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Councilmember Charles Allen

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the District of Columbia Administrative Procedure Act, to clarify the obligations of the District of Columbia Water and Sewer Authority to disclose critical infrastructure information.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “DC Water Critical Infrastructure Freedom of Information Clarification Emergency Amendment Act of 2023”.

Sec. 2. (a) The District of Columbia Administrative Procedure Act, effective February 26, 2015 (D.C. Law 20-160; D.C. Official Code § 2-534(a)(15)) (“Act”), exempts from disclosure under Freedom of Information provisions critical infrastructure information or plans that contain critical infrastructure information of companies that are regulated by the Public Service Commission of the District of Columbia (“PSC”).

(b) DC Water is not regulated by the PSC, and therefore is not covered by this exemption or any similar exemption. As a result, under current law, DC Water could be required to disclose information that could jeopardize the security of the District’s critical water and sewer infrastructure.

34 (c) This emergency legislation clarifies that the exemption from provisions of the Act
35 applies to DC Water, as well as entities regulated by the PSC. Like other utilities, DC Water is
36 party to information related to critical infrastructure that should not be widely available to the
37 public upon a Freedom of Information request. This emergency legislation is necessary to limit
38 access to that information and protect the security of the District's water and sewer
39 infrastructure.

40 Sec. 3. The Council of the District of Columbia determines that the circumstances
41 enumerated in section 2 constitute emergency circumstances making it necessary that the DC
42 Water Critical Infrastructure Freedom of Information Clarification Emergency Amendment Act
43 of 2023 be adopted after a single reading.

44 Sec. 4. This resolution shall take effect immediately.