

CONTINUITY OF OPERATIONS PROGRAMS AND CONTINUITY OF GOVERNMENT FUNCTIONS

I. Purpose

This directive establishes Department of Homeland Security (DHS) policy regarding Continuity of Operations Programs (COOP) and Continuity of Government (COG) functions.

II. Scope

This directive applies to all DHS organizational elements.

III. Authorities

- A. The Homeland Security Act of 2002, PL 107-296, enacted 11/25/02.
- B. The National Security Act of 1947, 50 U.S.C. 401 (as amended).
- C. Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121, et seq.).
- D. Executive Order 12656, *Assignment of Emergency Preparedness Responsibilities*, dated November 18, 1988, as amended.
- E. Executive Order 12472, *Assignment of National Security and Emergency Preparedness Telecommunications Functions*, dated April 3, 1984.
- F. Executive Order 12148, *Federal Emergency Management*, dated July 20, 1979, as amended.
- G. PDD 67, *Enduring Constitutional Government and Continuity of Government Operations*, dated October 21, 1998.
- H. *Federal Response Plan*, 9230.1-PL, January 2003 (Interim).

IV. References

- A. Title 44, Code of Federal Regulations (CFR) Part 2, Subpart A – *Organization, Functions, and Delegations of Authority*, dated October 1, 2002.
- B. Title 41, Code of Federal Regulations (CFR) 101.20.003, *Occupant Emergency Program*, revised on July 1, 2000.
- C. Title 36, Code of Federal Regulations (CFR) Part 1236, *Management of Vital Records*, revised on May 16, 2001.
- D. FPC 60, Heads of Federal Departments and Agencies, dated November 20, 1990.
- E. FPC 65, Federal Executive Branch Continuity of Operations (COOP), dated July 1999.
- F. FPC 66, Test, Training and Exercise (TT&E) Program for Continuity of Operations (COOP), dated April 30, 2001.
- G. FPC 67, Acquisition of Alternate Facilities for Continuity of Operations (COOP), dated April 30, 2001.
- H. Presidential Decision Directive (PDD) 62, Protection Against Unconventional Threats to the Homeland and Americans Overseas, dated May 22, 1998.
- I. HSPD 7, Critical Infrastructure Identification, Prioritization, and Protection (CIP), dated Dec 17, 2003.
- J. PDD 39 US Policy on Counter-terrorism, dated June 1999.
- K. Mount Weather Site Support Procedures, DHS Headquarters Continuity of Operations (COOP), dated January 30, 2001. Short title: Mount Weather COOP Site Support Procedures.
- L. Homeland Security Presidential Directive 3, *Homeland Security Advisory System (HSAS)*, March 12, 2002.
- M. Homeland Security Presidential Directive 5, *Management of Domestic Incidents*, March 12, 2002.

V. Definitions

A. The activities of individual departments and agencies and their sub-components to ensure that their essential functions are performed. This includes: plans and procedures that delineate essential functions; specify succession to office and the emergency delegation of authority; provide for the safekeeping of vital records and databases; identify alternate operating facilities; provide for interoperable communications; and validate the capability through tests, training, and exercises.

B. **Continuity of Government**: Efforts across the Executive Branch to ensure the continued performance of essential functions during national security situations.

C. **Essential Functions**: Functions that enable Federal Executive Branch agencies to provide vital services, exercise civil authority, maintain the safety and well being of the general populace, and sustain the industrial/economic base during an emergency.

D. **DHS Organizational Elements**: See DHS MD 0010.1, Paragraph 4.D for the definition.

VI. Responsibilities

A. The DHS Secretary, through the Under Secretary for Emergency Preparedness and Response (EP&R) shall:

1. Direct and oversee the implementation of COOP and COG program activities;
2. Establish a DHS COOP working group to provide oversight and direction to the DHS COOP program. This working group will be Co-Chaired by the DHS Chief of Staff's Office and the Emergency Preparedness and Response Directorate's Office of National Security Coordination;
3. Develop a Multi-Year Strategy and Program Management Plan to support the DHS COOP program; and,
4. Develop a test, training and exercise (TT&E) program to support the DHS COOP program. The TT&E program will be conducted in accordance with guidance in the COOP Federal Preparedness Circular (FPC).

B. The Under Secretary for Emergency Preparedness and Response shall:

1. Assume the role as Lead Federal Agent for Federal Executive Branch COOP and COG programs;
2. Have primary responsibility for the development and execution of the Department-wide COOP program;
3. Provide guidance and assistance to organizational elements in the development of a comprehensive and effective program to ensure continuity of their essential functions;
4. Issue to all newly incorporated organizational elements appropriate policy guidance on COOP development, coordination, and implementation; and,
5. Establish interdepartmental coordination mechanisms, coordinate a periodic assessment of Federal and Department COOP and COG capability, and provide guidance and assistance to organizational elements as appropriate.

C. Each organizational element head shall:

1. Develop a COOP Implementation Plan that supports DHS efforts and addresses the unique aspects of the organizational element's respective requirements, plans, or procedures;
2. Develop and include in the organization's COOP implementation plan, a list of essential functions required in an emergency severe enough to activate the organization's COOP;
3. Prepare and maintain a roster of personnel needed to ensure a minimum level of performance of the organization's essential functions;
4. Provide a senior representative to the DHS COOP working group to support DHS COOP planning and preparedness activities;
5. Develop a Multi-Year Strategy and Program Management Plan to support the organization's COOP program; and,
6. Develop a TT&E program to support the organization's COOP program. The TT&E program will be conducted in accordance with guidance in the COOP FPC.

VII. Policy & Procedures

A. Policy: All responsibilities that were delegated to individual organizational elements under PDD 67 will remain with those elements until otherwise directed:

1. Organizational elements with existing COOP and COG plans may maintain their associated authorities and policies until otherwise directed by the Under Secretary for EP&R.
2. Organizational elements with no current COOP capability shall request immediate technical guidance and assistance from the Under Secretary for EP&R.

B. Procedures: Organizational elements with existing COOP and COG plans must submit the existing plans to the Office of National Security Coordination, Emergency Preparedness and Response for review by July 1, 2004. EP&R organizational elements must also coordinate their existing COOP plans with the Office of the Under Secretary by July 1, 2004.

C. Questions or Concerns Regarding the Process: Any questions or concerns regarding this directive should be addressed to the Office of National Security Coordination, Emergency Preparedness and Response.