

A RESOLUTION

24-286

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 2, 2021

To declare the existence of an emergency with respect to the need to approve the reprogramming request of Fiscal Year 2021 operating local funds in the amount of \$30,195,173 from various agencies to the Emergency Planning and Security Fund, Department of General Services, Department of Consumer and Regulatory Affairs, Department of Health, and Department of Public Works.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “FY 2021 Reprogramming Request of \$30,195,173 from Various Agencies to the Emergency Planning and Security Fund, Department of General Services, Department of Consumer and Regulatory Affairs, Department of Health, and Department of Public Works Revised Emergency Declaration Resolution of 2021”.

Sec. 2. (a) The Executive submitted a reprogramming to the Council to transfer \$30,195,173 from various agencies to the Emergency Planning and Security Fund, Department of General Services, Department of Consumer and Regulatory Affairs, Department of Health, and Department of Public Works.

(b) The funds are needed to address higher than anticipated FY 2021 expenditures by the Emergency Planning and Security Fund, Department of General Services, Department of Consumer and Regulatory Affairs, Department of Health, and Department of Public Works.

(c) The Emergency Planning and Security Fund (“EPSF”) is an annual federal appropriation for the District of Columbia. It is used to reimburse District agencies for expenses incurred while providing support for federal activities (such as presidential motorcades), special events (such as the Fourth of July), and First Amendment demonstrations with a federal nexus. From FY 2015 through FY 2019, the District, on average, incurred \$17.5 million in EPSF-related costs. In FY 2020, the District was appropriated \$18 million by Congress to cover EPSF expenses. However, the District incurred \$61 million in actual costs through the end of FY 2020, resulting in a \$43 million EPSF deficit which the District unfortunately had to cover by using local underspending.

**ENROLLED ORIGINAL**

(d) In FY 2021, the District incurred \$94 million of expenses related to the Presidential Inauguration, the insurrection at the United States Capitol, and First Amendment activities and demonstrations.

(e) The District has not received sufficient federal reimbursement despite repeated appeals to Congress and the White House. The District has only received \$68 million in reimbursements, leading to an \$18 million shortfall.

(f) The Department of Consumer and Regulatory Affairs and the Department of Public Works experienced revenue shortfalls in FY 2021 due to the COVID-19 pandemic.

(g) The Department of Health deployed staff across the District to support COVID-19 efforts and incurred overtime expenses.

(h) The Department of General Services incurred additional expenses due to higher than expected consumption of fixed costs (such as for energy and water) because of lagged billing and school reopening and readiness efforts.

(i) Funds are available because of year-end underspending at agencies. The funds became available because of less demand for various programs and services than forecasted, lower than anticipated fees and issuance costs for debt service, and fewer settlements and judgments than were anticipated. Additionally, the Department of Health Care Finance experienced an underspending in contractual services due to adjusted implementation dates.

(j) Pursuant to section 47-362(h) of the District of Columbia Official Code, the reprogramming of local funds appropriated for the Department of Health Care Finance in Fiscal Year 2021 must be approved by Council resolution.

(k) Immediate Council approval of this reprogramming is necessary in order to ensure agencies do not end FY 2021 in a deficit.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the FY 2021 Reprogramming Request of \$30,195,173 from Various Agencies to the Emergency Planning and Security Fund, Department of General Services, Department of Consumer and Regulatory Affairs, Department of Health, and Department of Public Works Revised Emergency Approval Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.