

**A RESOLUTION**

**Proposed  
Resolution  
20-548**

**See Emergency  
D.C. Act 20-229  
20 DCStat 2630**

**Critical  
Infrastructure  
Freedom of  
Information  
Emergency  
Declaration  
Resolution of  
2013**

*To declare the existence of an emergency with respect to the need to amend the District of Columbia Administrative Procedure Act to exempt from disclosure certain critical infrastructure information.*

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Critical Infrastructure Freedom of Information Emergency Declaration Resolution of 2013”.

Sec. 2. (a) On February 12, 2013, the President of the United States, Barack Obama, issued an Executive Order regarding Improving Critical Infrastructure Cybersecurity.

(b) The Executive Order noted that the Nation’s critical infrastructure has suffered repeated cyber intrusions, and that the cyber threat represents one of the most serious national security challenges to the United States.

(c) There is a heightened need to protect critical infrastructure in the District of Columbia given its saturation of federal agencies.

(d) In assessing rate change cases the Public Service Commission has a need to receive and consider information regarding improvements to the critical infrastructure of certain utilities it regulates.

(e) The National Association of Regulatory Utility Commissioners, in a February 2013 report, noted that proceedings before regulatory bodies can be a valuable source of information for cyber attackers because the proceedings may be subject to lax FOIA laws.

(f) Currently, there is no means by which information regarding critical infrastructure may be redacted from responses to Freedom of Information Act (FOIA) requests.

(g) Thus, the Public Service Commission is presented with the choice of receiving little to no useful information regarding critical infrastructure improvements, or potentially exposing critical information.

(h) Several states have enacted critical infrastructure statutes to protect against this vulnerability.

(i) The proposed emergency and temporary acts are narrowly tailored to protect sensitive critical infrastructure information from being released, thus protecting the District from this potential vulnerability.

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 Critical Infrastructure Freedom of Information Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.