

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 179-38 (COR)

Official version of this Bill may be obtained
through the Legislative Clerk's Office

Introduced by:

Eulogio Shawn Gumataotao

**AN ACT TO *AMEND* CHAPTER 65 OF TITLE 10, TO
AMEND § 14.107 OF ARTICLE 14.1, CHAPTER 1, TITLE
5, AND TO *AMEND* § 22402 OF ARTICLE 4, CHAPTER
22, TITLE 5, ALL OF THE GUAM CODE ANNOTATED,
RELATIVE TO ABOLISHING THE OFFICE OF CIVIL
DEFENSE AND STRENGTHENING THE
ADMINISTRATION OF EMERGENCY MANAGEMENT
FUNCTIONS BY CREATING THE BUREAU OF
EMERGENCY MANAGEMENT WITHIN THE GUAM
FIRE DEPARTMENT AND ASSIGNING
RESPONSIBILITIES THERETO.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds

that Public Law 1-21 established on August 11, 1951, created the Office of Civil
Defense (OCD), declaring that it shall be the policy and intent of the Guam
Legislature to plan and provide for the protection of life and property from enemy
attacks or disaster of any nature. For five (5) decades, OCD evolved from a Cold
War focus on nuclear attack preparedness to a broader all-hazards approach focused
on natural disasters to include earthquakes, tropical storms and typhoons. In 2004,
the term and practice of civil defense transitioned to emergency management and
homeland security. According to the Citizen Centric Report for Fiscal Year 2024,

1 OCD’s mission is to execute all emergency functions to prevent, minimize, and
2 repair injury and damages from natural and human-caused disasters.

3 *I Liheslaturan Guåhan* further finds that based on Office of Public
4 Accountability (OPA) Report No. 24-07 issued in June 2024, together with Guam
5 [Office of] Homeland Security (GHS), OCD is a recipient of federal grants,
6 primarily from the U.S. Department of Homeland Security (DHS) Federal
7 Emergency Management Agency (FEMA). From Fiscal Year 2018 to Fiscal Year
8 2023, GHS/OCD managed several FEMA grants, including preparedness grants,
9 hazard mitigation assistance grants, resilience Grants, and public assistance grants.

10 OPA Report No. 24-07 found that from Fiscal Year 2018 to Fiscal Year 2023;
11 despite claiming 100% federal funding for its operations, GHS/OCD’s operating
12 costs were funded by the General Fund without direct local appropriations to
13 GHS/OCD. At the time of the OPA investigate audit, the General Fund had yet to
14 receive full reimbursement for transactions incurred due to FEMA holding funds
15 because of GHS/OCD’s repeat noncompliance with guidelines and regulations. The
16 OPA found that noncompliance is caused by lack of consistent leadership and lack
17 of a qualified fiscal and grants management team, and that while GHS/OCD’s
18 mission needs to be supported, its current environment is at high risk for
19 mismanagement, if not urgently addressed.

20 To ensure federal and local government resources are effectively and
21 efficiently administered in support of public policy initially established by the Guam
22 Legislature more than seventy (70) years ago, *I Liheslaturan Guåhan* proposes
23 through this Act to abolish the Office of Civil Defense and assign emergency
24 management functions to a newly created Bureau of Emergency Management within
25 the Guam Fire Department.

26 Recognizing the mission of the Guam Fire Department is to mitigate threats
27 of life, property, and the environment, through education, prevention, and effective

1 response to fire, medical, and environmental emergencies, *I Liheslaturan Guåhan*
2 supports the modernization and integration of emergency management
3 responsibilities within GFD to strengthen disaster preparedness and emergency
4 response moving forward.

5 *I Liheslaturan Guåhan* further intends to establish the Emergency
6 Management Fund to be administered by the Guam Fire Department. If passed, this
7 Act provides the legal mechanism for the appropriation of emergency management
8 funds provided to the government of Guam by the U.S. Government and
9 appropriations authorized by *I Liheslatura* for expenditures supporting modern
10 disaster preparedness and emergency response in Guam.

11 **Section 2.** Chapter 65 of Title 10, Guam Code Annotated, is hereby *amended*,
12 to read as follows:

13 **“CHAPTER 65**

14 **CIVIL DEFENSE GUAM EMERGENCY MANAGEMENT**

15 **MODERNIZATION ACT OF 2025**

16
17 § 65100. Title.

18 § 65101. Purpose.

19 § 65102. Definition and Scope of Activity.

20 § 65103. ~~Office of Civil Defense~~ Guam Fire Department Bureau of Emergency
21 Management: Creation; Administrator; Personnel.

22 ~~§ 65104. Civil Defense Advisory Council.~~

23 ~~§ 65105. Governor to Direct and Control.~~

24 ~~§ 65106. Same: Authority and Powers.~~

25 § 651074. Same: Same: If Actual Enemy Attack Occurs Declaration of State
26 of Emergency.

1 § 651085. ~~Director of Civil Defense:~~ Bureau of Emergency Management
2 Authority.

3 § 651096. Authority of Employees and Voluntary Workers.

4 § 651107. Obtaining Information: Power to Subpoena.

5 § 651108. Traffic Control.

6 § 651109. ~~Governor~~ *I Maga'hågan Guåhan's* Authority: To Loan or Lease.

7 § 651110. Emergency Management Fund.

8 § 651131. Same: To Request and Receive Aid.

9 § 651142. Rules and Regulations: Recommendations by Agencies.

10 § 651153. Same: Enforcement.

11 § 651164. ~~Territorial~~ Government of Guam Liability.

12 § 651175. No Private Liability.

13 § 651176. Prohibition: Political Activity.

14 § 651197. Personnel: Eligibility and Oath.

15 § 6512018. Penalty.

16
17 **§ 65100. Title.**

18 This Chapter may be cited as the "Guam ~~Civil Defense~~ Emergency
19 Management Modernization Act of 19512025."

20 **§ 65101. Purpose.**

21 Because of the existing possibility of the occurrence of disasters or
22 emergencies resulting from enemy attack, sabotage or other hostile action, as well
23 as from the vicissitudes of nature, and in order to insure that preparations of Guam
24 will be adequate to deal with such disasters or emergencies, and generally to provide
25 for the common defense and to protect the public peace, health and safety and to
26 preserve the lives and property of the people of Guam, it is hereby found and
27 declared to be necessary:

1 (1) to create the Bureau of Emergency Management within the ~~Office of I~~
2 ~~Maga'lahaen Guahan~~Guam Fire Department ~~an Office of Civil Defense for Guam;~~

3 (2) to confer upon ~~I Maga'lahaen~~Maga'hågan Guahan and at ~~his~~her discretion
4 to delegate to other officials of Guam the emergency powers provided herein;

5 (3) to provide for the rendering of mutual aid with other ~~territories and the~~
6 U.S. states and territories, and countries with U.S. diplomatic relations, and to
7 cooperate with the Federal government with respect to the carrying out of ~~civil~~
8 ~~defense~~emergency management functions; and

9 (4) to authorize the establishment of such organizations and the taking of such
10 steps as are necessary and appropriate to carry out the provisions of this Chapter. It
11 is further declared to be the purpose of this Chapter and the policy of Guam that all
12 ~~civil defense~~emergency management functions of Guam be coordinated to the
13 maximum extent with the comparable functions of the Federal government,
14 including its various departments and agencies including, but not limited to, the U.S.
15 Department of Homeland Security, Federal Emergency Management Agency, or
16 their successors, and of private agencies of every type, to the end that the most
17 effective preparation and use may be made of the manpower, resources and facilities
18 of Guam and of the Nation for dealing with any disaster that may occur.

19 **§ 65102. Definition and Scope of Activity.** As used in this Chapter the term
20 ~~Civil Defense~~emergency management shall mean the preparation for the carrying
21 out of all emergency functions, other than functions for which United States (U.S.)
22 ~~Mmilitary forces~~ or other Federal agencies are primarily responsible, to prevent,
23 minimize and repair injury and damage resulting from disaster caused by enemy
24 attack, sabotage or other hostile action or by fire, flood, typhoon or other causes.
25 These functions include, without limitation, fire fighting services, ~~police~~law
26 enforcement services, medical and health services, rescue, engineering, air raid
27 warning services, communications, radiological, chemical and other special

1 weapons of defense, evacuation of persons from stricken areas, emergency welfare
2 services (civilian war aid), emergency transportation, plant protection, temporary
3 restoration of public utility services and other functions related to civilian protection,
4 together with all other activities necessary or incidental to the preparation for the
5 carrying out of the foregoing functions.

6 **§ 65103. ~~Office of Civil Defense~~Guam Fire Department Bureau of**
7 **Emergency Management: Creation; Administrator; Personnel.**

8 (a) There is hereby created, within the ~~Office of *I Maga'laha*n *Guåhan*~~Guam
9 Fire Department, ~~an Office of Civil Defense~~Bureau of Emergency Management
10 (Bureau) ~~with an Administrator of Civil Defense, hereinafter called the~~
11 ~~'Administrator,' who shall be a member of the classified service and is the~~
12 ~~administrative head of the Office of Civil Defense, subject to the direction and~~
13 ~~control of *I Maga'laha*n *Guåhan*.~~ Under the direction and control of *I Maga'hågan*
14 *Guåhan*, the Fire Chief through the Bureau of Emergency Management shall be
15 responsible for Guam's emergency management services for natural, technological,
16 or man-made disasters and emergencies, including responsibility for activities
17 necessary to prevent, respond to, recover from, and mitigate the effects of
18 emergencies and disasters to people and property.

19 (b) ~~The Administrator, with the approval of *I Maga'laha*n *Guåhan*~~Fire Chief,
20 may employ such technical, clerical, stenographic and other personnel including, but
21 not limited to, an Assistant Fire Chief for the Bureau under the direction and control
22 of the Fire Chief, and may make such expenditures within the appropriation
23 therefore, or from other funds made available to ~~him~~the Fire Chief for purposes of
24 ~~civil defense~~emergency management, as may be necessary to carry out the purposes
25 of this Chapter.

26 (c) ~~The Fire Chief shall provide the Administrator and other personnel of the~~
27 ~~Office of Civil Defense~~Bureau of Emergency Management shall be provided by *I*

1 ~~*Maga'lahaen Guåhan*~~ with appropriate office space, furniture, equipment, motor
2 vehicles, and supplies required to support the personnel and operations of the Bureau
3 pursuant to this Chapter, stationery and printing in the same manner as are provided
4 for personnel of other government of Guam agencies.

5 (d) The Fire Chief through the Bureau of Emergency Management
6 Administrator, subject to the direction and control of *I Maga'lahaen Guåhan*, shall
7 be the administrative head of the Office of Civil Defense and shall be responsible to
8 *I Maga'lahaen Guåhan* for carrying out the program for the civil defense of Guam.
9 He shall coordinate the activities of all organizationsgovernment of Guam
10 departments and agencies for civil defenseemergency management within Guam,
11 and shall maintain liaison with and cooperate with civil defense emergency
12 management agencies and organizations of the U.S. Government, and the U.S.
13 MilitaryArmed Forces of the Federal government, and non-government
14 organizations including nonprofits, and shall have such additional authority, duties
15 and responsibilities as are authorized by this Chapter, or as may be prescribed by *I*
16 *Maga'lahaenMaga'hågan Guåhan*. The Guam Fire Department shall be the
17 government of Guam's lead department responsible for all emergency management
18 coordination in Guam, provided that 1) the Homeland Security Advisor shall retain
19 advisory duties pertinent to the Executive Branch's efforts to detect, prepare for,
20 prevent, protect against, respond to, and recover from acts of terrorism, invasion,
21 insurrection, rebellion, lawless violence, or the threat thereof against Guam and its
22 people consistent with the provisions of Article 14.1 of Chapter 1, Title 5, Guam
23 Code Annotated, and 2) such coordination shall not be in conflict with an activation
24 of the Guam National Guard by the *I Maga'hågan Guåhan* pursuant to 10 GCA
25 Chapter 63.

1 (e) In accordance with the requirements of Public Law 38-20, the Guam Fire
2 Department, in coordination with the Office of Homeland Security, shall update and
3 maintain the comprehensive, all-hazards emergency management plan for Guam.

4 (f) Notwithstanding any other provision of law, rule, or regulation, hazard
5 mitigation responsibilities associated with the emergency management functions
6 outlined in this Chapter shall be administered by the Department of Public Works
7 (DPW) or its successor entity in collaboration with the Bureau.

8 (g) Notwithstanding any other provision of law, rule, or regulation, the Guam
9 Recovery Office or its successor entity, shall be administered by the Office of *I*
10 *Maga'hågan Guåhan.*

11 ~~§ 65104. Civil Defense Advisory Council. There is hereby created a Civil~~
12 ~~Defense Advisory Council, hereinafter called the “Council”, consisting of fourteen~~
13 ~~(14) members, in addition to the chairman, appointed by *I Maga'låhen Guåhan* as~~
14 ~~follows: one (1) member from the Guam Police Department; one (1) member from~~
15 ~~the Guam National Guard; one (1) member from the Department of Public Health~~
16 ~~and Social Services; one (1) member shall be the President of the Mayors= Council~~
17 ~~of Guam or his representative; one (1) member from the Department of Education;~~
18 ~~one (1) member from the Department of Agriculture and eight (8) public minded~~
19 ~~citizens from private business, welfare organizations or civic associations on Guam.~~
20 ~~In addition to the foregoing fourteen (14) members, *I Maga'låhen Guåhan* is hereby~~
21 ~~authorized to request from appropriate military authorities the designation of two (2)~~
22 ~~members from the Armed Forces of the United States to provide liaison between the~~
23 ~~Armed Forces and the government of Guam in Civil Defense activities. The Council~~
24 ~~shall advise *I Maga'låhen Guåhan* and the Administrator on matters pertaining to~~
25 ~~civil defense. *I Maga'låhen Guåhan* shall serve as Chairman of the Council, and the~~
26 ~~members thereof shall serve without compensation, but may be reimbursed for~~

1 reasonable and necessary expenses incurred in the performance of their duties as
2 certified by the Treasurer of Guam.

3 ~~§ 65105. The Adjutant General to Direct and Control. [Repealed].~~

4 ~~§ 65106. Same: Authority and Powers. [Repealed].~~

5 ~~§ 651074. Same: Same: If Actual Enemy Attack Occurs~~Declaration of
6 State of Emergency.

7 In the event of actual enemy attack against the United States or disaster in
8 Guam, the Governor *I Maga'hågan Guåhan* may declare that a state of emergency
9 exists. "Disaster" means a fire, flood, storm, tidal wave, earthquake, terrorism,
10 epidemic, or other similar public calamity that I Maga'hågan Guåhan determines
11 presents a threat to public safety., and thereafter the Governor I Maga'hågan Guåhan
12 shall have and may exercise for such period as such state of emergency exists or
13 continues, the following additional emergency powers:

14 (1) To enforce all laws, rules and regulations relating to ~~civil~~
15 ~~defense~~emergency management and assume direct operational control consistent
16 with this Chapter and the Guam Comprehensive Emergency Management Plan, as
17 amended from time to time ~~of all defense forces in this Territory.~~

18 (2) To seize, take or condemn property for the protection of the public or at
19 the request of the President, the U.S. Military~~Armed Forces~~ or the ~~Civil~~
20 ~~Defense~~emergency management Agencies of the United States including:

21 (a) All means of transportation and communication;

22 (b) All stocks of fuel of whatever nature;

23 (c) Food, clothing, equipment, materials, medicines and all supplies;

24 and

25 (d) Facilities including buildings and plans;

1 (3) To sell, lend, give or distribute all or any such property ~~among the~~
2 ~~inhabitants of the Territory~~ and to account to the ~~territorial treasurer~~ for any funds
3 received for such property.

4 (4) To make compensation for the property so seized, taken, condemned on
5 the following basis:

6 (a) In case property is taken for temporary use, ~~the Governor/~~
7 Maga'hågan Guåhan, within ten (10) days of the taking, shall fix the amount
8 of compensation to be paid therefor; and in case such property shall be
9 returned to the owner in a damaged condition or shall not be returned to the
10 owner, ~~the Governor/~~ Maga'hågan Guåhan shall fix within ten (10) days the
11 amount of compensation to be paid for such damage or failure to return.
12 Whenever ~~the Governor/~~ Maga'hågan Guåhan shall deem it advisable for the
13 Territory government of Guam to take title to property taken under this
14 Section, he shall forthwith cause the owner of such property to be notified
15 thereof in writing, by registered mail, postage prepaid or by personal delivery
16 of such notice, and forthwith cause to be filed a copy of said notice, together
17 with a certificate of delivery, with the ~~Secretary~~ Speaker of the Guam
18 Legislature, and acceptance by the owner of the sum so fixed by ~~the Governor/~~
19 Maga'hågan Guåhan shall operate to release and discharge the Government
20 of any and all liability in connection therewith;

21 (b) In the event that the owner declines to accept the compensation
22 allowed by ~~the Governor/~~ Maga'hågan Guåhan or is unable due to any legal
23 disability to give ~~his~~ her consent, the said owner may, within thirty (30) days
24 after the date ~~the Governor/~~ Maga'hågan Guåhan has declared that the state
25 of emergency contemplated in ~~§ 65106~~ pursuant to this Chapter has ceased to
26 exist or within thirty (30) days after the removal otherwise of all legal
27 disability, whichever is the earlier, file with the court having general

1 jurisdiction of condemnation actions in Guam in which the government of
2 Guam is a party, a claim in writing and under oath stating that the property
3 was taken by the Government, a description of the property so taken and that
4 the compensation allowed was not accepted; in which case the court of Guam
5 having general jurisdiction over condemnation proceedings in which the
6 government of Guam is a party shall have the jurisdiction over the amount in
7 issue.

8 (5) To perform and exercise such other functions, powers and duties as may
9 be deemed necessary to promote and secure the safety and protection of the civilian
10 population.

11 **§ 651085. ~~Director of Civil Defense:~~ Bureau of Emergency Management**
12 **Authority.**

13 The ~~Director of Civil Defense~~Fire Chief may develop or cause to be developed
14 mutual-aid arrangements with other public and private agencies within ~~this~~
15 ~~Territory~~Guam for ~~civil defense~~emergency management, aid and assistance in case
16 of disaster too great to be dealt with unassisted. Such arrangements shall be
17 consistent with the ~~territorial civil defense plan and program~~Guam Comprehensive
18 Emergency Management Plan, as amended from time to time, and in time of
19 emergency it shall be the duty of the Guam Fire Department through the Bureau of
20 Emergency Management and supporting government of Guam departments and
21 agencies ~~each unit of the territorial organization for civil defense~~ to render assistance
22 in accordance with the provisions of such mutual aid agreements. The ~~Director of~~
23 ~~Civil Defense~~Fire Chief through the Bureau of Emergency Management may assist
24 in negotiation or reciprocal mutual-aid agreements between ~~the Governor/~~
25 Maga'hågan Guåhan and other U.S. jurisdictions or the Joint Region Marianas,
26 Joint Task Force Micronesia, or emergency management entity of a country with
27 U.S. diplomatic relations~~the adjoining territories or states (including territories and~~

1 ~~the Trust Territory of the Pacific Islands~~), and shall carry out arrangements or any
2 such agreement made relative to the ~~territory of government of~~ Guam.

3 **§ 651096. Authority of Employees and Voluntary Workers.**

4 Whenever the Bureau of Emergency Management under the auspices of the
5 Guam Fire Department, or personnel authorized by the Guam Fire Department
6 including, but not limited to, employees or volunteer workers ~~of any Civil Defense~~
7 ~~organization~~ are rendering aid pursuant to the authority granted by the government
8 of Guam contained in '§ 65106(10) and 65107, hereof, such employees and volunteer
9 workers shall have the same powers, duties, rights, privileges and immunities, as if
10 they were performing their duties in the territorial assignment in which they are
11 normally employed. The term employee as used in this Section shall mean, and the
12 provisions of this Section shall apply with equal effect to, paid, volunteer, auxiliary
13 employees and ~~civil defense~~emergency management workers. In the event such aid
14 is rendered outside ~~the Territory of~~ Guam, reimbursement for equipment, supplies
15 and personal services in such case shall or may be made by the territory, state or
16 political subdivision thereof receiving such aid pursuant to a reciprocal mutual-aid
17 agreement or compact with such territory, state or by the Federal government, U.S.
18 Military, or emergency management entity of a country with U.S. diplomatic
19 relations; provided, that the laws of such other territory, state or ~~the Trust Territory~~
20 ~~of the Pacific Islands~~country contain provisions to the foregoing effect are embodied
21 in a reciprocal mutual-aid agreement or compact or that the Federal government has
22 authorized or agreed to make reimbursement for such mutual aid as above provided.
23 No personnel of ~~this Territory~~the Guam Fire Department Bureau of Emergency
24 Management shall be ordered by ~~the Governor~~ I Maga'hågan Guåhan to operate in
25 any other territory, state or political subdivision thereof, unless the laws of such other
26 territory, state or ~~political subdivision~~country thereof contain provisions
27 substantially similar to this Section or unless the reciprocal mutual-aid agreements

1 or compacts include provisions providing for such reimbursement or unless such
2 reimbursement will be made by the Federal government by law or agreement.

3 **§ 651407. Obtaining Information: Power to Subpoena.**

4 For the purpose of making surveys and investigations and obtaining
5 information, ~~the Governor~~ I Maga'hågan Guåhan may compel by subpoena the
6 attendance of witnesses and the production of books, papers, records and documents
7 of individuals, firms, associations and corporations; and all officers, boards,
8 commissions and departments of the ~~Territory~~ government of Guam having
9 information with respect thereto, shall cooperate with and assist him in making such
10 investigations and surveys.

11 **§ 651408. Traffic Control.**

12 ~~The Governor~~ I Maga'hågan Guåhan may formulate and execute plans and
13 regulations for the control of traffic in order to provide for the rapid and safe
14 movement or evacuation over public highways and streets of people, troops or
15 vehicles and materials for national defense, ~~territorial~~ defense of Guam or for use in
16 any defense industry or activity, and may coordinate the activities of the departments
17 or agencies of the ~~Territory~~ government of Guam concerned directly or indirectly
18 with public highways and streets, in a manner which will best effectuate such plans.

19 **§ 651409. ~~Governor~~ I Maga'hågan Guåhan's Authority: To Loan or**
20 **Lease.**

21 Notwithstanding any inconsistent provision of law, whenever ~~the Governor~~ I
22 Maga'hågan Guåhan deems it to be in the public interest, she may:

23 (1) Authorize any department or agency of the ~~Territory~~ government of Guam
24 to lease or lend, on such terms and conditions as she may deem necessary to promote
25 the public welfare and protect the interest of the ~~territory~~ government of Guam any
26 real or personal property of the government of Guam, to the President, the heads of

1 the ~~U.S. Military Armed Forces~~ or to the ~~Civil Defense~~ emergency management
2 Agency of the United States.

3 (2) Do all things and perform any and all acts which she may deem necessary
4 to effectuate the purpose for which such contract was entered into.

5 **§ 651103. Emergency Management Fund.**

6 (a) Creation. There is hereby created, separate and apart from other funds of
7 the government of Guam, a reserve fund known as the Emergency Management
8 Fund (Fund). The Fund shall not be commingled with the General Fund or any other
9 fund of the government of Guam. The Fund shall be administered by the Guam Fire
10 Department and maintained in a separate bank account. All funds including
11 appropriations by *I Liheslaturan Guåhan*, and funds received by the government of
12 Guam from the U.S. Government pursuant to a major disaster declaration by the
13 President pursuant to the Robert T. Stafford Disaster Relief and Emergency
14 Assistance Act, shall be deposited in the Fund for use in accordance with this
15 Chapter. Notwithstanding any other provision of law, the sum of not less than One
16 Million Dollars (\$1,000,000) shall be appropriated annually from the General Fund
17 to the Emergency Management Fund. The Fund shall not be subject to *I Maga'hågan*
18 *Guåhan's* transfer authority and funds herein shall remain available until fully
19 expended.

20 (b) Purpose. The Emergency Management Fund shall be used by the
21 Guam Fire Department:

22 (1) for response and recovery expenses associated with a
23 major disaster declaration by the President pursuant to the Robert T.
24 Stafford Disaster Relief and Emergency Assistance Act or a state of
25 emergency declaration by *I Maga'hågan Guåhan* pursuant to this
26 Chapter;

1 (2) for individual assistance programs to include, but not
2 limited to, the provision of emergency food, water, and medical
3 services, temporary housing, and restoration of critical public
4 infrastructure;

5 (3) to support emergency response and recovery efforts in
6 Guam in accordance with mutual aid agreements established pursuant
7 to this Chapter between the government of Guam and national,
8 regional, or international governments or non-government
9 organizations;

10 (4) to support response and recovery expenses associated with
11 an activation of the Guam National Guard by *I Maga'hågan Guåhan*
12 pursuant to 10 GCA Chapter 63; and

13 (5) to meet any matching requirements imposed as a condition
14 of receiving public assistance programs from the U.S. Government.

15 (c) Expenditures; Financial Statement. Except as provided for in §
16 22402 of Article 4, Chapter 22, Title 5, Guam Code Annotated, expenditures
17 from the Fund shall only be authorized through an appropriation by *I*
18 *Liheslaturan Guåhan*. The Emergency Management Fund shall be included
19 in the government of Guam's annual Basic Financial Statements and Single
20 Audit Report.

21 (d) Penalties. Any person who violates any of the provisions of this Section
22 or who refuses or willfully neglects to obey any of the provisions or administrative
23 regulations promulgated or issued pursuant to this Section, shall be guilty of a
24 misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to
25 exceed \$1,000 or by imprisonment for a period not to exceed six months or by both
26 such fine and imprisonment.

27 **§ 65111. Same: To Request and Receive Aid.**

1 (1) Whenever the Federal government or any agency or officer thereof shall
2 offer to the ~~Territory~~government of Guam or the ~~Territory~~government of Guam shall
3 request services, equipment, supplies, materials or funds by way of gifts, grant or
4 loan, for purposes of ~~civil defense~~emergency management, the ~~Territory~~government
5 of Guam, acting through ~~the Governor~~I Maga'hågan Guåhan, may accept such offer
6 and upon such acceptance or upon approval of any such ~~territorial~~ request from the
7 government of Guam, ~~the Governor~~I Maga'hågan Guåhan may authorize any
8 officer of the ~~Territory~~government of Guam to receive such services, equipment,
9 supplies, materials or funds on behalf of the ~~Territory~~government of Guam and
10 subject to the terms of the offer and the rules and regulations, if any, of the agency
11 making the offer.

12 (2) Whenever any person, firm or corporation shall offer to the
13 ~~Territory~~government of Guam services, equipment, supplies, materials or funds by
14 way of gift, grant or loan, for purposes of ~~civil defense~~emergency management, the
15 ~~Territory~~government of Guam, acting through ~~the Governor~~I Maga'hågan Guåhan,
16 may accept such offer and upon such acceptance ~~the Governor~~I Maga'hågan
17 Guåhan may authorize any officer of the ~~Territory~~government of Guam to receive
18 such services, equipment, supplies, materials or funds on behalf of the
19 ~~Territory~~government of Guam and subject to the terms of the offer.

20 **§ 651142. Rules and Regulations: Recommendations by Agencies.**

21 The agencies designated or appointed by ~~the Governor~~I Maga'hågan Guåhan
22 are authorized and empowered to recommend to ~~the Governor~~I Maga'hågan
23 Guåhan for issuance as executive orders the making, amendment and rescission of
24 such orders, rules and regulations as may be necessary for ~~civil defense~~emergency
25 management purposes and to supplement the carrying out of the provisions of this
26 Chapter, but not inconsistent with any orders, rules or regulations, promulgated by
27 ~~the Governor~~I Maga'hågan Guåhan or by any ~~territorial~~government of Guam

1 agency exercising a power delegated to it by ~~him~~her. All orders, rules and regulations
2 promulgated by ~~the Governor~~*I Maga'hågan Guåhan* or by other agencies
3 authorized by this Chapter to make orders, rules and regulations, shall have the full
4 force and effect of law, when, in the event of issuance by ~~the Governor~~*I Maga'hågan*
5 *Guåhan* or any ~~territorial~~government of Guam agency, a copy thereof is filed ~~in the~~
6 ~~office of the Secretary~~ with the Speaker of the Guam Legislature. All existing laws,
7 ordinances, rules and regulations inconsistent with the provisions of this Chapter or
8 of any order, rule or regulation issued under the authority of this Chapter shall be
9 suspended during the period of time and to the extent that such conflict exists. In
10 order to attain uniformity so far as practicable throughout the ~~Territory~~government
11 of Guam in measures taken to aid ~~civil defense~~emergency management, all action
12 taken under this Chapter and all orders, rules and regulations, actions,
13 recommendations and requests of Federal authorities relevant thereto and, to the
14 extent permitted by law, shall be consistent with such orders, rules, regulations,
15 actions, recommendations and requests.

16 **§ 651153. Same: Enforcement.**

17 The law enforcement authorities of the ~~Territory~~government of Guam shall
18 enforce the orders, rules and regulations issued pursuant to this Chapter.

19 **§ 651164. ~~Territorial~~Government of Guam Liability.** Neither the ~~Territory~~
20 ~~nor the agents~~government of Guam or its representatives ~~of the Territory~~ shall be
21 liable for personal injury or property damage sustained by any person appointed or
22 acting as a volunteer ~~civilian defense~~emergency management worker, or member of
23 any agency engaged in ~~civilian defense~~emergency management activity. The
24 foregoing shall not affect the right of any person to receive benefits or compensation
25 to which he might otherwise be entitled under any workmen's compensation law or
26 § 651096 hereof or any pension law or any Act of Congress. Neither the territory
27 nor, except in cases of willful misconduct, gross negligence or bad faith, shall the

1 employees, agents or representatives of the Territory government of Guam, nor any
2 volunteer or auxiliary ~~civilian defense~~emergency management worker or member of
3 any agency engaged in any ~~civilian defense~~emergency management activity,
4 complying with or reasonably attempting to comply with this Chapter or any order,
5 rule or regulation promulgated pursuant to the provisions of this Chapter or pursuant
6 to ~~any ordinance relating to black-out or other~~ precautionary measures enacted by
7 any authorized agency of the Territory government of Guam, be liable for the death
8 of or injury to persons, or for damage to property as a result of any such activity.

9 **§ 651175. No Private Liability.**

10 Any person owning or controlling real estate or other premises who
11 voluntarily and without compensation grants a license or privilege or otherwise
12 permits the designation or use of the whole or any part or parts of such real estate or
13 premises for the purpose of sheltering persons during an actual, impending, mock or
14 practice attack or natural disaster, shall, together with his successors in interest, if
15 any, not be civilly liable for negligently causing the death of or injury to, any person
16 on or about such real estate or premises, or loss of, or damage to, the property of
17 such person, arising out of such use.

18 **§ 651186. Prohibition: Political Activity.**

19 Notwithstanding any other provision of law, employees of the Bureau~~No~~
20 ~~organization for civil defense established~~ under the authority of this Chapter shall
21 not take an active part in political management or in a political campaign as
22 described in 4 GCA § 5102(b), participate in any form of political activity, nor shall
23 ~~it~~they be employed directly or indirectly for political purposes.

24 **§ 651197. Personnel: Eligibility and Oath.**

25 No person shall be employed or associated in any capacity in any ~~civil~~
26 ~~defense~~emergency management organization established under this Chapter who
27 advocates a change by force or violence in the constitutional form of the Government

1 of the United States or in this ~~Territory~~government of Guam or the overthrow of any
2 government in the United States by force or violence, or who has been convicted of
3 or is under indictment or information charging any subversive act against the United
4 States. Each person who is appointed to serve in any organization for ~~civil~~
5 ~~defense~~emergency management, shall, before entering upon his duties, take an oath,
6 in writing, before a person authorized to administer oaths in ~~this Territory~~Guam,
7 which oath shall be substantially as follows:

8 "I _____, do solemnly swear (or affirm) that I will support
9 and defend the Constitution of the United States and the laws of ~~the Territory of~~
10 Guam, against all enemies, foreign and domestic; that I will bear true faith and
11 allegiance to the same; that I take this obligation freely, without any mental
12 reservation or purpose of evasion; and that I will well and faithfully discharge the
13 duties upon which I am about to enter. And I do further swear (or affirm) that I do
14 not advocate, nor am I a member of any political party or organization that advocates
15 the overthrow of the Government of the United States or of ~~this Territory~~Guam by
16 force or violence; and that during such time as I am a member of the ('insert name
17 of the Guam ~~Civil Defense~~emergency management Agency') I will not advocate
18 nor become a member of any political party or organization that advocates the
19 overthrow of the Government of the United States or of ~~this Territory~~Guam by force
20 or violence."

21 **§ 6512018. Penalty.**

22 Any person violating any provision of this Chapter or any rule, order or
23 regulation made pursuant to this Chapter shall be guilty of a petty misdemeanor,
24 except that § 65110(d) shall apply to a violation of § 65110."

25 **Section 3.** § 14.107 of Article 14.1, Chapter 1, Title 5, Guam Code
26 Annotated, is *amended* to read:

1 **“§ 14.107. Establishment of the Guam Emergency Management Advisory**

2 **Council.** There is hereby established the Guam Emergency Management Advisory
3 Council (GEMAC) to advise and assist *I Maga’hågan/Maga’låhen Guåhan, I*
4 *Sigundo Maga’hågan/Maga’låhen Guåhan,* and the Homeland Security Advisor
5 with respect to all aspects of homeland security. The GEMAC shall coordinate
6 homeland security-related activities of executive departments and agencies and shall
7 be responsible for the development and implementation of homeland security
8 policies.

9 (a) The members of the GEMAC shall be *I Maga’hågan/Maga’låhen Guåhan,*
10 *I Sigundo Maga’hågan/Maga’låhen Guåhan, I Liheslaturan Guåhan,* the Attorney
11 General of Guam, the Homeland Security Advisor, the Adjutant General of the
12 Guam National Guard, the Assistant Adjutant General-Army, the Assistant Adjutant
13 General-Air Force, the Chief of the Guam Police Department, the Chief of the Guam
14 Fire Department, the Assistant Fire Chief of the Guam Fire Department – Bureau of
15 Emergency Management, the Executive Manager of the Antonio B. Won Pat
16 International Airport Authority, Guam the General Manager of the J.D. Leon
17 Guerrero Port Authority of Guam, the Administrator of the Guam Memorial Hospital
18 Authority, the General Manager of the Guam Power Authority, the General Manager
19 of the Guam Waterworks Authority, the Director of the Department of Public Works,
20 the Chief Technology Officer of the Guam Office of Technology, the Director of the
21 Guam Customs and Quarantine Agency, the Administrator of the Guam
22 Environmental Protection Agency, the Director of the Department of Public Health
23 and Social Services, the President of the Mayors Council of Guam, and other persons
24 as *I Maga’håga/Maga’låhi* may, from time to time, designate and invite to attend
25 meetings that pertain to the GEMAC’s responsibilities.

26 (b) The GEMAC shall meet at the call of *I Maga’hågan/Maga’låhen Guåhan.*
27 When the Governor of Guam is absent, *I Sigundo Maga’hågan/Maga’låhen Guåhan*

1 shall preside at meetings. At the direction of *I Maga'håga/Maga'låhi*, the Homeland
2 Security Advisor shall prepare the agenda for each meeting and shall maintain
3 records of the GEMAC's proceedings.”

4 **Section 4.** § 22402 of Article 4, Chapter 22, Title 5, Guam Code Annotated,
5 is *amended* to read:

6 “§ 22402. **Emergency Expenses.** *I Maga'hagan Guahan/I Maga'lahren*
7 *Guåhan* [the Governor] is authorized to utilize no more than Two Hundred Fifty
8 Thousand Dollars (\$250,000.00) from ~~General Fund appropriations for the~~
9 Emergency Management Fund Executive Branch for emergency management
10 expenses resulting from ~~civil defense~~ a disaster recognized in 10 GCA Chapter 65
11 or, public safety, or healthcare emergencies. Whenever this authorization is used, *I*
12 *Maga'hagan Guahan/I Maga'lahren Guåhan* [the Governor] shall provide a written
13 report of the expenditures of such funds and its source to *I Liheslaturan Guåhan* [the
14 Legislature] and the Public Auditor within five (5) days of such transactions. Any
15 reimbursement by the U.S. Government as a result of expenditures allowed pursuant
16 to 10 GCA Chapter 65 shall be immediately deposited in the Emergency
17 Management Fund upon receipt by *I Maga'håga/Maga'låhi*, the Department of
18 Administration or any other instrumentality of the government of Guam, and shall
19 not be subject to *I Maga'håga's /Maga'låhi's* transfer authority.”

20 **Section 5. Transition Requirements.**

21 (a) The Guam Fire Department shall assume all funding, facilities, equipment,
22 supplies, records, and obligations required by contract, memoranda of
23 understanding, rule, regulation and executive order from the Office of Civil Defense
24 established prior to this Act, no later than March 1, 2026, provided that the funding,
25 facilities, equipment, supplies, records, and obligations required by contract,
26 memoranda of understanding, rule, regulation and executive order associated with

1 hazard mitigation and disaster recovery shall be assumed by the Department of
2 Public Works and Guam Recovery Office, respectively.

3 (b) The Fire Chief shall modify the organizational chart of the Guam Fire
4 Department within sixty (60) days of enactment to include the Bureau of Emergency
5 Management established by this Act. The Fire Chief is authorized to assume any
6 Office of Civil Defense employee in the classified service consistent with the
7 operational requirements of the Bureau of Emergency Management. Classified
8 employees who are not assumed by the Guam Fire Department shall be transferred
9 with their respective position title and funding to a different branch, department,
10 agency, instrumentality, authority or corporation requiring equivalent qualification
11 pursuant to 4 GCA § 4114.

12 (c) The Guam Fire Department shall become the recipient and custodian of all
13 emergency management, disaster, and homeland security grant funding, except for
14 funds designated for hazard mitigation and recovery activities, which shall be
15 assigned to the Department of Public Works and the Office of *I Maga'hågan*
16 *Guåhan*, Guam Recovery Office, respectively.

17 **Section 6. Effective Date.** This Act shall become effective upon enactment.