeland Security Advisor with respect to all aspects of homeland security. The GEMAC shall coordinate homeland security-related activities of executive departments and agencies and shall be responsible for the development and implementation of homeland security policies.

(a) The members of the GEMAC shall be the Governor of Guam, the Lieutenant Governor of Guam, the Guam Legislature, the Attorney General of Guam, the Homeland Security Advisor, the Adjutant General of the Guam National Guard, the Assistant Adjutant General-Army, the Assistant Adjutant General-Air Force, the Chief of the Guam Police Department, the Chief of the Guam Fire Department, the Executive Manager of the A.B. Won Pat Guam International Airport Authority, the General Manager of the J.D. Leon Guerrero Port Authority of Guam, the Administrator of the Guam Memorial Hospital Authority, the General Manager of the Guam Power Authority, the General Manager of the Guam Waterworks Authority, the Director of the Department of Public Works, the Chief Technology Officer of the Guam Office of Technology, the Director of the Guam Customs and Quarantine Agency, the Administrator of the Guam Environmental Protection Agency, the Director of the Department of Public Health and Social Services, the President of the Mayors Council of Guam, and other persons as the Governor may, from time to time, designate and invite to attend meetings that pertain to the GEMAC's responsibilities.

(b) The GEMAC shall meet at the call of the Governor of Guam. When the Governor of Guam is absent, the Lieutenant Governor of Guam shall preside at meetings. At the direction of the Governor, the Homeland Security Advisor shall prepare the agenda for each meeting and shall maintain records of the GEMAC's proceedings."

Section 3. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 4. Effective Date. This Act shall be effective upon enactment.