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Guam Emergency Management and Homeland Security Statutory Authorities Summarized

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Summary

The Guam Civil Defense Act of 1951 serves as the basis for emergency management efforts in Guam. The lieutenant governor's office serves as clearinghouse for all programs and projects related to recovery after a natural disaster. Continuity of government is not addressed outside traditional legislation addressing vacancies.

This report is one of a series that profiles emergency management and homeland security statutory authorities of the 50 states, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, American Samoa, Guam, and the U.S. Virgin Islands. Each profile identifies the more significant elements of state statutes, generally as codified. Congressional readers may wish to conduct further searches for related provisions using the Internet link presented in the last section of this report. The National Conference of State Legislatures provided primary research assistance in the development of these profiles under contract to the Congressional Research Service (CRS). Summary information on all of the profiles is presented in CRS Report RL32287. This report will be updated as developments warrant.

Entities with Key Responsibilities

Governor: The governor is authorized to: exercise general direction and control of the Civil Defense Agency; make, amend and rescind orders, rules and regulations; prepare a comprehensive plan for civil defense; determine civilian needs for food, clothing, and the necessities of life after an attack or disaster; and to plan to procure supplies, medicines, materials and equipment. Also, the governor is authorized to: survey industries, resources and facilities; institute training programs and public information

programs; train and equip militia; cooperate with the President and armed forces; give directions to law enforcement to secure compliance with orders, rules, and regulations; direct the Department of Public Health and Social Services on matters affecting public health; use the services, facilities, and officers of existing agencies; and enter into reciprocal aid agreements or compacts with other states, territories, and the federal government (Guam Code Ann. Tit. 10 §65105, 65106). The governor may plan and regulate traffic control for evacuation (Guam Code Ann. Tit. 10 §65111). The governor has the power to: enforce all laws, rules, regulations and assume control of defense forces; seize or condemn property, including the means of transportation and communications; allocate fuel, food, clothing, equipment, materials, medicines and supplies; lend, sell, or give property to residents; and provide compensation for property seized or condemned, as specified (Guam Code Ann. Tit. 10 §65107).

Civil Defense Advisory Council: The council consists of 14 members (governor is chair) from specified agencies as well as private citizens; it advises the governor and the director of the council on civil defense matters (Guam Code Ann. Tit. 10 §65104).

Director, Office of Civil Defense: The director is appointed by governor and serves as the executive head of the civil defense agency. In that capacity he or she carries out the civil defense of the territory, coordinates civilian defense activities, and cooperates with federal agencies (Guam Code Ann. Tit. 10 §65103). The director also is responsible for developing mutual aid agreements with public and private agencies in the territory, and negotiates mutual aid agreements between the governor and adjoining territories or states (Guam Code Ann. Tit. 10 §65108).

Office of Lieutenant Governor: The office is designated as the clearing house for all programs and projects related to the territory's recovery, reconstruction, and public services rehabilitation after typhoons, tropical storms, earthquakes, tidal waves and territorial disasters. Construction projects must be reviewed by the Bureaus of Planning and Budget and Management Research prior to submission to the lieutenant governor for approval. The lieutenant governor submits projects for legislative review and approval prior to implementation (Guam Code Ann. Tit. 5 §2102).

Guam Environmental Protection Agency: Agency officials must develop a plan for providing safe drinking water under emergency circumstances, and take action with the concurrence of the governor to implement the plan (Guam Code Ann. Tit. 10 §53112).

Preparedness

See discussion under “Entities with Key Responsibilities,”—*Governor, Lieutenant Governor.*

The governor may authorize a department or agency to lease or lend real and personal property to the President and the armed forces during an emergency (Guam Code Ann. Tit. 10 §65112).

Declaration Procedures

If enemy attack occurs, the governor may declare a state of emergency (Guam Code Ann. Tit. 10 §65107).

Agencies can recommend the making, amending, or rescinding of executive orders regarding rules and regulations deemed necessary for civil defense. All executive orders have full force and effect of law. All inconsistent laws, ordinances, and rules are suspended during the duration of an executive order (Guam Code Ann. Tit. 10 §65114).

Types of Assistance

The governor may accept services, equipment, supplies, material, and funds as gifts, grants or loans from the federal government or from a person, firm or corporation on behalf of the territory (Guam Code Ann. Tit. 10 §65113).

Mutual Aid

If aid is rendered outside the territory, reimbursement is to be made by the territory, state or political subdivision receiving the aid, in accord with the applicable mutual aid agreement or compact (Guam Code Ann. Tit. 10 §65109).

Funding

No specific provisions.

Hazard Mitigation

No specific provisions.

Continuity of Government Operations

General vacancy provisions, none specific to disasters.

Other

The governor may compel, by subpoena, the attendance of witnesses and the production of records to make surveys and investigations related to civil defense (Guam Code Ann. Tit. 10 §65110).

Neither the territory nor its agents or representatives is liable for personal injury or property damage to volunteer civilian defense workers or agency staff performing civil defense activity, nor are they liable for death or injury to persons, or for property damage resulting from civil defense activity (Guam Code Ann. Tit. 10 §65116).

A person who volunteers, without compensation, the use of real estate to shelter persons during an attack, mock attack or natural disaster is not civilly liable for death or injury to any person or the loss or damage to a person's property (Guam Code Ann. Tit. 10 §65117).

Officials of the civil defense organization cannot participate in political activities (Guam Code Ann. Tit. 10 §65118).

Civil defense employees cannot advocate change by force or violence in the U.S. government or the territory, or seek to overthrow the U.S. government by force or violence, or be convicted of subversive act against the federal government (Guam Code Ann. Tit. 10 §65119).

A person rendering emergency care or assistance is not liable for civil damages, except for gross negligence (Guam Code Ann. Tit. 20 §2104).

Employees and voluntary workers rendering aid during an emergency have the same powers, duties, and immunities as if performing normal duties (Guam Code Ann. Tit. 10 §65109).

Key Terms

Table 1. Key Emergency Management and Homeland Security Terms Defined in Guam Statutes, with Citations

Terms	Citations
Civil Defense	Guam Code Ann. Tit. 10 §65102
Employee	Guam Code Ann. Tit. 10 §65109

For Further Research

The citations noted above and other elements of the state code for Guam may be searched at: [<http://www.guam.net/gov/guam-law/nindex.html>].