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U.S. Virgin Islands Emergency Management and Homeland Security Statutory Authorities

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Summary

The Virgin Islands Territorial Emergency Management Act was enacted to reduce the vulnerability of the people and communities of the islands to damage, injury, and loss of life and property resulting from natural or man-made catastrophes, riots, or hostile military or paramilitary action. The statute clarifies and strengthens roles of the governor and territorial agencies. It also authorizes activities with regard to the prevention of, preparation for, response to, and recovery from emergencies and provides for coordination with other jurisdictions. Financial assistance derives from federal aid, state emergency response funds and a state contingency fund. The act authorizes agreements with states to assist in the evacuation of all or part of the population of the islands.

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 responsible for meeting dangers presented by emergencies or major disasters and serves as commander-in-chief of the police auxiliary and of all other forces available for emergency duty. The governor may: suspend provisions of any statute; use resources of the territory; transfer direction, personnel, or functions of departments; commandeer property; compel evacuation or control ingress and egress within an affected area; suspend or limit commerce in alcoholic beverages, firearms, explosives, and combustibles; make provision for temporary emergency housing; and hold constant the costs of goods and services (Virgin Islands Code, Title 23, Chapter 12, §1125). The governor is authorized to cooperate with the President, armed forces, and officers and agencies of the states in matters pertaining to civil defense, and may order and control activities such as blackouts, tests, and warnings. The governor may also control the movement of pedestrians and vehicular traffic as well as the evacuation and reception of the civilian population. The statute provides for the promulgation of rules, regulations and policies — with legislative approval — for the continuity of government in the event of enemy attack, emergency, or disaster (Virgin Islands Code, Title 23, Chapter 11, §1093).

Virgin Islands Territorial Emergency Management Agency (VITEMA): The statute established the agency within the office of the governor (Virgin Islands Code, Title 3, Chap. 1, §23). The statute also created the offices of the director of VITEMA and deputy directors, each assigned to one of the islands. Additionally, the statute identifies the adjutant general as the executive head of VITEMA. Emergency plans that address prevention, response, zoning, land use, emergency relief activities, and other specified elements must be prepared for each island (Virgin Islands Code, Title 23, Chapter 12, §1126).

Adjutant General: The adjutant general acts as principal assistant and advisor to the governor on emergency management and disaster preparedness and resolves interagency issues relating to emergencies or emergency management (Virgin Islands Code, Title 23, Chapter 12, §1125(b)). The adjutant general may: determine requirements and procure supplies and equipment; provide and maintain three mobile emergency operations centers; conduct training programs; coordinate the use of private and public services and property; prepare executive orders; and establish a Civil Defense Volunteer Corps (Virgin Islands Code, Title 23, Chapter 12, §1126).

VITEMA Director: The director is responsible for the civil defense program, specifically: preparing and executing the comprehensive plan; delegating authority; and — with gubernatorial approval — amending and rescinding orders, rules and regulations (Virgin Islands Code, Title 23, Chapter 12, §1091).

VITEMA Council: The council establishes plans for and coordinates the federal disaster assistance program administered by the Federal Emergency Management Agency and considers territorial requests for individual or public assistance (Virgin Islands Code, Title 23, Chapter 12, §1126a).

Preparedness

See “Entities with Key Responsibilities” — *Virgin Islands Territorial Emergency Management Agency*.

Declaration Procedures

The governor is authorized to declare a state of emergency, which may continue for a maximum period of 30 days unless renewed by the same officer. A state of emergency may be terminated by executive order or proclamation. The declaration activates the disaster plan and response and recovery activities, and authorizes the deployment and use of any forces, supplies, equipment, and facilities (Virgin Islands Code, Title 23, Chapter 12, §1125(c)).

Types of Assistance

The governor is authorized to establish temporary housing for disaster victims and to help local governments acquire sites for such housing. The governor may suspend or modify any public health, safety, zoning, transportation or other requirement of law, for not more than 60 days, to provide temporary housing for victims (Virgin Islands Code, Title 23, Chapter 12, §1132).

The governor may order debris and wreckage removal from publicly or privately owned land or water and accept federal funds. Private property owners must unconditionally authorize the removal of debris and indemnify the government against claims arising from debris removal (Virgin Islands Code, Title 23, Chapter 12, §1134).

The statute provides for immediate emergency welfare assistance and services to any individual or family in need as a result of a natural disaster or other emergency (Virgin Islands Code, Title 34, Chapter 1, §23).

Mutual Aid

The Emergency Management Assistance Compact is codified (Virgin Islands Code, Title 23, Chapter 11, §1101-1114).

The Interstate Civil Defense and Disaster Compact is codified (Virgin Islands Code, Title 23, Chapter 12, §1128).

The governor may enter into reciprocal aid agreements or compacts with other states and the federal government (Virgin Islands Code, Title 23, Chapter 11, §1094).

The statute provides for agreements between party states regarding the need to evacuate civilians because of an emergency or disaster. The agreements include considerations of food, clothing, housing, and medical care for evacuees. The state from which evacuees come assumes responsibility for the funding associated with the repatriation of evacuees (Virgin Islands Code, Title 23, Chapter 11, §1111).

Funding

The governor may accept services, equipment, supplies, materials, or funds needed for civil defense purposes through gifts, loans, or grants provided by the federal government or any public or private agency (Virgin Islands Code, Title 23, Chapter 11, §1092).

It is territory policy that funds are to be always available for emergencies or disasters, and that funds regularly appropriated to territorial agencies will be used as a first recourse to pay for disaster-related needs. A disaster contingency fund receives appropriations and federal grants or loans. Money in the fund is to be used for the purpose of repairing, replacing, constructing, or reconstructing public buildings, public roads, or other public works, and for repairing or replacing publicly-owned personal property damaged by major disaster if regularly appropriated funds are inadequate. The governor may transfer monies borrowed from the federal government or other public or private sources for up to two years, to a limit of \$100,000 (Virgin Islands Code, Title 23, Chapter 12, §1127).

After the President issues a major disaster declaration for the islands, the governor may apply to the federal government for aid, on behalf of a local government, upon demonstrated need for financial assistance. The governor may recommend the cancellation of all or any part of repayment when the local government is unable to meet operating expenses (Virgin Islands Code, Title 23, Chapter 12, §1133).

When financial assistance is essential to meet the needs of individuals or families after the President issues a major disaster declaration, the governor is authorized to accept a grant by the federal government or to enter into an agreement with the federal government to participate in funding. All federal grants and local matching funds are to be deposited in the general disaster relief fund (Virgin Islands Code, Title 23, Chapter 12, §1135).

The “general disaster relief fund” within the treasury is used to meet necessary expenses or serious needs of individuals or families that cannot otherwise be met from other means. Grants of assistance cannot exceed \$5,000 per family per incident. The fund consists of appropriations by the legislature and the proceeds of federal grants (Virgin Islands Code, Title 33, Chapter 111, §3041).

The “Disaster Recovery Fund,” which consists of annual appropriations agreed to by the legislature, includes all amounts remaining from appropriations made for disaster recovery, as well as gifts, grants, bequests and contributions deposited in the fund (Virgin Islands Code, Title 33, Chapter 111, §3100h).

Hazard Mitigation

The governor, VITEMA, and the adjutant general consider steps to mitigate hazards that cause emergencies or major disasters. Agencies with responsibilities for floodplain management, stream encroachment and flow regulation, fire prevention and control, air quality, public works, land use and land use planning, and construction standards, conduct hazard mitigation studies. The governor recommends mitigation measures to the legislature and may place new standards or controls in effect when necessary. The

governor's action is subject to judicial review (Virgin Islands Code, Title 23, Chapter 12, §1129).

Recipients of aid from the general disaster relief fund must purchase flood insurance (Virgin Islands Code, Title 33, Chapter 11, §3041(e)).

Continuity of Government Operations

The statute provides for the protection of records essential to the continuity of government operations and the protection of the rights and interests of individuals in the event of any emergency (Virgin Islands Code, Title 3, Chapter 2, §28f (4)).

Other

Territorial and agency employees certified in disaster relief service may be granted administrative leave of not more than 20 work days annually to participate in disaster relief services for the American Red Cross, without loss of any other accrued leave or seniority. The statute also grants administrative leave for training (Virgin Islands Code, Title 3 §590a).

Key Terms

Table 1. Key Emergency Management and Homeland Security Terms Defined in U.S. Virgin Islands Statutes, with Citations

Terms	Citations
Disaster Act	Virgin Islands Code, Title 23, Chapter 12 §1124(7)
Emergency	Virgin Islands Code, Title 23, Chapter 12 §1124(1)
Major disaster	Virgin Islands Code, Title 23, Chapter 12 §1124(2)
Plan	Virgin Islands Code, Title 23, Chapter 12 §1124(6)
State of emergency	Virgin Islands Code, Title 23, Chapter 12 §1124(3)
VITEMA	Virgin Islands Code, Title 23, Chapter 12 §1124(5)
VITEMA Council	Virgin Islands Code, Title 23, Chapter 12 §1124(10)

For Further Research

The citations noted above and other elements of the U.S. Virgin Islands code may be searched at: [<http://198.187.128.12/virginislands/lpext.dll?f=templates&fn=fs-main.htm&2.0>].