

A BILL

23-542

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend An Act To authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes, to add definitions, to require the Homeland Security and Emergency Management Agency to coordinate continuity of operations planning for the District government, to require subordinate and independent District government agencies to develop continuity of operations plans and update and conduct exercises of those plans, and to require the Inspector General to audit continuity of operations planning for the District government, including in relation to COVID-19.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “District Government Continuity of Operations Plans Amendment Act of 2020”.

Sec. 2. Title II of An Act To authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes, effective March 14, 2007 (D.C. Law 16-262; D.C. Official Code § 7-2231.01 *et seq.*), is amended as follows:

(a) Section 202 (D.C. Official Code § 7-2231.02) is amended as follows:

(1) New paragraphs (1A), (1B), and (1C) are added to read as follows:

“(1A) “COOP” means the continuity of operations.

“(1B) “COOP Coordinator” means the District government agency employee designated pursuant to section 211(b)(1).

“(1C) “COOP Plan” means the living document containing specific policy and guidance for a District government agency to ensure the District government agency can continue to perform essential functions during short and long-term emergencies, including localized acts of nature, accidents, and technological or attack-related emergencies.”.

(2) New paragraphs (2A), (2B), and (2C) are added to read as follows:

“(2A) “District COOP Program Manager” means the Agency employee designated pursuant to section 211(a)(1).

“(2B) “District government agency” means a subordinate or independent agency.

“(2C) “Independent agency” means any agency of the District of Columbia government that is not under the direct administrative control of the Mayor, ~~including the Council~~.”.

(3) A new paragraph (3A) is added to read as follows:

“(3A) Subordinate agency” shall have the same meaning as provided in section 301(17) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-603.01(17)).”.

(b) A new section 211 is added to read as follows:

“Sec. 211. District government continuity of operations planning.

“(a) The Agency shall coordinate COOP planning for the District government, including by:

“ (1) Designating a senior Agency employee to serve as the District COOP Program Manager, whose primary responsibility shall be to implement this section;

“ (2) Developing internal policies and procedures, including after-action reviews, for the Agency to govern its implementation of this section;

“ (3) Maintaining a complete and accurate list of COOP Coordinators and backup COOP Coordinators;

“ (4) Developing, updating, and distributing a COOP Plan template and guidance for each District government agency;

“ (5) Ensuring each District government agency develops, updates, and conducts exercises of its COOP Plan;

“ (6) Consulting with each District government agency on after-action reviews of exercises of its COOP Plan;

“ (7) Monitoring the status of each District government agency’s COOP Plan and bringing the District government agency into compliance with subsection (b) of this section; and

“ (8) Submitting an annual report to the City Administrator, Deputy Mayor for Public Safety and Justice, and Council Committee with jurisdiction over the Agency on COOP planning for the District government, including:

“ (A) An after-action review of the Agency’s implementation of this section; and

“ (B) For each District government agency, a description of the:

“ (i) Agency’s implementation of this section, specifically with respect to that District government agency, since the submission of the last report; and

“ (ii) District government agency’s compliance or noncompliance with subsection (b) of this section.

“(b) Each District government agency shall work with the Agency to:

“(1) Within 30 days after the effective date of the District Government Continuity of Operations Plans Amendment Act of 2020, as approved by the Committee on the Judiciary and Public Safety on September 24, 2020 (Committee print of Bill 23-0542), designate a senior employee to serve as its COOP Coordinator and an employee to serve as its backup COOP Coordinator, should the COOP Coordinator be unavailable at any time, and submit their names and contact information to the District COOP Program Manager;

“(2) By October 1, 2021, develop and submit a COOP Plan, which conforms with the Agency’s COOP Plan template and guidance, to the District COOP Program Manager;

“(3) By July 1, 2022, and annually thereafter, conduct an exercise of its COOP Plan and an after-action review of the exercise, which shall include the preparation of a report, submitted to the District COOP Program Manager, describing any deficiencies in and necessary revisions to the COOP Plan identified through the exercise; and

“(4) By October 1, 2022, and annually thereafter, update its COOP Plan submitted pursuant to paragraph (2) of this subsection, in coordination with the District COOP Program Manager, and re-submit the updated COOP Plan to the District COOP Program Manager.

87           “(c) The COOP Coordinator and backup COOP Coordinator designated pursuant to  
88 subsection (b)(1) of this section shall work with the District COOP Program Manager to facilitate  
89 and ensure the District government agency’s compliance with subsection (b) of this section.

90           “(d) By January 31, 2022, the Inspector General shall audit COOP planning for the District  
91 government, including in relation to COVID-19, and submit a report to the Mayor and Council on  
92 the Inspector General’s findings.”.

93           Sec. 3. Fiscal impact statement.

94           The Council adopts the fiscal impact statement in the committee report as the fiscal impact  
95 statement required by section 4a of the General Legislative Procedures Act of 1975, approved  
96 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

97           Sec. 4. Effective date.

98           This act shall take effect following approval by the Mayor (or in the event of veto by the  
99 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
100 provided by section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
101 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
102 Columbia Register.