

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 7.**  
**HUMAN HEALTH CARE AND SAFETY.**

**CHAPTER 23.**  
**PUBLIC EMERGENCIES.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 23. PUBLIC EMERGENCIES.**

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# CHAPTER 23. PUBLIC EMERGENCIES.

## § 7-2301. DEFINITIONS.

As used in this chapter the term:

- (1) "Communicable disease" means that term as it is defined in § 7-132(2).
- (1A) "District of Columbia response plan" means the District of Columbia's state plan for public emergency preparedness and prevention prepared pursuant to § 201 of the Disaster Relief Act of 1974 (42 U.S.C. § 5121) and § 7-2302.
- (1B) "Health care provider" means any person or entity who provides health care services, including hospitals, medical clinics and offices, special care facilities, medical laboratories, physicians, pharmacists, dentists, physician assistants, nurse practitioners, registered and other nurses, paramedics, emergency medical or laboratory technicians, and ambulance and emergency medical workers.
- (2) "Mayor" means the Mayor of the District of Columbia or his or her designated agent.
- (3) "Public emergency" means any disaster, catastrophe, or emergency situation where the health, safety, or welfare of persons in the District of Columbia is threatened by reason of the actual or imminent consequences within the District of Columbia of:
  - (A) Enemy attack, sabotage or other hostile action;
  - (B) Severe and unanticipated resource shortage;
  - (C) Fire;
  - (D) Flood, earthquake, or other serious act of nature;
  - (E) Serious civil disorder;
  - (F) Any serious industrial, nuclear, or transportation accident;
  - (G) Explosion, conflagration, power failure;
  - (H) Injurious environmental contamination which threatens or causes damage to life, health, or property; or
  - (I) Outbreak of a communicable disease that threatens or causes damage to life, health, or property.
- (4) "Resource" means, but is not limited to, natural gas, heating fuel, automotive fuel, electricity, water, and food.

(Mar. 5, 1981, D.C. Law 3-149, § 2, 27 DCR 4886; Oct. 17, 2002, D.C. Law 14-194, §§ 202(a), 903(a), 49 DCR 5306.

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 6-1501.

#### *Effect of Amendments*

D.C. Law 14-194, in par. (1), substituted "District of Columbia response plan" for "Emergency operations plan".

D.C. Law 14-194 redesignated par. (1) as par. (1A); added a new par. (1); in par. (1A), substituted "District of Columbia response plan" for "Emergency operations plan"; added par. (1B); made nonsubstantive changes in pars. (3)(G) and (3)(H); and added par. (3)(I).

#### *Legislative History of Laws*

Law 3-149, the "District of Columbia Public Emergency Act of 1980," was introduced in Council and assigned Bill No. 3-198, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on September 30, 1980 and October 14, 1980, respectively. Signed by the Mayor on

October 29, 1980, it was assigned Act No. 3-274 and transmitted to both Houses of Congress for its review.  
For Law 14-194, see notes following § 7-132.

*Miscellaneous Notes*

Establishment of the Mayor's Emergency Preparedness Council, see Mayor's Order 2002-1, February 1, 2002 (49 DCR 896).

Amendment of Mayor's Order 2002-1, dated January 2, 2002, Establishment of the Mayor's Emergency Preparedness Council (EPC), see Mayor's Order 2003-121, August 15, 2003 (50 DCR 7246).

Declaration of Public Emergency, see Mayor's Order 2003-135, September 17, 2003 (50 DCR 8294).

Declaration of Termination of Public Emergency, see Mayor's Order 2003-139, September 29, 2003 (50 DCR 9958).

## **§ 7-2302. ESTABLISHMENT OF PROGRAM OF PUBLIC EMERGENCY PREPAREDNESS; PUBLICATION.**

(a) The Mayor may establish a program of public emergency preparedness that utilizes the services of all appropriate agencies (including the Homeland Security and Emergency Management Agency) and the program shall include, but not be limited to:

(1) Development of a District of Columbia response plan which would:

(A) Set forth a comprehensive and detailed District of Columbia state program for preparation against, and assistance following, emergencies and major disasters, including provisions for assistance to individuals, businesses, and affected designated subdivisions of the District of Columbia; and

(B) Include provisions for: Appointment and training of appropriate staffs; formulation of necessary regulations and procedures; and conduct of required exercises;

(2) Post public emergency evaluations;

(3) Periodic review of programs; and

(4) Coordination of federal and state preparedness programs.

(b) Except as provided in subsection (c) of this section, the Mayor shall publish in the District of Columbia Register, for notice and comment, any program or plan for public emergency preparedness prepared pursuant to this chapter. The publication shall, at a minimum, state the subject matter of the program or plan and the specific manner in which a complete copy can be obtained or reviewed and commented upon prior to the transmittal of the plan or program to the Council of the District of Columbia.

(c) Any specific response plan, and any specific vulnerability assessment, either of which is intended to prevent or to mitigate an act of terrorism, as that term is defined in § 22-3152(1), shall be exempt from the requirements in subsection (b) of this section.

(d) The Mayor shall review the District of Columbia response plan on an annual basis. Any revisions to the plan shall be published in the District of Columbia Register and forwarded to the Council pursuant to subsection (b) of this section.

(e) Neither the District of Columbia, its independent agencies, employees, officers, or agents shall be held liable for damages for any actions taken within the scope of the individual's employment or voluntary service to implement the provisions of the District of Columbia response plan, except in instances of gross negligence.

(Mar. 5, 1981, D.C. Law 3-149, § 3, 27 DCR 4886; Oct. 17, 2002, D.C. Law 14-194, § 202(b), 49 DCR 5306; Mar. 13, 2004, D.C. Law 15-105, § 47(a), 51 DCR 881; Mar. 14, 2007, D.C. Law 16-262, § 408, 54 DCR 794.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 6-1502.

*Effect of Amendments*

D.C. Law 14-194, in subsec. (a), substituted "District of Columbia Emergency Management Agency" for "Office of Emergency Preparedness"; in subsec. (a)(1), substituted "District of Columbia response plan" for "emergency operations plan"; in subsec. (b), substituted "Except as provided in subsection (c) of this section, the Mayor shall publish in" for "The Mayor shall publish in 2 consecutive editions of"; and added subsecs. (c), (d), and (e).

D.C. Law 15-105, in subsec. (a)(1), validated a previously made technical correction.

D.C. Law 16-262, in subsec. (a), in the introductory paragraph, substituted "Homeland Security and Emergency Management Agency" for "District of Columbia Emergency Management Agency".

*Legislative History of Laws*

For legislative history of D.C. Law 3-149, see Historical and Statutory Notes following § 7-2301.

For Law 14-194, see notes following § 7-132.

For Law 15-105, see notes following § 7-136.

For Law 16-262, see notes following § 7-2202.

*References in Text*

Pursuant to Mayor's Order 98-198 (46 DCR 240) pub. January 8, 1999, the name of the Office of Emergency Preparedness has been changed to the D.C. Emergency Management Agency.

### **§ 7-2303. TRANSMITTAL OF PLAN OR PROGRAM TO COUNCIL.**

(a) The Mayor shall transmit to the Council of the District of Columbia complete copies of any existing plan or program prepared pursuant to § 201 of the Disaster Relief Act of 1974 (42 U.S.C. § 5121) within 30 calendar days of March 5, 1981. The plan or program shall be valid only if the Council of the District of Columbia does not adopt, within 30 days (excluding Saturdays, Sundays, holidays and days on which the Council of the District of Columbia is in recess according to its rules) after the receipt of the plan or program from the Mayor, a resolution disapproving the plan or program.

(b) The Mayor shall transmit to the Council of the District of Columbia complete copies of any plan or program prepared pursuant to this section within 30 calendar days of the completion of the plan or program. The plan or program shall be valid only if the Council of the District of Columbia does not adopt, within 30 days (excluding Saturdays, Sundays and holidays and days on which the Council of the District of Columbia is in recess according to its rules) after receipt of the plan or program from the Mayor, a resolution disapproving the plan or program.

(Mar. 5, 1981, D.C. Law 3-149, § 4, 27 DCR 4886.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 6-1503.

*Legislative History of Laws*

For legislative history of D.C. Law 3-149, see Historical and Statutory Notes following § 7-2301.

### **§ 7-2304. ISSUANCE OF EMERGENCY EXECUTIVE ORDER; CONTENTS; ACTIONS OF MAYOR AFTER ISSUANCE.**

(a) Upon reasonable apprehension of the existence of a public emergency and the determination by the Mayor that the issuance of an order is necessary for the immediate preservation of the public peace, health, safety, or welfare, and as a prerequisite to requesting emergency or major disaster assistance in accordance with the Disaster Relief Act of 1974 (42 U.S.C. § 5121) the Mayor may issue an emergency executive order which shall state:

- (1) The existence, nature, extent, and severity of the public emergency;
- (2) The measures necessary to relieve the public emergency;
- (3) The specific requirements of the order and the persons upon whom the order is binding; and
- (4) The duration of the order.

(b) Upon the issuance of an emergency executive order the Mayor may:

- (1) Expend such funds appropriated to the District of Columbia government sufficient to carry out public emergency service missions and responsibilities;
- (2) Implement those provisions of the District of Columbia response plan as issued by the Mayor, without regard to established operating procedures relating to the performance of public works, entering into contracts, incurring obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditure of public funds; provided, that this paragraph shall apply only to employees of the District of Columbia government;
- (3) Prepare for, order, and supervise the implementation of measures designed to protect persons and property in the District of Columbia. Such measures may include the evacuation of persons in the District of Columbia to such emergency shelters within the District of Columbia as the Mayor may

designate, or such shelters outside the District of Columbia as the Mayor may designate with the approval of the Governor of the state to which District of Columbia citizens are to be evacuated, and provision for the reception, sheltering, maintenance, and care of such evacuees. Evacuation of any personnel or activity of the federal government shall take place only with the consent of the President of the United States or the President's designee; provided, that upon agreement between the federal and District of Columbia governments, any prearranged evacuation plan shall constitute such consent;

(4) Require the shutting off, disconnection, or suspension of service from, or by, gas mains, electric power lines, or other public utilities;

(5) Destroy or cause to be destroyed any property, real or personal, in the District of Columbia, found to be contaminated by any matter or substance which renders it deleterious to life or health, and by reason of such contamination is of immediate or imminent danger to persons or property; to cause the removal from the District of Columbia or from place to place within the District of Columbia of any contaminated property; and to prohibit persons from contacting or approaching such property so as to endanger their lives or health;

(6) Issue orders or regulations to control, restrict, allocate, or regulate the use, sale, production and distribution of food, fuel, clothing, and other commodities, materials, goods, services, and resources as required by the District of Columbia response plan or by any federal emergency plan;

(7) Direct any person or group of persons, in the District of Columbia, to reduce or otherwise alter the hours during which they conduct business or similar activity at premises established and maintained for a business and to direct any person or group, or class of persons, within the District of Columbia, to remain off the public streets in the event that any public emergency requires that the Mayor institute a curfew;

(8) Establish such public emergency services units as he or she may deem appropriate;

(9) Expand existing departmental and agency units within the District of Columbia government concerned with public emergency services;

(10) Exercise operational direction over all District of Columbia government departments and agencies during the period when an emergency executive order may be in effect;

(11) Procure supplies and equipment, institute training programs and public information programs and take all other preparatory steps, including the partial or full mobilization of public emergency services units in advance of actual disaster, to insure the furnishing of adequately trained and equipped personnel during a public emergency. Such programs shall be integrated and coordinated with the emergency services plans and programs of the federal government and of the neighboring states and political subdivisions thereof;

(12) Request predisaster assistance or the declaration of a major disaster from the federal government, certify the need for federal disaster assistance and commit the use of a certain amount of District of Columbia government funds to alleviate the damage, loss, hardship, and suffering resulting from the disaster;

(13) Prevent or reduce harmful consequences of disaster; or

(14) Detain for medical reasons any person for which there is probable cause to believe that the person is affected with a communicable disease and that the person's presence in the general population is likely to cause death or seriously impair the health of others pursuant to subchapter II of Chapter 1 of this title.

(Mar. 5, 1981, D.C. Law 3-149, § 5, 27 DCR 4886; Oct. 17, 2002, D.C. Law 14-194, §§ 202(c), 903(b), 49 DCR 5306; Mar. 13, 2004, D.C. Law 15-105, § 47(b), 51 DCR 881.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 6-1504.

##### *Effect of Amendments*

D.C. Law 14-194, in subsecs. (b)(2) and (b)(6), substituted "District of Columbia response plan" for "emergency operations plan"; made nonsubstantive changes in subsecs. (b)(12) and (b)(13); and added subsec. (b)(14).

D.C. Law 15-105, in pars. (2) and (6) of subsec. (b), validated previously made technical corrections.

##### *Temporary Addition of Section*

For temporary (225 day) additions, see §§ 2 to 4 of Natural Disaster Consumer Protection Temporary Act of 1989 (D.C. Law 8-51, October 19, 1989, law notification 37 DCR 7544).

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-149, see Historical and Statutory Notes following § 7-2301.

For Law 14-194, see notes following § 7-132.

For Law 15-105, see notes following § 7-136.

*Miscellaneous Notes*

Emergency Declaration (As a Result of Severe Rain, Wind, and Thunderstorms of August 10-11, 2001), see Mayor's Order 2001-126, August 13, 2001 (48 DCR 8214).

Declaration of a Public Emergency (Terrorist Acts), see Mayor's Order 2001-138, September 11, 2001 (48 DCR 9002).

Rescission of September 11, 2001 State of Public Emergency; Continued Coordination of Subordinate Agencies to Meet Potential Terrorist Threats, see Mayor's Order 2001-139, September 14, 2001 (48 DCR 9004).

Establishment of the "Mayor's Domestic Preparedness Task Force", see Mayor's Order 2001-142, September 19, 2001 (48 DCR 9009).

2011-146: Declaration of Public Emergency, see Mayor's Order 2011-146, August 26, 2011 (58 DCR 7905).

Declaration of Public Emergency, see Mayor's Order 2011-148, September 2, 2011 (58 DCR 8083).

## **§ 7-2304.01. ISSUANCE OF PUBLIC HEALTH EMERGENCY EXECUTIVE ORDER.**

(a) When the Mayor declares a public emergency pursuant to § 7-2304, the Mayor may issue an additional executive order to proclaim a public health emergency if the Mayor has reasonable cause to believe that there is an imminent hazard of or actual occurrence of any of the following harms:

- (1) A large number of deaths in the District of Columbia;
- (2) A large number of serious or long-term human health disabilities in the District of Columbia;
- (3) Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the District of Columbia;
- (4) Use, dissemination, or detonation of a weapon of mass destruction, as defined by Chapter 31A of Title 22, in the District of Columbia; or
- (5) Other emergency events that create an acute and immediate need for volunteer health practitioners.

(b) An executive order issued pursuant to this section shall be subject to the publication requirements of § 7-2306(d).

(c) A public health emergency executive order shall specify:

- (1) The existence, nature, extent, and severity of the public health emergency;
- (2) The geographic areas subject to the declaration;
- (3) The conditions that have brought about the public health emergency, if known;
- (4) The measures necessary to relieve the public health emergency;
- (5) The specific requirements of the order and the persons upon whom the order is binding; and
- (6) The duration of the order, which shall be consistent with the provisions of § 7-2306.

(d) A public health emergency executive order may include terms that:

- (1) Require that the conduct and management of the affairs and property of licensed health care providers in the District of Columbia shall be such that they will reasonably assist and not unreasonably detract from the ability of the District of Columbia government to successfully respond to and control the public health emergency in accordance with the provisions of the District of Columbia response plan and of subchapter II of Chapter 1 of this title;
- (2) Appoint licensed health care providers, either from the District of Columbia or from other jurisdictions, as temporary agents of the District of Columbia; provided, that such appointments are:
  - (A) In effect solely for the duration of the public health emergency;
  - (B) In effect solely for the purpose of assisting the District of Columbia in implementing the provisions of the District of Columbia response plan and of subchapter II of Chapter 1 of this title; and
  - (C) Without compensation;
- (3) Exempt licensed health care providers, either from the District of Columbia or from other jurisdictions, from civil liability for damages for any actions taken within the scope of the provider's

employment or voluntary service to implement the provisions of the District of Columbia response plan and of subchapter II of Chapter 1 of this title, except in instances of gross negligence, and solely for the duration of the public health emergency; and

(4) Waive any licensing requirements, permits, or fees otherwise required by District of Columbia law to allow health care providers from other jurisdictions appointed as temporary agents to respond to the public health emergency pursuant to this subsection; provided, that the appointed temporary agents are licensed in their home jurisdictions in their fields of expertise.

(d-1) Except as otherwise provided in an executive order issued pursuant to this section, this section shall not otherwise restrict or limit the use and deployment of volunteer health practitioners or the rights, privileges, duties, and immunities provided to volunteer health practitioners pursuant to Chapter 23C of this title.

(e) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue regulations to implement the provisions of this section.

(Mar. 5, 1981, D.C. Law 3-149, § 5a, as added Oct. 17, 2002, D.C. Law 14- 194, § 903(c), 49 DCR 5306; Mar. 13, 2004, D.C. Law 15-105, § 48, 51 DCR 881; July 1, 2010, D.C. Law 18-184, § 14(d), 57 DCR 3655.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 15-105, in subsec. (d)(2)(B), validated a previously made technical correction.

D.C. Law 18-184, in subsec. (a), deleted "or" from the end of par. (3); substituted "; or" for a period at the end of par. (4), and added par. (5); and added subsec. (d-1).

##### *Legislative History of Laws*

For Law 14-194, see notes following § 7-132.

For Law 15-105, see notes following § 7-136.

Law 18-184, the "Uniform Emergency Volunteer Health Practitioners Act of 2010", was introduced in Council and assigned Bill No. 18-71, which was referred to the Committee on Health, Public Safety and the Judiciary. The Bill was adopted on first and second readings on March 2, 2010, and March 16, 2010, respectively. Signed by the Mayor on April 26, 2010, it was assigned Act No. 18-383 and transmitted to both Houses of Congress for its review. D.C. Law 18- 184 became effective on July 1, 2010.

## **§ 7-2305. REGULATIONS; RECOMMENDATION OF LEGISLATION.**

In addition to disaster prevention measures included in District of Columbia government and interjurisdictional public emergency plans, to prevent or manage the harmful consequences of a disaster, and consistent with the provisions of other law, the Mayor shall, when appropriate, issue regulations or recommend legislation to the Council of the District of Columbia relating to flood plain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use, land use planning, and construction standards.

(Mar. 5, 1981, D.C. Law 3-149, § 6, 27 DCR 4886.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 6-1505.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-149, see Historical and Statutory Notes following § 7-2301.

## **§ 7-2306. DURATION OF EMERGENCY EXECUTIVE ORDER; EXTENSION; PUBLICATION OF ORDER; REGIONAL PROGRAMS AND AGREEMENTS.**

(a) An emergency executive order, or a public health emergency executive order, issued by the Mayor shall be effective for a period of no more than 15 calendar days from the day it is signed by the Mayor, but may be rescinded in whole or in part by the Mayor within that period should the Mayor determine that the public emergency no longer exists, or no longer warrants the part rescinded.

(b) An emergency executive order, or a public health emergency executive order, may be extended for up to an additional 15-day period, only upon request by the Mayor for, and the adoption of, an emergency act by the Council of the District of Columbia.

(c) Should extenuating circumstances, such as death, destruction or other perilous conditions prohibit the



convening of at least two-thirds of the members of the Council of the District of Columbia for consideration of emergency legislation, the Mayor shall make a reasonable attempt to consult with those members of the Council of the District of Columbia not affected by death, destruction, or other perilous conditions, after which the Mayor may extend the emergency executive order for up to 15 days.

(d) Upon the issuance of any emergency executive order, or a public health emergency executive order, as soon as practicable given the condition of the emergency, the order shall be published in the District of Columbia Register, in 2 daily newspapers of general circulation in the District of Columbia, and shall be posted in such public places in the District of Columbia as the Mayor determines by regulation.

(e) The Mayor may adopt and implement such rules and regulations as the Mayor finds necessary to carry out the purposes of this chapter, pursuant to the District of Columbia Administrative Procedure Act (§ 2-501 et seq.).

(f) The Mayor may join or enter into, on behalf of the District of Columbia government, regional programs, and agreements with the federal government, neighboring states, and political subdivisions thereof, for the coordination of disaster preparedness programs.

(Mar. 5, 1981, D.C. Law 3-149, § 7, 27 DCR 4886; Oct. 17, 2002, D.C. Law 14-194, § 903(d), 49 DCR 5306.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 6-1506.

##### *Effect of Amendments*

D.C. Law 14-194, in subsec. (a), substituted "An emergency executive order, or a public health emergency executive order," for "Any emergency executive order"; in subsec. (b), substituted "An emergency executive order, or a public health emergency executive order," for "An emergency executive order"; and in subsec. (d), substituted "any emergency executive order, or a public health emergency executive order," for "any emergency executive order".

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-149, see Historical and Statutory Notes following § 7-2301.

For Law 14-194, see notes following § 7-132.

## **§ 7-2307. VIOLATION OF EMERGENCY EXECUTIVE ORDER.**

An emergency executive order issued by the Mayor may provide for a fine of not more than \$1,000 for each violation. The Corporation Counsel of the District of Columbia or any Assistant Corporation Counsel may bring an action in the name of the District of Columbia against anyone who has violated the provisions of an emergency executive order issued pursuant to this chapter.

(Mar. 5, 1981, D.C. Law 3-149, § 8, 27 DCR 4886.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 6-1507.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-149, see Historical and Statutory Notes following § 7-2301.

## **§ 7-2308. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT TO EMERGENCY EXECUTIVE ORDER.**

No action taken pursuant to an emergency executive order issued by the Mayor pursuant to this chapter shall be subject to § 2-509, until after the expiration date of the emergency executive order.

(Mar. 5, 1981, D.C. Law 3-149, § 9, 27 DCR 4886.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 6-1508.

##### *Temporary Amendments of Section*

For temporary (225 day) repeal of D.C. Act 8-5, see § 7 of Temporary Curfew Temporary Act of 1989 (D.C. Law 8-13, March 15, 1989, law notification 36 DCR 4558).

*Temporary Addition of Section*

For temporary (225 day) addition, see § 2 of Emergency Management Assistance Compact Temporary Act of 2002 (D.C. Law 14-140, May 21, 2002, law notification 49 DCR 5057).

*Emergency Act Amendments*

For temporary (90 day) emergency management assistance compact, see § 2 of Emergency Management Assistance Compact Emergency Act of 2002 (D.C. Act 14- 281, February 25, 2002, 49 DCR 2296).

For temporary (90 day) addition of provisions, see §§ 2 and 3 of Emergency Management Assistance Compact Congressional Review Emergency Act of 2002 (D.C. Act 14-362, May 20, 2002, 49 DCR 5061).

*Legislative History of Laws*

For legislative history of D.C. Law 3-149, see Historical and Statutory Notes following § 7-2301.