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Evaluating Continuity of Operations Programs

Approaches and Case Study

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WHAT IS A COOP?

- **Not this**

What is Continuity of Operations?

- **Continuity of Operations (COOP) is the effort to assure that the capability exists to continue essential agency functions across a wide range of potential emergencies**

COOP vs. COG

- **COOP and Continuity of Government (COG) are often used interchangeably and are closely related**
- **COOP: An organization's ability to continue its operations without interruption during emergency situations**
- **COG: Refers to the preservation of the institution of government**

COOP: Government-wide concept

- **Governments at all levels have a fundamental responsibility to provide uninterrupted essential services regardless of circumstances**
- **Federal COOP planning initially began during the Cold War**
- **Sept. 11th served as a "wake-up call" to state and local governments**
- **Federal guidance requires all agencies to have in place a viable COOP capability**

COOP: Government-Wide Concept

- **Federal viability is dependent in part upon the survivability of state and local government institutions**
- **Local governments are responsible for creating continuity plans that can be integrated into state-wide plans**
- **In turn, state plans have to integrate into the national survivability strategy**

COOP: Government-Wide Concept

- Stafford Act (42 USC 5121):
  - Encourages the development of comprehensive disaster preparedness assistance plans, programs and capabilities by State and local governments
  - Provides for grant and other assistance to states and local governments in developing comprehensive preparedness plans and procedures
- Statewide Template Initiative (March 2003)
  - Assist state and local governments in their development of coordinated and comprehensive Homeland Security plans, including COOP plans

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State Emergency Preparedness

- Statutory requirements differ among states
- However, the amount of Federal aid that states receive is directly tied to whether their COOP plans meet Federal requirements
- What are your states'/jurisdictions' emergency preparedness statutes, requirements, and programs?

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NJ Emergency Preparedness

- NJ Constitution: "The Legislature, in order to insure continuity of State, county and local governmental operations in periods of emergency… shall have the the power…(1) to provide for…prompt and temporary succession to the powers and duties of public offices…(2) to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations…"

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NJ Emergency Preparedness

- N.J. Rev. Stat. §52:1-1.1: Provides for the temporary relocation of the State government during an emergency
- N.J. Rev. Stat. §52:14A-1 et seq.: Details interim succession of State government during an emergency
- N.J. Executive Order 5 (March 2006): Created the Office of Homeland Security and Preparedness to coordinate and lead State counter-terrorism and preparedness efforts

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NY Emergency Preparedness

- N.Y. Exec. Con. Laws Art. 2-B § 23: Local governments are authorized to prepare disaster preparedness plans, with assistance provided by the Disaster Preparedness Commission, to prevent disasters, coordinate resources, and provide for recovery and redevelopment. The plans, and the process used to develop the plans, must meet specified requirements.

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NY Emergency Preparedness

- N.Y. Exec. Con. Law Art. 2-B §27: Local laws or resolutions must provide a list or order of succession in the event of an emergency that renders officials unable to perform their duties
- N.Y. Exec. Con. Laws Art . 2-B § 21-22): Directs the Disaster Preparedness Commission to review the state disaster preparedness plan annually; the plan must address specified disaster prevention, response, and recovery components

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Auditing COOP Plans, Programs

- Many Federal IGs have audited Department/agency COOP plans (reports can be found on IG websites)
- Criteria – strong and detailed
- Renewed emphasis on Federal COOP planning and a PCIE priority
- As part of the renewed effort, the DHS OIG conducted an audit of a DHS component COOP plan and program (Transportation Security Administration)

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Criteria

- Presidential Decision Directive 67 (October 1998) Federal Preparedness Circular 65 (FPC-65) – June 2004
- Department and agency-specific criteria
- Other criteria can be found in FEMA guidance on the FEMA website, such as its agency "COOP Self-Assessment Tool" - found at: *http://www.fema.gov/government/coop/coopassessment3.shtm*
- The TSA COOP plan was itself a critical criterion for the audit

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Critical Elements of COOP

- Essential Functions
- Alternate Facilities
- Orders of Succession
- Delegations of Authority
- Devolution of Control and Direction
- Vital Records
- Interoperable Communications
- Tests, Training and Exercises
- Reconstitution
- Human Capital
- Plans and Procedures

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Overall Audit Objective

- Determine whether TSA had a viable COOP capability that ensures the performance of its mission-essential functions during any emergency situation that may disrupt normal operations

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Audit Approach

- FPC-65 provides guidance and defines the 11 elements that agency COOP plans and programs must contain to be considered "viable"
- We designed our audit program (and report) around these 11 elements
- Our audit work had 3 main sub-objectives:
  - Did TSA's COOP plan meet FPC-65 requirements?
  - Were the specifics in the COOP plan mirrored in reality by funding, facilities, documentation, systems, and dedicated people?
  - Was there adequate oversight of TSA COOP Plan & Program to ensure completeness and viability?

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COOP Element 1: Mission-Essential Functions

- Definition: Those functions that must be performed during, and in the immediate aftermath of an emergency
- Criteria: FPC-65 requires agencies to:
  - Identify, prioritize, and validate their organization's essential functions as a basis for COOP planning, and
  - Identify resource requirements, and other supporting activities necessary to perform such functions

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COOP Element 1: Mission-Essential Functions

- **Audit Approach:**
  - Catalogued TSA's mission-essential functions in COOP plan
  - Interviewed office-level COOP representatives to verify functions listed in plan and had associated plans and documentation
  - Determined whether COOP managers validated functions
  - Drew our own conclusions about whether functions appeared to be "mission-essential"
  - Determined whether plan included resource requirements for each function
- **Conclusions:**
  - Numerous problems

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COOP Element 2: Alternate Operating Facility

- **Definition:** Facilities used to carry-out mission-essential functions when primary facility is unavailable
- **Criteria:** FPC 65 and FEMA guidance require agencies' COOP plans to identify and prepare Alternate Operating Facilities (AOFs) with the capability to perform their mission-essential functions within 12 hours of COOP activation and to sustain these functions up to 30 days

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COOP Element 2: Alternate Operating Facility

- **Audit Approach:**
  - Toured facilities to determine whether:
    - It could accommodate # of staff identified in Plan (about 200)
    - It had adequate IT and associated resources
    - Was sufficiently distant from primary facility
    - It had adequate security
- **Conclusions:**
  - AOF was too small to accommodate planned emergency staff
  - AOF was not ready to host COOP staff
  - Size of COOP plan required staff and leadership to report to different facilities

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COOP Element 3: Orders of Succession

- **Definition:** Orders of succession ensure continuity by identifying individuals authorized to act for agency officials in case those officials are unavailable
- **Criteria:** Under FPC-65:
  - Agencies are responsible for establishing, promulgating, and maintaining orders of succession to key positions
  - Orders should be of sufficient depth to ensure the agency's ability to manage and direct its essential functions and operations while remaining a viable part of the Federal government throughout any emergency

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COOP Element 3: Orders of Succession

- **Audit Approach:**
  - Evaluated TSA's Orders of Succession to determine whether they were accurate.
  - Determined whether senior officials were trained and briefed annually on their potential succession responsibilities.

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COOP Element 4: Delegations of Authority

- **Definition:** Predetermined statements that specify who is authorized to act on behalf of agency leadership for specific purposes
- **Criteria:** Under FPC-65:
  - Agencies should pre-delegate authorities for making policy determinations and decisions at headquarters, regional, field, satellite, and other agency locations, as appropriate
  - Delegations must document the legal authority for officials to make key policy decisions and state the circumstances under which delegated authorities would be exercised and when they would terminate

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COOP Element 4: Delegations of Authority

- **Audit Approach:**
  - Evaluated TSA's Delegations of Authority to determine whether they were accurate and included required elements
  - Determined whether senior officials were trained and briefed annually on their potential delegation responsibilities
- **Conclusions:**
  - Delegations of authority and orders of succession were missing or inaccurate for the vast majority of TSA offices
  - Training and annual briefings of senior officials had not occurred for more than 2 years

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COOP Element 5: Devolution

- **What "Devolution" does NOT refer to:**

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COOP Element 5: Devolution

- **Definition:** Refers to how an organization is prepared to transfer all of their essential functions and responsibilities to personnel at a different office or location during an emergency situation rendering the primary and alternate operating facility unusable
- **Criteria:** Under FPC-65, an agency/organization must have a devolution plan that should identify:
  - A prioritized list of essential functions;
  - A roster identifying fully equipped and trained personnel at the designated devolution site;
  - Necessary resources to facilitate transfer to a devolution site; and
  - The likely triggers that would initiate or activate the devolution option, and eventually, deactivate it

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COOP Element 5: Devolution

- **Audit Approach:**
  - Identify whether TSA had a devolution plan as part of its COOP
  - Determine whether essential functions to be performed in the event of devolution site activation had been identified, including associated resources and personnel
  - Determine whether identified personnel had been trained in devolution responsibilities
  - Determine whether devolution site had necessary infrastructure to accommodate site activation
- **Conclusions:** No devolution plan. TA had not done anything to address this element in their COOP plan.

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COOP Element 6: Vital Records

- **Definition:** Addresses the protection and availability of electronic and hardcopy documents, references, records, and information systems that are needed to support mission-essential functions under a variety of emergency situations
- **Criteria:**
  - FPC-65 requires agencies to identify, protect, and make readily available vital records and databases to support mission-essential functions during COOP emergencies
  - To the extent possible, agencies should pre-position and regularly update duplicate records or backup electronic files

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COOP Element 6: Vital Records

- **Audit Approach:**
  - Interviewed individual TSA offices to determine whether they had implemented the agency's vital records program
  - Determined whether TSA offices had up-to-date vital records stored at the alternate operating facility
- **Conclusions:**
  - TSA COOP Plan itself was silent on vital records
  - Most offices had done very little to identify, catalogue, and preposition vital records

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COOP Element 7: Interoperable Communications

- **Definition:** Alternate communications that provide the capability to perform essential functions until normal operations can be resumed
- **Criteria:** Under FPC- 65, agencies must:
  - Ensure that communication systems exist to support the ability to communicate with employees, agency leadership, and other elements and locations during an emergency situation
  - Ensure the backup of critical applications are available to provide access to data, systems, and services necessary to support mission-essential functions
- Also, OMB Circular A-130, *Management of Federal Information Resources* and the National Institute of Standards and Technology Special Publication 800-34, *Contingency Planning Guide for Information Technology Systems*

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COOP Element 7: Interoperable Communications

- **Audit Approach:**
  - Catalogue TSA interoperable systems
  - Determine whether interoperable systems are sufficient for the plan and redundant to overcome unanticipated circumstances
  - Determine if major IT systems had backup plans and systems
- **Conclusions:**
  - TSA had only partially established interoperable and redundant communications and systems available to support communication with employees, agency leadership, and other elements and locations during an emergency
  - Some systems TSA is depending on are vulnerable to disruption during an emergency
  - Major data centers had no redundancy plans or systems

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COOP Element 8: TT&E

- **Definition:** Training, Tests and Exercises. Measures to ensure that an agency's COOP program can implement the COOP plan and support mission-essential functions during an emergency situation
- **Criteria:** FPC-65 requires that agencies must plan, conduct, and document periodic tests, training, and exercises to demonstrate COOP plan viability, identify deficiencies, and ensure personnel are able to implement COOP plans to carry out mission-essential functions
  - The circular also instructs agencies to develop a multi-year plan that addresses TT&E requirements and resources to support these activities

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COOP Element 8: TT&E

- **Audit Approach:**
  - Determine whether TSA had implemented a multi-year TT&E and plan
  - Determine whether COOP personnel had been trained to carry out their responsibilities
  - Determine whether COOP awareness training had been provided to entire workforce
  - Determine whether plans have been tested, if the agency has a mechanism to catalogue, address, and follow-up on identified deficiencies

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COOP Element 8: TT&E

- **Conclusions:** TSA did not have a comprehensive TT&E Program
  - TSA had participated in several government-wide exercises, but had no action plan to follow-up on identified COOP plan deficiencies
  - TSA did not have a multi-year TT&E plan
  - TSA had not ensured that agency personnel are trained to implement COOP plans and carry out mission-essential functions in a COOP situation
  - TSA officials said that COOP training for its workforce was left up to each program office because the TSA COOP staff did not have the resources to train personnel. COOP staff did not know whether TSA program offices actually provided their staff training.

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COOP Element 9: Reconstitution

- **Definition:** Process by which an agency transitions from COOP implementation to resumption of normal operations.
- **Criteria:** FPC-65 requires that agencies:
  - Coordinate and pre-plan options for reconstitution and outline procedures for a smooth transition from a relocation site to the new or restored HQ facility
  - Inform and instruct all personnel for resumption of normal operations and supervise the orderly return to the primary location
  - Verify that all systems, communications, and other required capabilities are available and operational at the new facility
  - Conduct an after-action review to identify areas for correction and develop a remedial action plan

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COOP Element 9: Reconstitution

- **Audit Approach:**
  - Determine whether TSA's COOP plan addressed reconstitution
  - If so, determine if their plans had procedures for transitioning back to a HQ facility; procedures for informing affected personnel; procedures to verify the availability of all required systems and capabilities at HQ; and procedures for conducting after-action reviews
- **Conclusions:** TSA's reconstitution plans were incomplete:
  - COOP plan did not provide plans for reconstitution from the AOF or devolution site to the new or original HQ facility
  - Plan had no procedures for informing personnel, verifying the presence of all necessary systems and capabilities, or conducting an after-action report

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COOP Element 10: Human Capital

- **Definition:** Plans and actions to respond to threats that employees are most likely to face during COOP activation, such as dismissal procedures, agency guidelines for communicating to employees, and staffing flexibilities, such as telework
- **Criteria:** FPC requires each agency:
  - To design, update, and carry out comprehensive plans to respond to the threats that its employees are most likely to face during an emergency situation
  - Ensure COOP capabilities take maximum advantage of existing agency field infrastructures and give consideration to other options, such as telecommuting locations, work-at-home, virtual offices, and joint or shared facilities

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COOP Element 10: Human Capital

- **Audit Approach:**
  - Determine whether TSA's COOP plan addressed human capital issues
  - If so, determine if these plans were up to date and had been tested during COOP or other emergency testing
- **Conclusions:**
  - The TSA HQ COOP Plan did not include any of the human factors that need to be considered during a crisis, such as expected roles and responsibilities, staffing, pay, and notification protocols

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COOP Element 11: Plans and Procedures

- **Definition:** Plans and procedures to be developed and documented so that agency personnel will know what to do in an emergency situation
- **Criteria:**
  - Plans and procedures are required for the three phases of COOP implementation: activation and relocation; AOF operations; and reconstitution
  - The COOP plan must be reviewed and approved annually by senior agency officials

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COOP Element 11: Plans and Procedures

- **Audit Approach:** Pretty straightforward.
  - Did TSA have COOP plans and procedures?
  - Was their plan complete, up-to-date, and comprehensive?
  - Was it reviewed annually by TSA management?
  - Did it include plans and procedures for the three phases of COOP activation?
- **Conclusions:**
  - As developed throughout the other elements, we concluded it was not complete or up-to-date.
  - Plan never completed or approved.

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COOP Plan Management and Oversight

- **Criteria:**
  - Each agency is responsible for appointing a senior executive to serve as program manager and agency point of contact for agency COOP activities, and to ensure that there is adequate planning, programming, and budgeting for a viable and executable COOP program that adheres to FPC 65
  - Each agency's COOP plan must include the development, maintenance, and annual review of the COOP capabilities using a multi-year strategy and program management plan
  - Within DHS, FEMA is required "to provide oversight and direction to the DHS COOP program"

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COOP Plan Management and Oversight

- Conclusions:
  - While TSA had established a COOP program, it was not a priority with the agency
  - Inadequate resources were provided to the COOP Program
  - TSA COOP management had provided little oversight of Office-level COOP plans and programs
  - FEMA was providing limited oversight of agency COOP plans and programs and had not evaluated the extent to which TSA's plan was deficient

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Summary

- Our audit report received attention in the media and on the Internet, including the front page of October 6-8, 2006, "USA Today"
- TSA did not have a significant comment to our draft report that challenged our findings
- TSA has since increased COOP management and staff, and provided additional funding to the program
- TSA reduced the size of its COOP mission-essential functions from 138 to about 20

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Contact Info

- Additional questions or copies of these slides:

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QUESTIONS?

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