

CRS Report for Congress

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District of Columbia Emergency Management and Homeland Security Statutory Authorities Summarized

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Summary

The District of Columbia code addresses disasters and emergencies through public emergency statutes (§7-2201 *et seq.*) and the Anti-Terrorism Act of 2002 (§22-3152 *et seq.*). The mayor is authorized to declare emergencies, and the District Council participates in continuity of government efforts. Aid is provided from a special emergency fund and accepted from the federal government. The District of Columbia code provides for an interstate civil defense compact and an emergency management assistance compact.

This report is one of a series that profiles the 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

Mayor: The District of Columbia code authorizes the mayor to establish an emergency preparedness office to prepare for enemy attack, sabotage, or other hostile action through plans and programs that provide protection, relief, and assistance for

people and property. The mayor is authorized to appoint a member of the Metropolitan Police Department or a member of the Fire Department to any emergency preparedness office position (D.C. Code Ann. §7-2202, 7-2203). The mayor may establish a public emergency preparedness program that uses the services of all appropriate agencies and includes the development of an emergency operations plan, procedures for training staff and conducting exercises. Also, the mayor must review the District's response plan annually and coordinate federal and state preparedness programs (D.C. Code Ann. §7-2302). After issuing an emergency executive order, the mayor may: expend funds to carry out emergency missions and responsibilities, enter into contracts, incur obligations, employ temporary workers, rent equipment, buy supplies, spend public funds, prepare for and implement measures to protect people and property (evacuation to emergency shelters), disconnect utilities, destroy contaminated property, regulate the sale and distribution of food, fuel, clothing, goods and services, establish curfews, establish public emergency services, have operational direction of all agencies, procure supplies and equipment, begin training and public information programs, request federal disaster assistance, prevent or reduce harmful consequences of disasters, and detain or quarantine people for medical reasons (D.C. Code Ann. §7-2304(b)).

Emergency Management Agency: The Emergency Management Agency (EMA, previously the Office of Emergency Preparedness) is authorized to: prepare a comprehensive plan and program for civil defense, institute training and public information programs, make studies and surveys of district civil defense resources and capabilities, and develop and enter into mutual aid agreements with state or political subdivisions. Also, the office is to: cooperate with governmental and nongovernmental agencies; accept facilities, supplies and funding from the federal government; use resources of existing district departments; and submit an annual report through the office of the mayor to Congress about activities and expenditures (D.C. Code Ann. § 7-2203, 7-2205, 7-2208, Mayor's Order 98-198, Jan. 8, 1999, 46 DCR 240).

Emergency Planning Council: The council monitors and informs the public about the use of hazardous chemicals, coordinates training and technical assistance, designates local emergency planning districts, sets procedures and systems to receive and process emergency release reporting, and works to increase state and local emergency response capabilities (Mayor's Order number 2002-01).

Domestic Preparedness Task Force: The task force is charged with examining the District's overall preparedness, existing emergency plans and procedures, and related training efforts. Also, the task force is charged with refining the District's emergency operations plan and other emergency plans, along with the Emergency Management Agency, to develop the District response plan (Mayor's Order number 2001-142).

Preparedness

The mayor is to establish a public emergency preparedness program using services of all appropriate agencies, including EMA, and develop a response plan to include preparation against, and assistance following, emergencies and major disasters. The plan must include provisions on staff appointment and training, formulation of regulations, and procedures and exercises (D.C. Code Ann. §7-2302(a)(1)(B)).

Declaration Procedures

The mayor is authorized to issue an emergency executive order that identifies the existence, nature, extent, and severity of a public emergency, as well as measures to relieve the emergency. The statute specifies requirements of the order, persons upon whom the order is binding, and the duration of the order (D.C. Code Ann. §7-2304).

In addition to an emergency executive order, the mayor may issue an additional order proclaiming a public health emergency for an imminent hazard, or the actual occurrence of such an event, due to: a large number of deaths; a large number of serious human health disabilities; widespread exposure to infectious or toxic agents; and the use, dissemination or detonation of weapons of mass destruction. The public health emergency executive order must specify: the existence, nature and scope of the emergency; its geographic scope; and conditions, measures and the expected duration of emergency. The mayor is authorized to order health care providers to assist, and appoint providers as temporary employees, and exempt them from liability, or waive licensing requirements (D.C. Code Ann. §7-2304.01).

Any emergency executive order issued by the mayor is effective for a maximum period of 15 days and may be rescinded by the mayor if he or she determines that the emergency no longer exists. The order may be extended for an additional 15-day period only if requested by the mayor, and if the Council of the District of Columbia adopts an emergency act. The emergency executive order must be published in the D.C. Register, two daily newspapers and posted in public places as soon as reasonably possible (D.C. Code Ann. §7-2306).

Types of Assistance

See discussion under “Entities with Key Responsibilities,” *Mayor*.

Mutual Aid

The statute authorizes the mayor to implement the *Emergency Management Assistance Compact* as codified (D.C. Code Ann. §7-2331 *et seq.*).

The mayor is authorized to enter into interstate civil defense compacts with the states, in the form specified (D.C. Code Ann. §7-2209).

The mayor may enter into agreements with the federal government, neighboring states, and political subdivisions for coordination of disaster preparedness programs (D.C. Code Ann. §7-2306(f)).

Funding

The statute establishes an emergency cash reserve fund which must contain a balance of not less than four percent of the District’s operating budget for a fiscal year. The fund is to be used for unanticipated and nonrecurring “extraordinary needs of an emergency nature,” such as a natural disaster, and may be used when the mayor issues a state of emergency declaration (D.C. Code Ann. §1-204.50a).

Hazard Mitigation

The mayor must issue regulations, or recommend legislation to the D.C. Council, related to flood plain management, stream encroachment, weather modification, fire prevention, air quality, land use and construction standards to prevent and manage harmful consequences of disasters (D.C. Code Ann. §7-2305).

Continuity of Government Operations

If death or destruction prohibits the convening of two-thirds of the Council members, the mayor must make a reasonable attempt to consult with Council members not affected for the consideration of emergency legislation (D.C. Code Ann. §7-2306 (c)).

Other

The mayor is exempt from publishing response plans and terrorism vulnerability assessments in the D.C. Register (D.C. Code Ann. §7-2302 (c)).

D.C. employees are not liable for damages stemming from implementation of the District's response plan (D.C. Code Ann. §7-2302 (e)).

A civil defense employee or a volunteer is not liable for death or injury to a person, or property damage, when complying with emergency management statutes. This provision does not affect the employee's rights to worker's compensation (D.C. Code Ann. §7-2206).

Key Terms

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

Terms	Citations
Act of terrorism	D.C. Code Ann. §22-3152 (1)
Biological agent	D.C. Code Ann. §22.3152 (2)
Civil defense	D.C. Code Ann. §7-2201
Communicable disease	D.C. Code Ann. §7-2301 (1)*
District of Columbia response plan	D.C. Code Ann. §7-2301 (1A)
Emergency operations plan	D.C. Code Ann. §7-2301 (1)*
Health care provider	D.C. Code Ann. §7-2301 (1B)
Nuclear material	D.C. Code Ann. §22-3152 (5)
Public emergency	D.C. Code Ann. §7-2301 (3)

Terms	Citations
Resource	D.C. Code Ann. §7-2301 (4)
States	D.C. Code Ann. §7-2332
Toxic or poisonous chemical	D.C. Code Ann. §22-3152 (9)
Toxin	D.C. Code Ann. §22-3152 (10)
Unit of government	D.C. Code Ann. §22.3152 (11)
Weapon of mass destruction	D.C. Code Ann. §22.3152 (12)

*Note: Same citation number used in amendment for communicable disease that had previously been used for emergency operations plan.

For Further Research

The citations noted above and other elements of the code for the District of Columbia may be searched at: [<http://dcode.westgroup.com/home/dccodes/default.wl>].