
COMMITTEE ON GOVERNMENT OPERATIONS AND FACILITIES

ROBERT C. WHITE, JR., CHAIRPERSON
FISCAL YEAR 2022 COMMITTEE BUDGET REPORT



TO: Members of the Council of the District of Columbia

FROM: Councilmember Robert C. White, Jr.
Chairperson, Committee on Government Operations and Facilities

DATE: July 1, 2021

SUBJECT: Report and Recommendations of the Committee on Government Operations and Facilities on the Fiscal Year 2022 Budget for Agencies Under Its Purview

The Committee on Government Operations and Facilities (“Committee”), having conducted hearings and received testimony on the Mayor’s proposed operating and capital budgets for Fiscal Year 2022 (“FY 2022”) for the agencies under its purview, reports its recommendations for review and consideration by the Committee of the Whole. The Committee also comments on the *Fiscal Year 2022 Budget Support Act of 2021*, as proposed by the Mayor.

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I. SUMMARY

A. EXECUTIVE SUMMARY

Preface

These budget recommendations are provided at a time of profound transition for the District. As pandemic restrictions are lifted, our residents weigh the joy of once again gathering with friends and families against the continuing trauma of a year of profound loss – from the ravages of disease, the dislocation of an inequitable economy in turmoil, the deadly impact of racial discrimination and systemic racism made clearer than ever, and an unprecedented violent attempt to overthrow the Federal government.

The District, like the nation, is at a crossroads. It would be easy to wish for a return to normal after the last year, but that normal was never good enough for too many of our residents. Our pre-pandemic normal rested on an unjust economy and a broken criminal justice system, housing instability and displacement, discrimination and systemic racism, and disenfranchisement. So, while the District will continue to reopen and we will continue to return to the activities of pre-pandemic life, we must do so while fighting for equity, democracy, and social justice. If we are going to return to something better than the “normal” we had come to accept, we must take action to bring that change.

The Committee believes the proposed investments reflected in this report would make real progress toward social justice, by expanding opportunities for returning citizens, seniors, veterans, and the LGBTQ community, by reducing displacement, by strengthening local democracy, by protecting due process and human rights, by safeguarding our residents from lead, and by enhancing oversight and accountability for the District government.

Summary of Investments

This Report of the Committee on Government Operations and Facilities on the FY 2022 Proposed Budget for the agencies under its purview was developed with the benefit of feedback from residents over the last year through numerous hearings and roundtables, held both in person and remotely, as well as testimony submitted in writing and by voicemail. The Committee's recommended budget:

Expands Opportunities for Returning Citizens

- Enhances funding for reentry housing through the Office of Victim Services and Justice Grants;
- Provides 20 housing vouchers for returning citizens identified by the Office of Returning Citizens Affairs;
- Continues the Council's investment in access to jobs and paralegal career paths for returning citizens;
- Restores resources for the Commission on Re-Entry and Returning Citizen Affairs to engage the returning citizen community across the city;

Supports the LGBTQ Community

- Empowers the Office of LGBTQ Affairs to conduct a study of the LGBTQ community business economy and provide recommendations on how to strengthen these critical community resources;
- Funds a full-time LGBTQ Coordinator at the Office of Veterans Affairs;
- Fully funds the *Bella Evangelista and Tony Hunter Panic Defense Prohibition and Hate Crimes Response Amendment Act of 2020*, strengthening protections against unlawful discrimination in public accommodations;
- Houses 20 LGBTQ seniors in greatest need of assistance as they age;

Strengthens Our Advisory Neighborhood Commissions

- Funds a new Strategic Plan for the Office of Advisory Neighborhood Commissions, to be developed in coordination with Commissioners from across the city;
- Establishes a new fund to support Commissions that need to hire experts to assist with their work, including legal assistance and assistance with planning and development;

Protects Seniors, Veterans, and Residents from Displacement

- Offers housing vouchers to 15 senior citizens to allow them to stay in the District;
- Restores funding for transitional housing for youth experiencing homelessness;
- Enhances the Vets Ride program at the Office of Veterans Affairs to allow veterans to get 15 free trips a month to anywhere in the city in recognition of their service to the country;

Enhances Human Rights and Upholds Due Process

- Pre-funds the *Bias in Threat Assessments Evaluation Amendment Act of 2021*, to ensure the important work of reducing bias in policing is not unnecessarily delayed;
- Tasks the Criminal Justice Coordinating Council with studying the programs and interventions that successfully keep young people out of the criminal justice system;
- Ensures full-time staffing for the Resource Center at the Office of Administrative Hearings to assist residents;
- Allows the Office of Human Rights to hire four new staff members to address the Office's case backlog;
- Funds continuing reporting and analysis of the case backlog at the Office of Human Rights;

Invests in District Facilities and Removes Lead Dangers

- Requires the Department of General Services to test all public playgrounds for lead on a three-year cycle, with robust community engagement and transparency regarding the results;
- Assesses all public buildings for environmental hazards on a 10-year cycle;
- Rehabilitates public housing with an additional \$650,000 allocation;
- Protects the historic character of Eastern Market with an additional \$1 million capital investment;
- Accelerates the beginning of planning for the new Archives to 2023;
- Accelerates funding to prepare facility condition assessments and replace critical systems at District government buildings;

Protects the Environment

- Invests an additional \$2,713,000 in energy retrofitting for District government buildings, bringing the District closer to compliance with building efficiency standards;
- Funds portions of the *Zero Waste Omnibus Amendment Act* to promote waste diversion at District agencies;

Promotes Oversight and Accountability

- Fully funds the *Campaign Finance Reform Amendment Act of 2017*, enacting a prohibition on political contributions of District government contractors;
- Enables the Office of the Inspector General to conduct a robust Risk Assessment to plan future audits and funds two additional staff members to reinforce the Office's work;
- Restores the budget of the Contract Appeals Board to maintain accountability for District contracting agencies; and
- Funds the completion of the digitization and archiving of all Contract Appeals Board decisions, providing unprecedented transparency for those engaging with the Board.

B. FISCAL YEAR 2022 AGENCY OPERATING BUDGET SUMMARY

<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
<i>Office of Religious Affairs</i>					
Local	\$142,897	\$266,057	\$152,237	\$0	\$152,237
Gross Funds	\$142,897	\$266,057	\$152,237	\$0	\$152,237
<i>Office on Women's Policy and Initiatives</i>					
Local	\$313,316	\$343,267	\$313,347	\$0	\$313,347
Gross Funds	\$313,316	\$343,267	\$313,347	\$0	\$313,347
<i>Office of Partnerships and Grant Services</i>					
Local	\$483,755	\$434,078	\$435,096	\$0	\$435,096
Gross Funds	\$483,755	\$434,078	\$435,096	\$0	\$435,096
<i>Office of LGBTQ Affairs</i>					
Local	\$221,202	\$287,404	\$395,733	\$200,000	\$595,733
Intra-District	\$152,415	\$162,006	\$165,000	\$0	\$0
Gross Funds	\$373,617	\$449,411	\$560,733	\$200,000	\$760,733
<i>Office of Veterans Affairs</i>					
Local	\$568,857	\$837,890	\$929,156	\$196,365	\$1,124,521
Special Purp.	\$0	\$5,000	\$5,000	\$0	\$5,000
Gross Funds	\$568,857	\$842,890	\$934,156	\$196,365	\$1,129,521
<i>Advisory Neighborhood Commissions</i>					
Local	\$1,153,659	\$1,630,234	\$1,630,234	\$281,389	\$1,911,623
Gross Funds	\$1,153,659	\$1,630,234	\$1,630,234	\$281,389	\$1,911,623
<i>Contract Appeals Board</i>					
Local	\$1,760,009	\$1,779,796	\$1,779,796	\$117,380	\$1,897,176
Gross Funds	\$1,760,009	\$1,779,796	\$1,779,796	\$117,380	\$1,897,176
<i>Office on Returning Citizen Affairs</i>					
Local	\$1,010,816	\$1,890,215	\$1,920,612	(\$5,000)	\$1,915,612
Federal Pay.	\$0	\$0	\$616,800	\$0	\$616,800
Gross Funds	\$1,010,816	\$1,890,215	\$2,537,412	(\$5,000)	\$2,532,412
<i>Office of Risk Management</i>					
Local	\$4,083,311	\$4,266,384	\$4,104,112	\$0	\$4,104,112
Gross Funds	\$4,083,311	\$4,266,384	\$4,104,112	\$0	\$4,104,112
<i>Office of Community Affairs</i>					
Local	\$4,905,784	\$3,392,098	\$4,035,958	\$28,080	\$4,064,038
Intra-District	\$286,686	\$162,006	\$165,000	\$0	\$165,000
Gross Funds	\$5,192,470	\$3,554,104	\$4,200,958	\$28,080	\$4,229,038
<i>Office of Human Rights</i>					
Local	\$4,772,897	\$7,941,657	\$7,957,815	\$603,084	\$8,560,899
Federal Grant	\$58,832	\$338,778	\$404,797	\$0	\$404,797
Intra-District	\$15,895	\$1,853,227	\$1,858,227	\$0	\$1,858,227
Private Grant	\$73,359	\$0	\$0	\$0	\$0
Gross Funds	\$4,920,983	\$10,133,662	\$10,220,839	\$603,084	\$10,823,923
<i>Office of Administrative Hearings</i>					
Local	\$9,726,157	\$10,323,110	\$10,713,042	\$71,722	\$10,784,764
Federal Pay.	\$332,602	\$150,000	\$150,000	\$0	\$150,000
Intra-District	\$1,787,286	\$2,755,425	\$3,140,971	\$0	\$0
Private Dona.	\$132,010	\$0	\$0	\$0	\$3,140,971
Gross Funds	\$11,978,055	\$13,228,536	\$14,004,013	\$71,722	\$14,075,735
<i>Office of the Inspector General</i>					
Local	\$12,779,160	\$15,848,905	\$19,231,438	\$423,359	\$19,654,797
Federal Grant	\$2,652,185	\$3,061,735	\$3,011,287	\$40	\$3,011,287
Gross Funds	\$15,431,345	\$18,910,640	\$22,242,725	\$423,359	\$22,666,084
<i>Office of Contracting and Procurement</i>					

<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$65,978,028	\$24,412,811	\$27,576,917	\$427,658	\$28,004,575
Special Purp.	\$1,438,261	\$1,871,172	\$1,875,837	\$0	\$1,875,837
Federal Pay.	\$63,570,998	\$0	\$0	\$0	\$0
Intra-District	\$115,255,467	\$3,762,709	\$3,849,328	\$0	\$3,849,328
Gross Funds	\$246,242,754	\$30,046,691	\$33,302,082	\$427,658	\$33,729,740
<i>Office of the Chief Technology Officer</i>					
Local	\$67,881,478	\$69,801,510	\$95,729,597	(\$1,656,467)	\$94,073,130
Special Purp.	\$9,817,039	\$10,153,707	\$12,229,712	\$0	\$12,229,712
Federal Pay.	\$6,393,002	\$0	\$656,610	\$0	\$656,610
Intra-District	\$41,209,031	\$38,202,392	\$47,777,802	\$0	\$47,777,802
Gross Funds	\$125,300,550	\$118,157,608	\$156,393,721	(\$1,656,467)	\$154,737,254
<i>Department of General Services</i>					
Local	\$349,635,604	\$323,891,792	\$300,057,829	(\$518,583)	\$299,539,246
Dedicated Tax	\$189,981	\$1,513,776	\$1,048,174	\$0	\$1,048,174
Special Purp.	\$5,925,915	\$5,166,676	\$6,041,009	\$0	\$6,041,009
Federal Pay.	\$4,357,994	\$0	\$0	\$0	\$0
Intra-District	\$148,743,332	\$180,359,674	\$189,766,037	\$0	\$189,766,037
Gross Funds	\$508,852,825	\$510,931,918	\$496,913,049	(\$518,583)	\$496,394,466

C. FISCAL YEAR 2022 AGENCY FULL-TIME EQUIVALENT

<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
<i>Office of Religious Affairs</i>					
Local	1.9	2	1	0	1
Gross Funds	1.9	2	1	0	1
<i>Office on Women's Policy and Initiatives</i>					
Local	3.9	3	3	0	3
Gross Funds	3.9	3	3	0	3
<i>Office of Partnerships and Grant Services</i>					
Local	2.9	3.8	3.8	0	3.8
Gross Funds	2.9	3.8	3.8	0	3.8
<i>Office of LGBTQ Affairs</i>					
Local	3	3	3	0	3
Intra-District	0	1	1	0	1
Gross Funds	3	4	4	0	4
<i>Office of Veterans Affairs</i>					
Local	5.1	5	6	1	7
Special Purp.	0	0	0	0	0
Gross Funds	5.1	5	6	1	7
<i>Advisory Neighborhood Commissions</i>					
Local	3.8	5.5	5.5	0	5.5
Gross Funds	3.8	5.5	5.5	0	5.5
<i>Contract Appeals Board</i>					
Local	11	11	11	0	11
Gross Funds	11	11	11	0	11
<i>Office on Returning Citizen Affairs</i>					
Local	10.7	13	13	0	13
Federal Pay.	0	0	6	0	6
Gross Funds	10.7	13	19	0	19
<i>Office of Risk Management</i>					
Local	31.7	32	32	0	32
Intra-District	0	0	0	0	0
Gross Funds	31.7	32	32	0	32
<i>Office of Community Affairs</i>					
Local	54.4	50	53	0	53
Intra-District	1	1	1	0	1
Gross Funds	55.4	51	54	0	54
<i>Office of Human Rights</i>					
Local	47.2	61.2	61.5	5	66.5
Federal Grant	2.5	1.8	2.5	0	2.5
Intra-District	0	10	10	0	10
Gross Funds	49.7	73	74	5	79
<i>Office of Administrative Hearings</i>					
Local	75	75	79	1	80
Federal Pay.	0	0	0	0	0
Private Dona.	3	0	0	0	0
Intra-District	10	20	20	0	20
Gross Funds	88	95	99	1	100
<i>Office of the Inspector General</i>					
Local	86.5	94.8	99.5	2	101.5
Federal Grant	16.7	17.2	16.5	0	16.5
Gross Funds	103.2	112	116	2	118
<i>Office of Contracting and Procurement</i>					

<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	171.4	195	194.9	4	198.9
Special Purp.	7.3	10	10.1	0	10.1
Federal Pay.	0	0	0	0	0
Private Dona.	0	0	0	0	0
Intra-District	21.2	28	29	0	29
Gross Funds	199.9	233	234	4	238
<i>Office of the Chief Technology Officer</i>					
Local	226.1	226.4	226.1	(5)	221.1
Special Purp.	12.2	14.9	15	0	15
Federal Pay.	0	0	3	0	3
Intra-District	120.9	142.7	143.9	0	143.9
Gross Funds	359.3	384	388	(5)	383
<i>Department of General Services</i>					
Local	583.5	645.2	644	(1)	643
Dedicated Tax	0	0	0	0	0
Special Purp.	12	3	8	0	8
Federal Pay.	0	0	0	0	0
Intra-District	20	22	22	0	22
Gross Funds	615.5	670.2	674	(1)	673

D. FISCAL YEAR 2022 - 2027 AGENCY CAPITAL BUDGET SUMMARY

Project Title	Allotment Scenario	Unspent Allotment (5-26-2021)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	6-yr Total
OFFICE OF RISK MANAGEMENT (RK0)									
Risk Man. IT System	Available Balances	\$106,360	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$91,131)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$15,229	\$0	\$0	\$0	\$0	\$0	\$0	\$0
RK0 Total		\$15,229	\$0	\$0	\$0	\$0	\$0	\$0	\$0
OFFICE OF THE INSPECTOR GENERAL (AD0)									
IT Upgrade	Available Balances	\$1,069,699	0	0	0	0	0	0	0
		\$1,069,699	0	0	0	0	0	0	0
AD0 Total		\$1,069,699	0	0	0	0	0	0	0
OFFICE OF CONTRACTING AND PROCUREMENT (PO0)									
Ariba Refresh	Mayor's Proposed	\$0	\$3,569,981	\$5,693,771	\$4,216,301	\$0	\$0	\$0	\$13,480,053
	Available Balances	\$559,071	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$559,071	\$3,569,981	\$5,693,771	\$4,216,301	\$0	\$0	\$0	\$13,480,053
Content Management	Available Balances	\$300,396	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$300,396	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Process Automation	Available Balances	\$115,862	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$115,862	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Supplier Enablement	Available Balances	\$51,261	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$51,261	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Transparency	Available Balances	\$57,779	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$57,779	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Security	Available Balances	\$58,736	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$58,736	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Procur. Systems	Available Balances	\$164	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$164)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PMIS Enhance.	Available Balances	(\$1,400,000)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		(\$1,400,000)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PO0 Total		(\$256,895)	\$3,569,981	\$5,693,771	\$4,216,301	\$0	\$0	\$0	\$13,480,053
OFFICE OF THE CHIEF TECHNOLOGY OFFICER (TO0)									
Archives Building	Available Balances	\$553,005	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$553,005)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Wifi Upgrade	Available Balances	\$607,034	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$607,034	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Pub. Wifi Expan.	Available Balances	\$709,057	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$709,057	\$0	\$0	\$0	\$0	\$0	\$0	\$0
MP-Core Infastr.	Available Balances	\$2,266,972	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$2,266,972	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Data Priv. & Anon.	Available Balances	\$28,857	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$28,857	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Dis. Recov. & COOP	Approved FY 21 CIP	\$0	\$3,370,000	\$3,220,000	\$0	\$0	\$0	\$0	\$6,590,000
	Available Balances	\$3,636,246	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$3,636,246	\$3,370,000	\$3,220,000	\$0	\$0	\$0	\$0	\$6,590,000
Direct. Serv. Moder.	Approved FY21 CIP	\$0	\$1,550,000	\$0	\$0	\$0	\$0	\$0	\$1,550,000
	Mayor's Proposed	\$0	\$1,400,000	\$0	\$0	\$0	\$0	\$0	\$1,400,000
	Available Balances	\$2,962,128	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$2,962,128	\$2,950,000	\$0	\$0	\$0	\$0	\$0	\$2,950,000
Digital Serv. Modern.	Mayor's Proposed	\$0	\$4,051,320	\$0	\$0	\$0	\$0	\$0	\$4,051,320
		\$0	\$4,051,320	\$0	\$0	\$0	\$0	\$0	\$4,051,320
Peoplesoft Enter.	Available Balances	\$476,786	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$276,786)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$200,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Enhanced Email Sec.	Available Balances	\$93,706	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$93,706	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Credent. And Wireless	Available Balances	\$574,991	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$108,696)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$466,295	\$0	\$0	\$0	\$0	\$0	\$0	\$0
MP – Ent. Cyber Sec.	Mayor's Proposed	\$0	\$8,000,000	\$0	\$0	\$0	\$0	\$0	\$8,000,000
	Available Balances	\$500,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$500,000	\$8,000,000	\$0	\$0	\$0	\$0	\$0	\$8,000,000
HCM Ent. App.	Available Balances	\$1,975,192	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$1,975,192	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DCWAN	Available Balances	\$15,622	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$15,622)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Unif. Comm. Center	Available Balances	\$293,681	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$293,681	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DC Cable Net	Available Balances	(\$10,000,000)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		(\$10,000,000)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
UCC Federal Pay.	Available Balances	\$25,240	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$25,240	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Data Cent. Reloc. GO	Available Balances	\$7,129	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$7,129)	\$0	\$0	\$0	\$0	\$0	\$0	\$0

		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Ent. Backup Hard.	Available Balances	\$368,465	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$368,465	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Data Center Reloc.	Available Balances	\$3,857,822	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$3,857,822	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Data Man. and Pub.	Available Balances	\$41,319	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$41,319)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Procure. System	Available Balances	\$544	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$544)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Trans. Infra. Moder.	Available Balances	\$328,167	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$328,167)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Next Gen. Data Cent.	Available Balances	\$30,593	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$30,593)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DC Gov. Citywide IT	Available Balances	\$2,812,226	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$2,812,226	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DCHA Wifi Improv.	Available Balances	\$876,871	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$876,871	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Enter. Net. Monitor.	Available Balances	\$2,284	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Changes	(\$2,284)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Upgrade End of Life	Available Balances	\$558,577	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$558,577	\$0	\$0	\$0	\$0	\$0	\$0	\$0
IT GIS Manag..	Available Balances	\$109,911	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$109,911)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Human Res. App.	Available Balances	\$2,377	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$2,377)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TO0 Total		\$12,238,369	\$18,371,320	\$3,220,000	\$0	\$0	\$0	\$0	\$21,591,320
DEPARTMENT OF GENERAL SERVICES (AM0)									
Facility Con. Asses.	Approved FY21 CIP	0	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	0	5,000,000
	Mayor's Proposed	0	1,000,000	0	0	0	0	1,000,000	2,000,000
	Available Balances	425,603	0	0	0	0	0	0	0
	Committee Change	1,000,000	0	(1,000,000)	0	0	0	0	(1,000,000)
		1,425,603	2,000,000	0	1,000,000	1,000,000	1,000,000	1,000,000	6,000,000
Marion S. Barry, Jr.	Mayor's Proposed	0	150,000	1,302,490	0	0	0	0	1,452,490

	Available Balances	1,121	0	0	0	0	0	0	0
	Committee Change	(1,121)	0	0	0	0	0	0	0
		0	150,000	1,302,490	0	0	0	0	1,452,490
Daly Bui. Crit. Syst.	Available Balances	3,890,000	0	0	0	0	0	0	0
		3,890,000	0	0	0	0	0	0	0
Oak Hill Campus	Available Balances	2,355,956	0	0	0	0	0	0	0
		2,355,956	0	0	0	0	0	0	0
Daly/MPD Swing	Available Balances	13,542,156	0	0	0	0	0	0	0
		13,542,156	0	0	0	0	0	0	0
Reeves Center Ren.	Available Balances	1,721,208	0	0	0	0	0	0	0
		1,721,208	0	0	0	0	0	0	0
Non Struct. Renov.	Available Balances	1,573,000	0	0	0	0	0	0	0
		1,573,000	0	0	0	0	0	0	0
New Hospital Park..	Available Balances	159,174	0	0	0	0	0	0	0
	Committee Change	(128,348)	0	0	0	0	0	0	0
		30,826	0	0	0	0	0	0	0
Daly Build. Rehab.	Available Balances	1,000,000	0	0	0	0	0	0	0
	Committee Change	(1,000,000)	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0
Eastern Market	Mayor's Proposed	0	330,000	0	0	0	0	0	330,000
	Available Balances	1,387,135	0	0	0	0	0	0	0
	Committee Change	1,000,000	0	0	0	0	0	0	0
		2,387,135	330,000	0	0	0	0	0	330,000
East. Mark. Metro Par.	Available Balances	103,629	0	0	0	0	0	0	0
		103,629	0	0	0	0	0	0	0
Shelter and Trans. Ho.	Available Balances	219,800	0	0	0	0	0	0	0
	Committee Change	(219,800)	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0
Hazardous Mat. Abat.	Approved FY21 CIP	0	0	0	100,000	100,000	100,000	0	300,000
	Mayor's Proposed	0	0	0	(100,000)	(100,000)	(100,000)	0	(300,000)
	Available Balances	1,476,434	0	0	0	0	0	0	0
		1,476,434	0	0	0	0	0	0	0
ADA Compl. Pool	Approved FY21 CIP	0	500,000	500,000	500,000	500,000	500,000	0	2,500,000
	Mayor's Proposed	0	0	0	0	0	0	500,000	500,000
	Available Balances	34,287	0	0	0	0	0	0	0
	Committee Change	(34,287)	0	0	0	0	0	0	0
		0	500,000	500,000	500,000	500,000	500,000	500,000	3,000,000
Arch. Rec. of Deeds	Available Balances	24,562	0	0	0	0	0	0	0
	Committee Change	(24,562)	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0
Big 3 Buildings Pool	Available Balances	131,759	0	0	0	0	0	0	0

	Committee Change	(56,004)	0	0	0	0	0	0	0
		75,755	0	0	0	0	0	0	0
EPA Storm Water	Available Balances	2,884,467	0	0	0	0	0	0	0
		2,884,467	0	0	0	0	0	0	0
Enhanc. Comm. Infra.	Approved FY21 CIP	0	250,000	250,000	250,000	250,000	250,000	0	1,250,000
	Mayor's Proposed	0	(250,000)	(250,000)	(250,000)	(250,000)	(250,000)	0	(1,250,000)
	Available Balances	898,903	0	0	0	0	0	0	0
		898,903	0	0	0	0	0	0	0
HVAC Repair Ren.	Available Balances	200	0	0	0	0	0	0	0
	Committee Changes	(200)	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0
Roof Replac. Pool	Approved FY21 CIP	0	2,141,000	1,250,000	1,250,000	1,250,000	1,250,000	0	7,141,000
	Mayor's Proposed	0	(2,141,000)	(1,250,000)	0	0	0	1,250,000	(2,141,000)
	Available Balances	5,419,283	0	0	0	0	0	0	0
	Committee Changes	(401,000)	0	0	0	0	0	0	0
		5,018,283	0	0	1,250,000	1,250,000	1,250,000	1,250,000	5,000,000
Energy Retrofitting	Approved FY21 CIP	0	2,000,000	1,000,000	1,000,000	2,000,000	2,000,000	0	8,000,000
	Mayor's Proposed	0	1,411,000	0	250,000	0	0	2,000,000	3,661,000
	Available Balances	2,269,697	0	0	0	0	0	0	0
	Committee Changes	1,000,000	0	(1,000,000)	0	0	2,713,000	0	1,713,000
		3,269,697	3,411,000	0	1,250,000	2,000,000	4,713,000	2,000,000	13,374,000
Critical System Rep.	Approved FY21 CIP	0	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	0	5,000,000
	Mayor's Proposed	0	0	0	0	0	0	1,000,000	1,000,000
	Available Balances	5,229,612	0	0	0	0	0	0	0
	Committee Changes	713,000	0	(713,000)	0	0	0	0	(713,000)
		5,942,612	1,000,000	287,000	1,000,000	1,000,000	1,000,000	1,000,000	5,287,000
Mun. Lab. Prog. Man.	Mayor's Proposed	0	6,160,001	0	0	0	0	0	6,160,001
	Available Balances	2,855,403	0	0	0	0	0	0	0
		2,855,403	6,160,001	0	0	0	0	0	6,160,001
Public Restrooms	Approved FY 21 CIP	0	270,000	270,000	270,000	270,000	0	0	1,080,000
	Available Balances	270,000	0	0	0	0	0	0	0
		270,000	270,000	270,000	270,000	270,000	0	0	1,080,000
Wilson Bldg	Approved FY21 CIP	0	791,250	2,665,000	2,665,000	1,068,750	250,000	0	7,440,000
	Available Balances	4,258,293	0	0	0	0	0	0	0
		4,258,293	791,250	2,665,000	2,665,000	1,068,750	250,000	0	7,440,000
W Street Transfer	Available Balances	13,490,000	0	0	0	0	0	0	0
		13,490,000	0	0	0	0	0	0	0
AM0 Total		67,469,360	14,612,251	5,024,490	7,935,000	7,088,750	8,713,000	5,750,000	49,123,491
Grand Total		80,535,762	36,553,552	13,938,261	12,151,301	7,088,750	8,713,000	5,750,000	84,194,864

E. TRANSFERS IN FROM OTHER COMMITTEES

<i>Sending Committee</i>	<i>Receiving Agency</i>	<i>Amount</i>	<i>FTEs</i>	<i>Prog.</i>	<i>Purpose</i>	<i>Recurring or One-Time</i>	
Judiciary and Public Safety	Office of Community Affairs	\$28,080	-	5000	Funding to satisfy the outstanding balance of the Capitol Hill Cluster School for the Capitol Hill Classic	One-Time	
	Office of Human Rights	\$100,000	1	2000	Salary for new Attorney Advisor FTE to fund the fiscal impact of L23-0283	Recurring	
		\$26,000	-	2000	Fringe for new Attorney Advisor FTE to fund the fiscal impact of L23-0283	Recurring	
		\$11,000	-	2000	NPS for new Attorney Advisor FTE to fund the fiscal impact of L23-0283	Recurring	
	Office of Contracting and Procurement	\$347,648	4	2000	Salary for 4 new Contract Specialist FTEs to fund the fiscal impact of L22-0250	Recurring	
		\$91,084	-	2000	Fringe for 4 new Contract Specialist FTEs to fund the fiscal impact of L22-0250	Recurring	
		\$225,966	2	2000	Salary for 2 new Contracting Specialist FTEs to fund the fiscal impact of L22-0250	Recurring	
		\$59,204	-	2000	Fringe for 2 new Contract Specialist FTEs to fund the fiscal impact of L22-0250	Recurring	
		\$200,000	-	2000	Database update to fund the fiscal impact of L22-0250	One-Time	
		\$25,000	-	2000	Database maintenance to fund the fiscal impact of L22-0250	Recurring	
		\$77,649	1	7000	Salary for new Training Specialist FTE to fund the fiscal impact of L22-0250	Recurring	
		\$20,344	-	7000	Fringe for new Training Specialist FTE to fund the fiscal impact of L22-0250	Recurring	
		\$50,000	-	7000	Training Module to fund the fiscal impact of L22-0250	One-Time	
	Department of General Services	\$1,000,000	-	EA710 (Eastern Market)	Capital improvements, including brownstone repairs, HVAC system, standby electric generator, and public address system	Capital – FY 2021	
	Housing and Executive Administration	Department of General Services	\$2,713,000	-	PL901 (Energy Retrofitting of District Buildings)	Expands available funds for energy retrofitting of District Buildings to assist in compliance with building efficiency standards	Capital – FY 2026
	Transportation and the Environment	Department of General Services	\$125,000	-	5000	One-Time Funds in FY 2021 to support the construction of a covered walkway from the Stoddert Elementary main building to the trailer	One-Time – FY 2021

<i>Sending Committee</i>	<i>Receiving Agency</i>	<i>Amount</i>	<i>FTEs</i>	<i>Prog.</i>	<i>Purpose</i>	<i>Recurring or One-Time</i>
					complex on the campus, as the installation of two new	
		\$278,000	3	7000	Funds provisions of the <i>Zero Waste Omnibus Amendment Act</i> to promote waste diversion at District facilities and agencies through promotion of reduction, reuse, repair, donation, recycling, and composting; ensuring a specific person is responsible for compliance with waste laws and that employees are regularly trained and receptacles are provided; and to submit compliance information to DPW	Recurring
Total		\$5,378,005				

F. TRANSFERS OUT TO OTHER COMMITTEES

<i>Receiving Committee</i>	<i>Receiving Agency</i>	<i>Amount</i>	<i>FTEs</i>	<i>Program</i>	<i>Purpose</i>	<i>Recurring or One-Time</i>
Housing and Executive Administration	Housing Authority Subsidy	\$479,293	-	6000	Funding for 20 TAH Housing Vouchers for Returning Citizens Identified by the Office on Returning Citizen Affairs	Recurring
	Housing Authority Subsidy	\$359,470	-	6000	Funding for 15 TAH Housing Vouchers for Seniors	Recurring
	Housing Authority Subsidy	\$479,293	-	6000	Funding for 20 TAH Housing Vouchers for LGBTQ Seniors Identified by the Office of LGBTQ Affairs	Recurring
	Office of the Secretary	\$2,713,000	-	AB102 (Archives)	Funding to accelerate planning for the new Archives to FY 2023	Capital – FY 2023
	Housing Authority Subsidy	\$650,000	-	DHA21 (Development and Rehabilitation)	Funding for the maintenance and rehabilitation of public housing	Capital – FY 2021
Judiciary and Public Safety	OVSJG	\$100,000	-	2000	Funding for Reentry Housing	Recurring
	OPC	\$150,000	-	4000	Pre-Funding for B24-0094, the <i>Bias in Threat Assessments Evaluation Amendment Act of 2021</i>	One-Time
Human Services	DHS	\$100,000	-	5000	Restore a Reduction to Transitional Housing for Youth	One-Time
Recreation and Youth Affairs	DPR	\$70,000	-	QE834 (Small Park Improvements)	Funding for the rehabilitation of Unity Park in Adams Morgan	Capital – FY 2021
Total		\$5,101,056				

G. REVENUE ADJUSTMENT

The Committee recommends no adjustments to revenue.

H. FUNDING OF BUDGET SUPPORT ACT SUBTITLES

<i>Subtitle</i>	<i>Agency</i>	<i>Program</i>	<i>Amount</i>	<i>FTEs</i>
Inspector General Support Fund Establishment	OIG	-	Funded in Mayor's Proposed	-
LGBTQ Community Business Evaluation and Support	OLGBTQ	5000	\$200,000	-
Veteran Transportation Program Expansion	OVA	2000	\$93,600	-
Human Rights Case Management Metrics	OHR	2000	\$74,932	1
COVID-19 Public Health Emergency Procurement Analysis	OCP	1000	-	-
Subject to Appropriations Repeals and Modifications	OCP/OHR/DGS	-	\$2,964,634	15

I. FUNDING OF PENDING BILLS OR LAWS PASSED SUBJECT TO APPROPRIATION

<i>Bill</i>	<i>Agency</i>	<i>Program</i>	<i>Amount</i>	<i>FTEs</i>
<i>Public Facilities Environmental Safety Amendment Act of 2020</i>	DGS	1000/3000	\$1,461,741	4
<i>Campaign Finance Reform Amendment Act of 2018</i>	OCP	2000/7000	\$1,096,895	7
<i>Bella Evangelista and Tony Hunter Defense Prohibition and Hate Crimes Response Amendment Act of 2020</i>	OHR	2000	\$137,000	1
<i>Zero Waste Omnibus Amendment Act of 2020</i>	DGS	7000	\$269,998	3

II. AGENCY FISCAL YEAR 2022 BUDGET RECOMMENDATIONS

A. INTRODUCTION

The Committee on Government Operations and Facilities is responsible for matters relating to the general operation and services of government including procurement; maintenance of public buildings and property management, including the declaration of government property as no longer required for public purposes; human rights; partnerships and grants management; matters relating to lesbian, gay, bisexual, transgender, and questioning affairs; issues related to women; veterans affairs; matters affecting administrative law and procedure; and matters regarding Advisory Neighborhood Commissions; and matters regarding returning citizens.

The District agencies, boards, and commissions that come under the Committee’s purview are as follows:

- Advisory Board on Veterans Affairs for the District of Columbia
- Advisory Committee to the Office of Administrative Hearings
- Advisory Committee to the Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs
- Advisory Committee on Street Harassment
- Advisory Neighborhood Commissions
- Commission for Women
- Commission on Fashion Arts and Events
- Commission on Human Rights
- Commission on Re-Entry and Returning Citizen Affairs
- Commission on Selection and Tenure of Administrative Law Judges
- Contract Appeals Board
- Department of General Services
- Emancipation Commemoration Commission
- Interfaith Council
- Office of Administrative Hearings
- Office of Community Affairs
- Office of Contracting and Procurement
- Office of Human Rights
- Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs
- Office of Partnerships and Grants Services
- Office of Risk Management
- Office of the Chief Technology Officer
- Office of the Inspector General
- Office of Veterans Affairs
- Office on Returning Citizen Affairs
- Office of Women’s Policy and Initiatives

The Committee is chaired by At-Large Councilmember Robert C. White, Jr. The other members of the Committee are Councilmembers Brianne K. Nadeau, Trayon White, Sr., Brooke Pinto, and Christina Henderson.

The Committee held performance and budget oversight hearings on the following dates:

<i>Performance Oversight Hearings</i>	
February 9, 2021	Commission on Fashion Arts and Events Emancipation Commemoration Commission Office of Advisory Neighborhood Commissions
February 11, 2021	Office of Partnerships and Grants Services Office of Religious Affairs Interfaith Council Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs

	Advisory Committee to the Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs Office on Women's Policy and Initiatives Commission for Women
February 19, 2021	Office of Veterans Affairs Advisory Board on Veterans Affairs for the District of Columbia Office on Returning Citizen Affairs Commission on Re-Entry and Returning Citizen Affairs
February 23, 2021	Office of Contracting and Procurement Office of the Chief Technology Officer
February 25, 2021	Office of Administrative Hearings Advisory Committee to the Office of Administrative Hearings Commission on Selection and Tenure of Administrative Law Judges Office of the Inspector General
March 5, 2021	Office of Risk Management Office of Human Rights Commission for Human Rights Advisory Committee on Street Harassment
March 8, 2021	Office of Community Affairs Contract Appeals Board Department of General Services

<i>Budget Oversight Hearings</i>	
June 4, 2021	Office of Advisory Neighborhood Commissions Office of Religious Affairs Office of Veterans Affairs Office on Women's Policy and Initiatives
June 8, 2021	Office of Returning Citizen Affairs Office of Risk Management Office of Contracting and Procurement Contract Appeals Board Office of Lesbian, Gay, Bisexual, Transgender & Questioning Affairs
June 14, 2021	Office of Human Rights Office of the Chief Technology Officer Office of Administrative Hearings Office of Community Affairs Office of Partnerships and Grant Services
June 16, 2021	Office of the Inspector General Department of General Services

The Committee received critical feedback from members of the public during these hearings. The hearing records for each performance and budget oversight hearing have been filed with the Office of the Secretary. A video recording of the hearings can be obtained through the Council Website, the Office of Cable Television, or at *oct.dc.gov*. The Committee continues to welcome public input on the agencies and activities within its purview.

B. OFFICE OF RELIGIOUS AFFAIRS

1. AGENCY MISSION AND OVERVIEW

The mission of the Office of Religious Affairs (ORA) is to establish and coordinate effective collaborations between the District of Columbia government agencies and the faith community in addressing citywide issues. The agency aims to cultivate policies that engage community and faith-based organizations in the creation of citywide programs and initiatives across multiple disciplines. District Mayors have sought counsel from appointees specializing in the District’s religious affairs for many years, whose responsibility has been to create connections with the many religious communities located in the District, advise on policies impacting those houses of worship, and partake in and advise other commissions and boards with this unique perspective. This appointee’s title has morphed over time, from Special Assistant to the Mayor, to Senior Advisor to the Mayor on Religious Affairs, until finally the Office we have today was created and moved around in the administration until it found its current home within the Office of Community Affairs.

The Interfaith Council was created to support ORA’s mission, by bringing together a coalition of faith-based community leaders to advise the Mayor and ORA on matters that affect the spiritual, faith, and religious well-being of District of Columbia residents. The Interfaith Council was officially established by Mayor’s Order 2004-168, though predecessor advisory boards consisting of religious leaders advised the Mayor prior to this order. The Council was first organized to include 21 appointed voting members from the public, and ex-officio, non-voting members from several District agencies, and the Senior Advisor to the Mayor for Religious Affairs, also as an ex-officio, non-voting member. This Order was superseded by Mayor’s Order 2008-126, which removed the 11 ex-officio District agency members from the Council. A few years later, Mayor’s Order 2011-110 increased the number of voting members on the Council to 30 members. Mayor’s Order 2011-110 is currently in effect and charges the Council with making recommendations on developing, expanding, or fostering public-private partnerships and linkages between the District and faith-related organizations using grant, District, federal, foundation, or private funding sources. The Council is also tasked with advising on methods of identifying and meeting social service needs within defined populations and serving as a forum from which members of the public can express views on faith community policies, programs, resources, and activities.

2. FISCAL YEAR 2021 OPERATING BUDGET

<i>Operating Budget</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>

Local	\$142,897	\$266,057	\$152,237	\$0	\$152,237
Gross Funds	\$142,897	\$266,057	\$152,237	\$0	\$152,237

Full-Time Employee Equivalents					
Fund Type	FY 2020 Actual	FY 2021 Approved	FY 2022 Proposed	Sum of Committee Variance	Committee Approved
Local	1.9	2	1	0	1
Total	1.9	2	1	0	1

Committee Analysis and Comments

COVID-19 Impacts on Religious Institutions

As COVID-19 spread across the District throughout 2020 and much of 2021, ORA engaged with religious institutions to provide them with vital updates. As the city realized that the two weeks of limited activity to flatten the curve would not be enough to combat the COVID-19 virus, longer term restrictions were put into place, including limitations on the number of people that could gather indoors and outdoors. This directly impacted religious institutions whose practitioners typically gather in person, at least weekly, for religious services. Though religious institutions are typically exempt from most forms of government intervention, in this case, the gathering limit was a matter of public health and safety and was necessary to curb infection and strain on the city’s healthcare system.

These gathering limitations spurred protest by some religious institutions and conflicting messages from religious leaders across the country. Luckily for the District, the persistent efforts of ORA and the Interfaith Council to create connections with religious institutions of all faiths and foster trust between those institutions and the District government proved successful during this critical time. ORA served as a vital resource in helping religious institutions set up remote services.

ORA Director Reverend Bowen confirmed in ORA’s performance oversight hearing that there were no real issues with compliance with the gathering limitations. Director Bowen did inform the Committee that the Department of Consumer and Regulatory Affairs (DCRA) and the Metropolitan Police Department (MPD) had received complaints about noncompliance. However some of those complaints proved to be false. Luckily, many District agencies, including MPD, have good working relationships with ORA, and together, they were able to identify false reports. These occurrences illuminated an additional form of harassment that religious institutions have unfortunately endured over the past year.

The Committee recommends that ORA partner with DC Health to create and provide guidance for religious institutions on public health protocols as the city continues to reopen and recover, including guidance for vaccinated and unvaccinated individuals.

Battling COVID-19 Through Partnerships with Religious Institution

While religious institutions were closed for in-person religious services, they opened their doors to provide critical COVID-19 services. Many religious institutions served as COVID-19 testing sites, allowing safe access for many residents in otherwise hard-to-reach communities,

particularly for those who are reliant on public transportation to get to healthcare centers, which would have been an unsafe way to travel while ill.

Religious institutions have been critical in disseminating information to residents about resources, policy changes, grants, and benefits they may qualify for through the District's Public Health Emergency and other agency programs. Religious institutions are a key avenue for reaching residents, particularly those belonging to minority and immigrant communities, who may not speak English or may not be accustomed to navigating government aid and resources. *The Committee recommends that ORA continue to use religious institutions to disseminate important updates on COVID-19 and other public health-related matters to their congregations. The pandemic is likely to continue to evolve and it will be important to keep lines of communication open on the topic.*

As many restaurants, retailers, and other small businesses were forced to close their doors or significantly reduce service, many residents were laid off from their jobs. With long wait times in getting approval for unemployment insurance benefits and difficulties in consistent payment due to the District's outdated technology, many residents suffered from food insecurity during this past year. Religious institutions supplemented government food provisions with their own food drives, free meal preparations services, and grocery delivery for the elderly. The partnership between the government and the District's religious community through ORA has provided a high level of value for our city during this extraordinarily difficult time. *The Committee asks ORA to continue to seek feedback from religious institutions on gaps in services and on needs of various communities. ORA should convey that feedback to relevant agencies and to the Committee.*

As the pandemic worsened and the death toll rose, ORA offered grief training for religious leaders who needed to counsel congregants who lost loved ones to this dangerous disease. The Interfaith Council also raised funding to clean the houses of those who passed away from COVID-19, a unique and needed service that many would not have even thought of. Both the agency and the Interfaith Council have assisted District residents through their grief in more ways than one. *As we enter a new phase of recovery, the Committee recommends that ORA and the Interfaith Council identify other trainings religious leaders may need to offer, like counseling people through the anxiety of returning to activity in crowded places, including in person Church services and addressing continued economic inequity and instability.*

As the world progressed through the evolution of the pandemic, in 2021, we began vaccination efforts, which continue today, with the help of three different vaccine manufacturers. In this phase of the pandemic, religious institutions have again lent a hand to the government's efforts to inoculate as much of the District population as quickly as possible. A partnership between ORA, DC Health, and religious institutions across the city, the Faith in Vaccine program was launched to set up pop-up clinics at local religious and community centers. The goal of the program is to bring vaccines into communities for easy access and to administer them in surroundings that are comfortable, trusted, and familiar. This partnership has been valuable in reaching communities with skepticism and fear of the vaccine. The program has also helped in vaccinating many seniors, particularly in Asian communities, who did not fear the vaccine itself, but feared going out in public considering the recent uptick in hate crimes against Asian Americans. The program had

vaccinated 5,361 District residents as of June 28, 2021.¹ *The Committee recommends ORA identify religious institutions, particularly those located in parts of the District with the lowest vaccination rates, and work with them to set up more vaccination pop-up clinics through the remainder of the 2021, to counter the emerging threat of the more transmissible Delta and Delta Plus variants and ahead of the next cold weather seasons.*

Director Bowen has been liaising with religious institutions about opportunities for assistance from the Federal Government as well. The Federal Emergency Management Agency (FEMA) has made funding available to for burial assistance for families that have suffered the loss of a loved one due to COVID-19. The Homeland Security and Emergency Management Agency created an informational webinar to help grieving families understand the application process. *The Committee requests that Director Bowen keep in contact with the Office of Partnerships and Grant Services about other possible opportunities for grieving families or those suffering financially due to COVID-19 and continue to disseminate that information through the religious institution communities and through other agencies as applicable.*

Hate and Bias Related Crimes

Alongside COVID-19, another pre-existing pandemic of racially motivated hate crime was exacerbated over the past year. These hate crimes were often inflicted on religious institutions. The summer of 2020 saw protests around the country calling out police brutality against Black Americans, brutality that claimed the lives of far too many in the past decade, including George Floyd, Breonna Taylor, Botham Jean, and Philando Castille. During and after the protests, Black Lives Matter flags waved proudly outside homes, businesses, and religious institutions. Discussions of combatting racially motivated police brutality and dismantling institutional racism became central topics in the 2020 Presidential election. After results of the election confirmed current President Joseph Biden as the winner, a different set of protesters took to the streets of the District with false claims of a rigged and stolen election. Among those protesters were members of extremist organizations and white supremacists, who vandalized Metropolitan African Methodist Episcopal Church, a historically Black church. The protesters set fire to the Church's Black Lives Matter flag. This incident in December 2020 was not unique. Several other churches in the District endured vandalism and were targeted as well. Many attacks go unreported for fear of copy-cat attacks. Director Bowen shared with the Committee that churches near hotels are particularly vulnerable, as hotels had been hosting out of town protesters and extremists between the election and President Biden's inauguration.

Vandalism in the form of anti-semitic graffiti also increased since the election, with perpetrators targeting the District's synagogues. Institutions showing visual support for LGBTQ rights, for example with a rainbow flag, have similarly experienced vandalism, often involving the flag itself. Again, many of these crimes go unreported to prevent additional unwanted attention. Asian religious institutions and community centers have also been targeted since the onset of the pandemic, as a wave of anti-Asian hate proliferated across the United States. This population's elderly are among the most vulnerable, and as we begin lifting gathering restrictions, these congregations may require additional protection if they choose to return to in-person services. The Committee appreciates the ORA's level of attention to these matters. *The Committee recommends*

that ORA continue to respond to reports of these incidents, alongside MPD, to offer the religious institutions support and comfort. The Committee also recommends that ORA contemplate and recommend back to the Committee a method for capturing data on these crimes and to identify potential trends.

Director Bowen informed the Committee that the Federal Emergency Management Agency (FEMA) has made funding available to religious institutions victimized by hate and bias motivated crimes, to assist in adding security measures to keep the institutions safe. The application for this grant funding closed in April and Director Bowen shared the information about this opportunity with houses of worship at risk of hate crimes. Director Bowen indicated that these grants have been available more than once and that those who missed the application window would have an opportunity to apply for the next cycle. Director Bowen also let us know that MPD has been evaluating religious institutions to provide threat assessments to understand what security measures are needed for each institution. *The Committee recommends that ORA actively reach out to religious organizations who were previously victimized or are in danger of further victimization, like Asian community religious institutions, to ensure they know about any funding they may qualify for to improve their safety. ORA should also coordinate with MPD to ensure extra protection is provided to institutions on days that may present added risks, like during protests or during the presence of extremist groups.*

During the ORA performance oversight hearing, Director Bowen described ORA's participation with the Violence Prevention & Response Team (VPART). The mission of VPART is to address, reduce and prevent crime within and against the LGBTQ community in the District of Columbia. The group achieves this by creating a strong partnership between the community and the government which enables focus on coordinating a community response to violence. Director Bowen also indicated he works closely with the District Office of LGBTQ Affairs (OLGBTQA) on this matter. ORA's involvement in this initiative is imperative for addressing both hate crimes against institutions showing support to the LGBTQ community and addressing bias against the LGBTQ community within religious circles and rhetoric. *The Committee suggests ORA work with VPART and OLGBTQA to develop awareness and ally training workshops specifically for religious institutions and make them available to institutions' leaders or their congregations.*

Bolstering the Interfaith Council

Mayor's Order 2011-110 is the most recent Order relating to the Interfaith Council's governance and format. The order had a sunset date of June 30, 2021. *The Interfaith Council should work with ORA and the Mayor's office to ensure that the Mayor's order is extended, that the sunset period is removed, or that a new order is issued if not already done so by the publication of this report.*

The Interfaith Council has expressed interest in increasing the diversity of its members. It has indicated that to achieve greater diversity, additional seats on the Council would need to be added. The Interfaith Council has indicated a desire to include atheists and the agnostic, additional religious sects and denominations, and individuals who are religious or spiritual but do not engage in organized religion. It has also indicated the need for greater diversity of race, gender, and sexual

orientation. *The Committee recommends the Council evaluate the need for a more diverse membership and ensure those requirements are included in the Mayor's order.*

The Interfaith Council described few official meetings, as quorum can be difficult to achieve, but that members of the group meet informally on a more frequent basis. *While the Committee appreciates that the group is in regular communication, the Committee recommends that the Council have at least one official meeting per quarter and strive to achieve a quorum at those meetings. The Interfaith Council should ensure the meeting dates and agenda are publicly posted ahead of time and provide an opportunity for those who do not sit on the Interfaith Council to engage with it both inside and outside of these official meetings.*

Religious Institutions and Affordable Housing

ORA has been engaged in an initiative with the Department of Housing and Community Development (DHCD) to identify religious institutions in the District that own excess real estate who may be interested in converting that property into affordable housing. *The Committee recommends ORA continue to partner with DHCD on this initiative and provide regular updates to the Committee and the public on the number of affordable housing units created.*

3. POLICY RECOMMENDATIONS

The Committee recommends that the Office of Religious Affairs implement the following policy recommendations:

1. The Committee recommends that ORA partner with DC Health to create and provide guidance for religious institutions on public health as the city continues to reopen and recover, including guidance for individuals vaccinated and those not yet vaccinated.
2. The Committee recommends that ORA continue to use religious institutions to disseminate important updates on COVID and other public health-related matters to their congregates. The pandemic is likely to continue to evolve and it will be important to keep lines of communication open on the topic.
3. The Committee asks ORA to continue to seek feedback from religious institutions on gaps in services and on needs of various communities. ORA should convey that feedback to relevant agencies and to the Committee.
4. As we enter a new phase of recovery, the Committee recommends that ORA and the Interfaith Council identify other trainings religious leaders may need to offer, like counseling people through the anxiety of returning to activity in crowded places, including in-person church services and addressing continued economic inequity.
5. The Committee recommends ORA identify religious institutions, particularly those located in parts of the District with the lowest vaccination rates, and work with them to set up more vaccination pop-up clinics through the remainder of FY 2021, to counter the emerging

threat of the more transmissible Delta and Delta Plus variants and ahead of the next cold-weather seasons.

6. The Committee requests that Director Bowen keep in contact with the Office of Partnerships and Grant Services about other possible opportunities for grieving families, like FEMA funding for burial assistance, or those suffering financially due to COVID-19 and continue to disseminate that information through religious communities and other agencies as applicable.
7. The Committee recommends that ORA continue to respond to reports of these incidents, alongside MPD, to offer the religious institutions support and comfort.
8. The Committee also recommends that ORA contemplate and recommend back to the Committee a method for capturing data on these crimes and to identify potential trends.
9. The Committee recommends that ORA actively reach out to religious organizations who were previously victimized or are in danger of further victimization, like Asian community religious institutions, to ensure they know about any funding they may qualify for to improve their safety. ORA should also coordinate with MPD to ensure extra protection is provided to institutions on days that may present added risks, like during protests or during the presence of extremist groups.
10. The Committee suggests ORA work with VPART and OLGBTQA to develop awareness and ally training workshops specifically for religious institutions and make them available to institutions' leaders or their congregations.
11. The Interfaith Council should work with the ORA and the Mayor's office to ensure that the Mayor's order is extended, that the sunset period is removed, or that a new order is issued if not already done so by the publication of this report.
12. The Committee recommends that the Interfaith Council evaluate the need for a more diverse membership in the Council and ensure those requirements are included in the Mayor's order.
13. The Committee recommends that the Interfaith Council have at least one official meeting per quarter and strive to achieve a quorum at those meetings. The Interfaith Council should ensure the meeting dates and agenda are publicly posted ahead of time and provide an opportunity for those who do not sit on the Council to engage with it both inside and outside of these official meetings.
14. The Committee recommends ORA continue to partner with DHCD on this initiative and provide regular updates to the Committee and the public on the number of affordable housing units created.

C. OFFICE OF WOMEN'S POLICY AND INITIATIVES

1. Agency Mission and Overview

In 1978, the Council created the District of Columbia Commission for Women. The Commission was established to support programs that evaluate and improve the status of women in the District. The Executive Director of the Office of Women's Policy and Initiatives (OWPI) serves as the chief administrative officer of the Commission. OWPI has three full-time staff members, including the Executive Director, who provide administrative support to the Commission and help advance its priorities. The Executive Director is required to report regularly to the Commission on staff activities.

OWPI's mission is to enhance the health and quality of life for all women and their families within the District of Columbia; to foster economic opportunities for women by establishing public and private partnerships that improve key issues women face in the District; to engage women and girls in civic life by sharing service opportunities and resources that help them lead and excel in their communities; and to empower communities and organizations to advocate for policy and systematic change that help women thrive. In the Mayor's FY 2022 proposed budget, OWPI was listed as an activity within the Office of Community Affairs' (OCA) budget. According to the description in the proposal, OWPI provides constituent services and information to women through programmatic activities and outreach materials; serves as a liaison between the Mayor, women, and District government agencies; and briefs the Mayor and District government agencies about the needs and interests of the women of the District of Columbia.

OWPI supports the Commission in carrying out its broad set of duties, which include conducting studies, reviewing progress, developing, recommending and undertaking action and initiating and conducting programs in areas including, but not limited to:

- Elimination of discrimination based on sex and elimination of sex role stereotyping and bias;
- Public and private employment practices, including matters pertaining to hours, wages and working conditions;
- Education;
- Equality of rights and responsibilities of men and women under the law; and
- New and expanded services for women to facilitate their optimal functioning as homemakers, wage earners, and citizens, including mental and physical health care, and the improvement of facilities for childcare and youth development.

The Commission is authorized to apply for and receive grants to fund its program activities in accordance with procedures relating to grants management. It may accept private gifts and donations to carry out its duties. Additionally, it is required to stimulate and encourage the study and review of the status of women and may act as a clearinghouse for activities in the District of Columbia.

The Commission is composed of 21 members who are appointed by the Mayor. Commissioners must be District residents, and they are nominated based on their experience in

public affairs and women’s issues. Commissioners must also be representative by geographic area and reflective of the population of the District of Columbia in race and age. Commissioners are appointed to serve three-year terms and serve until their successors are appointed. In FY 2020 and FY 2021 to date, the Commission has met eight times. According to the Commission’s bylaws, Commissioners are expected to inform the Chairperson and the Executive Director to obtain excused absences from monthly meetings. A Commissioner who is absent three meetings without prior notification, and who is otherwise not participating in the Commission’s work, will be considered an inactive member. Additionally, any member who receives three absences in 12 months will be considered an inactive member.

The Commission has five elected officers: Chairperson, Co-Chair, Secretary, Treasurer, and Parliamentarian. It has three standing committees: health, human services, and public safety; education, labor, and training; and policy and legislative initiatives.

Below is a table of all Commissioners appointed as public members, updated as of June 23, 2021. The Commission has nine Commissioners whose terms have expired and will not be reappointed, 11 Commissioners whose reappointments are in progress, one new appointee whose appointment is in progress, and nine vacancies. *The Committee recommends that OWPI continue working with Office of Talent and Appointments to ensure that the remaining nine vacancies are filled and that the Commission has a full roster of Commissioners in FY 2022.*

Name	Date Confirmed	Term Expiration	Appointment Status	Ward	Meeting attendance (FY20-21 to date)
Gabrielle Alfonso	06/03/2015	4/20/2021	Expired, not reappointed	5	12
Nia Hope Bess	04/21/2018	4/21/2021	Expired, not reappointed	7	1
Donella Brockington (Co-Chair)	04/20/2015	4/20/2021	Expired, not reappointed	6	12
Aryn Bussey	04/20/2015	4/20/2021	Expired, not reappointed	8	6
Courtney Christian (Secretary)	04/20/2015	4/20/2021	Expired, not reappointed	6	10
La Tonya Clark	09/06/2018	4/26/2021	Expired, not reappointed	4	10
Athena Cross	10/10/2019	4/20/2021	Reappointment in progress	2	7
Abby Fenton	04/20/2015	4/20/2021	Expired, not reappointed	1	10

Jacqueline Glover (<i>Parliamentarian</i>)	04/20/2015	4/20/2021	Expired, not reappointed	4	10
Tiffini Greene	04/20/2015	4/20/2021	Reappointment in progress	2	6
Angie Lundy	04/21/2018	4/21/2021	Reappointment in progress	6	10
Jennifer Luray	04/21/2018	4/21/2021	Reappointment in progress	3	9
Camelia Mazard	11/02/2015	4/20/2021	Reappointment in progress	2	10
Princess McDuffie (<i>Chairwoman</i>)	04/20/2015	4/20/2021	Expired, not reappointed	5	12
Veronica Nelson (<i>Treasurer</i>)	04/20/2015	4/20/2021	Reappointment in progress	8	12
Kaitlin Rizk	04/20/2021	04/20/2024	New member appointment in progress	5	N/A
Susan Sarfati	10/06/2017	4/20/2021	Reappointment in progress	6	10
Jessica Stamp	10/10/2019	4/20/2021	Reappointment in progress	6	8
Shelley Tomkin	04/25/2017	4/20/2021	Reappointment in progress	3	7
Abigail Truhart	10/30/2017	4/20/2021	Reappointment in progress	4	4
Jessica Tunon	04/21/2018	4/21/2021	Reappointment in progress	1	12
<i>Vacancy</i>					
<i>Vacancy</i>					
<i>Vacancy</i>					
<i>Vacancy</i>					
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<i>Vacancy</i>					

2. FISCAL YEAR 2022 OPERATING BUDGET

<i>Operating Budget</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$313,316	\$343,267	\$313,347	\$0	\$313,347
Gross Funds	\$313,316	\$343,267	\$313,347	\$0	\$313,347

<i>Full-Time Employee Equivalents</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	3.9	3	3	0	3
Total	3.9	3	3	0	3

Committee Analysis and Comments

The public health emergency continued to have an impact on OWPI’s programming during the remainder of FY 2020 and FY 2021 to date. To the extent possible, OWPI converted public programming to virtual engagement. However, most of the programming was paused entirely in FY 2021.

OWPI was unable to host its monthly partnership with the Department of Parks and Recreation, “Well Women Wednesday” series, but instead relaunched the series as a virtual program focusing on self-care and total wellness. In partnership with Thrive by Five, OWPI ran the #MaternalMondays virtual series to connect District families with resources, strategies and best practices and leaders in maternal health in the community. In furtherance of the Commission’s statutory powers, *the Committee encourages OWPI to collaborate with the Commission and brainstorm new agency partnerships in FY 2022 that could help women in areas such as finding a job, retirement, childcare, training or other educational opportunities, or other areas in which women could use more support in their daily lives.*

OWPI continued its annual partnership with the Office on Victims Services and Justice Grants (OVS/JG) to bring awareness to the importance of domestic violence prevention during Domestic Violence Awareness Month in October 2020. Specifically, OWPI partnered with the DC Rape Crisis Center to share information and provide education, and the Commission created a virtual service project and donated self-care kits to the Crisis Center for survivors who seek its services. *The Committee encourages OWPI to leverage its partnership with OVS/JG and explore how the Commission could commission a study that could examine the prevalence and root causes of domestic violence in the District and provide recommendations for how to combat it.*

In FY 2020 and FY 2021 to date, the Commission did not provide policy recommendations to OWPI as is required in the Commission’s statutory authority. *The Committee encourages the Commission to put forth a set of policy recommendations in FY 2022 for OWPI to respond to and pursue in furtherance of its mission and the Commission’s duties.* The Commission also does not utilize its grantmaking authority to carry out its statutory duties. *The Committee encourages the*

Commission to brainstorm possible opportunities for it to utilize its grantmaking authority in furtherance of its statutory duties and priorities.

The Commission's authorizing statute grants the agency broad powers and gives the agency significant leeway to be bold in its advocacy of women in the District. Specifically, the Commission has the power to conduct studies and provide policy recommendations in areas such as education, equal rights, sex discrimination, employment, and childcare and youth development. In FY 2020 and FY 2021 to date the Commission did not have any studies, research papers, reports, or analyses. The Committee would like to see the agency exercise these powers and duties. *The Committee recommends that the Commission provide OWPI with a proposal of topics on which it could pursue studies and/or research.*

Finally, *the Committee also recommends that OWPI work with the Office of the Chief Technology Officer (OCTO) and OCA to ensure that its website is properly showcasing all OWPI's and the Commission's goals, priorities, yearly accomplishments, and upcoming events.* From looking at the website, it is not abundantly clear of what exactly OWPI and Commission dedicate their time and resources to each year. Having a more comprehensive website and internet presence would create better awareness of all that OWPI and the Commission have to offer women and girls in the District.

3. Policy Recommendations

The Committee recommends that the Office of Women's Policy and Initiatives implement the following policy recommendations:

1. The Committee recommends that OWPI continue working with Office of Talent and Appointments to ensure that the remaining nine vacancies are filled and that the Commission has a full roster of Commissioners in FY 2022.
2. The Committee encourages OWPI to collaborate with the Commission and brainstorm new agency partnerships in FY22 that could help women in areas such as finding a job, retirement, childcare, training or other educational opportunities, or other areas in which women could use more support in their daily lives.
3. The Committee encourages OWPI to leverage its partnership with OVS/JG and explore how the Commission could commission a study that could examine the prevalence and root causes of domestic violence in the District and provide recommendations for how to combat it.
4. The Committee encourages the Commission to put forth a set of policy recommendations in FY 2022 for OWPI to respond to and pursue in furtherance of its mission and the Commission's duties.
5. The Committee encourages the Commission to brainstorm possible opportunities for it to utilize its grantmaking authority in furtherance of its statutory duties and priorities.

6. The Committee recommends that the Commission provide OWPI with a proposal of topics of which it could pursue studies and/or research.
7. The Committee recommends that OWPI work with the OCTO and OCA to ensure that its website is properly showcasing all OWPI's and the Commission's goals, priorities, yearly accomplishments, and upcoming events.

D. OFFICE OF PARTNERSHIPS AND GRANT SERVICES

1. AGENCY MISSION AND OVERVIEW

The Committee on Government Operations and Facilities was assigned jurisdiction over the Office of Partnerships and Grant Services in Council Period 24. This Office formerly operated as an independent component of the Office of Community Affairs. However, beginning in FY 2021, the Office of Partnerships and Grant Services was integrated into the operations of Serve DC. However, as presented in the budget, the Office remains a separately budgeted activity within Serve DC that remains under the jurisdiction of this Committee.

The purpose of this activity of Serve DC is to enhance the capacity of the District government and non-profit organizations to obtain and manage diverse resources through effective management and oversight of the government's donation solicitation, grant development, and grant-making process.

2. FISCAL YEAR 2022 OPERATING BUDGET

<i>Operating Budget</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local Funds	\$483,775	\$434,078	\$435,096	0	\$435,096
Gross Funds	\$483,775	\$434,078	\$435,096	0	\$435,096

<i>Full-Time Employee Equivalents</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local Funds	2.9	3.8	3.8	0	3.8
Total	2.9	3.8	3.8	0	3.8

Committee Analysis and Comments

Despite the transition in the operation of the Office of Partnerships and Grant Services, the Committee solicited testimony from the public on the performance and budget of this activity of Serve DC and received testimony from the executive on the operations and budget of the Office of Partnerships and Grant Services.

The Committee recently passed the *Nonprofit Fair Compensation Act of 2020*, which requires grants and contracts between the District government and nonprofit organizations

compensate the nonprofit organizations for indirect costs and the same rate each organization has negotiated to receive for a current federal contract or grant, if applicable, and to create a mechanism to determine the indirect cost rate for a nonprofit organization that does not have a negotiated federal rate. The prompt and faithful legislation is critically important to ensure that the District's non-profit organizations have the funding they need to sustain and expand their operations in support of the District government and our residents.

While the primary implementing agency of that legislation is and will be the Office of Contracting and Procurement, that Office has a limited insight into grants. *As a central staff supporting both District government agencies and non-profit organizations with grant making, the Committee recommends that the staff of the Office of Partnerships and Grant Services work with the Office of Contracting and Procurement to assist with communication about and implementation of the Nonprofit Fair Compensation Act of 2020.*

3. POLICY RECOMMENDATIONS

The Committee recommends that the Office of Partnerships and Grants Services implement the following policy recommendations:

1. The Committee recommends that the staff of the Office of Partnerships and Grant Services work with the Office of Contracting and Procurement to assist with communication about and implementation of the *Nonprofit Fair Compensation Act of 2020*.

E. OFFICE OF LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUESTIONING AFFAIRS

1. AGENCY MISSION AND OVERVIEW

The District of Columbia is home to thousands of lesbian, gay, same-gender-loving, bisexual, transgender, nonbinary, intersex, two-spirit, queer, questioning, and other gender and sexual minority (LGBTQ) individuals. Our LGBTQ population is proportionally greater than that of any state.² D.C. law has prohibited discrimination based on sexual orientation since 1978 and on gender identity and expression since 2006. But LGBTQ individuals and communities continue to face distinctive challenges, especially where their LGBTQ identities intersect with other marginalized communities. With the *Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006*, the Council established what is now known as the Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs (OLGBTQA or, for purposes of this section, the Office), which works to promote the welfare of the District's LGBTQ individuals and communities.

² See Kerith J. Conron and Shoshana K. Goldberg, "Adult LGBT Population in the United States: Fact Sheet" (July 2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Adult-US-Pop-Jul-2020.pdf> (summarizing Williams Institute research findings based on 2017 Gallup survey data and estimating that 9.8% of D.C. residents identify as lesbian, gay, bisexual, and/or transgender, compared to 5.6% in the next-highest jurisdiction, Oregon).

Office of LGBTQ Affairs

The Office’s key statutory duties include advocating on behalf of LGBTQ people in DC and advising on government programs; coordinating support for LGBTQ people through liaisons in agencies across the District government; supporting the grant process, including by administering the Homeless Youth Training Grant Fund; and monitoring Department of Health activities affecting LGBTQ people. For FY 2021, the Office identified housing, employment, discrimination, public safety, and health disparities as its top 5 priority areas.

In FY 2021, the Office has a dedicated staff of five headed by Director Sheila Alexander-Reid (including one full-time Impact Specialist detailed from the Department of Health from December 2020 through December 2021, who helps the Office address unique health needs of, and disparities affecting, LGBTQ communities by coordinating the Transgender Pathways Project, discussed in greater detail below). The Office’s FY 2021 approved budget, a line item within the Executive Office of the Mayor, was just under \$450,000. OLGBTQA is one of several agencies that receive operational assistance from the Office of Community Affairs.

Advisory Committee to the Office of LGBTQ Affairs

The Office also receives periodic input and support from an unpaid, Mayor-appointed Advisory Committee representing diverse community perspectives, including from various community organizations. The Advisory Committee consists of up to 25 volunteer members. As of the date of this report, the Mayor’s Office of Talent and Appointments database names the following Advisory Committee members in addition to Director Reid:

Name	Ward	Current Term	Role
Nii-Quartelai Quartey	7	9/17/18 - 6/30/22	Chair
Sharita Gruberg	3	6/30/19 - 6/30/21	Co-Chair
Desiree' Luckey	5	4/10/19 - 6/30/21	Secretary
Kent Boese	1	3/11/20 - 6/30/22	
Princess Brownfield	6	4/15/21 - 6/30/22	
Zachary Chapman	1	2/8/21 - 6/30/23	
Yesenia Chavez	5	2/8/21 - 6/30/23	
Manuel Cosme	6	2/8/21 - 6/30/23	
Brenda Duverce	7	4/15/21 - 6/30/22	
Charmaine Eccles	4	3/11/20 - 6/30/22	
Peter Fortner	1	6/30/20 - 6/30/22	
Sidney Fowler	1	2/8/21 - 6/30/23	
Barry Karas	2	3/11/20 - 6/30/22	
Nikolas Nartowicz	2	10/12/19 - 6/30/21	
Quynhtrang “Trang” Nguyen	6	4/15/21 - 6/30/22	
Michelle Parkerson	6	4/10/19 - 6/30/21	
Kecia Reynolds	4	2/8/21 - 6/30/23	
Aaron Rodriguez	8	2/8/21 - 6/30/23	

Name	Ward	Current Term	Role
Christopher Schraeder	1	4/17/20 - 6/30/21	
Yaani Supreme	7	4/10/19 - 6/3/21	
Devon Tinsley	8	6/30/19 - 6/30/22	
Aaron Wade	5	3/11/20 - 6/30/22	
Whitney Washington	6	4/15/21 - 6/30/23	
Jordyn White	8	3/11/20 - 6/30/21	

2. FISCAL YEAR 2022 OPERATING BUDGET

<i>Operating Budget</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$221,202	\$287,404	\$395,733	\$200,000	\$595,733
Intra-District	\$152,415	\$162,006	\$165,000	\$0	\$0
Gross Funds	\$373,617	\$449,411	\$560,733	\$200,000	\$760,733

<i>Full-Time Employee Equivalents</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	3	3	3	0	3
Intra-District	0	1	1	0	1
Total	3	4	4	0	4

Committee Analysis and Comments

Organization and Advocacy

Performance oversight testimony from Director Reid and public witnesses revealed significant contact between the Office and other District leaders, including Housing Authority grant administrators, law enforcement and corrections officers, Department of Aging and Community Living leaders and task force members, and Health Department representatives, among others. The Office facilitates District government employee trainings through the Department of Human Resources, and, pursuant to a memorandum of understanding with the Department of Human Services, it administers a program of grants for homeless youth service providers. It also participates on various task forces that provide for exchanges of information with public advocates as well as sibling agencies, and it holds periodic workshops for grant applicants. In short, the Office appears to be maintaining admirable levels of participation in civic life with and on behalf of its LGBTQ constituent communities.

The Committee notes a few areas where the Office might further expand its profile and improve its visibility into issues affecting LGBTQ communities in the District. The statute that provides the Director with their authority also states that they must convene coordinators from “each department and agency of the District government” at least monthly, and that they must meet with the heads of any departments and agencies that lack coordinators to designate them. Although

this mandate has been in place since the Office's inception, as of February 2021 the Office was still in the process of discussing the need for coordinators with agency leads. The Committee appreciates what the Office has been able to accomplish without monthly coordinator updates, but continues to believe that such updates would be beneficial in a few ways: they would increase the Office's opportunities to find out about problems and potential policy improvements affecting LGBTQ people; they would send a message to non-LGBTQ staff and agency leadership that the District government is invested in inclusion at all levels, discouraging ignorant or hostile treatment; and they would cultivate LGBTQ and allied District employees who feel empowered not only to spread the word about the Office's important initiatives but also to stand up for themselves and their LGBTQ colleagues.

Increased contacts with each department and agency of the District government should touch on not only existing programs that the Office wants to publicize, but also problems facing the District's LGBTQ communities that the Office wants to help solve. During performance oversight, homeless service providers who work with LGBTQ youth called for assistance to ensure that their service recipients maintain reliable access to information technology to maintain contact with service providers, even if they cannot afford mobile data plans and do not live in places with stable private Wi-Fi connections. With more frequent convocations of agency coordinators, the Office might be able to point service providers' agency contacts to newer programs such as the Internet for All initiative that the Office of the Chief Technical Officer is implementing.

Director Reid has announced that she will formally resign from her position in July 2021. The Committee commends her on her service to the District and its LGBTQ communities. When a new Director takes office, it will be especially important for that person to build strong ties throughout the executive branch of the District government. *The Committee urges the new Director to prioritize convening agency liaisons on a monthly basis and working with any executive agencies that lack liaisons to identify appropriate representatives.*

The Advisory Committee is designed to include a range of perspectives from various specific types of community organizations and to reflect the diversity within the District's LGBTQ communities. In performance oversight responses, the Chair of the Advisory Committee emphasized that the Advisory Committee satisfies these goals and brings together voices including those of clergy, seniors, transgender people, young people, artists, community leaders, and Advisory Neighborhood Commissioners. The Committee notes that several Advisory Committee members' terms are scheduled to expire on June 30th, 2021. The Committee thanks the departing Advisory Committee members for their service and looks forward to welcoming new members. *The Committee encourages the Advisory Committee and the Office to reflect periodically on whether there are any specific perspectives that the Advisory Committee should seek to include in order to fulfill its important work, such as persons in consensually non-monogamous relationships.*

Unfortunately, the Advisory Committee did not convene for the first six months of the COVID-19 public health emergency, when their insights and connections could have helped to inform the District government of any gaps in its response and in turn helped inform our LGBTQ community of testing, treatment, operational changes, and other important details in ways tailored to their needs. The Committee recognizes that the early months of the emergency were a time of great uncertainty and disruption and that the former Chair was called away to work on a national

campaign. We are hopeful that the members of the Advisory Committee can continue to approach their relationship with the District government with renewed vigor, we thank them for their service, and we welcome them to direct their incisive questions and suggestions to the Committee as well as to the Office at any time. *The Committee urges the Advisory Committee to maintain regular meetings going forward, at least quarterly, and urges the Office to facilitate such meetings as needed.*

Housing

Housing support has been an important part of the Office's mandate since 2014, when the Council tasked the Office with administering grants to fund trainings on cultural competency for providing services to LGBTQ homeless youth. The Office has done so in partnership with the Department of Human Services (DHS). In the FY 2021 budget, the Committee committed funds for 10 housing vouchers targeted for LGBTQ seniors, among other vouchers. Public witnesses have raised concerns about delays in the distribution of the vouchers and unclear criteria, including a purported requirement that individuals live on the street for 6 months before becoming eligible.

Although the proposed budget does not specifically name LGBTQ senior housing as a target of housing vouchers, the Committee understands that the administration intends to continue supporting LGBTQ seniors with housing vouchers in FY 2022 to at least the same extent as in FY 2021. *The Committee is transferring over \$479 thousand in recurring funds to the Committee on Housing and Executive Administration to support 20 vouchers for LGBTQ seniors. The Committee urges the Office to work closely with DHS to ensure that these vouchers are swiftly implemented for the benefit of our LGBTQ seniors.*

Employment Opportunity for Transgender People

Studies have demonstrated that transgender people are highly vulnerable to discrimination in private employment in the District of Columbia. Barriers to gainful employment make full participation in society significantly more difficult for a population that already faces unacceptable discrimination and violence in many areas.

The Committee commends the Office on its Transgender Pathways Project (TPP), which involves partnering with the organization Byte Back to create targeted career training in technical fields for transgender and nonbinary individuals. As of February 2021, OLGBTQA reported that a cohort of as many as 16 individuals was set to begin receiving technical training, career advising, job placement assistance, and loaner equipment that month. As of the Office's budget oversight hearing, 3 participants had attained job training certifications, and other participants were planning to reenroll. The proposed budget includes \$500,000 for a workforce training program for LGBTQ residents, to be administered through the DHS. *The Committee urges the Office to work closely with DHS on the implementation of its new LGBTQ workforce training program and to share any lessons learned from the Transgender Pathways Project, including the value of providing beneficiaries with stipends to enable full participation.*

However, the Committee remains deeply concerned that widespread exclusion of transgender and non-binary people from the formal economy is not only or even primarily due to

potential employees who are transgender lacking employable skills (usually due to being denied opportunities at earlier stages in their lives). The problem of transgender underemployment is also, and likely to an even greater extent, a problem with employers' irrational and unacceptable unwillingness to give fully qualified transgender workers a chance. The state of our private businesses' preparedness to appreciate transgender workers' contributions is dismal; performance oversight witnesses explained how transgender employees sometimes feel they have another job on top of their job, which is to educate their supervisors and coworkers on matters of basic respect for transgender individuals.

To ensure that our District government sets a strong example in equitable treatment of transgender employees, the *District Government Transgender and Non-Binary Employment Study Act of 2020* (subtitle II.M of the *Fiscal Year 2021 Budget Support Act of 2020*) mandated a survey to spur greater inclusivity for transgender and non-binary employees of the District government. Unfortunately, COVID-19 disrupted that important work: the full report is due by the end of calendar year 2021, but the Office of Contracting and Procurement was still soliciting bids from potential vendors through June 2, 2021 (under solicitation number Doc563739). *The Committee urges OLGBTQA to remain heavily engaged in the District Government Transgender and Non-Binary Employment study, to push for a thorough and incisive analysis, and to use the information obtained to drive for better working conditions for transgender and nonbinary people who work for the District of Columbia.*

Transgender People's Safety

In recent years, the Department of Corrections (DOC) established formal policies for transgender detainees at the DC Jail to receive gender-appropriate housing, supplies, and other accommodations, in accordance with judicial decisions recognizing transgender people's right to such treatment. One important element of DOC's policy framework for transgender detainees is the Transgender Housing Committee (THC), which the Office of LGBTQ Affairs participates on and advises.

The Committee recently learned through media reports and confirmed with the Office that the THC has not convened for much of the COVID-19 public health emergency. A lawsuit brought by the ACLU of DC on behalf of Sunday Hinton and similarly situated DC Jail detainees who are transgender alleges that in the THC's absence, DOC officials told detainees that gender-appropriate housing would only be possible for those transgender detainees who have undergone genital surgery. The Committee is deeply disturbed by these allegations, because many transgender individuals either do not want or cannot afford various medical transition treatments, but all transgender individuals' gender identities deserve respect. *The Committee urges the Office to remain attentive to conditions of confinement at the DC Jail for transgender people and to notify the Committee of any ongoing concerns.*

The Committee is pleased to see that the proposed FY 2022 budget includes \$850,000 for a low-barrier shelter for LGBTQ residents. *The Committee encourages the Office to remain involved in the selection of the organization(s) that will implement the new LGBTQ low-barrier shelter program, to ensure that they at the very least demonstrate deep competence with the needs*

of transgender people of color who experience housing instability, and ideally are led by transgender people with personal experiences of housing instability and other challenges.

Spaces

Bars, bookstores, health clubs, and other LGBTQ-owned and/or -focused private businesses have long served as critically important sites of individual support, community development, and political mobilization for LGBTQ people, including in the District of Columbia. Even prior to the COVID-19 public health emergency, advocates were raising the alarm regarding the loss of many such businesses and the relative scarcity of new replacements. News reports suggest, for instance, that the last LGBTQ-focused bookstore in the District closed in 2010. The District has lost additional LGBTQ establishments in the past year. Meanwhile, some prominent businesses that cater to LGBTQ clientele have lost the trust of LGBTQ residents of color through racist statements or practices. *The Committee urges OLGBTQA and the Advisory Committee to pay close attention to the phenomenon of dwindling LGBTQ community businesses. To that end, the Committee is funding and establishing in the Budget Support Act a requirement to study the role and health of the local LGBTQ economy and to prepare a report to the Council with recommendations to help ensure these important institutions continue to thrive in an inclusive way.*

The Committee also wishes to thank the coalition of LGBTQ social service providers and advocacy groups that have organized themselves to seek out a new space that could accommodate the functions of not only the DC Center for the LGBT Community (which is losing its current longtime home in the Reeves Center) but several other important nonprofit institutions serving the LGBTQ community: Casa Ruby, Rainbow Families, and the Capital Pride Alliance. The Committee is pleased that the Mayor has proposed to contribute \$1 million toward this effort through the Deputy Mayor for Planning and Economic Development. *The Committee strongly encourages OLGBTQA to serve as a liaison between LGBTQ social service providers, DMPED, and DGS in order to explore options such as the identification of properties that could be provided to coalition members through a discounted long-term lease.*

Seniors

In performance oversight, public witnesses and the Chair of the Advisory Committee explained how LGBTQ seniors can be vulnerable to unique forms of discrimination and isolation, such as through family rejection or fear thereof and through dependence on long-term care staff who seniors may fear will not be supportive of seniors' sexual orientation or gender identity. Although individual health care professionals licensed in the District of Columbia must complete LGBTQ cultural competence training pursuant to the *LGBTQ Cultural Competency Continuing Education Amendment Act of 2016*, not all care staff are subject to licensing requirements, and seniors may be apprehensive about outing themselves in order to pursue equitable treatment or speaking against a caregiver in a situation of medical vulnerability.

The *Care for LGBTQ Seniors and Seniors with HIV Amendment Act of 2020* would establish a new "bill of rights" for LGBTQ and HIV-positive individuals in long-term care, but has not gone into effect prior to this budget because a position within the Office of Human Rights

to certify certain training providers was not funded. However, the proposed FY 2022 budget would fund this position.

The Committee encourages the Office to work closely with OHR to implement the newly funded provisions of the Care for LGBTQ Seniors and Seniors with HIV Amendment Act of 2020, and to continue working with the Department of Aging and Community Living to promote additional ways for long-term care facilities to ensure that they are safe and welcoming for LGBTQ seniors. The Committee further encourages the Office and DACL to consider gathering and publicizing information regarding those facilities that wish to go out of their way to identify themselves as proactively LGBTQ-affirming and -competent.

Veterans

LGBTQ community advocates, including veterans, have raised the concern that LGBTQ veterans face serious service gaps, especially if they are barred from accessing federal veterans benefits due to other than honorable discharge records in connection with the U.S. military's blatant discrimination against LGBTQ servicemembers. The Committee has also heard compelling testimony to suggest that neither the federal Department of Veterans Affairs nor the federal Census Bureau has accurately identified the scale of the LGBTQ veteran population due to failures in asking well-phrased questions and rebuilding trust among those who experienced discrimination during or after their military service.

While undoing this ongoing legacy of federal mistreatment should be primarily a federal responsibility, the Committee recognizes that a dedicated service coordinator within the District government who splits their time between the Office of LGBTQ Affairs and the Office of Veterans Affairs could be useful in connecting LGBTQ veterans with needed services. *The Committee recommends funding a new position within the Office of Veterans Affairs to support the District's LGBTQ veterans. The Committee urges the Office to work closely with OVA to help find appropriate, culturally competent candidates for this important new role and to advise OVA on thorough outreach to LGBTQ veterans.*

Capital Pride

In performance and budget oversight, the Capital Pride Alliance (which organizes annual festivities including the Capital Pride parade and festival) asserted that between the official events and unofficial celebrations, Pride generates revenues for the District on the order of \$50 million in an average (non-pandemic) year. On this basis, the organizers have requested that the Council provide tax and fee waivers for Pride events, which can exceed \$300,000 per year, not counting unexpected municipal expenses such as the police response to a gunshot during the 2019 Pride parade. The Alliance recently informed the Committee that a formal economic impact study on the ways the District benefits from Pride is nearing finalization.

The Committee notes that the proposed FY 2022 budget includes a one-time enhancement to the Deputy Mayor for Planning and Economic Development of "\$3 million to waive all DC government fees for community organizations to host events across the District." *The Committee urges the Office to assist the Capital Pride Alliance and liaise with DMPED to determine whether*

the one-time pandemic recovery budget enhancement of \$3 million for event fee waivers can support the Alliance's plans for Pride 2022.

The Committee appreciates the importance of Pride events to many members of the LGBTQ community, and is also sensitive to the concern that over-reliance on corporate sponsorships can dilute the community's ability to use Pride events to continue to push for inclusion for sociopolitical change for the benefit of the community's most disfavored members. The Committee would be interested in learning more from the Office about whether extending financial relief in connection with Pride events would help advance the mission of the Office, and if so, how such relief might be structured. *The Committee encourages the Office to initiate a cost-benefit analysis of investment in the Capital Pride celebration with relevant District tax and regulatory agencies and other stakeholders, and to report to the Committee on the results of any such inquiries.*

3. POLICY RECOMMENDATIONS

The Committee recommends that OLGBTQA and the Advisory Committee to OLGBTQA implement the following policy recommendations:

1. The Committee urges the new Director to prioritize convening agency liaisons on a monthly basis and working with any executive agencies that lack liaisons to identify appropriate representatives.
2. The Committee urges the Advisory Committee to maintain regular meetings going forward, at least quarterly, and urges the Office to facilitate such meetings as needed.
3. The Committee encourages the Advisory Committee and the Office to reflect periodically on whether there are any specific perspectives that the Advisory Committee should seek to include in order to fulfill its important work, such as persons engaged in consensually non-monogamous relationships.
4. The Committee urges the Advisory Committee to maintain regular meetings going forward, at least quarterly, and urges the Office to facilitate such meetings as needed.
5. The Committee is transferring over \$479 thousand in recurring funds to the Committee on Housing and Executive Administration to support 20 vouchers for LGBTQ seniors. The Committee urges the Office to work closely with DHS to ensure that these vouchers are swiftly implemented for the benefit of our LGBTQ seniors.
6. The Committee urges the Office to work closely with DHS on the implementation of its new LGBTQ workforce training program and to share any lessons learned from the Transgender Pathways Project, including the value of providing beneficiaries with stipends to enable full participation.
7. The Committee urges OLGBTQA to remain heavily engaged in the District Government Transgender and Non-Binary Employment study, to push for a thorough and incisive

analysis, and to use the information obtained to drive for better working conditions for transgender and nonbinary people who work for the District of Columbia.

8. The Committee urges the Office to remain attentive to conditions of confinement at the DC Jail for transgender people and to notify the Committee of any ongoing concerns.
9. The Committee encourages the Office to remain involved in the selection of the organization(s) that will implement the new LGBTQ low-barrier shelter program, to ensure that they at the very least demonstrate deep competence with the needs of transgender people of color who experience housing instability, and ideally are led by transgender people with personal experiences of housing instability and other challenges.
10. The Committee urges OLGBTQA and the Advisory Committee to pay close attention to the phenomenon of dwindling LGBTQ community businesses. To that end, the Committee is funding and establishing in the Budget Support Act a requirement to study the role and health of the local LGBTQ economy and to prepare a report to the Council with recommendations to help ensure these important institutions continue to thrive in an inclusive way.
11. The Committee strongly encourages OLGBTQA to serve as a liaison between LGBTQ social service providers, DMPED, and DGS in order to explore options such as the identification of properties that could be provided to coalition members through a discounted long-term lease.
12. The Committee encourages the Office to work closely with OHR to implement the newly funded provisions of the *Care for LGBTQ Seniors and Seniors with HIV Amendment Act of 2020*, and to continue working with the Department of Aging and Community Living to promote additional ways for long-term care facilities to ensure that they are safe and welcoming for LGBTQ seniors. The Committee further encourages the Office and DACL to consider gathering and publicizing information regarding those facilities that wish to go out of their way to identify themselves as proactively LGBTQ-affirming and -competent.
13. The Committee recommends funding a new position within the Office of Veterans Affairs to support the District's LGBTQ veterans. The Committee urges the Office to work closely with OVA to help find appropriate, culturally competent candidates for this important new role and to advise OVA on thorough outreach to LGBTQ veterans.
14. The Committee urges the Office to assist the Capital Pride Alliance and liaise with DMPED to determine whether the one-time pandemic recovery budget enhancement of \$3 million for event fee waivers can support the Alliance's plans for Pride 2022.
15. The Committee encourages the Office to initiate a cost-benefit analysis of investment in the Capital Pride celebration with relevant District tax and regulatory agencies and other stakeholders, and to report to the Committee on the results of any such inquiries.

F. OFFICE OF VETERANS AFFAIRS

1. AGENCY MISSION AND OVERVIEW

The Office of Veterans Affairs is dedicated to serving the District’s veteran community, their families, survivors, and military caregivers. The Office seeks to connect veterans with available resources to address the broad range of social, economic, and healthcare needs of the District’s veteran community by building strategic partnerships with public and private organizations, creating veteran-centered policy initiatives, and developing strong relationships with the veteran community. The Office also acts as a liaison between the District’s veteran community and the Mayor, District agencies, federal agencies, and non-profit organizations to ensure that the District’s veteran community has access to the full range of resources available to them.

The Office of Veterans Affairs was legally established on October 3, 2001 as part of the *Fiscal Year 2002 Budget Support Act of 2001* with a robust list of statutory responsibilities including, but not limited to assisting veterans and their dependents and survivors with receiving benefits, meeting the needs of veterans and their families directly, assisting veterans with finding employment, educating the public about the rights and needs of veterans and their families, establishing a database of documents required in the adjudication of veterans’ claims, researching the demographics of veterans, providing or assisting with veterans representation in appeals, and monitoring the quality of services furnished to veterans and their families. The Office is also supported by an Office of Veterans Affairs fund supported by the sale of specialized license plates.

Currently, the Office of Veterans Affairs consists of five employees, a Director, an Outreach & Service Specialist, a Veterans Benefits Program Specialist, a Director of Operations, and a Claims Specialist.

To help support and direct the work of the Office of Veterans Affairs, the Mayor established an Advisory Board on Veterans Affairs through Mayor’s Order 2001-92. The Advisory Board was initially established to serve as an advisory body to the Mayor, the Office of Veterans Affairs, and other agencies and offices on matters pertaining to veterans in the District of Columbia. Among other duties, the Board was given responsibility for advising the Mayor and the District government on systemic and other issues affecting the coordination and delivery of services to veterans in the District and assisting the Mayor and the District government with identifying unmet needs of veterans. Through Mayor’s Order 2002-142, the Advisory Board’s membership was expanded to 21 individuals appointed by the Mayor.

2. FISCAL YEAR 2022 OPERATING BUDGET

<i>Operating Budget</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$568,857	\$837,890	\$929,156	\$196,365	\$1,124,521
Special Purp.	\$0	\$5,000	\$5,000	\$0	\$5,000
Gross Funds	\$568,857	\$842,890	\$934,156	\$196,365	\$1,129,521

Full-Time Employee Equivalents					
Fund Type	FY 2020 Actual	FY 2021 Approved	FY 2022 Proposed	Sum of Committee Variance	Committee Approved
Local	5.1	5	6	1	7
Intra-District	0	0	0	0	0
Gross Funds	5.1	5	6	1	7

Committee Analysis and Comments

The Office of Veterans Affairs provides an array of services and supports to veterans, including support for claims assistance, assistance with transportation, assistance with employment, and robust outreach and engagement.

Assistance with Benefits and Claims

Veterans seek the support of the Office in navigating the federal Department of Veterans Affairs and the benefits it offers, which include disability compensation, healthcare enrollment pension claims, and burial and death benefit claims. District residents who served their country deserve the robust support of their locally elected government to ensure they receive the federal benefits they deserve. In 2020, despite the impacts of the pandemic, the Office was able to advise and assist 279 veterans with their federal benefits. That assistance has resulted in at least \$104,017.83 in retroactive pay and \$715,731.99 in total compensation for District veterans and their families. The Mayor’s proposed budget for FY 2022 would allow these critical services to be expanded through funding the hiring of a new Veteran Service Officer. The Committee understand that this position will help the Office advise and represent veterans as they seek federal benefits and recommends the inclusion of this funding in the final budget. *The Committee recommends that the Office promptly fill the Veteran Service Officer position and keep records related to the caseload per staff member for benefits and claims assistance, and per benefit type.*

Transportation Assistance

The Office has also taken a leadership role in aiding low-income veterans with meeting transportation needs through several programs, including the Pathways to Work Driver’s License Initiative and the VetsRide Transportation Program.

The Pathways to Work Driver License Initiative permits veteran District residents who are unable to obtain a driver’s license because of debt resulting from tickets, insurance lapse, or fees, that are over 90 days old to obtain a driver’s license while reducing or deferring those debts. The settlement option, available for veterans who are unemployed or making less than 150% of the federal poverty line, waives 40% of their total eligible debt up to \$1,500 and 30% of any eligible debt over \$1,500. Alternatively, veterans have the option of deferring their payments by up to six months with no down payment. This program permitted 13 veterans to receive their licenses in FY 2020 and FY 2021 by the time of the agency’s performance oversight hearing. This resulted in \$8,273 in tickets written off. *Given the currently limited reach of the Pathways to Work Program,*

the Committee recommends that the Office consider and propose expansions to the program to ensure that more veterans can have their driver's licenses restored.

In addition to its Pathways to Work Initiative, the Office also coordinates the VetsRide transportation program, which operates as a partnership between the Office, the Department of For-Hire Vehicles, and Via that provides on-demand transportation services to veterans seeking educational, health, employment, food distribution, or housing services. The VetsRide program is currently limited to veterans who are recently unemployed or have an annual income of less than \$30,000. Such residents may benefit from ten, one-way ride vouchers per month, five days a week, with the option to roll over two unused vouchers every month. Through this program, 4,452 vouchers were used during FY 2020 and FY 2021 as of the time of the Office's performance oversight hearing. This program meets a critical need for veterans in recognition of their service, permitting them to move about the city to meet their needs and reducing the cost burden of living in the District of Columbia.

The Committee recognizes the critical importance of transportation services for our veterans. As a result, the Committee proposes the inclusion of the *Veteran Transportation Program Expansion Amendment Act of 2021* in the Budget Support Act to expand this critical program to serve more residents more consistently and to better recognize the autonomy of District veterans. Specifically, the subtitle would require the Office, subject to the availability of funding, to provide a free, on-demand transportation or public transportation option to any veterans who reside in a household with an annual income of less than or equal to 80% of the area median income. In addition to expanding the Office's options for implementation to include public transportation and ensuring that more residents can access the benefit, the subtitle would fund up to 15 one-way trips per month – a 50% increase over the existing program – and would operate 6 days a week, supporting veterans ability to run errands and meet their needs on the weekend. Finally, the subtitle would end restrictions on the destinations of trips within the District, allowing veterans to set their own transportation priorities. Taken together, these changes will allow the VetsRide program to become a more consistent and useful service for veterans. *The Committee recommends that the Office communicate on social media, through the Advisory Board, and during upcoming Veterans Roundtables the expansion of the VetsRide program as soon as the new funding becomes available. The Committee further recommends that the Office track usage statistics for the VetsRide program on a monthly basis and accept feedback from veterans on the perceived usefulness or limitations of the program.*

Employment Services

The Office of Veterans Affairs, per its statutory responsibilities, provides support to District residents seeking employment. During FY 2020, the Office co-hosted DCHiresVets 3.0 on November 15, 2019, with DCHR, the Department of Employment Services, and the DC National Guard. This event attracted 521 veterans and their spouses to meet with 124 hiring vendors and resulted in 254 interviews. The Office also co-hosted nine small business and financial courses to encourage veteran entrepreneurship. Finally, the Office reports that at least 10 veteran a month use the Office's computer lab to apply for work, complete their resumes, or attend job training. *Given the statutory responsibility of the Office to support veterans in finding employment,*

the Committee recommends that the Office keep robust statistics on the number of veterans it assists with employment and the outcomes of that assistance.

Outreach and Engagement

The Office has been uniquely successful in its outreach and engagement efforts through its monthly veterans' roundtables, monthly newsletter, and through events. The Office's monthly roundtables, which have been held virtually during the pandemic, have attracted an average of 80 residents to learn about services and events that could benefit residents. In addition, the Office distributes a monthly newsletter with a reported 97,542 subscribers. Finally, the Office hosted or co-hosted 68 events in FY 2020 and FY 2021 as of the time of the performance oversight hearing. In addition to the hosted events, Office staff spoke at 72 additional events on veterans' issues. *While the Office's communication efforts effectively demonstrate its ability to communicate the availability of services, events, and programs, the Committee would recommend that the Office introduce additional structured opportunities for veterans to provide feedback and help direct the priorities and programs of the Office established to serve them.*

Especially during the pandemic, District residents have come to rely on easy virtual access to information from agencies. Unfortunately, one area where the Office is lacking, as are all constituent offices within the Office of Community Affairs, is in its website. The website of the Office of Community Affairs hosts minimal information about its services, events, and efforts. It does not display the Office's newsletters or social media activity, and its descriptions of the Office's activities are formalistic and tend to minimize the work of the Office. *The Committee recommends that the Office of Veterans Affairs coordinate with the Office of Community Affairs and the Office of the Chief Technology Officer to build a more robust, user friendly, and resource-rich website that accurately and completely reflects the important work of the Office.*

During the performance and budget oversight process for the Office, the Committee heard continuous interest in strengthening the Office's engagement with the LGBTQ veteran community. Director Tommingo committed to working with the Office of Planning to better understand the size of the LGBTQ population to ensure that adequate resources were made available. In addition, the Office of LGBTQ Affairs announced that staff from both the Office of Veterans Affairs and the Office of Returning Citizens Affairs would be designated to attend office hours tailored to the needs of the LGBTQ community. These are vital steps, and *the Committee recommends that the Office work with the Office of Planning and other agencies to provide the Committee updated population data regarding the LGBTQ veteran community in the District by October 1, 2022.*

While these efforts are underway, the Committee also recommends funding for a dedicated LGBTQ Veterans Advocate and Coordinator within the Office of Veterans Affairs. While population data for LGBTQ veterans specifically is limited, the District has the highest per-capita LGBTQ population of any state in the country. The overlap between these populations demands full-time representation within the Office of Veterans Affairs. *The Committee recommends that the Office use the Committee's proposed funding to swiftly hire a culturally competent LGBTQ Veterans Advocate and Coordinator and, in coordination with the Office of LGBTQ Affairs, develop and share a work plan for that coordinator with the Committee.*

Advisory Board on Veterans Affairs

In response to the Committee's oversight questions, the Advisory Board on Veterans Affairs noted that its priorities were, in summary, to hold monthly meetings, to drive engagement at the monthly meetings, to highlight the administration's programming, and to develop personal networks to disseminate information on services, benefits, events, and programs available to veterans. *While the Advisory Board's plan to hold regular monthly meetings is critical, the Committee recommends that the Advisory Board review the Mayor's order establishing the Board and take steps to fulfill the listed responsibilities of the Board. The Committee further recommends that the Board prioritize formulating recommendations for the improvement of services and programming for veterans, and sharing those recommendations with the Mayor, the Office of Veterans Affairs, and the Council.*

3. POLICY RECOMMENDATIONS

The Committee recommends that the Office of Veterans Affairs implement the following policy recommendations:

1. The Committee recommends that the Office promptly fill the Veteran Service Officer position and keep records related to the caseload per staff member for benefits and claims assistance, and per benefit type.
2. Given the currently limited reach of the Pathways to Work Program, the Committee recommends that the Office consider and propose expansions to the program to ensure that more veterans can have their driver's licenses restored.
3. The Committee recommends that the Office communicate on social media, through the Advisory Board, and during upcoming Veterans Roundtables the expansion of the VetsRide program as soon as the new funding becomes available in the FY 2022 budget.
4. The Committee further recommends that the Office track usage statistics for the VetsRide program on a monthly basis and accept feedback from veterans on the perceived usefulness or limitations of the program.
5. Given the statutory responsibility of the Office to support veterans in finding employment, the Committee recommends that the Office keep robust statistics on the number of veterans it assists with employment and the outcomes of that assistance.
6. While the Office's communication efforts effectively demonstrate its ability to communicate the availability of services, events, and programs, the Committee would recommend that the Office introduce additional structured opportunities for veterans to provide feedback and help direct the priorities and programs of the Office established to serve them.
7. The Committee recommends that the Office of Veterans Affairs coordinate with the Office of Community Affairs and the Office of the Chief Technology Officer to build a more

robust, user friendly, and resource-rich website that accurately and completely reflects the important work of the Office.

8. The Committee recommends that the Office work with the Office of Planning and other agencies to provide the Committee updated population data regarding the LGBTQ veteran community in the District by October 1, 2022.
9. The Committee recommends that the Office use the Committee's proposed funding to swiftly hire a culturally competent LGBTQ Veterans Advocate and Coordinator and, in coordination with the Office of LGBTQ Affairs, develop and share a work plan for that coordinator with the Committee.
10. While the Advisory Board's plan to hold regular monthly meetings is critical, the Committee recommends that the Advisory Board review the Mayor's order establishing the Board and take steps to fulfill the listed responsibilities of the Board.
11. The Committee further recommends that the Board prioritize formulating recommendations for the improvement of services and programming for veterans, and sharing those recommendations with the Mayor, the Office of Veterans Affairs, and the Council.

G. ADVISORY NEIGHBORHOOD COMMISSIONS

1. AGENCY MISSION AND OVERVIEW

The mission of the Advisory Neighborhood Commissions is to advise the District government on matters of public policy, including decisions regarding planning, streets, recreation, social service programs, health, safety, and sanitation in their respective neighborhood areas. This mission includes reviewing and making recommendations on zoning changes, variances, public improvements, licenses, and permits of significance for neighborhood planning and development. The Commissions are also empowered to expend funds allotted to each Commission for the public good within each neighborhood area.

Currently, the city is divided into 40 Advisory Neighborhood Commissions, which include 296 single member districts based on the 2010 census. Individual Commissions vary in size from 2 single member districts to 12 single member districts. This breakdown is likely to change after redistricting occurs based on the 2020 census.

The Advisory Neighborhood Commissions are supported by the Office of Advisory Neighborhood Commissions, which is tasked with providing technical, administrative, and financial reporting assistance to the Commissions.

2. FISCAL YEAR 2022 OPERATING BUDGET

<i>Operating Budget</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$1,153,659	\$1,630,234	\$1,630,234	\$281,389	\$1,911,623
Gross Funds	\$1,153,659	\$1,630,234	\$1,630,234	\$281,389	\$1,911,623

<i>Full-Time Employee Equivalents</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	3.8	5.5	5.5	0	5.5
Gross Funds	3.8	5.5	5.5	0	5.5

Committee Analysis and Comments

Pandemic Response and Post-Pandemic Preparedness

The onset of the pandemic and the other severe challenges of the past year have continued to impact Advisory Neighborhood Commissions. Commissions have continued to meet remotely to represent their constituents throughout the year. In addition to their normal activities, many Commissioners have taken leadership roles in advancing racial equity, confronting violence, improving public health practices, and advocating for vaccination. They have taken on these critical tasks courageously and willingly while also confronting the personal toll that the pandemic has taken on many of them and their families.

Legislation Passed

Shortly after the pandemic began to severely impact the city, the Council passed legislation to maximize flexibility for Commissioners to do their work and to support their communities. These reforms, most recently re-enacted through the *Coronavirus Support Emergency Amendment Act of 2021*, include providing Commissions with more advance notice of agency actions, eliminating the mandatory in-person meeting requirement for Commissions, permitting Commissions to meet and vote remotely through electronic means, reducing financial reporting mandates, and adding flexibility for Commissions to provide grants for humanitarian relief anywhere in the District.

Taken together, these reforms substantially altered how Commissions operate, freeing up funds for community assistance and accelerating the adoption of new technology for virtual meeting and community engagement. Commissions across the city report that grant-making flexibility enabled them to provide much-needed assistance for food, personal protective equipment, and cleaning supplies when they were desperately needed. In addition, when paired with ongoing and increasing government investment in electronic devices and internet access for residents, moving to remote meetings has resulted in many Commissions benefiting from substantially increased attendance and engagement at Commission meetings. Commissioners also report that the move to remote meetings provided them with greater flexibility in doing their work,

making it easier for Commissioners to balance their Commission work with other personal and professional obligations.

Moving Forward

When the public health emergency comes to an end, Advisory Neighborhood Commissions must evaluate how they will operate in the future. Given the success seen with remote meetings in engaging Commissioners and the public, many Commissions have requested the flexibility to continue meeting remotely or, more likely, in a hybrid fashion after the end of the public health emergency. In addition to a legislative change, hybrid meetings, will require new audio-visual and remote meeting technology, and the evaluation of meeting sites for suitability for that technology. The Office of Advisory Neighborhood Commissions recently sent a survey to all Commissions encouraging them to begin that evaluation. *The Committee recommends that the Office of Advisory Neighborhood Commissions continue to engage Commissions as they plan for meetings after the public health emergency, including by assisting with the identification of alternative meeting spaces where necessary. In addition, the Committee recommends that the Office use funds available within the Advisory Neighborhood Commissions Technical Support and Assistance Fund to support the technology needs of Commissions during this transition.*

ANC Elections

Generally

At the outset of the public health emergency, elections to fill vacancies on Advisory Neighborhood Commissions outside of the general election cycle were halted due to a lack of administrative capacity and election procedures that could be executed in a way that allowed adequate social distancing. However, with the partnership and support of the Board of Elections and the Office of Advisory Neighborhood Commissions, the Council was able to pass the *Coronavirus Support Emergency Amendment Act of 2021* on March 2nd, 2021, which permitted these elections to begin again at a location and time selected by the Commission, with staff support from the Board of Elections. Candidates who seek to run for a vacant position may also now benefit from a reformed petitioning process for ballot access, designed to facilitate electronic signature collection. Since March, vacancy-filling elections have proceeded across the city, ensuring that every neighborhood may have the benefit of Commission representation.

ANC 7F07

Perhaps one of the most exciting developments in the past year was the election, for the first time, of a Commissioner currently incarcerated at the DC Jail, to fill the Commission seat for ANC 7F07. This historic election was made possible by the Council authorizing the use of remote meetings for Commissioners, restoring the vote of all incarcerated residents, and authorizing the restart of elections to fill vacant Commission seats. Even with the legal framework in place, however, this outcome rested on the leadership and interest of incarcerated residents, the advocacy of neighbors dedicated to social justice and democracy, and the support of the Department of Corrections and the Board of Elections.

With the election of an incarcerated resident at the DC Jail, those incarcerated will now have a voice in the District government on their behalf and substantive engagement with their community, a sense of pride in their vote, and the ability to substantively contribute to their community. *The Committee recommends that the Office take special care to ensure the ability of the Commissioner for ANC 7F07 to fulfill their responsibilities and to assist ANC 7F with the technology and engagement needed to welcome this newly elected representative.*

Financial Management of ANC Allocations

The transition of financial management responsibilities for ANCs from the Office of the District of Columbia Auditor to the Office of Advisory Neighborhood Commissions was not a smooth one. Significant data was lost, costly investments in systems were discarded, and transparency was reduced. The release of the FY 2018 Annual Report on the Advisory Neighborhood Commissions underscores this fraught transition. Issued years after the reporting period being reviewed, the Audit reported that there was insufficient documentation at the Office of Advisory Neighborhood Commissions, insufficient review of Quarterly Financial Reports, and a lack of written policies or procedures. In addition, the audit found that some Commissions themselves lacked necessary internal controls or sufficient documentation related to grants and other expenditures. The audit revealed a disappointing state of affairs, both within the financial management of Commissions and in the relationship between the Office of Advisory Neighborhood Commissions and the Office of the District of Columbia Auditor. *The Committee incorporates the recommendations of the March 22, 2021, Fiscal Year 2018 Annual Report on the Advisory Neighborhood Commissions and recommends that the Office work to come to a shared understanding with the Auditor of the necessary documentation and internal controls to adequately oversee Commission finances. Further, the Committee recommends that the Office convey to Commissioners the gaps in documentation and internal controls identified by the Auditor and cultivate a shared understanding of financial management expectations.*

Accountability rests on a foundation of transparency. Over the last several months, the Committee has requested that the Office begin publishing Advisory Neighborhood Commission Quarterly Financial Reports on its website. The Committee has been gratified to see the Office begin to comply with that request, allowing members of the public to review the spending and financial management of their elected representatives. *The Committee recommends that the Office set a schedule for the ongoing upload of Quarterly Financial Reports to the Office's website, share that schedule with the Committee, and ensure the reports are uploaded in accordance with the proposed schedule going forward.*

Implementation of Council-Funded Initiatives

After the Committee made unprecedented investments in Advisory Neighborhood Commissions in FY 2021, the Committee engaged in continuous oversight seeking to ensure faithful implementation of the new support services for Commissions. Unfortunately, there have been numerous delays resulting in part from a lack of urgency by the Office. To address this issue, the Committee sent correspondence to the Office after its performance oversight hearing requesting timelines for implementation of each pending initiative. Unfortunately, the Office has

either failed to provide detailed timelines or failed to meet the proposed implementation timelines for several items.

Implicit Bias Training

In the FY 2021 budget, at the request of Commissioners, the Committee provided funding to offer implicit bias training for Commissioners. This training was intended to assist Commissioners in promoting racial equity and ensuring safe and supportive spaces for community engagement. Unfortunately, at the time of the budget hearing for the Office, implicit bias training had not been provided to Commissioners. The Office had, however, identified a vendor and proposed a path forward to provide the training in short order. *The Committee recommends that implicit bias training be made available to Commissioners no later than summer 2021 and that the Office report back to the Committee regarding attendance at the training, interest in the training by Commissioners, and whether additional implicit bias trainings are warranted in the future.*

On-Demand Training Database

The Committee recognizes that Commissioners are volunteers, taking on added responsibilities with limited support, often on top of outside careers and family obligations. To that end, additional in-person commitments can be a challenge for Commissioners even outside of a public health emergency. Simultaneously, however, Commissioners have requested significantly enhanced training on an array of topics – including on planning, development, zoning, financial management, team building, accessibility, grant-making, and related topics. While the Office provides training to incoming Commissioners and to Chairs and Treasurers, Commissioners report that specific additional trainings are still necessary. In order to provide that training while recognizing the challenges faced by many Commissioners, the Committee has repeatedly requested that the Office provide asynchronous training online and on-demand for Commissioners, to collect those trainings in an accessible location, and to publicize the availability of this resource. The Office has begun to meet that request by making a small number of trainings on technical topics available on an informal website separate from the Office’s primary website. *The Committee recommends that the Office work with OCTO to transition the available on-demand trainings to the Office’s primary website, that the Office ensure that trainings available match the topics that Commissioners request training on, and that the Office expand the number of trainings available.*

Advisory Neighborhood Commissions Technical Support and Assistance Fund

In FY 2021, the Committee also established a new Advisory Neighborhood Commissions Technical Support and Assistance Fund to meet the persistent demands of Commissioners for shared services and supports. The Committee deposited \$160,000 in recurring funds into the Fund and funded a new technical support staffer at the Office to utilize these funds to provide designated support services to Commissioners. In addition, the Committee captured funds allocated to Commissions that were not collected during a fiscal year for this fund. These funds exceeded \$50,000 at the end of FY 2020.

The Committee designated the use of the fund for the services most in demand by Commissioners, specifically for the development or procurement of a mobile or computer application to assist Commissioners with outreach and engagement with their constituents, supplemental communications access services and supports for those who are Deaf, hard-of-hearing, or have disabilities, remote meeting technologies, audio-visual technology and services, printing services, and website assistance. These shared services have been requested by Commissioners through approved resolutions and testimony before the Council for years. Commissions have resubmitted the same requests to the Committee repeatedly, evincing increasing frustration that their demands have apparently been ignored – particularly during a pandemic when technology services have become more important than ever. Despite the availability of over \$200,000 to fund these services in FY 2021 and hiring a full-time staff person to administer these funds, none of this money has so far been spent in support of Commissioners. The Office has indicated to the Committee that these services are largely unnecessary, and that Commissioners should handle these tasks without central support. The Committee strenuously disagrees and expects the funding provided for Commissioners to be expended for its authorized purposes.

The Committee echoes the call of Commissioners in recommending that the Office immediately begin utilizing its available resources to provide the technical supports and shared services Commissioners demand from the Advisory Neighborhood Commissions Technical Support and Assistance Fund. The Committee specifically requests that the Office provide an updated and clear timeline for prioritizing, procuring, and providing authorized services to Commissioners and that implementation of the Advisory Neighborhood Technical Support and Assistance Fund begin no later than summer 2021.

Language Access and Communications Access Services

In FY 2020, the Committee, responding to the reasonable demands of Commissioners, identified \$242,411 to send to the Office of Human Rights to fully fund the language access provisions of the Advisory Neighborhood Commissions Omnibus Amendment Act. The Committee also provided funding to the Office to meet the need for communications access services for Commissioners and residents who were Deaf, hard-of-hearing or have disabilities. Unfortunately, over the last two years very little of this funding has been used and populations with whom Commissioners have communication and language barriers have remained largely excluded from participation in Commission meetings. In FY 2020 and FY 2021 to the date of the performance oversight hearing, only \$133.92 was spent on language translation out of the available \$242,411. Of the funding available for communications access services and technology, less than \$15,000 was spent in FY 2020 and only \$11,422.40 was spent in FY 2021. This underspending has resulted in the Mayor proposing budget cuts for language translation services in the FY 2022 proposed budget.

Commissioners and community members have reported to the Committee that they were unaware of these available resources nearly two years after they became available. The Office's outreach regarding the availability of these services has been limited and largely directed to Commission officers. Residents largely remain unaware of the availability of these support services and assume they are unable to participate in their government at the Commission level.

The Committee recommends that the Office work with Commissions to broadly publicize in multiple languages and across social media, newsletters, and websites the availability of language translation and communications access services to the public, along with clear and simple instructions on how to access those services.

ANC Handbook and Liaison List

Commissioners consistently reference the importance of the ANC Handbook and the ANC Liaison List to their work. In fact, Commissioners are often seen at meetings with the Handbook by their side. Unfortunately, Commissioners have reported receiving these important documents this year only in a piecemeal fashion and after significant delay. *The Committee recommends that the Office prepare in advance to ensure that all Commissioners receive their complete ANC Handbook and ANC Liaison List immediately upon taking office.*

Advisory Neighborhood Commissions Planning and Development

The Committee was proud to secure passage of *the Advisory Neighborhood Commissions Participation in Planning and Development Amendment Act of 2020* on December 1, 2020. This legislation promises to provide Commissions with technical expertise and support to ANCs on navigating planning and development processes, to offer trainings to Commissioners on zoning, planning, and development issues, and to maintain a database of all community benefits agreements going forward. The Committee remains committed to the full funding and implementation of this important legislation. However, due to inadequate resources and the stalled implementation of prior legislation, the Committee recommends delaying funding of this bill until the FY 2023 budget. In the interim, the Committee has identified \$150,000 to support a fund at the Office to subsidize the costs Commissions accrue in hiring experts to assist them with planning, development, zoning, design, and legal issues. *The Committee recommends that the Office develop application procedures for Commissions to access this expert assistance funding and communicate those procedures to Commissions prior to the beginning of FY 2022.*

The Future of the Office of Advisory Neighborhood Commissions

Strategic Plan

Recent implementation challenges and disagreements have demonstrated the need for a shared vision for the future of the Office. This shared vision must reflect the input of Commissioners from across the city and set timelines and metrics for implementation of currently funded services and supports for Commissions, as well as provide recommendations for the future role of the Office in supporting Advisory Neighborhood Commissioners. A collaborative strategic planning process will help arrive at shared goals and provide guidance to the Council and the Committee on the appropriate investments in future budgets. In addition, a Strategic Plan will help the Office, Commissioners, and the Committee ensure mutual accountability for implementation. To that end, *the Committee recommends that the Office, working with an outside facilitator as necessary, organize targeted outreach to Commissioners including a series of focused conversation with Commissioners around the District to identify their priorities for support services and associated training. The Committee further recommends that the Office utilize the*

funding made available by the Committee to develop a Strategic Plan for meeting the priorities identified by Commissioners, including timelines and metrics for measuring success. The goal will be to achieve better alignment of the Office's programs and resources with Commissioner needs and responsibilities.

Advisory Committee

Advisory Neighborhood Commissioners from across the city have recently convened an Advisory Committee to the Office of Advisory Neighborhood Commissions on Services focused specifically on identifying and addressing the shared administrative needs of Commissioners and assisting the Office in implementing the existing funding to meet those needs. In addition, the Advisory Committee intends to support the Office in its broader outreach on the forthcoming Strategic Plan. While this Advisory Committee is informal and purely voluntary, the Committee commends all Commissioners for continuing to find ways to better serve their neighbors. The Committee will review with interest the various shared efforts of Commissioners over the next fiscal year to determine whether a statutory advisory committee to the Office is warranted.

3. POLICY RECOMMENDATIONS

The Committee recommends that the Office of Advisory Neighborhood Commissions implement the following policy recommendations:

1. The Committee recommends that the Office of Advisory Neighborhood Commissions continue to engage Commissions as they plan for meetings after the public health emergency, including by assisting with the identification of alternative meeting spaces where necessary.
2. In addition, the Committee recommends that the Office use funds available within the Advisory Neighborhood Commissions Technical Support and Assistance Fund to support the technology needs of Commissions during this transition.
3. The Committee recommends that the Office take special care to ensure the ability of the Commissioner for ANC 7F07 to fulfill their responsibilities and to assist ANC 7F with the technology and engagement needed to welcome this newly elected representative.
4. The Committee incorporates the recommendations of the March 22, 2021, Fiscal Year 2018 Annual Report on the Advisory Neighborhood Commissions and recommends that the Office of Advisory Neighborhood Commissions work to come to a shared understanding with the Auditor of the necessary documentation and internal controls to adequately oversee Commission finances.
5. Further, the Committee recommends that the Office convey to Commissioners the gaps in documentation and internal controls identified by the Auditor and cultivate a shared understanding of financial management expectations.

6. The Committee recommends that the Office set a schedule for the ongoing upload of Quarterly Financial Reports to the Office's website, share that schedule with the Committee, and ensure the reports are uploaded in accordance with the proposed schedule going forward.
7. The Committee recommends that the Office set a schedule for the ongoing upload of Quarterly Financial Reports to the Office's website, share that schedule with the Committee, and ensure the reports are uploaded in accordance with the proposed schedule going forward.
8. The Committee recommends that implicit bias training be made available to Commissioners no later than summer 2021 and that the Office report back to the Committee regarding attendance at the training, interest in the training by Commissioners, and whether additional implicit bias trainings are warranted in the future.
9. The Committee recommends that the Office work with OCTO to transition the available on-demand trainings to the Office's primary website, that the Office ensure that trainings available match the topics that Commissioners request training on, and that the Office expand the number of trainings available.
10. The Committee echoes the call of Commissioners in recommending that the Office immediately begin utilizing its available resources to provide the technical supports and shared services Commissioners demand from the Advisory Neighborhood Commissions Technical Support and Assistance Fund.
11. The Committee specifically requests that the Office provide an updated and clear timeline for prioritizing, procuring, and providing authorized services to Commissioners and that implementation of the Advisory Neighborhood Technical Support and Assistance Fund begin no later than summer 2021.
12. The Committee recommends that the Office work with Commissions to broadly publicize in multiple languages and across social media, newsletters, and websites the availability of language translation and communications access services to the public, along with clear and simple instructions on how to access those services.
13. The Committee recommends that the Office prepare in advance to ensure that all Commissioners receive their complete ANC Handbook and ANC Liaison List immediately upon taking office.
14. The Committee recommends that the Office develop application procedures for Commissions to access this expert assistance funding and communicate those procedures to Commissions prior to the beginning of FY 2022.
15. The Committee recommends that the Office, working with an outside facilitator as necessary, organize targeted outreach to Commissioners including a series of focused

conversation with Commissioners around the District to identify their priorities for support services and associated training.

16. The Committee further recommends that the Office utilize the funding made available by the Committee to develop a Strategic Plan for meeting the priorities identified by Commissioners, including timelines and metrics for measuring success.

H. CONTRACT APPEALS BOARD

1. AGENCY MISSION AND OVERVIEW

The mission of the Contract Appeals Board (CAB) is to provide an impartial, expeditious, inexpensive, and knowledgeable forum for the hearing and resolving of contractual disputes, protests, debarments, and suspensions involving the District and its contracting communities.

The CAB has jurisdiction to review protests of District contract solicitations and awards, appeals of District Contracting Officers’ final decisions, claims by the District against a contractor, appeals by contractors of suspensions and debarments, and contractor appeals of interest payment claims under the Quick Payment Act.

The CAB is currently comprised of three Administrative Judges, including Chief Judge Marc C. Loud, Judge Nicholas A. Majett, and Judge Monica Parchment. The judges are supported by General Counsel, Mark Poindexter, three attorney advisors, a staff assistant, a program support assistant and receptionist, and an IT department, including a director and specialist.

Chief Judge Loud has served on the Board since 2010. His current term expires in July 2022. Judge Parchment has served the District as a Judge since 2011 and her current term ends on July 28, 2021. Judge Majett is the CAB’s most recent addition. His appointment to the Board was confirmed in 2019, with this Committee’s endorsement. His first term will expire in 2023.

2. FISCAL YEAR 2021 OPERATING BUDGET

<i>Operating Budget</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$1,760,009	\$1,779,796	\$1,779,796	\$117,380	\$1,897,176
Gross Funds	\$1,760,009	\$1,779,796	\$1,779,796	\$117,380	\$1,897,176

<i>Full-Time Employee Equivalents</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	11	11	11	0	11
Total	11	11	11	0	11

Committee Analysis and Comments

Establishing Long-Term Goals for IT Maintenance

In the FY 2020 budget, the Committee fortuitously invested recurring funding into the Contract Appeals Board personal services budget, to fund a new Information Technology Director. The Board made a strong case for the need to have its own IT Director, with the capability to manage the agency's website and database, which is based on software from a vendor that may not provide continuing support.

The Contract Appeals Board hired their new IT Director in April 2020, amid the beginning phase of the COVID-19 global pandemic's spread in the United States. The pandemic led to most District employees working remotely from home for an unknown period, emphasizing the District's need for and reliance on technology to continue to serve District residents. At the time of the new IT Director's hiring, the United States and the District were suffering frighteningly rapid increases in COVID-19 infections and deaths. Luckily, CAB was able to bring on additional assistance just in time to help the Board with the transition to a long-term remote work operation.

In the FY 2021 Budget Report, the Committee recommended that the new IT Director create an action plan consisting of short- and long-term goals, including the most urgent need to be able to operate remotely as effectively and efficiently as possible, and the scope of responsibilities of the IT Specialist role. The Contract Appeals Board reported in their March 2021 Performance Oversight Hearing, that the IT Director's short-term plan assessed CAB technology systems in use when she joined the office. That assessment led to initiatives with the Office of the Chief Technology Officer (OCTO) and WebEoc, an emergency management software vendor, to provision CAB staff with Virtual Private Network (VPN) access, several new laptops, CISCO-Webex video conferencing capability, Office 365 subscriptions, Microsoft Office software upgrades, virtual hearing options, and other key initiatives. The Committee is pleased with this rapid progress by the new IT Director in ensuring the Contract Appeals Board's work is secure against cyber risks while working from home and that the Board has the software it needs to function as effectively as possible, despite our new circumstances.

The CAB IT Director's long-term plan is still under development and includes, but is not limited to, asset life cycle management, Office license upgrades from E1 to E3 (from web applications to on-device installation), upgrading iManage (CAB's legal document management system), renewing the digitization/archiving contract, completing interactive forms, procuring an IT asset inventory management system, and building CAB IT staff capacity.

The Committee looks forward to reviewing a fully fleshed out long-term action plan and recommends that the new IT Director submit the plan by the end of FY 2021 in September. The Committee would also like an assessment of the current CAB public-facing database and document intake software and whether there is risk of losing vendor support of this software, whether the software presents any cyber security risk to the District, and whether moving to a new database software is necessary. The Committee also recommends that CAB survey its public database users for feedback on the user friendliness of the database to ensure the database is easily accessible, searchable, and navigable.

Establishing a Virtual Hearing Process

The COVID-19 pandemic had a unique impact on judicial bodies everywhere, few of which had processes in place for conducting remote hearings. Judicial bodies need to ensure no parties are prejudiced and that no party's rights are impinged by the process. Luckily, the CAB and the Committee had already been discussing the possibility of remote hearings over the past few years before the pandemic began and CAB has been contemplating these very challenges ever since. During the Committee's very first tour of the Contract Appeals Board office, at the beginning of Council Period 23, Chief Judge Loud shared that one of CAB's long-term goals was to establish a virtual hearing process. What was once an aspiration within a five-year plan, became an immediate need for the Board and common practice in courtrooms throughout the country.

The Contract Appeals Board coincidentally laid the regulatory groundwork to allow for virtual hearings as early as 2019 with its issuance of a Notice of Proposed Rulemaking in November 2019. The Board issued its Notice of Final Rulemaking on February 21, 2020, before the pandemic spread began in the District, and the new rules became effective on April 6, 2020.

The Contract Appeals Board rescheduled trials that had been calendared during FY 2020 to summer of 2021. Rescheduling cannot be the long-term solution, as it can lead to a backlog for the Board. The Committee was pleased to learn during the Performance Oversight Hearing that CAB planned to offer virtual hearings for the summer 2021 trial parties. The Board intended to conduct practice hearings internally to ensure all Judges and staff are familiar with the process to be used.

The Committee recognizes and appreciates the diligence with which CAB studied its options for virtual hearings over the past year by meeting with the federal Board of Contract Appeals to learn their trial process and procedures using the Zoom for Government platform. The CAB learned virtual practices for admitting and marking evidence, recording hearings, preserving the record for appeal, and granting public access. The Board also attended demonstrations by remote appearance/access technology companies. Finally, the Board Judges and staff collected information from Texas courts, and attended the National Judicial Council's virtual court adjudication training in June 2020 for additional background information.

Using this research, CAB compiled a draft of the *CAB Virtual Hearings Policies and Protocols Guide* for CAB Judges, staff, litigants and the public, addressing legal, policy, and technology considerations for conducting virtual hearings.

Despite CAB's efforts and due diligence, the practice hearings did not occur as planned and summer 2021 trial dates have been moved to the fall. As a result of an aggressive vaccination campaign across the United States in the first half of 2021, the Centers for Disease Control and Prevention (CDC) provided updated guidance that fully vaccinated individuals could resume normal activities, without masks or physical distancing from other people. This led to the Mayor lifting all capacity restrictions on June 11th and requiring all District administration employees to return to work in the office by July 12th. With these changes in mind, the CAB decided it would be better to move the trial dates to the fall to accommodate the transition back to the office.

As of June 28, 2021, the world is experiencing a surge in coronavirus cases of the new Delta and Delta Plus variants. These variants are proving to be 40 to 60% more transmissible than the Alpha variant, the version currently most prominent in the United States, and may be more harmful. Despite great strides in vaccination efforts in the District, only 52.8% of the city's population is fully vaccinated. The spread of the Delta variants has already led to a new round of shutdowns in Australia. The pandemic certainly is not over and the variants' trajectory in the United States and impacts on our return to in person activities is not clear at this time.

The Committee asks that CAB still complete the final draft of the CAB Virtual Hearings Policies and Protocols Guide, after completing internal practice sessions by the end of August 2021, so the agency is prepared for any changes in plans that could arise given the new COVID-19 variants and the impacts the colder fall temperatures may have. If CAB does ultimately hold a virtual hearing during the remainder of FY 2021 or in FY 2022, the Committee suggests that CAB prepare a survey or another method to collect feedback from litigants afterwards, and debrief the Committee.

Completing the Archiving and Digitization of Paper Case Files

In the FY 2020 budget, the Committee invested \$100,000 in one-time funding in CAB's effort to digitize and archive its old, closed hard copy case files, from cases dating back to 1953. The Board had 500 boxes full of approximately 863 cases, filling space in their offices. The Board's piecemeal effort of digitizing and archiving these files would have taken years to accomplish. The Board used the Committee's investment to expedite their process and has contracted with a local Certified Business Enterprise to complete the work.

The contract was based on an estimate of the number of pages contained in the many boxes the contractor retrieved from CAB's offices. However, there were more pages in these boxes than originally anticipated and thus, while the bulk of the project has been completed with the funds provided in the last fiscal year, 168 boxes remain to be digitized and archived.

CAB requires additional one-time funding to complete the remainder of the process. Given the anticipated revenue shortfalls and budgetary constraints facing the District as a result of the coronavirus pandemic, the Committee was unable to provide a second investment in FY 2021. However, the Committee remains committed to supporting CAB in accomplishing this task. The Committee asked CAB to use FY 2021 to estimate the number of pages that remain in the final 168 boxes of files and from there estimate the funding needed to complete and close out this project.

In CAB's Performance Oversight Hearing, CAB indicated that an estimated 577,500 pages remain to be digitized and projects the cost of this project to be approximately \$79,000.

The Committee recommends providing the Board with \$79,300 in one-time funding to complete the digitization and archiving project in FY 2022. As before, the Committee recommends that the Board strive to identify a small business to benefit from this opportunity, either the same vendor used last time, or another. The Committee also recommends that CAB attempt making

progress on the remaining boxes itself, as it has in previous years, with any savings the agency uncovers in the remaining months of FY 2021. Finally, CAB should provide the physical case records already scanned to the DC Archives as soon as it reopens from its temporary COVID-19 closure.

Equitable Access to Adjudication

In the FY 2021 Budget Report, the Committee recommended that CAB supplement the resources page of its website with resources for small businesses who may need to represent themselves or secure pro-bono representation to effectively raise a claim. The CAB complied with this recommendation by adding a link to the DC Bar Pro Bono Center's Small Business Legal Assistance Program. In an effort to point litigants to all possible resources for low cost or pro-bono representation, *the Committee recommends that CAB reach out to local law school legal clinics to see if potential litigants might be accommodated by their services, and if so, add the clinics to the CAB Resource page as well.*

The Committee is interested in learning the extent to which barriers may exist to equitable and meaningful access to the Contract Appeals Board for less advantaged businesses with limited financial flexibility and resources. *The Committee recommends that CAB begin collecting data on the number of litigants utilizing pro bono or 'low bono' representation in protests and appeals before CAB and the number of litigants electing pro se representation, as this too may be an indicator of lack of access to affordable professional representation. The CAB should report this data back to the Council annually.*

Enhancing Alternative Dispute Resolution Use

The Committee was encouraged to hear that the Board took the recommendation from the FY 2020 Budget to research Alternative Dispute Resolution (ADR) techniques and practices seriously. The Board partnered with the Howard University Law School ADR Consortium to fulfill this objective with a Howard law student, however COVID-19 disrupted this endeavor. *CAB should resume the research initiated with Howard University when the school and CAB can accommodate managing an intern again.*

CAB should consider, as recommended previously, discussing the topic with other administrative adjudicatory agencies or tribunals in the District, such as the Office of Administrative Hearings and the Office of Zoning, to identify best practices utilized elsewhere and collaborate to drive a District wide effort in this regard.

CAB should also consider collaborating with the United States Civilian Board of Contract Appeals, CAB's federal counterpart, in developing CAB's ADR framework. The Civilian Board of Contract Appeals has a guide to ADR in government procurement, developed by the Interagency Alternative Dispute Resolution Working Group's Contracts and Procurement section, which may provide a baseline from which CAB can develop its own guide.

Settling cases ahead of trial through ADR is the most cost and time efficient option for the District and businesses involved in litigation, as CAB appeals can take as long as three years to

reach a final decision. *CAB should continue encouraging litigants to settle cases prior to trial, and provide whatever support is reasonable until CAB's official framework is created.*

Collaboration with other District Tribunals

Throughout this and previous Committee budget reports, the Committee has recommended that CAB establish relationships with other District tribunals. The Committee was pleased with hearing in CAB's Performance Oversight Hearing that CAB had established an agency Telework Taskforce and understands the Taskforce recently issued a report. *The Committee asks that CAB share this report with the Committee.* CAB also informed the Committee that the agency intends to continue this task force and will issue additional reports, even though CAB will discontinue teleworking in July, to analyze continuing hybrid telework models. The Committee appreciates that CAB intends to continue to think through teleworking. As discussed above, plans may change during the summer and fall due to COVID-19 variants spreading across the world, and even after the pandemic ends, all District agencies will need to re-think their telework policies, hybrid models, and their office space needs. *The Committee requests that CAB share any additional reports from the taskforce with the Committee as completed.*

The Committee encourages the Contract Appeals Board to engage with its sister agencies on additional topics, like database management, case management, and virtual hearings. The Contract Appeals Board has several strengths and other agencies will likely benefit from learning about the agency's practices. For example, the Board's use of case accountability meetings to remain on schedule has resulted in strong and consistent case management metrics, including timely closure and the prevention of backlogs. *The Committee recommends that the Board document the process used so that the effective process can be shared and replicated by future CAB judges and other similar Boards.*

Conversely, other agencies, like the Office of Administrative Hearings, may have incorporated some efficiencies or practices that CAB would benefit from adopting. With the Contract Appeals Board and the Office of Administrative Hearings both under the Committee's portfolio, the Committee wants to foster best practice sharing to advance both agencies in their objectives. *The Committee recommends at least quarterly meetings between the two agencies and any other tribunals interested in joining, to discuss best practices and common challenges. The Committee would appreciate any feedback or recommendations for how the Council may help both tribunals succeed with new policies or investments.*

Quick Payment Act Guidance

The CAB has jurisdiction over appeals of certain agency decisions described in the Quick Payment Act. Since the Contract Appeals Board was first added to the Committee's portfolio, the Committee has noticed that each year the CAB reports having received zero Quick Payment Act related appeals. However, the Council frequently hears from small businesses citing challenges stemming from violation of the Quick Payment Act. This raises a question of whether businesses are unaware of this aspect of the CAB's jurisdiction. *The Committee recommends that the CAB expand the Jurisdiction page on its website to better explain the circumstances in which a contractor may appeal a decision pursuant to the Quick Payment Act.*

3. POLICY RECOMMENDATIONS

The Committee recommends that the Contract Appeals Board implement the following policy recommendations:

1. The Committee looks forward to reviewing a fully fleshed out long-term IT action plan and recommends that the new IT Director submit the plan to the Council by the end of FY 2021 in September.
2. The Committee would also like an assessment of the current CAB public-facing database and document intake software and whether there is risk of losing vendor support of this software, whether the software presents any cyber security risk to the District, and whether moving to a new database software is necessary.
3. The Committee also recommends that CAB survey its public database users for feedback on the user friendliness of the database to ensure the database is easily accessible, searchable, and navigable.
4. The Committee asks that CAB still complete the final draft of the CAB Virtual Hearings Policies and Protocols Guide, after completing internal practice sessions by the end of August 2021, so the agency is prepared for any changes in plans that could arise given the new COVID-19 variants and the impacts the colder fall temperatures may have.
5. If CAB does ultimately hold a virtual hearing during the remainder of FY 2021 or in FY 2022, the Committee suggests that CAB prepare a survey or another method to collect feedback from litigants afterwards, and debrief the Committee.
6. The Committee recommends that the Board strive to identify a small business to benefit from the case archiving opportunity, either the same vendor used last time, or another.
7. The Committee recommends that CAB attempt making progress on digitizing and archiving the remaining boxes itself, as it has in previous years, with any savings the agency uncovers in the remaining months of FY 2021.
8. CAB should provide the physical case records already scanned to the DC Archives as soon as it reopens from its temporary COVID-19 closure.
9. The Committee recommends that CAB reach out to local law school legal clinics to see if potential litigants might be accommodated by their services, and if so, add the clinics to the CAB Resource page.
10. The Committee recommends that CAB begin collecting data on the number of litigants utilizing pro bono or 'low bono' representation in protests and appeals before CAB and the number of litigants electing pro se representation, as this too may be an indicator of lack

of access to affordable professional representation. The CAB should report this data back to the Council annually.

11. CAB should resume the research on ADR initiated with Howard University when the school and CAB can accommodate managing an intern again.
12. CAB should consider, as recommended previously, discussing ADR with other administrative adjudicatory agencies or tribunals in the District, such as the Office of Administrative Hearings and the Office of Zoning, to identify best practices utilized elsewhere and collaborate to drive a District wide effort in this regard. CAB should also consider collaborating with the United States Civilian Board of Contract Appeals, CAB's federal counterpart, in developing CAB's ADR framework.
13. CAB should continue encouraging litigants to settle cases prior to trial, and provide whatever support is reasonable until CAB's official framework is created.
14. CAB should share the recently completed Telework Taskforce report with the Committee, and share any subsequent reports the Taskforce issues.
15. The Committee recommends that the Board document its case accountability meetings and case management process so that the effective process can be shared and replicated by future CAB judges and other similar Boards.
16. The Committee recommends at least quarterly meetings between CAB, OAH, and any other tribunals interested in joining, to discuss best practices and common challenges. The Committee would appreciate any feedback or recommendations for how the Council may help both tribunals succeed with new policies or investments.
17. The Committee recommends that the CAB expand the Jurisdiction page on its website to better explain the circumstances in which a contractor may appeal a decision pursuant to the Quick Payment Act.

I. OFFICE OF RETURNING CITIZEN AFFAIRS

1. AGENCY MISSION AND OVERVIEW

In 2007, the late Marion Barry introduced legislation to establish the Office on Returning Citizen Affairs (ORCA) to be a voice, an advocate, and the central hub of services for the nearly 70,000 returning citizens in the District. Prior to ORCA's establishment, residents returning home from incarceration had no dedicated government agency to advocate for their interests and to provide resources to help ease their transition back into the community.

Today, ORCA serves as the primary resource for returning citizens and plays a vital role in setting returning citizens up for success upon their release. ORCA provides access to job readiness programs, connects residents to employment opportunities, offers comprehensive case management services, manages a transportation subsidy program, connects incarcerated residents

to their families, and provides housing vouchers. The agency’s staffing and budget levels have significantly increased over recent years. In 2013, the agency had three staff members and a \$371,000 budget. Now, due to continued investment by the Council, the budget and staffing have dramatically increased.

Commission on Re-Entry and Returning Citizen Affairs

The same statute that established ORCA in 2007 also created the Commission on Re-Entry and Returning Citizen Affairs (“Commission”). The Commission serves as an independent body that advocates for returning citizens, recommends policy to the Council and Mayor, and advises the Director of ORCA. It is comprised of 15 public voting members, who are appointed by the Mayor and confirmed by the Council. Commissioner nominees who are returning citizens or who have experience within the reentry community are strongly considered.

The Commission also has 13 ex-officio, non-voting members who represent a variety of District government agencies. These members are supposed to engage the Commission and use their agency resources to help the Commission achieve its goals. As was the case last year, agency Directors who are members of the Commission continue to rarely, if ever, attend Commission meetings. The individuals that should serve on, or designate ex-officio members on the Commission are listed below:

- Attorney General
- Director of the Department of Human Services
- Director of the Department of Health
- Director of the Department of Housing and Community Development
- Director of the Department of Consumer and Regulatory Affairs
- Superintendent of Education of the District of Columbia
- President of the University of the District of Columbia
- Chief of the Metropolitan Police Department
- Director of the Department of Youth Rehabilitation Services
- Director of the Department of Employment Services
- Director of the Office of Human Rights
- Director of the Department of Behavioral Health
- Director of the Addiction Prevention and Recovery Administration

The Committee received four nominations to the Commission on March 18, 2021—two appointments and two reappointments. These nominees were approved by the Council on June 15, 2021. Below is a chart that shows all the public voting members of the Commission.

Name	Date Confirmed	Term Expiration	Ward
James Berry, Jr.	10/17/2017	08/04/2023	4
Danielle Creek*	06/15/2021	08/04/2024	8
Natasha Dasher*	06/15/2021	08/04/2022	6
Olivia Elder	04/07/2020	01/02/2023	6

Leon Fields	06/28/2018	08/04/2020	4
Dominic Henry	04/07/2020	01/02/2023	8
Richard Jarvis	03/03/2020	01/02/2023	5
Clarence Johnson	04/07/2020	01/02/2023	8
Corwin Knight, <i>Chairman</i>	04/07/2020	08/04/2022	8
John “Peterburg” Matthews	02/19/2019	08/04/2021	6
Larry Moon	02/19/2019	08/04/2023	7
<i>Vacancy</i>			
<i>Vacancy</i>			
<i>Vacancy</i>			
<i>Vacancy</i>			

* = new commissioner

2. FISCAL YEAR 2021 OPERATING BUDGET

<i>Operating Budget</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$1,010,816	\$1,890,215	\$1,920,612	(\$5,000)	\$1,915,612
Federal Pay.	\$0	\$0	\$616,800	\$0	\$616,800
Gross Funds	\$1,010,816	\$1,890,215	\$2,537,412	(\$5,000)	\$2,532,412

<i>Full-Time Employee Equivalents</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	10.7	13	13	0	13
Federal Pay.	0	0	6	0	6
Total	10.7	13	19	0	19

Committee Analysis and Comments

COVID-19 Impact on FY 2020 and FY 2021 Performance

ORCA continues to work remotely and provide services virtually, and it has continued its case management throughout the duration of the public health emergency. Each year, ORCA serves an estimated 1,800 to 2,500 returning citizens. In FY 2020, ORCA served 1,570 returning citizens and in FY 2021, to date, it has served approximately 384 returning citizens. During the public health emergency, ORCA saw a significant decline in the number of returning citizens seeking services during the pandemic, but ORCA reports that that number has started to rise in recent months. ORCA recently testified that it is serving about 25 to 36 clients per day since the District has started reopening, compared to the 10 to 16 clients it was serving per day during the peak of the pandemic remote work period. *The Committee encourages ORCA to develop ways in*

which it can reach more residents virtually and improve outreach to ensure it is serving as many residents as possible as the pandemic winds down and as we hope to enter a post-pandemic landscape.

An estimated 8,088 returning citizens returned from incarceration in FY 2020. 6,577 from the Department of Corrections and 1,511 from the Federal Bureau of Prisons (FBOP). In the first quarter of FY 2021, FBOP reports that 326 residents were released. The District is unique in that our local criminal justice system has been denied much of the power available to states by the federal government, and many of our residents who are incarcerated reside in federal facilities across the U.S. This reality presents significant challenges for ORCA and other District agencies seeking to conduct outreach and intake in federal facilities for residents who are soon to be released and begin their reentry process. Often, this disjointed system means that many returning citizens fall through the cracks and are unaware of ORCA's services immediately upon their release. *The Committee points to the complications that arise with FBOP's control over much of the District's justice and incarceration system, and with the recent change in federal administration, and the Committee recommends that ORCA take on a bigger advocacy role in engaging with FBOP and the federal government generally to improve communication within FBOP facilities and to bring back more of our criminal justice system under local control.*

Residential Reentry Centers in the District

After the closure of Hope Village in 2020, there are currently no residential reentry centers, also known as halfway houses, in the District of Columbia for male returning citizens. The District has one residential reentry center for women, the Fairview Residential Reentry Center. Currently, all male returning citizens are forced to live in a halfway house outside of the District. Most live in Baltimore, Maryland, but others must go to Wilmington, Delaware or Norfolk, Virginia. Reconnecting with family, finding a job, securing permanent housing, and just reintegrating back into the community are all made nearly impossible being an hour or more away from the District without ready access to transportation. In 2018, the Federal Bureau of Prisons awarded CORE DC the contract to operate a residential reentry center in Ward 7. However, it has yet to open and has faced relentless opposition to the point where the District may lose out on its only remaining opportunity to have a residential reentry center in the District for men. Having at least one center in the District is critical for the success and wellbeing of our returning citizens—90% of whom are Black—as they reintegrate into our community. Having at least one center in the District is also critical to ORCA's ability to easily and more accessibly conduct outreach and provide services to returning citizens. *The Committee recommends that ORCA coordinate with other District agencies to begin the process of planning a transition from one large residential reentry center to smaller centers across the District, with at least one in each ward.*

ORCA's Services and Programs

For FY 2022, the Administration is proposing to increase ORCA's budget by \$647,197. \$616,800 is federal funding from the American Rescue Plan Act (ARPA) to support a Returning Citizens Peer Navigator program and hire six new full-time equivalent employees. According to ORCA, these six peer navigators would be returning citizens. The services and programs that ORCA currently offers include:

Transportation Stipends

In 2017, the Council passed the *Returning Citizens Opportunity to Succeed Act of 2017*. The bill created a transportation subsidy program to provide returning citizens with transportation options so they can seek employment and housing. During its performance oversight hearing, ORCA testified that there was a decreased need in the program due to the public health emergency and that operations were paused due to there being no subsidy requests. As of February 2021, there have been no new transportation subsidies provided, and the number of subsidies provided in FY 2020 did not increase since last year's budget, with 53 subsidies provided in total. ORCA has, however, testified that as the District begins reopening it has resumed operation of the program and has seen an increased demand. The Committee understands that the pandemic has had an impact on ORCA's ability to provide in-person outreach and connect residents with their services. Nevertheless, when the Committee funded the program, ORCA confirmed the continued demand for the transportation funding. And despite the request last year that ORCA resume full administrative control over the program, ORCA has still not yet done so. *The Committee, once again, requests that ORCA reassume full administrative control over the transportation stipend program, as funded by the Council in ORCA's budget. The Committee also recommends that ORCA move quickly to improve outreach for the program and ensure that returning citizens are aware of the program and that all available stipends are distributed to those in need.*

Housing

Housing remains one of the most pressing needs for returning citizens. 57 percent of the District's homeless population have been incarcerated, and 55 percent claim that homelessness caused their incarceration.³ ORCA is responsible for identifying residents in need of housing and recommending people to the DC Housing Authority (DCHA) to receive a voucher. In the FY 2020 budget, the Committee appropriated funding for 20 vouchers for returning citizens experiencing homelessness. In FY 2020, ORCA provided all 20 of those housing vouchers to returning citizens. The Committee funded an additional 18 housing vouchers in FY 2021. As of February 2021, ORCA had identified 18 returning citizens who qualify for the voucher program in FY 2021 to date. ORCA testified during its budget oversight hearing in June that 8 vouchers have been provided and 2 applications have been submitted and are pending DC Housing Authority's (DCHA) approval. ORCA testified that it has a biweekly meeting with DCHA to ensure applications are moving through the process. According to ORCA's testimony, this process can take between 30 and 45 days. *The Committee points to ORCA's success in ensuring that all 20 housing vouchers were provided in FY 2020 and expects ORCA to ensure that all remaining available vouchers in FY 2021 are also used. The Committee also again requests that ORCA develop a faster and more efficient way to collaborate with DCHA and reduce this 30 to 45-day process for application approval.*

Restore the Vote

After significant advocacy and momentum building from the Commission and the Restore the Vote Coalition, the Council passed the *Restore the Vote Amendment Act of 2019* on October

³ DC Fiscal Policy Institute, *Coming Home to Homelessness* (February 2020)

20, 2020. This legislation restored the right to vote for incarcerated District residents. The idea for Restore the Vote began as a long-shot policy priority from the Commission and transformed into a movement to finally end felon disenfranchisement in the District. This legislation made the District the first jurisdiction in the U.S. to restore the right to vote for incarcerated residents. Since its passage, approximately 250 incarcerated residents were able to vote in the 2020 election. In FY 2020 and FY 2021 ORCA participated in community-led voter registration events, but due to the restrictions from the public health emergency, did not host any voter registration events itself. According to ORCA's February 2021 performance oversight responses, it was able to virtually register 207 returning citizens who contacted the office in FY 2020 and FY 2021, and 547 voters were registered through Restore the Vote efforts in partnership with the Board of Elections. Instead of waiting for returning citizens to reach out to ORCA for help with registering to vote, ORCA should be actively ensuring that its constituents are registered to vote. *The Committee recommends that ORCA begin proactively helping register its constituents to vote through its outreach and intake processes.*

The Administration's FY 2022 budget has proposed \$2.3 million across the Board of Elections (BOE) and the Department of Corrections (DOC) to support Restore the Vote initiatives. This funding is essential to ensuring that all incarcerated residents and returning citizens both understand that they have the right to vote in the District and can successfully register and cast their ballots. *The Committee encourages ORCA to collaborate with the BOE and DOC in FY 2022 in the planning and carrying out of all Restore the Vote initiatives and processes.*

Children and Families

In December 2020, the Council passed the Helping Children Impacted by Parental Incarceration Amendment Act of 2020. This law requires ORCA to assess the needs of children in the District of Columbia whose parents are incarcerated. By December 1, 2021, ORCA is required to submit to the Mayor and the Council a comprehensive assessment and a strategic plan outlining how the District will specifically meet the social, emotional, economic, educational, housing, health, mental health, and other needs of children whose parents are incarcerated. This law was funded in the Administration's FY 2022 proposed budget. *The Committee recommends that ORCA begin preparations immediately to complete this needs assessment mandated in the Children Impacted by Parental Incarceration Amendment Act of 2020 in FY 2022 and submit the requisite strategic plan.*

Employment

In a normal economic climate, returning citizens deal with the stigma of serving time in prison as they search for employment upon release. This is made even more difficult with the additional layer of the economic recession brought on by the public health emergency. Many also lack the educational background required for certain career fields.⁴ In FY 2020, ORCA connected 17 returning citizens to the Aspire to Entrepreneurship Program. Before the public health emergency began in FY 2020, ORCA held four on-site job fairs. Through these fairs, 20 returning citizens were accepted into the McCullough Construction Apprenticeship, 42 returning citizens

⁴ Council for Court Excellence, Beyond Second Chances, Returning Citizens' Re-Entry Struggles & Success in DC (December 2016)

were hired by LaserShip as warehouse workers, 45 returning citizens were hired by the Department of Public Works for Leaf Season-Sanitation and as CDL Class A & B Drivers, and 50 returning citizens participated in a Census Bureau fair. Due to the public health emergency, it is unknown how many returning citizens were hired from the Census Bureau fair.

In FY 2021, ORCA halted on-site job fairs and, instead, directly connected returning citizens to sanitation, administrative, plumbing, warehouse, landscaping, and moving positions. ORCA has connected 36 returning citizens to employment through this direct outreach in FY 2021. *The Committee encourages ORCA to resume on-site job fairs as soon as soon as it is safe and practicable to do so. In the meantime, the Committee encourages ORCA to develop creative ways to reach more returning citizens seeking employment.*

The Committee is disappointed that the Paralegal Fellowship Program has not yet recommenced in FY 2021. This program was designed to help returning citizens build careers in the legal field, and its first cohort of students graduated in 2019. Several students successfully completed the program and have gone on to careers in government, at law firms, and in other organizations.

After the Committee initiated and facilitated a conversation between ORCA, the Department of Employment Services (DOES), the Office of Community Affairs (OCA), and Georgetown University in April 2021, significant progress has been made to officially restart the program with Georgetown by the end of FY 2021. The Committee understands that ORCA is working in close collaboration with DOES and is encouraged by the progress that has been made to initiate a memorandum of understanding (MOU) between DOES and Georgetown. *The Committee requests that ORCA remain actively involved in the implementation and execution of the Paralegal Fellowship Program in FY 2022 and recommends that ORCA provide monthly updates to the Committee on the status of the program.*

In addition, in FY 2021 the Committee funded and established a new Access to Jobs two-year pilot program for hiring returning citizens. This program was created to incentivize the hiring of returning citizens by District employers and reflected one of the key policy recommendations of the Commission on Re-Entry and Returning Citizen Affairs in FY 2020.

The goal of the program is to help put returning citizens on the path to success by offering grants to District employers that hire returning citizens, for a portion of the wage they pay returning citizens in a system that encourages retention and career growth. In February, ORCA testified that the Access to Jobs program began on January 1, 2021, and that six employers have been identified for participation. ORCA also stated that it would draft MOUs with the participating employers, and that it intended to have the program implemented by June 30, 2021. On June 3, 2021, the Committee received another update stating that ORCA has identified the grant management and procurement system that will serve as the financial and programmatic tracking system for the pilot program, and that it is in the development stages of purchasing a zoom-grants system, drafting language for the Notice of Funding Opportunity (NOFO), and drafting language for the Request for Applications (RFA). ORCA expects to serve 10 constituents and provide grants to seven employers. The Committee is disappointed in the significant delay in getting the program implemented. *The Committee strongly recommends that ORCA acts swiftly to share the NOFO*

and RFA to ensure that returning citizens will benefit from this program before the end of FY 2021. The Committee reiterates its intent, as established in the FY 2021 Budget Support Act, that the Access to Jobs pilot program be operated by ORCA to ensure that ORCA continues to serve as a hub for returning citizens and the employers and organizations that wish to support them.

Case Management

Providing case management is one of the agency's primary responsibilities. Because of recent Council investments, the agency now has one Supervisory Case Manager and four Case Managers. They work with residents to obtain the following:

- Housing
- Employment & Job Readiness
- Behavioral Health Services
- Educational & Vocational Training
- Clothing
- Food

In FY 2021, the Committee funded an additional fulltime case manager. Additionally, ORCA implemented a 90-day tracking system to ensure residents are receiving the appropriate services. ORCA's Peer Support Specialist, Case Manager, and Staff Assistant use this tracking data to conduct follow-ups with the residents to ensure that they are connected. This system also tracks constituents who are connected to employment opportunities to ensure that they are maintaining employment every 30, 60, 90, and 120 days. *The Committee recommends that ORCA implement more frequent tracking of this employment data.*

ID & Birth Certificate Fee Waiver Program

In 2017, the Council created a program to waive fees for identification and birth certificates for returning citizens to help break down these barriers to reentry. Identification documents are critical to obtaining housing, employment, and meeting other needs. In the FY 2020 budget, the Committee appropriated \$87,000 in recurring funds to fund the program. \$40,000 went to the Department of Health via the Committee on Health, and \$47,000 went to the Department of Motor Vehicles via the Committee on Transportation and the Environment. In FY 2020, ORCA provided 138 fee waivers for vital documents. In its performance oversight pre-hearing responses, ORCA indicated that due to the public health emergency it has been collaborating with community-based organizations to assist with vital records in FY 2021. The Committee is disappointed that ORCA has delegated this program, which was funded by the Council, to other nonprofit organizations and agencies – leaving available resources unused by returning citizens. It was, and remains, the intent of the Committee for ORCA to administer this program directly. *To that end, the Committee urges ORCA to resume full administrative control over this critically important program for the remainder of FY 2021 and in FY 2022. The Committee also requests that ORCA consistently communicate the availability of these resources to returning citizens.*

Commercial Driver's License Program

ORCA partners with the Department of Public Works to facilitate a monthly CDL Class B course to help returning citizens receive the credentials they need to enter a commercial driving career. In FY 2020, 281 residents completed the program.

Recruitment of New Commissioners

The Commission on Re-Entry and Returning Citizen Affairs continues to work with ORCA to recruit new members with focus on bringing more women into the organization. These efforts have resulted in additional candidates being nominated to serve on the Commission, and on June 15, 2021, the Committee welcomed Natasha Dasher and Danielle Creek to the Commission. *The Committee applauds the success of the Commission on Re-Entry and Returning Citizen Affairs in driving reentry policy and recommends that the Commission continue to redouble its efforts to hold regular meetings, to engage ex-officio members of the Commission, and to issue its statutorily required annual report.*

Commission Engagement with the Returning Citizen Community

In the FY 2021 budget, the Committee provided the Commission with \$10,000 to support the Commission with its outreach, communication, and engagement with the returning citizen community. The Committee noted in the FY 2021 budget report that the Commission had not yet spent the FY 2020 funds due to the impacts of the pandemic. The Committee notes, once again, that the Commission has not yet spent the FY 2021 funds. The Committee acknowledges that the impacts of the pandemic lingered throughout FY 2021 and hopes that with the renewal of these funds that the Commission will help strengthen the Commission's efforts in FY 2022. *The Committee recommends that the Commission on Re-Entry and Returning Citizen Affairs develop a budget for the use of this \$10,000 for outreach and engagement in FY 2022.*

3. POLICY RECOMMENDATIONS

The Committee recommends that the Office on Returning Citizen Affairs and the Commission on Re-Entry and Returning Citizens Affairs implement the following policy recommendations:

1. The Committee encourages ORCA to develop ways in which it can reach more residents virtually and improve outreach to ensure it is serving as many residents as possible as the pandemic winds down and as we hope to enter into a post-pandemic landscape.
2. The Committee points to the complications that arise with FBOP's control over much of the District's justice and incarceration system, and with the change in federal administration, and the Committee recommends that ORCA take on a bigger advocacy role in engaging with FBOP and the federal government generally to improve communication within FBOP facilities and to bring back more of our criminal justice system under local control.

3. The Committee recommends that ORCA coordinate with other District agencies to begin the process of planning a transition from one large residential reentry center to smaller centers across the District, with at least one in each ward.
4. The Committee, once again, requests that ORCA reassume full administrative control over the transportation stipend program, as funded by the Council in ORCA's budget. The Committee also recommends that ORCA move quickly to improve outreach for the program and ensure that returning citizens are aware of the program and that all available stipends are distributed to those in need.
5. The Committee points to ORCA's success in ensuring that all 20 housing vouchers were provided in FY 2020 and expects ORCA to ensure that all remaining available vouchers in FY 2021 are also used. The Committee also again requests that ORCA develop a faster and more efficient way to collaborate with DCHA and reduce this 30 to 45-day process for application approval.
6. The Committee recommends that ORCA begin preparations immediately to complete this needs assessment mandated in the *Children Impacted by Parental Incarceration Amendment Act of 2020* in FY 2022 and submit the requisite strategic plan.
7. The Committee recommends that ORCA begin proactively helping register its constituents to vote through its outreach and intake processes.
8. The Committee encourages ORCA to collaborate with the BOE and DOC in FY 2022 in the planning and carrying out of Restore the Vote initiatives and processes.
9. The Committee encourages ORCA to resume on-site job fairs as soon as it is safe and practicable to do so. In the meantime, the Committee encourages ORCA to develop creative ways to reach more returning citizens seeking employment.
10. The Committee requests that ORCA remain actively involved in the implementation and execution of the Paralegal Fellowship Program in FY 2022 and recommends that ORCA provide monthly updates to the Committee on the status of the program.
11. The Committee strongly recommends that ORCA acts swiftly to share the NOFO and RFA to ensure that returning citizens will benefit from this program before the end of FY 2021.
12. The Committee reiterates its intent, as established in the Budget Support Act, that the Access to Jobs pilot program be operated by ORCA to ensure that ORCA continues to serve as a hub for returning citizens and the employers and organizations that wish to support them.
13. The Committee recommends that ORCA implement more frequent tracking of employment data.

14. The Committee urges ORCA to resume full administrative control over the ID and birth certificate fee waiver program for the remainder of FY 2021 and in FY 2022. The Committee also requests that ORCA consistently communicate the availability of these resources to returning citizens.
15. The Committee applauds the success of the Commission on Re-Entry and Returning Citizen Affairs in driving reentry policy and recommends that the Commission continue to redouble its efforts to hold regular meetings, to engage ex-officio members of the Commission, and to issue its statutorily required annual report.
16. The Committee recommends that the Commission on Re-Entry and Returning Citizen Affairs develop a budget for the use of \$10,000 for outreach and engagement in FY 2022.

J. OFFICE OF RISK MANAGEMENT

1. AGENCY MISSION AND OVERVIEW

The District of Columbia Office of Risk Management (ORM) provides risk management direction, guidance, and support to District government agencies so that they can minimize the total cost of risk, resulting in improved government operations and enhanced service delivery. It was established by Reorganization Plan No. 1 of 2003. The Chief Risk Officer is the central risk management official for the District government.

ORM has an exhaustive list of statutory responsibilities that, through the Chief Risk Officer, include: identifying gaps, omissions, or inconsistencies in risk management practices and recommending and overseeing the implementation of appropriate, responsive laws, regulations, rules, or procedures for adoption; organizing and operating ORM to ensure the accomplishment of ORM's purpose; preparing reports as necessary and as required by the Mayor or the Council; creating and maintaining a District government prioritization risk map based on the frequency and severity of projections of anticipated loss; minimizing the probability, frequency, and severity of accidental losses to the District government; conducting and overseeing on-site risk management assessments of all District facilities and operations; maintaining a risk management resource library; providing risk management training to District employees and agency risk representatives; utilizing technology to maximize ORM's efforts in accomplishing its duties; ensuring that safety, physical security, liability, and other risk management concerns of District owned, controlled, leased, or occupied facilities are appropriately addressed; creating a culture of risk awareness and management; procuring insurance and utilizing alternative risk financing strategies for large liabilities and catastrophic exposure to risk including, but not limited to, tort settlements and judgments, contractual settlements and judgments, and property losses; implementing and maintaining a system for managing the resolution of outstanding recommendations and/or findings from the Inspector General, the District Auditor, external District-wide audits with management letter recommendations, court orders, retained consultants, and others; and procuring goods and services and contracting for the Office.

Today, ORM is comprised of four divisions: Captive Insurance Agency, Risk Prevention and Safety (RPS), Public Sector Workers' Compensation Program (PSWCP), and the Tort

Liability Program. The Captive Insurance Agency is within the Committee on Business and Economic Development’s jurisdiction. The Employees Compensation Fund, which supports the Public Sector Workers’ Compensation Program, is within the Committee on Labor and Workforce Development’s jurisdiction.

ORM also administers the District’s Settlements and Judgments fund under the accounting and financial management of the Chief Financial Officer (CFO). To that end, ORM is tasked with making appropriations proposals for the fund to the Mayor and the CFO. These proposals are included in the Mayor’s annual budget to the Council for each fiscal year.

With its creation in 2003, ORM took over responsibility of the District’s Government Employees’ Public Sector Disability Compensation Program, Public Sector Safety and Health Management Program, claims for unliquidated damages filed against the District government, and the risk management aspects affecting the safety and physical security of District government facilities.

Risk Management Council

The Reorganization Plan No. 1 of 2003 also created the Risk Management Council (“Council”). The duties of the Council include: exchanging risk management ideas and best practices; identifying and sharing available risk management resources; providing input to the development of District-wide risk management practice standards and risk and safety administrative regulation review; establishing the risk management culture of the District in support of institutionalizing and systematizing the risk management program of the District; identifying opportunities for economies of scale in the implementation of the risk management strategies; participating in loss trend analysis and related exposure awareness communication; participating in the evolution of the District risk management information system; providing primary coordination to the performance requirements for risk management in agency director’s contract; participating in the cost of risk allocation methodology, communication and monitoring; and coordinating internal agency emergency response plan development and maintenance including plans for continuity of operations in the event of an emergency, and definition of interaction points with the external District Emergency Response Plan coordinated by the Emergency Management Agency. The Council is made up of agency risk management representatives and professional leaders from ORM and it meets on a bi-monthly basis. Its first meeting in FY 2021 was March 31, 2021.

2. FISCAL YEAR 2022 OPERATING BUDGET

<i>Operating Budget</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$4,083,311	\$4,266,384	\$4,104,112	\$0	\$4,104,112
Gross Funds	\$4,083,311	\$4,266,384	\$4,104,112	\$0	\$4,104,112

Full-Time Employee Equivalents					
Fund Type	FY 2020 Actual	FY 2021 Approved	FY 2022 Proposed	Sum of Committee Variance	Committee Approved
Local	31.7	32	32	0	32
Total	31.7	32	32	0	32

Committee Analysis and Comments

Risk Prevention and Safety

The Risk Prevention and Safety Division (RPS) coordinates the Agency Risk Management Representatives’ (ARMRs) work. ARMRs are tasked with identifying, measuring, analyzing, and documenting the District government’s exposure to risk. RPS also oversees the risk prevention trainings provided to District employees as well as the creation of Emergency Response Plans (ERPs).

In FY 2020, RPS responded to 25 reports of unsafe or unhealthy conditions at government worksites. In FY 2021, as of February 21, 2021, there has been one report of unsafe or unhealthy conditions. RPS does not currently track the response time when it responds to unsafe or unhealthy worksite conditions. Reports of unsafe or unhealthy conditions are forwarded to RPS through ORM’s electronic claim management system, ERisk.

The Committee understands that because RPS documents this information through its ERisk system, it has the capability of tracking and reviewing the response times for these reports after they have been filed and forwarded. *The Committee recommends that ORM begin a more formal tracking of this data and use it to analyze the response times to ensure that all reports are being addressed and resolved in a timely manner.*

Public Sector Workers’ Compensation

The Public Sector Workers’ Compensation Program (PSWCP) is a system of benefits provided by law for workers who have job-related injuries or illnesses. Benefits provided include medical services, vocational rehabilitation, and compensation for permanent loss of a body part or function, and death benefits for beneficiaries. PSWCP’s mission is to respond to workplace injuries with the best, most appropriate medical care at a responsible cost and to return employees back to work as soon as medically possible. PSWCP also oversees the Return-to-Work initiative, whose mission is to help employees get back to work as soon as possible after a job-related injury or illness. The FY 2022 proposed budget includes a \$32,000 reduction in PWSCP.

Below are the claims filed and resolved, as well as the number of payments disbursed:

PSWCP claims filed:

- FY 20: 1,069
- FY 21 (as of 1/31/2021): 226

PSWCP claims resolved:

- FY 20: 1,006
- FY 21 (as of 1/31/2021): 345

Number of current or former District employees who received indemnity payments from PSWCP:

- FY 20: 497
 - FY 21 (as of 1/31/2021): 305
-

ORM self-administers claims filed through the PSWCP as opposed to utilizing a third-party administrator. Constituents and advocates have raised concerns and criticisms about ORM's administration of PSWCP. Concerns and criticisms the Committee has received have included delayed claim processing, lack of adequate selection of healthcare providers, medication refill delays, and sometimes complicated and burdensome bureaucratic requirements. During Council Period 23, Councilmember Todd introduced B23-0874, the *Public Sector Injured Workers' Equality Amendment Act of 2020*, and B23-072, the *Public Sector Workers' Compensation Permanent Total Disability Amendment Act of 2020*.

These bills, which never made it past the committee stage, would have updated PSWCP to mirror the private sector workers' compensation system and provided permanent total disability to District government workers. Advocates in favor of these bills argue that the distinction between public and private sector workers has created two separate and unequal systems: the public sector system, which disproportionately employs Black workers, and the private sector system. Advocates and claimants have argued that the public sector system provides inadequate benefits as compared to the private sector system, thus creating a socioeconomic and racially imbalanced system.

This Council Period, on April 6, 2021, Chairman Mendelson introduced at the request of the Mayor, B24-0208, the *Permanent Disability Restoration and Expansion Amendment Act of 2021*. This legislation would provide "clear and equitable standards" for determining permanent disability benefits. It would provide parity of schedule compensation for all employees and ensure that all employees with a permanent impairment receive compensation by expanding schedule compensation to include all permanent impairments, not only those enumerated in current law. This legislation would also restore permanent disability compensation beyond schedule compensation for employees with severe impairments, clarify that temporary compensation benefits may be modified when an injured worker has reached maximum medical improvement, and provide a process for employees to transition from temporary to permanent disability compensation. It would also allow an award of attorneys' fees upon successful prosecution of appeals of certain administrative decisions. B24-0208 was referred to the Committee on Labor and Workforce Development on April 20, 2021.

As mentioned, some beneficiaries remain unhappy with PSWCP due to the claim processing and medication refill delays, the selection of healthcare providers, and burdensome bureaucratic requirements. The Committee would like to see ORM prioritize addressing these concerns. *To improve the operation of the program as it currently exists, the Committee strongly recommends ORM create a working group or hold a listening session for beneficiaries and*

advocates who remain unhappy with the current system to learn more about improvements that ORM could make.

Tort Liability

The Tort Liability Program investigates and resolves tort liability claims filed against the District. In 2004, the Mayor delegated the authority for ORM to accept notice of a claim letter. As such, individuals can file claims against the District for loss, damage, or injury. The Tort Liability Program also pursues subrogation claims against third parties whose negligent acts have resulted in damage to District government property. The proposed FY 2022 budget includes a reduction in 2 full-time equivalent employees and \$256,000 from the Tort Liability Program. In FY 2020, ORM settled and paid 389 tort liability claims. The average amount expended per tort liability claim in FY 2020 and FY 2021 (as of 1/31/2021) was \$177.78 and \$349.76 per claim, respectively. Below is a chart showing all types of tort liability claims filed over the past three fiscal years:

FY 19		FY 20		FY 21	
Claim Type	No. of Claims	Claim Type	No. of Claims	Claim Type	No. of Claims
Pothole	487	Pothole	143	Pothole	76
General Property Damage	191	Collision w/Non-moving Object	98	Collision w/Non-moving Object	47
Slip, Trip & Falls	115	Side Swipe and/or Lane Change	71	Auto Property Damage Misc	37
Auto Bodily Injury	115	Slip, Trip & Falls	70	Auto Property Damage	29
Collision w/Non-moving Object	104	Auto Bodily Injury	63	Auto Bodily Injury	21
Side Swipe and/or Lane Change	90	Tree Claim	60	Protest	18
Auto Property Damage	88	DOC Claim - Prisoner Claim	52	Bodily Injury	17
Total of All Claims	1,984	Total of All Claims	1,231	Total of All Claims	447

Using FY 2020 as an example because FY 2021 trends are not yet ripe, ORM spent nearly \$70,000 in settling and resolving tort liability claim payouts in FY 2020. *Given this significant expenditure, the Committee recommends that ORM analyze the tort claim data collected to find areas of improvement among District-wide agency operations and implement necessary reforms to create a more efficient and cost-effective system.*

Settlements and Judgments Fund

Though not an official “division” of ORM, administering the Settlements and Judgments Fund (S&J) is a substantial part of ORM’s work and involves some overlap with other agencies, including the Office of the Attorney General (OAG). A December 2020 report from the Office of the District of Columbia Auditor, *D.C. Lacked Unified System to Track, Reduce Settlements &*

Judgments, found that the Office lacked a systematic method to identify and analyze District-wide and agency specific exposures to risk, and that it did not maintain a government-wide system to prioritize risks during the audit scope.

In ORM's responses to our performance oversight pre-hearing questions, it indicated that it is currently designing a Contingent Liability, Settlement, and Judgment Module within its ERisk system that will extend the monitoring of the claim life cycle from initial incident and claim through litigation and settlement or judgment. ORM also noted that the full implementation of this module is contingent upon integration with OAG's new litigation management system, Abacus. It is, however, not clear when OAG will be able to use its new system to manage and collect civil litigation data. ORM stated that ERisk's Contingent Liability Module will be operational this fiscal year and will begin collecting litigation data, including employment and labor claims, directly from agency general counsels. ORM is working with OAG to develop interim measures in advance of the integration of Abacus and ERisk to obtain litigation data. The Committee understands that ORM has made progress toward the integration of these systems, but that there is still more work to be done. Therefore, *the Committee recommends that ORM prioritize the Abacus and ERisk integration process in FY 2022. The Committee also recommends that ORM provide quarterly updates to the Committee on the progress of this integration.*

Public Health Emergency's Impact on FY 20 and FY 21 Performance

Due to the COVID-19 public health emergency, ORM did not meet two of its 17 performance indicators: (1) Percent of agencies under the purview of the Mayor that file Cost of Risk reports for data requested; and (2) Percent of eligible facilities for which agencies have submitted an Emergency Response Plan (ERP) for approval by ORM. In its performance oversight pre-hearing responses, ORM stated that it is making changes to address these indicators and plans to meet them in the future. To the first unmet indicator, ORM is in the process of creating a Cost of Risk module in the ERisk system, which will be released in FY 2021. This module and training will allow for all parties to be better equipped to complete the report and submit the requested data more accurately. To the second unmet indicator, inspections were slowed due to facility closures from the public health emergency, and according to ORM, procedures have been implemented to allow inspections to resume.

3. FY 2022-2027 CAPITAL BUDGET

OFFICE OF RISK MANAGEMENT (RK0)									
Risk Man. IT System	Available Balances	\$106,360	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$91,131)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$15,229	\$0	\$0	\$0	\$0	\$0	\$0	\$0
RK0 Total		\$15,229	\$0	\$0	\$0	\$0	\$0	\$0	\$0

4. POLICY RECOMMENDATIONS

The Committee recommends that the Office of Risk Management implement the following policy recommendations:

1. The Committee recommends that the Office of Risk Management, through the Risk Prevention and Safety (RPS) division, begin a more formal tracking of the data collected in the ERisk system when reports of unsafe or unhealthy worksite conditions are filed, and use it to analyze the response times to ensure that all reports are being addressed and resolved in a timely manner.
2. The Committee recommends that the Office of Risk Management create a working group, or hold a listening session, for PSWCP beneficiaries and advocates involved with the program who remain unhappy with the current system to learn more about improvements ORM could make.
3. The Committee recommends that the Office of Risk Management analyze the tort claim data collected to find areas of improvement among District-wide agency operations and implement necessary reforms to create a more efficient and cost-effective system.
4. The Committee recommends that the Office of Risk Management prioritize the Abacus and ERisk integration process in FY 2022.
5. The Committee recommends that the Office of Risk Management provide quarterly updates to the Committee on the progress of the Abacus and ERisk integration process in FY 2022.

K. OFFICE OF COMMUNITY AFFAIRS

1. AGENCY MISSION AND OVERVIEW

The Office of Community Affairs was established through the Mayor's Order 2008-46. As initially established, the Office oversaw six constituent offices and was tasked with improving response time for addressing residents' concerns, improving delivery of community services, improving community outreach, promoting communication and coordination among agencies, providing education and information to agencies, civic associations, and the Mayor, and advocating and advising on policy.

Today, the Office is responsible for ensuring that the needs of the residents of the District of Columbia are met and that residents' engagement and interest in the community are heightened. The Office provides overarching central support and oversight of 13 individual community affairs offices. While this Committee has oversight over the Office of Community Affairs, it does not have oversight over all 13 of the constituent offices. Those offices under the oversight of this Committee will be covered in separate budget chapters.

The central support team at the Office of Community Affairs includes the Director, a Chief of Staff, a Lead Public Information Officer, a Graphic Designer, a Special Assistant for Grants, a Special Assistant for Special Events, and a Staff Assistant. The presentation of the Office’s budget does not match its organizational relationship with constituent offices, which currently include:

- Office on African Affairs
- Office of African American Affairs
- Office on Asian and Pacific Islander Affairs
- Office of the Clean City
- Office on Fathers, Men, and Boys
- Office on Latino Affairs
- Office of LGBTQ Affairs
- Office of Nightlife and Culture
- Office of Religious Affairs
- Office on Returning Citizens Affairs
- Office of Veterans Affairs
- Office of Volunteerism and Partnerships
- Office on Women’s Policy and Initiative

The Mayor’s proposed FY 2022 budget for the Office of Community Affairs makes several changes to the budget structure of the Office, including the removal of funding for the Office of Fathers, Men and Boys, and the addition of funding for the Office of the Clean City.

2. FISCAL YEAR 2022 OPERATING BUDGET

<i>Operating Budget</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$4,905,784	\$3,392,098	\$4,035,958	\$28,080	\$4,064,038
Intra-District	\$286,686	\$162,006	\$165,000	\$0	\$165,000
Gross Funds	\$5,192,470	\$3,554,104	\$4,200,958	\$28,080	\$4,229,038

<i>Full-Time Employee Equivalents</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	54.4	50	53	0	53
Intra-District	1	1	1	0	1
Gross Funds	55.4	51	54	0	54

Committee Analysis and Comments

Lack of Annual Reports

Most, if not all Offices under the purview of the Office of Community Affairs are required by statute to prepare individual annual reports on their operations and provide those reports to the Mayor and the Council. Unfortunately, the creation of these annual reports has been inconsistent, and these reports are not available on the website of the Office of Community Affairs. The failure to produce and distribute statutorily mandated annual reports is a missed opportunity to highlight the work of offices within the Executive Office of the Mayor for the public, to review the operations of each office on a regular basis, and to ensure transparency and accountability for the

money invested in the Office of Community Affairs. *The Committee recommends that the Office review the statutory reporting requirements for each constituent office under its purview and ensure that required annual reports are produced on schedule and posted on the website of the Office of Community Affairs.*

Planning for Centralized Services and Supports

As part of its role in providing centralized leadership, oversight, and support to a number of smaller offices, which are located in various locations across the District, the Office on Community Affairs must necessarily decide what functions should be completed centrally and which functions should be handled by each constituent office individually. Centralizing shared functions within the central Community Affairs team could result in increased efficiencies and improved service, allowing the staff in each constituent office to focus on their core missions. Therefore, *the Committee recommends that the Office of Community Affairs conduct a strategic review of which functions or services may be more effectively provided centrally and which functions should remain dispersed among the 13 constituent offices.*

Strategic Review of Varied Office Budgets

The Office of Community Affairs has the distinction of overseeing and supporting constituent offices with widely disparate budgets and functions. For instance, the Office on Latino Affairs has 11 employees and a proposed budget of \$6,583,350. The Office of Religious Affairs, on the other hand consists only of the Director, with a budget of \$152,000. The varying size and functions of these offices appear to be more the result of ad hoc decision making and bureaucratic inertia than any strategic review of the size of various constituency groups and their need for support services. *The Committee recommends that the Office on Community Affairs undertake a strategic review of the budgets, services, and staffing of its constituent offices to better inform the FY 2023 proposed budget for the Office.*

Engaging the Boards and Commissions

Most of the constituent offices under the purview of the Office of Community Affairs have the benefit of a board or advisory committee to support their operations and to engage with the communities they represent. Unfortunately, these boards and commissions have not been utilized to their fullest extent. As a result, the District government has not gotten the maximum benefit from the talents and insights of our appointed commissioners. The prior Director of the Office of Community Affairs testified before the Committee that it was the policy of the Office to cap the number of meetings for boards and commissions at their statutory minimum levels. In addition, to minimizing the number of meetings, agency representative members of commissions frequently fail to attend meetings and engage in the work of the commissions. Finally, commissions have departed from their statutory responsibilities and de-emphasized their role in providing advice and direction to the District government. Instead, commissioners emphasize their role in simply highlighting and disseminating the work the District is already doing. That practice misses the core function of advisory committees, to the detriment of District residents. *The Committee recommends that the Office and its constituent offices reset expectations for members of boards and advisory committees, meet and engage with them frequently, actively solicit their input and*

feedback, and request that they review their duties and responsibilities under the law or Mayor's order that created the board or commission. The Committee also recommends that the Office track attendance of agency representatives at board and commission meetings and follow up when representatives fail to attend meetings of boards or commissions to which they are assigned.

Website Improvement

All 13 constituent offices now have webpages on the website of the Office of Community Affairs. Unfortunately, this website is exceedingly minimalist, providing little information about the services, events, and communications of each component office. This lack of information undercuts the mission of the Office of Community Affairs and makes it difficult for constituents to understand and engage with the work of the Office. The Committee recommends that the Office engage with the Office of the Chief Technology Officer and each of the 13 constituent offices to update and enrich the content on the website of the Office of Community Affairs to reflect the full scope of activities of the Office.

3. POLICY RECOMMENDATIONS

The Committee recommends that the Office of Community Affairs implement the following policy recommendations:

1. The Committee recommends that the Office review the statutory reporting requirements for each constituent office under its purview and ensure that required annual reports are produced on schedule and posted on the website of the Office of Community Affairs.
2. The Committee recommends that the Office of Community Affairs conduct a strategic review of which functions or services may be more effectively provided centrally and which functions should remain dispersed among the 13 constituent offices.
3. The Committee recommends that the Office on Community Affairs undertake a strategic review of the budgets, services, and staffing of its constituent offices to inform the FY 2023 proposed budget for the Office.
4. The Committee recommends that the Office and its constituent offices reset expectations for members of boards and advisory committees, meet and engage with them frequently, actively solicit their input and feedback, and request that they review their duties and responsibilities under the law or Mayor's order that created the board or commission.
5. The Committee also recommends that the Office track attendance of agency representatives at board and commission meetings and follow up when representatives fail to attend meetings of boards or commissions on which they sit.
6. The Committee recommends that the Office engage with the Office of the Chief Technology Officer and each of the 13 constituent offices to update and enrich the content on the website of the Office of Community Affairs to reflect the full scope of activities of the Office.

L. OFFICE OF HUMAN RIGHTS

1. AGENCY MISSION AND OVERVIEW

The Office of Human Rights (OHR) was one of the first institutions established during the modern home rule era, pursuant to the District of Columbia Human Rights Act of 1977 (DCHRA). The DCHRA opens with a bold statement of the Council’s intent “to secure an end in the District of Columbia to discrimination for any reason other than that of individual merit,” including discrimination based on any of over 20 characteristics. Among other responsibilities, OHR must enforce the DCHRA’s specific prohibitions on discrimination in employment, housing, public accommodations, and educational institutions.

Enforcement Division

The largest segment of the Office is the Enforcement Division, which handles intake, mediation, and investigation of complaints alleging unlawful discrimination. Specifically, the Division handles complaints of discrimination in housing, employment, public accommodations and education based on over 20 protected characteristics under the DCHRA, as well as complaints under certain other federal and state civil rights laws: the *Protecting Pregnant Workers Fairness Act of 2014*; the *Fair Criminal Record Screening Amendment Act of 2014*; the *Unemployed Anti-Discrimination Act of 2011*; the *Youth Bullying Prevention Act of 2012*; the *Language Access Act of 2003*; the *Fair Criminal Record Screening for Housing Act of 2016*; the *Fair Credit in Employment Amendment Act of 2016*; portions of the *District of Columbia Family and Medical Leave Act of 1990*; portions of the *Parental Leave Act of 1994*; and portions of the federal *Age Discrimination in Employment Act*, the *Americans with Disabilities Act*, and Titles VII and VIII of the *Civil Rights Act of 1964*.

In FY 2021, the Division’s budget expansion included 10 new FTEs for enforcement of the *Universal Paid Leave Amendment Act of 2016* (UPLA). To date, the volume of UPLA complaints has not been significant enough to require full use of the additional budgeted FTEs; OHR has largely treated these positions as vacancy savings. The Committee’s recommendations for addressing this mismatch are discussed in greater detail in the Committee Analysis and Policy Recommendation sections of this chapter.

Enforcement Division leadership also oversees a specialized Legislative and Compliance section that helps with matters such as developing government equal employment opportunity training materials.

Special Equity Programs Division

In addition to the matter-specific enforcement framework in the DCHRA, various District civil rights laws instruct OHR to take a more programmatic, proactive approach to inclusivity. The Special Equity Programs Division handles the Language Access Program, which coordinates interpretation and translation resources and promotes awareness of language access rights. Its Training and Compliance Section also implements statutes such as the *Tipped Wage Worker Fairness Act* and the *Racial Equity Achieves Results Act of 2020* (REACH Act), which include

requirements to train District personnel and to certify third-party providers to conduct civil rights training for regulated private entities. The bullying prevention program also resides within this Division and is charged with overseeing educational institutions’ implementation of anti-bullying policies.

Other OHR Divisions

Several small but important divisions support the functions of the Office. These include the Operations Division, which provides human resources and other administrative services; the Legal Division or Office of the General Counsel; and the Communications and Community Engagement Division, which among other responsibilities conducts awareness campaigns regarding human rights protections.

Commission on Human Rights

The DCHRA also established a Commission composed of 15 Mayor-appointed individuals with backgrounds or interests in human rights law. Their primary role is to serve as neutral, final decision-makers in discrimination cases. The Commission is supported by full-time Administrative Law Judges (ALJs) who conduct hearings and prepare recommendations in cases where the OHR Enforcement Division staff find probable cause to believe that unlawful discrimination has taken place. Panels of Commissioners then review and render final decisions. The Commission is empowered to order specific administrative remedies, including compensatory damages and, for certain willful or repeat offenders, civil monetary penalties. A table of Commissioners and potential Commissioners as of the date of this report is below. Individuals marked with an asterisk (*) completed their most recent confirmed terms on December 31, 2020 but have been nominated for additional terms by the Mayor. Individuals marked with an obelus (†) have been nominated by the Mayor to serve as Commissioners for the first time; their confirmation resolutions are pending before the Committee.

Name	Ward	Term Expiration
Eleanor Collinson	3	12/31/2021
John David Robinson	4	12/31/2021
Motoko Aizawa	3	12/31/2022
Karen Mulhauser	6	12/31/2022
Teri Janine Quinn	5	12/31/2022
Timothy Thomas	5	12/31/2022
Brian Griffey	2	12/31/2023
Wynter Allen*	4	12/31/2023
Adam Maier*	6	12/31/2023
Anika Simpson*	4	12/31/2023
Maria Burnett†	1	12/31/2023
Lauren Lowery†	8	12/31/2023

2. FISCAL YEAR 2022 OPERATING BUDGET

<i>Operating Budget</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$4,772,897	\$7,941,657	\$7,957,815	\$603,084	\$8,560,899
Federal Grant	\$58,832	\$338,778	\$404,797	\$0	\$404,797
Intra-District	\$15,895	\$1,853,227	\$1,858,227	\$0	\$1,858,227
Private Grant	\$73,359	\$0	\$0	\$0	\$0
Gross Funds	\$4,920,983	\$10,133,662	\$10,220,839	\$603,084	\$10,823,923

<i>Full-Time Employee Equivalents</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	47.2	61.2	61.5	5	66.5
Federal Grant	2.5	1.8	2.5	0	2.5
Intra-District	0	10	10	0	10
Gross Funds	49.7	73	74	5	79

Committee Analysis and Comments

Enforcement Staffing

By opening an administrative forum for victims of civil rights abuses, the District government should allow victims a chance to obtain remedies without the full cost and procedural complexity of a Superior Court complaint, and with the added benefit of dedicated subject matter experts who can help develop a factual record. In practice, the Committee is concerned that this avenue is too slow and complex. In the Committee's performance oversight hearing and in a public roundtable regarding the reappointment of OHR's Director, civil rights advocates and complainants with matters before OHR testified that the Office has struggled to keep up with its caseload in recent years. Performance plans filed with the Office of the City Administrator illustrate that, for example, in FY 2019, about 65% of new inquiries took over 30 days to be scheduled for intake interviews after being assigned to intake officers. In FY 2020, that figure improved to about 25%, though the COVID-19 public health emergency and its resulting closure of many settings where unlawful discrimination occurs likely contributed to the lower statistic. Even though the emergency occupied only about half of FY 2020, new OHR inquiries dropped by about 24% from FY 2019, and the Office has indicated that the number of new inquiries has remained low through FY 2021.

Once docketed, cases have consistently been scheduled for mediation within 45 days in recent years. But in cases with unsuccessful mediations, OHR could not produce letters of determination within 160 days 85% of the time in FY 2020. Nearly half (47%) of the cases before the Commission on Human Rights as of the end of FY 2020 had been pending for over 15 months. At the Committee's performance oversight hearing, the Office reported that 140 cases had been pending for three years or more. At the Committee's budget oversight hearing, the Office reported that that figure has dropped to 73.

The fact that nearly half of Commission cases were pending for over 15 months suggested that claimants with meritorious claims—that is, victims of unlawful and harmful discrimination—could expect to go well over a year without redress under conditions as they existed in FY 2020. In that timeframe, perpetrators of unlawful discrimination can inflict further harm on a complainant or others. Complainants can experience needless suffering from rehashing traumatic events and awaiting justice. Critical evidence can dissipate through failures to preserve business records, through personnel turnover and relocation, or even through natural lapses in eyewitnesses' memory over time. Any respondents facing false allegations or with lawful defenses also suffer from protracted uncertainty. For these reasons, the Committee joins the chorus of public witnesses urging OHR to accelerate case processing.

The Office itself has confirmed that a case backlog has accumulated and attributes the backlog primarily to understaffing in past years, as well as certain procedural inefficiencies that the Office is working to correct. The inefficiencies have included a an outdated case information management system and workflow that required a single enforcement manager to review all draft Letters of Determination, even though a typical Letter of Determination contains over 40 pages of detailed investigation findings and legal analysis, before the Office could certify a finding of jurisdiction and probable cause to the Commission. The Committee is relieved to see that the proposed FY 2022 budget includes one-time enhancements to help address these problems. *The Committee expects the Office to maintain regular contact with the Committee regarding the use of its one-time enhancements for engaging temporary professional staff to process backlogged cases, for additional temporary staff to confront a likely surge of cases as public places reopen following COVID-19-related closures, and for final improvements to the new case management system, and outcomes thereof.*

The Office's performance in FY 2021 to date does not fully reflect the substantial increase in its authorized workforce going into FY21. A combination of factors, including a hiring freeze at the height of the public health emergency, changes in the Office's top leadership, and the simple volume of new skilled professionals required, have resulted in some newly funded positions remaining unfilled as of the date of this report. Understaffing has driven the caseload per investigative staffer to nearly double the level that the Director reports is standard for human rights commissions and consistent with reliably high-quality work. The Committee is concerned that, after the proposed one-time enhancements lapse, the Office's staffing in certain key roles will not be sufficient to keep another backlog from accumulating. *The Committee is reallocating operating funds to OHR on a recurring basis to support three FTEs who will help ensure rapid and efficient case processing: one Enforcement Manager, one Attorney Advisor, and one Equal Opportunity Specialist Investigator. The Committee expects OHR and COHR to fill all open positions and newly funded positions promptly to ensure effective fulfillment of their existing responsibilities.*

One additional staffing issue merits special mention. As noted above, the Council recently funded the implementation of the Universal Paid Leave Amendment Act of 2016 (UPLA). This funding resulted in the authorization of, among other investments, 10 FTEs within OHR, because in the estimation of the Chief Financial Officer, the volume of paid leave violation complaints would occupy that much Enforcement Division staff time. The CFO's estimate has proven overblown, at least during the COVID-19 public health emergency. The Office has not received sufficient UPLA complaints to occupy even a single enforcement FTE, and as a result has been

compelled to leave the positions unfilled and treat their authorizations as vacancy savings. *The Committee encourages the Office to work with the Council and Chief Financial Officer to resolve the hold on the Office's use of paid leave enforcement funding for other enforcement purposes. In the meantime, the Office's intake paperwork regarding leave violations should be separated from standard employment discrimination forms to avoid confusing language about discriminatory acts.*

Finally, the Committee recognizes that the Office is in a period of transition. Its 47% increase in authorized staff from FY 2019 to FY 2021 is only the latest instance of a years-long increase since Director Mónica Palacio first took office in 2014; the Office size has nearly tripled in that time. While the Committee believe that a sharp focus on timely case processing is appropriate and necessary, the Committee also recognizes that these changes require a high degree of flexibility and cooperation from the entire staff. The Committee appreciates the high degree of specialization and professionalism that Office and Commission personnel require, and view employee morale and retention as essential components of a successful transformation of the Office. *The Committee encourages OHR to maintain robust two-way communication between executive management, division leads, line staff, and the Council to promote a unified purpose and job satisfaction.*

Additional Enforcement Considerations

As the Office builds its capacity for vigorous and nimble enforcement of our human rights laws, it should also deliberately rebuild public trust in the District government's ability to combat discrimination.

OHR has explained that various deadlines set forth in the DCHRA, parts of which are decades old, are inconsistent with the demands of the District's expansive modern civil rights laws and create unrealistic expectations on the part of the public. *The Committee supports the Office's proposed enhancement for an independent assessment of case processing deadlines. The Committee urges the Office to ensure that appropriate stakeholders, including parties and their representatives, are consulted in the design of the assessment, and appreciates the Office's commitment to share any findings promptly.*

The Office has noted that parties themselves often contribute to delays in case processing. On the other hand, advocates have described difficulty obtaining meaningful updates from Office personnel between Office actions. *The Committee recommends that OHR communicate clearly to all parties that failure to cooperate promptly with certain stages of case processing can contribute to long delays, and inform the Committee if additional authority is needed to incentivize or compel respondents' cooperation. The Committee urges OHR and COHR to establish a policy that parties are entitled to receive case status updates, including estimated wait times for next steps, no less than monthly upon request.*

In cases where a single entity engages in a pattern of unlawful discriminatory activity, it may be advantageous for the District to bring a proactive municipal lawsuit against the entity, rather than relying entirely on the victims to file and pursue complaints. The DCHRA has multiple mechanisms for independent governmental pursuit of justice, including the OHR Director's

authority to initiate inquiries. In the *COVID-19 Response Supplemental Temporary Amendment Act of 2020* and various similar measures responding to the COVID-19 pandemic, the Council has temporarily enacted a new section 316a of the DCHRA that expressly authorizes the Attorney General of the District to deploy various investigative tools and seek various remedies against those who violate the DCHRA. It is the Committee's understanding that, notwithstanding this clarifying temporary amendment, the Attorney General already possessed and will continue to possess the authorities enumerated in Section 316a. The Committee is hopeful that the civil rights section of the Office of the Attorney General will complement the work of the Office, and possibly help to ease its workload. *The Committee encourages the Office to work collaboratively with the Office of the Attorney General to better define how matters might be referred between them and issues addressed without undue duplication of effort.*

Even with these improvements, certain dynamics may result in continued strain on OHR unless energetically managed. Ongoing racist fearmongering by national and regional political figures may lead to increases in incidents of unlawful discrimination that the Office must evaluate. Nationwide patterns of recent racist violence against Asian and Asian American residents exemplify the troubling link between political demagoguery and intolerable discrimination, as do the acts of vandalism and arson that supporters of former president Trump committed against historically Black churches that used their buildings to proclaim that Black lives matter. District residents have also continued to identify additional forms of discrimination that may merit prohibition through further expansions of the DCHRA. The Committee therefore remains highly attentive to the Office's workload and performance.

Even if the Office fully streamlines its case management processes and consistently delivers timely, comprehensive, and legally sound determinations, it will need to be proactive in rebuilding public trust in the capacity of the District government to respond to discrimination.

The performance statistics that the Office has collected annually for inclusion in the Office of the City Administrator's Performance Accountability Reports do not include sufficient detail to permit analysis of and rapid response to different choke points in the enforcement process. The Committee understands that the new case management system that the Office has begun to implement is intended, in part, to allow better analysis. *The Committee is funding and establishing in the Budget Support Act, a requirement to compile detailed quarterly statistics on the numbers of cases moved through various stages of the process and the extent of the Office's and Commission's workloads.*

Advocates have also testified that when OHR personnel prepare complaints on behalf of complainants or evaluate complaints prepared by independent counsel, they sometimes omit salient allegations of fact and fail to develop valid secondary claims. OHR counters that its intake questionnaires and interview processes are quite comprehensive, and that when parties attempt to submit their own complaints, they contain extraneous details. The Office attempted a pilot program for attorney-drafted charges some years ago, but Office leaders and professional advocates disagree on whether it was adequately publicized. *The Committee recommends that the Office revisit its approach to reformulating attorney-drafted complaint documents and consider adopting additional safeguards to ensure that fact allegations are preserved in complainants' written*

records to avoid inadvertent waiver of discrimination claims, even if intake personnel initially believe that the facts alleged may not be probative.

Language Access During the Pandemic

The COVID-19 public health emergency in the District of Columbia officially commenced in March 2020. Since that time, the District government has needed to respond quickly to rapidly changing public health data, federal guidance, community feedback, and other dynamic phenomena daily. District residents and visitors need access to updates about business closures, vaccine registrations, school modifications, and other government responses immediately, no matter what languages they speak.

As part of the District’s protections for limited-English proficient and non-English proficient (LEP/NEP) people, OHR’s Language Access Division provides “oversight, central coordination, and technical assistance in their implementation of the provisions of the” *Language Access Act of 2004*. That Act requires that, among other things, certain agencies ensure materials are prepared in translation for LEP/NEP residents whose languages are spoken by under 3% or 500 individuals within the intended recipient population.

As of March 2021, however—a full year into the public health emergency—the Language Access Division was still in the planning stages to ensure that weekly situational update slides from Mayoral press briefings would be promptly translated into dominant languages within the district. While the Division has worked with the Emergency Operations Center to present language access concerns and begun visiting vaccination sites, community advocates have pointed out that the vaccine pre-registration portal’s forms were exclusively in English for weeks after opening. *The Committee urges the Division to routinely reevaluate the highest-priority COVID-related information streams and ensure that those streams are rapidly interpreted and translated for the benefit of the District’s low-English-proficiency and non-English-proficient residents.*

The Office’s most recent language access report reflects surprisingly low volumes of complaints about agencies’ language access failures, despite evidence in the report to suggest that agencies routinely fail to satisfy their obligations. *The Committee urges the Office to ensure that language access rights feature prominently in its public awareness activities.*

Street Harassment

The *Street Harassment Prevention Act of 2018* (SHPA) laid out a multi-year plan for evaluating and addressing discriminatory and threatening behavior in the District’s public spaces. The Council tasked the Office with leading these efforts. In 2020, the Advisory Committee on Street Harassment released a thoughtful report that, among other things, captured the concerns of a diverse set of focus groups selected for their vulnerability to street harassment. According to the statutory language, SHPA’s mandates have now formally expired, but certain duties including the preparation of policies and training materials remain incomplete. The Office has committed to following through on SHPA’s mandates, and the Committee heartily endorses this commitment. *The Committee urges OHR to complete all remaining obligations under the Street Harassment Prevention Act swiftly and thoroughly. In particular, the Committee strongly encourages OHR to*

work with sibling agencies to address factors that Advisory Committee on Street Harassment focus group participants identified as contributing to harassment, including: protecting human service beneficiaries from unwelcome sex work solicitations; identifying under-illuminated public spaces to park and public works agencies; and ensuring that law enforcement officers understand how their actions toward transgender and homeless residents can make them feel unsafe.

Expansions to Public Accommodation Protections

The Bella Evangelista and Tony Hunter Panic Defense Prohibition and Hate Crimes Response Amendment Act of 2020 made several important changes to District law, such as ensuring that individuals cannot escape liability for committing crimes against LGBTQ people by arguing that they were a response to discovering the victim’s sexual orientation or gender identity. One important change is a broadening of the definition of a place of public accommodation under the DCHRA to eliminate requirements that goods and services be bought or that a business be physically located in the District. At the time of passage, the Office of the Chief Financial Officer estimated that additional funding would be necessary to implement this change to the definition of “place of public accommodations.” The Committee on the Judiciary and Public Safety is transferring recurring funds to support a new Attorney Advisor position at OHR, allowing full implementation of the Bella Evangelista and Tony Hunter Panic Defense Prohibition and Hate Crimes Response Amendment Act of 2020’s changes to the DCHRA.

Equity and Transparency

As noted above, the experiences of the past year have underscored the importance of affirmatively protecting District residents from racial discrimination. The Committee appreciates the Office’s periodic newsletters that work to raise awareness of issues of systemic racism and other forms of discrimination in the District. The Committee also appreciates Director Palacio’s statements during her re-confirmation roundtable in March of this year that dedication to racial justice informs all of the Office’s initiatives. The Office has outlined some plans to conduct Know Your Rights trainings with a focus on underserved Wards of the District with large racial- and ethnic-minority communities, though many of those plans were delayed by the COVID-19 public health emergency. During a recent confirmation roundtable for the Commission, several nominees also identified public outreach as a priority. The Committee urges OHR to resume, on an accelerated basis, the plans put on hold during the pandemic to raise awareness of rights and redress mechanisms among minority communities, through Advisory Neighborhood Commissioners, Office of Community Affairs cultural community offices, and community service organizations. The Committee further recommends that the Office periodically analyze complaint and case outcome statistics to see whether variances by race merit investigations of and trainings for particular entities or industries.

Complainants’ advocates have noted that the ability to consult prior decisions of the Commission would make their work more straightforward and effective, but that an online compilation of orders was nearly 10 years out of date. The Commission noted in response to performance oversight hearing follow-up questions that, when the Commission is fully staffed, it should be able to post redacted orders within 30 days of each final decision. The Committee is

pleased to see that the Commission's online repository of decisions has been updated and urges the Commission to continue making its orders available promptly.

The recommendations in this chapter are by no means exhaustive of the types of reforms that the Office and Commission might consider. Civil rights law is complicated in general, and the District in particular has a robust set of protections for a long list of characteristics against which discrimination can manifest in subtle and varied ways. This makes comprehensive legal issue-spotting in interactions between complainants and non-lawyer intake staff a challenge. The Committee understands that the Office provides its personnel with detailed periodic training. The Committee is also hopeful that increased resources and process improvements relative to a few years ago will provide intake personnel the breathing room to explore additional issues raised by complainants and their advocates more fully. *To help identify additional process improvements and build public confidence in the Office, the Committee urges the Office to gather feedback on its processes, including by convening periodic, informal conversations with practitioners and former parties.*

3. POLICY RECOMMENDATIONS

The Committee recommends that the Office of Human Rights and the Commission on Human Rights implement the following policy recommendations:

1. The Committee expects the Office to maintain regular contact with the Committee regarding the use of its one-time enhancements for engaging temporary professional staff to process backlogged cases, for additional temporary staff to confront a likely surge of cases as public places reopen following COVID-19-related closures, and for final improvements to the new case management system, and outcomes thereof.
2. The Committee is reallocating operating funds to OHR on a recurring basis to support three FTEs who will help ensure rapid and efficient case processing: one Enforcement Manager, one Attorney Advisor, and one Equal Opportunity Specialist Investigator. The Committee expects OHR and COHR to fill all open positions and newly funded positions promptly to ensure effective fulfillment of their existing responsibilities.
3. The Committee encourages the Office to work with the Council and Chief Financial Officer to resolve the hold on the Office's use of paid leave enforcement funding for other enforcement purposes. In the meantime, the Office's intake paperwork regarding leave violations should be separated from standard employment discrimination forms to avoid confusing language about discriminatory acts.
4. The Committee encourages OHR to maintain robust two-way communication between executive management, division leads, line staff, and the Council to promote a unified purpose and job satisfaction.
5. The Committee supports the Office's proposed enhancement for an independent assessment of case processing deadlines. The Committee urges the Office to ensure that appropriate stakeholders, including parties and their representatives, are consulted in the

design of the assessment, and appreciates the Office's commitment to share any findings promptly.

6. The Committee recommends that OHR communicate clearly to all parties that failure to cooperate promptly with certain stages of case processing can contribute to long delays, and inform the Committee if additional authority is needed to incentivize or compel respondents' cooperation. The Committee urges OHR and COHR to establish a policy that parties are entitled to receive case status updates, including estimated wait times for next steps, no less than monthly upon request.
7. The Committee encourages the Office to work collaboratively with the Office of the Attorney General to better define how matters might be referred between them and issues addressed without undue duplication of effort.
8. The Committee is funding and establishing in the Budget Support Act a requirement to compile detailed quarterly statistics on the numbers of cases moved through various stages of the process and the extent of the Office's and Commission's workloads.
9. The Committee recommends that the Office revisit its approach to reformulating attorney-drafted complaint documents and consider adopting additional safeguards to ensure that more fact allegations are preserved in complainants' written records to avoid inadvertent waiver of discrimination claims, even if intake personnel initially believe that the facts alleged may not be probative.
10. The Committee urges the Division to routinely reevaluate the highest-priority COVID-related information streams and ensure that those streams are rapidly interpreted and translated for the benefit of the District's low-English-proficient and non-English-proficient residents.
11. The Committee urges the Office to ensure that language access rights feature prominently in its public awareness activities.
12. The Committee urges OHR to complete all remaining obligations under the Street Harassment Prevention Act swiftly and thoroughly. In particular, the Committee strongly encourages OHR to work with sibling agencies to address factors that Advisory Committee on Street Harassment focus group participants identified as contributing to harassment, including: protecting human service beneficiaries from unwelcome sex work solicitations; identifying under-illuminated public spaces to park and public works agencies; and ensuring that law enforcement officers understand how their actions toward transgender and homeless residents can make them feel unsafe.
13. The Committee on the Judiciary and Public Safety is transferring recurring funds to support a new Attorney Advisor position at OHR, allowing full implementation of the Bella Evangelista and Tony Hunter Panic Defense Prohibition and Hate Crimes Response Amendment Act of 2020's changes to the DCHRA.

14. The Committee urges OHR to resume, on an accelerated basis, the plans put on hold during the pandemic to raise awareness of rights and redress mechanisms among minority communities, through Advisory Neighborhood Commissioners, Office of Community Affairs cultural community offices, and community service organizations.
15. The Committee further recommends that the Office periodically analyze complaint and case outcome statistics to see whether variances by race merit investigations of and trainings for particular entities or industries.
16. To help identify additional process improvements and build public confidence in the Office, the Committee urges the Office to gather feedback on its processes, including by convening periodic, informal conversations with practitioners and former parties.

M. OFFICE OF ADMINISTRATIVE HEARINGS

1. AGENCY MISSION AND OVERVIEW

The District of Columbia Office of Administrative Hearings (OAH) is an independent agency within the executive branch of the District of Columbia government. The Council of the District of Columbia created OAH in 2001 through the *Office of Administrative Hearings Establishment Act of 2001* (D.C. Code § 2–1831.01 *et seq.*), and it began formal operations in 2004. OAH is a neutral, impartial tribunal that holds hearings and decides appeals from government decisions. Its jurisdiction has expanded significantly since its creation in 2001, and it now conducts hearings and resolves cases involving a wide variety of District agency, board, or commission actions. The agencies within OAH’s jurisdiction are grouped into three clusters based on their activities as follows:

Employment Services and Public Works Cluster	Public Benefits Cluster	Licensing and Enforcement Cluster
Department of Employment Services	Office of the Attorney General, Child Support Services Division	Department of Consumer Regulations Affairs
Office of Wage Hour	Department of Energy & Environment	Department of Energy and Environment
Public Sector Workers Compensation	Department of Behavioral Health	Department of Health
Office of Paid Leave	Department on Disability Services	DC Department of Transportation
Department of Public Works	Office of the State Superintendent of Education	Department of Small and Local Business Development
Department of Housing and Community Development	Shelter/Department of Human Services/Department of Health Care Finance	Fire and Emergency Medical Services
		Metropolitan Police Department

		Office of Human Rights
		Office of Attorney General
		D.C. Taxicab Commissions
		Department For-Hire Vehicles
		Office of Tax and Revenue
		Office of Planning

OAH may also hear appeals from certain District Boards and Commissions, including:

Accountancy, Board of	Board of Appraisers	Board of Architecture and Interior Designers
Barber and Cosmetology Board	Boxing and Wrestling Commission	Chiropractic Board
Dentistry, Board of	Board of Dietetics and Nutrition	Education Licensure Commission
Electrical Board	Board of Funeral Directors	Board of Interior Designers
Board of Massage Therapy	Board of Medicine	Board of Nursing
Board of Nursing Home Administrators	Board of Occupational Therapy	Boar of Optometry
Board of Pharmacy	Board of Physical Therapy	Plumbing Board
Board of Podiatry	Board of Professional Counseling	Board of Professional Engineers and Land Surveyors
Board of Registration for Professional Engineers	Board of Psychology	Real Estate Commission
Refrigeration and Air Conditioning Board	Board of Respiratory Care	Board of Social Work

Advisory Committee to the Office of Administrative Hearings

The same statute that created OAH in 2001 also established The Advisory Committee to the Office of Administrative Hearings (“Committee”). The Committee was formed to advise the Chief Administrative Law Judge (ALJ) in carrying out his or her duties, identify issues of importance to ALJs and agencies that OAH should address, review issues and problems relating to administrative adjudication, review and comment on the policies and regulations that the Chief ALJ proposes, and make recommendations for statutory and regulatory changes. It is comprised of eight members, listed below:

- The Mayor or his or her designee;
- The Chairperson of the Council or is or her designee;
- The Attorney General or his or her designee;
- Two agency heads appointed by the Mayor, or their designees, from agencies with cases coming before OAH;

- Two members of the District of Columbia Bar, appointed by the Mayor, neither of whom shall be employed by the District of Columbia government; and
- A member of the public, appointed by the Mayor, who is not a member of the District of Columbia Bar.

The Committee is required to meet at a regular time and place of the Committee’s choosing. In FY 20, the Committee met three times: October 24, 2019, December 12, 2019, and September 17, 2020. The meetings scheduled for March 19, 2020 and June 18, 2020 were cancelled. The Committee has met three times in FY 2021: December 15, 2020 and March 18, 2021, and June 17, 2021, with one remaining meeting scheduled for September 15, 2021. Below is a chart that shows all members of the Committee.

Name	Agency or affiliation	Date of Confirmation	Ward
Betsy Cavendish, Chair	OGC	04/24/2015	4
Toni Jackson	OAG	07/13/2015	7
Jed Ross	ORM	10/04/2019	2
Ernest Chrappah	DCRA	10/04/2019	3
Mary Buckley	Public Member	01/02/2019	8
Chelsea Sharon	Legal Aid DC/Council Appointee	10/07/2018	3
Alice Thomas	Howard University Law/Public Member	01/02/2019	4
Paul Wolfson	Wilmer Hale/Public Member	01/02/2019	2

Commission on the Selection and Tenure of Administrative Law Judges

The Commission on the Selection and Tenure of Administrative Law Judges (“COST”) was also established in 2001 by the same statute that created OAH and the Committee with the mission to ensure the recruitment and retention of a well-qualified, efficient, and effective corps of ALJs. COST has the final authority to appoint, reappoint, discipline, and remove ALJs. To be appointed to an initial term, all ALJs must receive the affirmative vote of a majority of the voting members of COST. It consists of three voting members who serve staggered terms. One member is appointed by the Mayor, one member is appointed by the Chairperson of the Council, and one member is appointed by the Chief Judge of the Superior Court of the District of Columbia. The Attorney General, or his or her designee from within the ranks of the Senior Executive Attorney Service, and the Chief Administrative Law Judge serve as ex-officio, non-voting, members of COST. Each member serves a three-year term and can be eligible for reappointment.

A majority of the voting members select the chairperson at the start of each fiscal year, and in the absence of such a selection, the COST member appointed by the Chief Judge of the Superior Court of the District of Columbia will serve as chairperson. A majority of COST’s voting members constitutes a quorum. COST met twice in FY 20: December 11, 2019 and May 8, 2020. In FY 2021 to date, COST has met three times: November 16, 2020, November 17, 2020, and January 6, 2021. Below is a chart that shows all members of COST.

Name	Date of appointment	Date of term expiration
Judge Yvonne Williams	05/01/2018	04/30/2021
Joe Onek	11/20/2020	11/19/2023
Rob Hawkins	05/01/2019	04/30/2022
Nadine Wilburn	11/13/2013	Non-voting member, no expiration
Chief Judge Colleen Currie	05/04/2021	05/03/2027

2. FISCAL YEAR 2022 OPERATING BUDGET

<i>Operating Budget</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$9,726,157	\$10,323,110	\$10,713,042	\$71,722	\$10,784,764
Federal Pay.	\$332,602	\$150,000	\$150,000	\$0	\$150,000
Intra-District	\$1,787,286	\$2,755,425	\$3,140,971	\$0	\$0
Private Dona.	\$132,010	\$0	\$0	\$0	\$3,140,971
Gross Funds	\$11,978,055	\$13,228,536	\$14,004,013	\$71,722	\$14,075,735

<i>Full-Time Employee Equivalents</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	75	75	79	1	80
Federal Pay.	0	0	0	0	0
Private Dona.	3	0	0	0	0
Intra-District	10	20	20	0	20
Gross Funds	88	95	99	1	100

Committee Analysis and Comments

OAH adjudicated 19,027 cases in FY 2020, and as of February 10, 2021, in FY 2021, it has adjudicated 6,192 cases. In FY 2020, within the Employment Services and Public Works cluster, OAH adjudicated 2,893 Department of Employment Services (DOES) cases and 6,821 Department of Public Works cases. Within the Public Benefits cluster, OAH adjudicated 6,234 Shelter/Department of Human Services (DHS)/Department of Health Care Finance (DHCF) cases in FY 2020. The third largest number of adjudicated cases in FY 2020 came from the Department of Consumer Regulations Affairs within the Licensing and Enforcement cluster with a total of 2,242 cases. These patterns have remained largely the same in FY 2021, to date, with DOES, DPW, Shelter/DHS/DHCF, and DCRA cases making up the largest share of OAH's adjudicated cases.

As of February 2021, OAH had 14,034 cases open across its three clusters. OAH did not meet its target of 75% of non-UI cases closed within 120 days in FY 2020. According to OAH's performance oversight responses, the agency lowered its non-UI case closure within 120 days target to 50% in FY 2021 to account for the increased caseload caused by the pandemic. According to its performance oversight testimony, it is on track to meet or exceed the new FY 2021 50%

target. *In order to ensure that OAH is working to address its backlog, and prevent future backlogs, the Committee recommends that OAH provide a quarterly report to the committee on measures taken to reduce the case backlog, an explanation of how the measures will reduce the backlog, and impediments to reducing the backlog.*

To handle an increasing case load in the Judicial program, the Administration's proposed FY 2022 Local funds budget for OAH includes a net increase of \$525,556 to support 4.0 full-time equivalent employees. *In addition to this necessary budget enhancement, the Committee recommends that OAH perform a staffing benchmark study to determine if the salaries are adequate for our ALJs, clerks, and other staff, and if the agency is appropriately staffed for its caseload.*

Unemployment Insurance

At the start of the pandemic, the Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and the District's *Coronavirus Support Temporary Amendment Act of 2020* expanded eligibility for unemployment insurance and significantly increased the number and nature of unemployment insurance cases within OAH's jurisdiction. As of February 2021, OAH had a UI case backlog of 968 cases. As of May 2021, this number was significantly reduced to 15 cases. OAH defines a backlog as appeals received and entered into eCourt where the Appellant has requested a hearing based on an appealable determination made by a Claims Examiner at DC DOES and has provided a copy of the Claim Examiner's Determination (CED). OAH testified during their budget oversight hearing that it is finding that in many instances DOES is not issuing CEDs, which therefore prevents claimants from filing an appeal with OAH. This means that many of the UI appeals filed are being immediately dismissed because they are not accompanied by the required CED. *The Committee recommends that OAH collaborate with DOES to understand why CEDs are not being properly issued and develop a plan on how to remedy this issue. The Committee also recommends that OAH convene a working group of stakeholders so that it can learn where there are gaps in information about the UI appeals process and determine necessary improvements for the UI appeals process generally.*

Universal Paid Leave Act

On July 1, 2020, the District began administering paid leave benefits pursuant to the *Universal Paid Family Leave Act*. The Act confers on OAH the authority to adjudicate appeals of paid family leave claims based on initial determinations by DOES, and in 2020 OAH began accepting these cases. As awareness of the paid leave program continues to grow, it is likely that the number of paid leave appeals will increase. The Committee has identified several positions that are currently funded through the Universal Paid Leave program but have remained vacant. *The Committee recommends that OAH work with the OCFO and the Council to utilize these vacancies to accommodate the staffing needs for the Paid Family Leave program.*

Public Health Emergency's Impact on FY 20 and FY 21 Performance

Between new federal and local statutes and the transition to fully remote hearings and operations, the COVID-19 public health emergency has had a significant impact on OAH's FY

2020 performance and operations and continues to do so. In addition to the increase in the UI and public benefits caseload, the DC *Coronavirus Support Temporary Amendment Act* placed a freeze on rent increases and prohibited evictions in the District for the duration of the public health emergency, which impacted the nature of rental housing cases within OAH's jurisdiction.

The DC *COVID-19 Response Emergency Amendment Act of 2020* permitted the Department of Health Care Finance (DHCF) to temporarily change eligibility policies for Medicaid and other public health programs. Specifically, these changes automatically extended currently enrolled Medicaid beneficiaries and eased the application process for new applicants. This significantly reduced the number of new Medicaid-related filings and had a positive impact on OAH's caseload management. The Federal *Families First Coronavirus Response Act* expanded Supplemental Nutrition Assistance Program (SNAP) benefits for children, lifted certain work requirements, and suspended some time limits for eligibility during the public health emergency, which impacted the nature of SNAP cases within OAH's public benefits jurisdiction. Finally, the *Condominium Warranty Claims Clarifications Emergency Amendment Act of 2020* granted OAH the jurisdiction to resolve disputed claims that arise under this Act.

The transition to a fully remote environment presented a number of challenges for OAH both internally and in how it operates as a public-facing agency. At the outset, OAH shifted online to the Webex platform. Internally, OAH faced challenges in obtaining and distributing necessary equipment to staff, including a sufficient number of licenses for virtual platforms like Microsoft Teams for collaboration, WebEx for remote hearings, and Adobe Pro for electronic document processing. Currently, all OAH hearings are held telephonically with the option for a video hearing upon the parties' request. During the budget oversight hearing, OAH testified that keeping the remote hearing option after the end of the public health emergency is preferred, but it will depend on cost. Alexis Christensen from the Legal Aid Society of D.C. testified that remote hearings during the pandemic provided litigants with the opportunity to be heard and many residents were able to more easily engage with OAH. Telephone hearings offer important flexibility to litigants, and Legal Aid testified that OAH officials have reported increased attendance of petitioners during the public health emergency. Further, video hearings offer an additional layer of accessibility to litigants and a better opportunity to connect and present documents. *The Committee recommends that OAH continue offering remote hearing options to litigants when it resumes in-person services. The Committee also recommends that OAH continue to expand its hearing options for litigants to include video hearings without the parties having to request a video hearing.*

OAH also faced challenges internally in trying to create processes and best practices for maintaining virtual case files and creating a plan for addressing the case backlogs exacerbated by the public health emergency. The Committee has received significant feedback and testimony, both individually and during the oversight hearing process, about how critical it is for OAH to establish an e-filing system and a virtual, searchable database with all Final Orders and opinions. This kind of technology exists all over the U.S. and within most judicial systems, including the D.C. court system, and OAH's system continues to be outdated and inaccessible to litigants. It is essential that OAH expand its searchable public portal to include all Final Orders, regardless of jurisdiction. OAH has cited privacy and confidentiality concerns. However, testimony during the budget oversight hearing indicated that other jurisdictions, like California, maintain privacy by

omitting full names and using only initials. *The Committee recommends that OAH prioritize the creation of a fully searchable public portal with all Final Orders in FY 2022.*

On e-filing, Legal Aid also testified that OAH's electronic filing process lacks transparency and that litigants struggle to understand what materials need to be emailed to OAH versus uploaded through the webpage. Legal Aid also testified that creating a more streamlined and accessible electronic filing system will make litigants more self-sufficient without overloading OAH staff with calls or emails. *The Committee recommends that OAH create a filing system that will permit litigants to access their documents and orders and include a single comprehensive chronological docket for each case.*

As the nature of the public health emergency evolves and operations begin to shift back to pre-pandemic expectations, the Committee points to the success of the Resource Center and the assistance that it provided and continues to provide to litigants without legal counsel in helping them with their appeals or connecting them with long-term legal counsel. The Resource Center has been an invaluable tool for *pro se* litigants throughout the public health emergency in providing resources and up-to-date information. However, the demands on the resource center are high, while the staff and capacity remain limited. *The Committee recommends that OAH dedicate more fulltime staff to the Resource Center and develop recommendations on how to improve outreach and information about what it can offer pro se litigants.*

During the public health emergency, the Advisory Committee has been a critical resource to OAH in helping the agency identify areas of improvement that have arisen due to the remote hearing status and other technological issues. *The Committee recommends that the Advisory Committee hold regular meetings to ensure that it is actively meeting and responding to OAH's needs during the public health emergency, particularly as they relate to the remote hearing environment and other technology or accessibility issues that may arise. The Committee also recommends that that OAH send the Advisory Committee written quarterly reports of key cases that are before OAH and other relevant updates to help them stay apprised of issues that OAH faces.*

3. POLICY RECOMMENDATIONS

The Committee recommends that the Office of Administrative Hearings, the Advisory Committee, and COST implement the following policy recommendations:

1. In order to ensure that OAH is working to address its backlog, and prevent future backlogs, the Committee recommends that OAH provide a quarterly report to the committee on measures taken to reduce the case backlog, an explanation of how the measures will reduce the backlog, and impediments to reducing the backlog.
2. The Committee recommends that OAH perform a staffing benchmark study to determine if the salaries are adequate for our ALJs, clerks, and other staff, and if the agency is appropriately staffed for its caseload.

3. The Committee recommends that OAH collaborate with DOES to understand why CEDs are not being properly issued and develop a plan on how to remedy this issue.
4. The Committee recommends that OAH convene a working group of stakeholders so that it can learn where there are gaps in information about the UI appeals process and determine necessary improvements for the UI appeals process generally.
5. The Committee recommends that OAH work with the OCFO and the Council to utilize its current vacancies in its Universal Paid Leave program to accommodate the staffing needs for the Paid Family Leave program.
6. The Committee recommends that OAH continue offering remote hearing options to litigants when it resumes in-person services.
7. The Committee recommends that OAH continue to expand its hearing options for litigants to include video hearings without the parties having to request a video hearing.
8. The Committee recommends that OAH prioritize the creation of a fully searchable public portal with all Final Orders in FY 22.
9. The Committee recommends that OAH create a filing system that will permit litigants to access their documents and orders and include a single comprehensive chronological docket for each case.
10. The Committee recommends that OAH dedicate more fulltime staff to the Resource Center and develop recommendations on how to improve outreach and information about what it can offer *pro se* litigants.
11. The Committee recommends that the Advisory Committee hold regular meetings to ensure that it is actively meeting and responding to OAH's needs during the public health emergency, particularly as they relate to the remote hearing environment and other technology or accessibility issues that may arise.
12. The Committee recommends that that OAH send the Advisory Committee written quarterly reports of key cases that are before OAH and other relevant updates to help them stay apprised of issues that OAH faces.

N. OFFICE OF THE INSPECTOR GENERAL

1. AGENCY MISSION AND OVERVIEW

The Office of the Inspector General is an independent executive branch agency of the District of Columbia government that conducts audits, inspections, and investigations of government programs and operations. The Office's mission is to promote economy, efficiency, and effectiveness, and to detect and deter fraud, waste, and mismanagement throughout the government.

The Office of the Inspector General was initially established by the *District of Columbia Procurement Practices Act of 1985*. The powers and responsibilities of the Office were later enhanced by the *DC Financial Responsibility and Management Assistance Act of 1995*, the *Office of the Inspector General Law Enforcement Powers Amendment Act of 1998* (citation), and the *Office of the Inspector General Powers and Duties Amendment Act of 1999*.

To protect the independence of the Office, the Inspector General is appointed to a six-year term and is subject to removal by the Mayor only for cause.

The Office of the Inspector General is organized into four units:

- The Audits Unit, which audits District organizations, programs, functions, and activities. Audits provide management with an independent appraisal of whether desired results and objectives are achieved efficiently, economically, and in accordance with prescribed laws, regulations, policies, and procedures. The Unit performs financial, performance, and attestation audits.
- The Investigations Unit, which investigates allegations of misconduct by DC government employees, contractors, and financial assistance recipients, which may involve violations of DC or federal criminal law, civil statutes, DC regulations, or employee standards of conduct. Investigations Unit reports may include findings and recommendations regarding program weaknesses, contracting irregularities, and other institutional problems that are uncovered as a result of complaints or investigations initiated by the OIG.
- The Inspections and Evaluations Unit, which conducts inspections that provide decision makers with objective, thorough, and timely evaluations of DC government agencies and programs. I&E reports contain findings and recommendations that can help District officials achieve efficiency, effectiveness, economy, and safety in managing day-to-day operations and personnel. I&E goals are to: help ensure compliance with applicable laws, regulations, and policies; identify accountability; recognize excellence; and promote continuous improvement in the delivery of services to DC residents, workers, and visitors.
- The Medicaid Fraud Control Unit, which investigates and prosecutes fraud and abuse in the administration of the Medicaid program. The unit also investigates allegations of abuse, neglect, and theft involving persons who reside in Medicaid-funded facilities or who receive Medicaid-covered services.

2. FISCAL YEAR 2022 OPERATING BUDGET

<i>Operating Budget</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$12,779,160	\$15,848,905	\$19,231,438	\$423,359	\$19,654,797

Operating Budget					
Fund Type	FY 2020 Actual	FY 2021 Approved	FY 2022 Proposed	Sum of Committee Variance	Committee Approved
Federal Grant	\$2,652,185	\$3,061,735	\$3,011,287	\$40	\$3,011,287
Gross Funds	\$15,431,345	\$18,910,640	\$22,242,725	\$423,359	\$22,666,084

Full-Time Employee Equivalents					
Fund Type	FY 2020 Actual	FY 2021 Approved	FY 2022 Proposed	Sum of Committee Variance	Committee Approved
Local	86.5	94.8	99.5	2	101.5
Federal Grant	16.7	17.2	16.5	0	16.5
Gross Funds	103.2	112	116	2	118

Committee Analysis and Comments

The role of the Office of the Inspector General in providing transparency and accountability to the District government has never been more important. Since March 2020, the District government has undertaken a complex, long-term emergency response unlike anything the city has confronted before. That response included a growth in local government expenditures rising into the hundreds of millions of dollars, the hiring of hundreds of new contractors, and the swift implementation of new process and procedures across numerous agencies. Much of this work was done quickly, remotely, and through emergency procurement procedures that frequently reduced transparency, competition in procurement, and documentation. In addition, the District government quickly stood up public benefit programs of unprecedented scale, providing many millions of dollars to individuals and businesses impacted by the events of the last two years.

The tireless efforts of District government employees undoubtedly contributed to reducing the death toll of the pandemic, helped safeguard residents from further violent attacks by insurrectionists, and eased the pain and dislocation of an unsteady economy. However, expenditures at this scale have also put the District at unprecedented risk of waste, fraud, and abuse. Audit efforts undertaken by the Office have already demonstrated that District agencies have fallen short with regard to record keeping and inventory control. Future work of the Office will undoubtedly paint a clearer picture of how effectively the District government has expended its resources and how much of that money has been diverted or wasted.

Unfortunately, the ability of the Office to fulfill its core functions was already constrained in advance of the pandemic, as years of increasing expectations and mandates were met with a budget for the Office that did not keep up with the growth in the overall District budget. As a result, the same number of auditors and investigators have become responsible for oversight of an ever-growing number of agencies, employees, and programs. This stretching over time has resulted in the Office making difficult decisions about how best to complete its diverse array of statutory responsibilities. At times, this has meant the Office picking and choosing between unfunded or under-funded statutory mandates.

The ability of the Office to complete its mission has been further impacted by ambiguous statutory language regarding the law enforcement authority of its criminal investigators. In

addition, the lack of completely independent technology and procurement procedures has at times threatened the confidentiality the Office needs to fulfill its mission.

Now, the District is set to receive billions of dollars in additional Federal aid. Congress, with great foresight, allocated additional resources for oversight, and the Mayor has proposed an enhancement to the Inspector General's budget of \$3,383,533 and 10 FTEs in FY 2022 using federal funds. The Committee applauds and supports this investment in the work of the Office as it seeks to perform oversight of the ongoing federal appropriations. *The Committee recommends that the Office swiftly develop a detailed plan of action to use the additional proposed federal funding in the Office's budget to ensure rigorous oversight and transparency for the federal funding allocated in the FY 2022 budget.*

However, these funds do not address the ongoing and increased need for oversight of locally funded activities. To assist with that work the Mayor proposed for inclusion in the *Fiscal Year 2022 Budget Support Act of 2021* a subtitle to establish a support fund for the Office capturing a portion of the proceeds arising from the Office's various enforcement activities up to a cap of \$2.5 million. The Committee supports the inclusion of this subtitle in the budget support act. However, the Mayor's proposed subtitle places severe constraints on the amount of money that the Office can recapture in the proposed support fund. Therefore, the Committee recommends that the Office carefully monitor the amount of resources captured in the support fund and make recommendations to the Committee prior to the formulation of the FY 2023 budget on how the legislation establishing the support fund could be amended to ensure adequate resources are provided to the Office to complete its mission.

In addition to supporting the proposed federal appropriations to the Office and the creation of the new support fund, the Committee recognizes that the Office has suffered from having a number of key positions frozen to address anticipated budget gaps during the pandemic. The Committee has identified funding to unfreeze two of these positions in FY 2022. *The Committee recommends that the Office quickly fill the two positions that will be unfrozen through the proposed Committee funding and take steps to quickly fill other existing vacancies within the Office.*

Finally, the Office intends to undertake a new risk assessment to identify programs and expenditures that are at risk of waste, fraud, and abuse and to target the Office's resources to addressing those risks. The Committee supports this endeavor and has identified \$200,000 in FY 2022 to support the completion of a robust risk assessment. *The Committee recommends that the Office provide the Committee with a plan and timeline for the forthcoming risk assessment and what deliverables should be anticipated. Furthermore, the Committee recommends that the Office specifically consider risks associated with large-scale IT procurements and with rapidly increasing construction costs during its risk assessment process.*

3. FY 2022-2027 CAPITAL BUDGET

OFFICE OF THE INSPECTOR GENERAL (AD0)									
IT Upgrade	Available Balances	\$1,069,699	0	0	0	0	0	0	0
		\$1,069,699	0	0	0	0	0	0	0
AD0 Total		\$1,069,699	0	0	0	0	0	0	0

4. POLICY RECOMMENDATIONS

The Committee recommends that the Office of the Inspector General implement the following policy recommendations:

1. The Committee recommends that the Office swiftly develop a detailed plan of action to use the additional proposed federal funding in the Office's budget to ensure rigorous oversight and transparency for the federal funding allocated in the FY 2022 budget.
2. The Committee recommends that the Office carefully monitor the amount of funding captured in the proposed support fund and make recommendations to the Committee prior to the formulation of the FY 2023 budget on how the legislation establishing the support fund could be amended to ensure adequate resources are provided to the Office to complete its mission.
3. The Committee recommends that the Office quickly fill the two positions that will be unfrozen through the proposed Committee funding and take steps to quickly fill other existing vacancies within the Office.
4. The Committee recommends that the Office provide the Committee with a plan and timeline for the forthcoming risk assessment and what deliverables should be anticipated.
5. Furthermore, the Committee recommends that the Office specifically consider risks associated with large-scale IT procurements and with rapidly increasing construction costs during its risk assessment process.

O. OFFICE OF CONTRACTING AND PROCUREMENT

1. AGENCY MISSION AND OVERVIEW

The Office of Contracting and Procurement (OCP) procures over \$5.2 billion in goods, services, and construction annually, on behalf of 77 District agencies and itself. The *Procurement Practices Reform Act of 2010* (PPRA) authorizes OCP to establish procurement standards in line with regulations and to monitor the effectiveness of procurement service delivery. The agency manages District procurement through procurement specialists assigned to client agencies and their worksites throughout the process.

The Office of Contracting and Procurement also offers core services including DC Supply Schedule, the Purchase Card (P-Card) Program, and the surplus property disposition and re-utilization program. DC Supply Schedule is a program that awards hundreds of contracts to vendors that provide commercial goods and services to meet District agency recurring needs. The P-Card Program allows agencies to quickly purchase small dollar value goods and services, which are not subject to formal procurement processes. Through the surplus property disposition and re-utilizations program, OCP facilitates the reuse, sale, or disposal of excess and surplus DC government personal property. OCP also acquires excess personal property from the federal government for reuse by the District.

2. FISCAL YEAR 2022 OPERATING BUDGET

<i>Operating Budget</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$65,978,028	\$24,412,811	\$27,576,917	\$427,658	\$28,004,575
Special Purp.	\$1,438,261	\$1,871,172	\$1,875,837	\$0	\$1,875,837
Federal Pay.	\$63,570,998	\$0	\$0	\$0	\$0
Intra-District	\$115,255,467	\$3,762,709	\$3,849,328	\$0	\$3,849,328
Gross Funds	\$246,242,754	\$30,046,691	\$33,302,082	\$427,658	\$33,729,740

<i>Full-Time Employee Equivalents</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	171.4	195	194.9	4	198.9
Special Purp.	7.3	10	10.1	0	10.1
Federal Pay.	0	0	0	0	0
Private Dona.	0	0	0	0	0
Intra-District	21.2	28	29	0	29
Gross Funds	199.9	233	234	4	238

Committee Analysis and Comments

Emergency Procurement During the Public Health Emergency

The Office of Contracting and Procurement secures goods and services for 78 District agencies, a task made more difficult by the challenges of the past year, in which OCP took the lead in ensuring the District was equipped with essential supplies and equipment to battle COVID-19. This included the swift procurement of masks, hand sanitizer, ventilators, and vaccine administration necessities, like syringes and cold storage trucks.

OCP had to quickly expand its network of vendors to obtain supplies that were in high demand by governments and hospitals around the world. This had to be done with very little time to properly vet vendors, yet still ensuring quality was not compromised, that the District was not subjected to price gouging, and that the District's resources were not wasted by engaging with fraudsters.

As 2021 began, the District was struck by a shameful, violent attempt to overthrow the results of the Presidential election, and in the days following, up to and after the inauguration of President Joe Biden, OCP had to navigate the sudden need to protect the District's assets against threats of additional violence. OCP had to take on the additional task of procuring immediate public safety needs.

OCP's function has never been so critical to our residents' survival as it was during this past year. As we enter a new phase of this harrowing journey in which supply chains for supplies and equipment have stabilized and more residents are vaccinated, OCP should begin the process of

critically examining the lessons the agency learned at each stage of the District's COVID-19 response effort. *OCP should begin a self-assessment and audit process to analyze the lessons we can learn to prepare ourselves for future crises, and the cracks the pressure of the pandemic illuminated in our systems that need to be fixed. OCP should provide the Council with a report on the basis of this analysis, as outlined in the FY 2022 Budget Support Act subtitle, COVID-19 Public Health Emergency Procurement Analysis Amendment Act of 2021.*

With the Mayor's declaration of a public health emergency on March 11, 2020, the Office of Contracting and Procurement was authorized to procure goods and services to respond to the emergency without approval from the Council. It has been over a year since the onset of the public health emergency and sadly, the COVID-19 virus continues to mutate, infect, and take the lives of our fellow residents.

However, the world has made some significant strides over the past year, including the federal Food and Drug Administration's approval of three different vaccines with high levels of efficacy for protection against the virus's worst symptoms. The focus has shifted from procuring equipment and supplies like ventilators, masks, and soap, to cold storage trucks and extreme temperature refrigerators, syringes, and bandages. Supply chains have been replenished to a point where the items that were nearly unattainable last March are now easily accessible in grocery and drug stores. Despite the promising outlook as more residents get vaccinated, it is unclear when the public health emergency will be lifted.

The Committee recommends that OCP shift back to normal operations to the extent possible for COVID-19 related procurements that do not require immediate acquisition. OCP should begin using competitive procurement as much as possible and shift back to adhering to minimum requirements for posting Requests for Proposals and Invitations for Bids.

The Committee additionally asks that OCP comply with the statutory requirement to submit regular summaries of emergency procurements to the Council and also to submit a final summation report of all emergency procurements conducted under the public health emergency within 90 days of the end of the public health emergency, as outlined in the FY 2022 Budget Support Act subtitle described above.

Surplus Property Disposition Program

OCP's Surplus Property Division played a key role in serving the District during the pandemic. The Surplus Property Division facilitates the reuse, sale, or disposal of excess and surplus DC government personal property.

This division's typical operations were put on hold and the division's resources were diverted to COVID-19 response. OCP changed the Surplus Property Division's organizational structure to accommodate the expansion of responsibilities and created the District Strategic Logistics Center. The Division's warehouse space was significantly expanded from 20,000 square feet to 250,000 square feet, through newly leased facilities. These warehouses were used for intake of COVID-19 supplies and equipment, inspection of shipments for quality assurance, and then inventoried for proper tracking as the supplies and equipment got distributed to agencies, hospitals,

and other organizations throughout the District. OCP implemented new BarCloud software to accommodate inventory tracking in large quantities. The Committee Chairperson and staff visited three of the new warehouse spaces added to OCP's portfolio and witnessed firsthand the end-to-end processes implemented from the placement of orders to the receipt and inventorying of the items received, to the distribution to District agencies requesting supplies. The warehouses were mostly organized, but could benefit from some additional attention to detail and documentation of each process used in the warehouses.

As we return to more normal operations, OCP will need to evaluate the changes made to the Surplus Property Division and decide whether any aspects of the expanded responsibilities and warehouse space are worth keeping after the public health emergency.

OCP should consider whether some of the additional warehouse space might be useful for continued bulk purchasing of commonly used supplies among its District client agencies. With the new inventory software OCP implemented, OCP could centralize purchasing of items that are typically bought by each individual agency through their P-cards, like office supplies, office furniture, cleaning supplies, and even commonly used building maintenance supplies used by the Department of General Services (DGS). This may save the District money.

The Committee recommends OCP do an analysis of how much warehouse space OCP would need to centralize purchases of commonly used supplies and how many employees would be needed to inventory and warehouse these items, and then distribute to agencies as needed. OCP should do a cost benefit analysis to see if the savings that could be realized through bulk purchasing would be enough to justify the additional warehouse space and operational costs.

Office of the Inspector General Report on Emergency Procurement

On May 12, 2021, the Office of the Inspector General (OIG) issued a close out letter for its *Audit of District Procurement During the COVID-19 Public Health Emergency (OIG No. 20- 1-01MA)*. The audit's objectives were to assess whether (1) the District received the goods and services in accordance with agreed-to terms and conditions; (2) supplies and services were procured at fair market value; and (3) procurements had proper approvals and were adequately managed.

The OIG concluded that auditors were unable to complete the audit because the auditors could not gather sufficient and appropriate evidence to answer the three audit objectives due to the inability to access records and databases maintained by OCP.

The OIG contended that OCP raised concerns with OIG at the announcement of the audit in September 2020 about the timing of the audit, staff availability, and granting OIG access to systems necessary to complete the audit. OCP requested two postponements of the audit to January 2021.

OIG indicated issues gaining access to OCP's QuickBase, BarCloud, and Smartsheets systems used in the emergency procurement process. Quickbase is used to receive and fulfil

requests for supplies and equipment from OCP's client agencies, BarCloud is OCP's inventory management system, and Smartsheets is used to monitor orders with suppliers.

OIG additionally visited three of OCP's five warehouses and documented concerns with processes like counting and recording inventory levels, identifying and addressing deteriorated or expired inventory, and keeping track of inventory valuation. The OIG noted disorganization, concerns with documenting shipment receipts, and warehouse staff levels.

As noted above, the Committee visited OCP's warehouses after reading OIG's close out letter. The Committee observed better conditions and organization than what the close out letter described, though that may be due to the difference in timing between the OIG and the Committee's visits. The OIG visited OCP's warehouses in early 2021, in January or February, while the Committee visited the warehouses in late May 2021. The purpose of any audit is to identify opportunities for improvement, using an outside perspective, and improving processes on the basis of that assessment. The Committee hopes that the improved conditions the Chair and staff noted are attributable to some of the concerns OIG noted months earlier, and that any disputes between the agencies on those aspects can be put aside until OIG has another opportunity to visit and re-examine the warehouses.

The Committee is still concerned with competing allegations between OCP and OIG about what transpired between the agencies with regard to accessing OCP's IT systems used in the emergency procurement process. The Committee will hold an oversight hearing with both agencies to discuss the incomplete audit and hopefully find a path forward for the audit to be completed so the District can learn from the experience the pandemic created, and be more prepared for future emergencies.

Implementing the Nonprofit Fair Compensation Act of 2020

Last December, the Council approved the *Nonprofit Fair Compensation Act of 2020*. The bill requires the District to compensate nonprofit organizations for indirect or overhead operating costs on District contracts and grants. Nonprofit organizations are currently compensated for the critical services they provide based on a calculation that does not fully consider their total costs. Indirect costs include rent, utilities, technology, administration costs, human resources department costs, insurance, and any other costs that cannot be attributed to a single project or work order. This cycle of under compensation has left nonprofit organizations struggling to survive. Three in 10 nonprofits have cash reserves that cover less than a full month's expenses, and one in eight human services nonprofits are already insolvent. If the nonprofit sector continues to be starved in this fashion, the adverse impacts will ultimately affect the level and quality of services District residents depend on, like direct health care services, meals and shelter for individuals experiencing homelessness, after school programming, or assistance completing tax returns.

The *Nonprofit Fair Compensation Act* allows nonprofit organizations that have a Federally Negotiated Indirect Cost Rate, or NICRA, to apply that rate within the District. If organizations do not have a NICRA, they can elect to use a de minimis rate of 10%, negotiate a new rate, use a rate previously negotiated with a District agency, or use a rate determined by a Certified Public Accountant (CPA) with the organization's most recently audited financial statements. The new

law also requires that all District agencies follow Federal regulations to apply an organization's NICRA to federal grant funds passed through the District for disbursement. To smooth implementation, the law staggers applicability to spread implementation across fiscal years.

The Office of the Chief Financial Officer provided a clean fiscal impact statement for the bill, which will be re-evaluated. The basis of that re-evaluation will be a report to be completed by OCP, as required in the *Fiscal Year 2021 Budget Support Act*. The FY 2021 Budget Support Act included a \$200,000 allocation for a Nonprofit Fairness Analysis. This allocation was for an analysis of the funding of indirect costs for nonprofits that have grant agreements or contracts with the District. The report should include a table listing the federal funding associated with contracts or grants passed through to nonprofit organizations by the District government in FY 2020, including any funding passed through to nonprofit organizations to meet their indirect costs and any funding retained by the District rather than being passed through for this purpose. The report must also provide any additional recommended changes to law or regulations to ensure the legal, fair, and consistent funding of indirect costs to nonprofit organizations. The report was due to the Committee and Council by April 1, 2021, and is still outstanding as of the agency's Budget Oversight Hearing on June 8, 2021. At that hearing, the Committee heard from several nonprofit organizations about the importance of attaining the results of this analysis for the District to better understand the additional costs associated with maintaining the same level of services acquired through nonprofit organizations. OCP updated the Committee during the hearing that the agency had complete its market research and developed a statement of work in order to contract with a vendor to complete the analysis. OCP issued a request for task order proposals using the DC Supply Schedule. The agency anticipated awarding the task order to a vendor by the end of June and projects the report will be completed by September 30, 2021. The Committee is dismayed by the delay with this effort, as the results would have been useful in the formation of the FY 2022 budget. *The Committee requires the analysis be completed as early as possible ahead of the beginning of FY 2022.*

OCP will have a central role in ensuring compliance with the *Nonprofit Fairness Compensation Act* as applicability phases in over the next few years. District agencies should already be applying the federal NICRA to any grant or contract for which the funding comes from the Federal Government. This flow through requirement is already required by the Code of Federal Regulations, and the *Nonprofit Fair Compensation Act* in the District reinforces that requirement. Indirect costs shall be compensated consistent with the requirements for pass-through entities in 2 C.F.R. § 200.331, or any successor regulations.

Beginning on the first day of FY 2022, the requirement to compensate nonprofits for their indirect costs will be expanded to all District contracts and grants valued at or below \$1 million, regardless of the source of funding. Applicability will continue to expand annually through FY 2026, at which point contracts and grants of any value will be required to comply with this law. OCP, as the procurement agency for most District contracts, will take the lead by applying the law to contracts it generates and the Chief Procurement Officer will be expected to ensure compliance.

Compliance with the law will likely require training procurement personnel and personnel involved with issuing grants to nonprofit organizations. Compliance will have to be tracked centrally and nonprofits will need a mechanism for reporting noncompliance.

The Committee asks that the Chief Procurement Officer ensure faithful implementation of the law and provide the Committee with an implementation plan for this law, no later than September 30th, 2021.

The Chief Procurement Officer's District Wide Duties

Duty to Review, Monitor, and Audit

The *Procurement Practices Reform Act of 2010* established duties for the District Chief Procurement Officer. One of those duties is to review, monitor, and audit the procurement activities of the District.

The Committee would like to see the CPO take a more active role in fulfilling this specific duty. In that spirit, on March 29, 2021, the Committee Chairperson, Councilmember Robert White, along with Councilmembers Cheh and Pinto, introduced the *Procurement Agencies Alignment Amendment Act of 2021* to specifically require the CPO to annually audit the procurement activities of the Department of General Services (DGS). There are several other District agencies with independent procurement authority. While some agencies require autonomy to conduct procurement themselves due to unique needs, like imposition of frequent federal requirements and changes, most of those agencies are still subject to the CPO's authority, the PPRA, or both.

While this legislation is still pending, the Committee asks that the CPO reflect on the other District agencies with independent procurement authority and prepare a plan and reasonable cycle for review of those agencies' practices. The Committee would like to ensure that the CPO has a line of sight into those agencies' procurement departments so that best practices can be shared and opportunities for improvement are recognized and addressed before they become liabilities.

Duty to Develop Guidelines for All Procurement Personnel

The *Procurement Agencies Alignment Amendment Act of 2021* would also require DGS procurement personnel to be trained and certified in equal measure as OCP procurement personnel, by the OCP Procurement Training Institute. This will ensure greater alignment of procurement practices between the two largest procurement agencies in the District and a more standardized experience for businesses that partner with both agencies. The bill goes on to require the Chief Procurement Officer to evaluate training and certification needs for procurement personnel elsewhere in the District, in agencies with independent procurement authority. *The Committee recommends that the Chief Procurement Officer begin evaluating agencies with independent procurement authority in order to provide the Committee with recommendations on whether any agencies lack adequate training for procurement personnel.*

The bill, if approved, would go on to require the Chief Procurement Officer to establish training to prepare contracting personnel for procurement in specialized industries, including construction and information technology. While procurement is a skill and career path of its own, to be successful, one must be properly informed about the industry from which procurement

personnel must obtain goods or services. Without background knowledge of the relevant industry, particularly highly complex industries like construction, information technology, or health care services, it can be difficult to assess the true value and quality of the services attained. *The Committee asks that the CPO consider any other specialized industries from which the District frequently requires goods and services, where procurement personnel would benefit from industry specific training.*

IT Procurements

Procuring information technology (IT) services is complex and opens the District to many risks. One risk is simply overpaying for services due to lack of technical knowledge necessary to evaluate what the estimated cost of building a custom or modified software would be or to judge and compare the quality of different proposals. Another risk lies in the Request for Proposals (RFP) drafting process. Without input at this stage from technical professionals, it is very possible to inadvertently miss requirements necessary to accomplish the purpose of the needed software. Introducing new software to an organization can also present cyber security risk, especially if the new software connects to other software or databases with sensitive information.

Having input from the District's technology experts as early in the IT procurement process as possible sets the District up for success. In each IT procurement, OCP should endeavor to include expertise from the Office of the Chief Technology Officer (OCTO) in every stage of the procurement process. OCTO's professional IT staff should be included in the RFP requirements drafting stage, the review of proposals as part of each Technical Evaluation Panel, and in monitoring the implementation process.

All software the District acquires should be serviceable to some extent by OCTO in the event of an emergency situation where the vendor providing primary maintenance is unavailable. This will allow OCTO to evaluate the software for any cyber security threats it may present or disengage the software from the server quickly if a risk is identified.

OCTO employees have the added benefit of being far more engaged with residents than third party vendors are and are more equipped to identify potential usability issues during the software development phase.

The Committee encourages OCP to develop a strong working relationship with OCTO and ensure OCTO is involved as early as possible on every IT procurement. The Chief Procurement Officer should draft an official policy that OCP's procurement personnel can incorporate into their procedures. The policy should detail every step in the IT procurement process where OCTO professionals should have a role and clearly define what that role is at each step.

CBE/SBE Engagement

Virtual Workshops and Community Engagement

Even in the midst of the global pandemic, and perhaps especially now, we must continue to communicate with the small business community, foster growth, and support the local economy.

Normally, OCP hosts regular events in its offices, which are well attended, and helpful for businesses looking to work with the District. *The Committee recommends that OCP use this opportunity to analyze whether some of these public facing presentations may be better suited for virtual delivery even after the threat of the pandemic fades. OCP should ensure that any virtual workshops are featured on the agency's website and are well communicated with the assistance of the Department of Small and Local Business Development (DSLBD), ANCs, and this Committee.*

Last year, *the Committee recommended that OCP create a weekly email newsletter that CBEs can self-subscribe to, listing all open solicitations and OCP's workshop schedule. The Committee renews this recommendation and strongly advises the agency to heed this advice. OCP should attempt to partner with other agencies with procurement authority on this effort, so that the newsletter is a comprehensive list of contracting opportunities with the District.*

District Contracts with Certified Small Business Enterprises

The Office of Contracting and Procurement made some positive strides toward providing Small Business Enterprises (SBE) more opportunities in prior years. OCP's spending with SBEs more than doubled between FY 2018 and FY 2019, from \$640,000 to over \$1.5 million. This is certainly a step in the right direction. Government contracting dollars spent with small and local businesses bolster the local economy. OCP made further progress between FY 2019 and FY 2020. The total value of contracts awarded increased from \$3.48 billion to \$3.95 billion and the portion awarded to CBEs went from \$898 million to \$1.37 billion.

However, data the Committee received from the Committee on Business and Economic Development indicates that much of this increased spending is concentrated amongst only a few SBEs. Most of the spending, in fact, is dispersed among only 10 businesses, which raises some concerns. The Committee would like to receive more data from OCP about the number of SBEs being awarded District contracts and the cumulative value of awards each SBE receives.

The absence of proper tracking of this data is what made it impossible for a statutorily mandated disparity study to be completed. *The Committee ask that OCP work with DSLBD and other major contracting agencies, like DGS, to identify a set of metrics to track the District's contracting efforts with small and local businesses. These data should, at a minimum, track the number of certified small businesses the District contracts with each quarter and each fiscal year, the cumulative value of contracts each business is awarded, and the percentage of the cumulative value of District contracts awarded to certified business enterprises by sub-category (Resident Owned Businesses, Development Enterprise Zone, Disadvantaged Business Enterprise, etc.).*

Remote Work Beyond the Pandemic

OCP and all other agencies should reflect on employee productivity, morale, stress levels, and ability to maintain a work life balance over the past year while many employees worked from home. OCP should consider whether a portion of its workforce should remain remote, which departments or specific roles are best suited for remote work, or whether partial or fully remote schedules should be optional for OCP's employees. OCP should consider whether 'hot desk' or

'hoteling' are reasonable options for the agency and the impact this structure would ultimately have on its need for physical office space.

Repeated Allegations of Bias and Retaliatory Behavior

The Committee received additional complaints over the past year alleging bias and retaliatory behavior among contracting officers within OCP. These allegations are highly concerning, especially when brought against a profession with a great deal of discretion. It is disappointing that another round of similar reports has reached the Committee's office. *OCP should ensure an equitable contracting process by ensuring that contracting officers receive yearly training on the proper use of their discretion. OCP should also consider requiring contracting officers to file business relationship disclosure forms and require recusals by contracting officers on procurements where their ability to act without bias is in question. The Chief Procurement Officer should consider hiring a third-party vendor to conduct a 'corporate culture audit' and seek their recommendations for improvement so that such accusations do not continue.*

3. FY 2022-2027 CAPITAL BUDGET

OFFICE OF CONTRACTING AND PROCUREMENT (PO0)									
Ariba Refresh	Mayor's Proposed	\$0	\$3,569,981	\$5,693,771	\$4,216,301	\$0	\$0	\$0	\$13,480,053
	Available Balances	\$559,071	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$559,071	\$3,569,981	\$5,693,771	\$4,216,301	\$0	\$0	\$0	\$13,480,053
Content Management	Available Balances	\$300,396	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$300,396	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Process Automation	Available Balances	\$115,862	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$115,862	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Supplier Enablement	Available Balances	\$51,261	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$51,261	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Transparency	Available Balances	\$57,779	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$57,779	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Security	Available Balances	\$58,736	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$58,736	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Procur. Systems	Available Balances	\$164	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$164)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PMIS Enhance.	Available Balances	(\$1,400,000)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		(\$1,400,000)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PO0 Total		(\$256,895)	\$3,569,981	\$5,693,771	\$4,216,301	\$0	\$0	\$0	\$13,480,053

Committee Analysis and Comments

Ariba Refresh

The FY 2022 proposed budget includes a re-funding of the Ariba Refresh capital project within OCP. The Ariba system has been utilized by the district for 18 years. The supplier (SAP Ariba) has announced that the company will not continue to support the current on-premises version the District uses. Since SAP Ariba will no longer provide security for the on-premises system, the District must upgrade and migrate to Ariba's new cloud-based system. The move is necessary to ensure continued cyber-security protection of the District's sensitive procurement information and to realize the benefits of new features and enhancements the cloud-based Ariba system has to offer.

Before the project was defunded in the FY 2021 budget, the capital budget had \$10.2 million allocated for the remainder of the financial plan beyond FY 2020. With this re-addition of the capital project to the financial plan, the total allocated in the financial plan is now \$13.5 million. From the previous allotments, only \$818,000 was unspent. So even if the new allotments include the unspent \$818,000 from the previous allotments, the project is being restored at \$2.48 million above the financial plan total from before.

The proposed FY 2022 operating budget includes a \$1.25 million enhancement to cover salaries and fringe benefits of FTEs that were previously assigned to OCP's capital budget project. There was a similar enhancement last year, when the funding for the capital budget was removed in FY 2021. OCP had moved those employees to the operating budget to continue to support them by reassigning them to other work in the agency. The capital budget has now been restored with more funding than before and therefore enough funding to support these FTEs without the additional funding in the operating budget. Thus, the proposed FY 2022 budget contains redundant funding for these FTEs, in the operating and capital budgets.

The Committee's other agency, OCTO, also received an additional allotment of \$1.2 million dollars of funding to support the on-premises Ariba system, also commonly referred to as the Procurement Automated Support System (PASS) during the transition.

4. POLICY RECOMMENDATIONS

The Committee recommends that the Office of Contracting and Procurement implement the following policy recommendations:

1. OCP should begin a self-assessment and audit process to analyze the lessons we can learn to prepare ourselves for future crises, and the cracks the pressure of the pandemic illuminated in our systems that need to be fixed. OCP should provide the Council with a report on the basis of this analysis, as outlined in the FY 2022 Budget Support Act subtitle, *COVID-19 Public Health Emergency Procurement Analysis Amendment Act of 2021*.

2. The Committee recommends that OCP shift back to normal operations to the extent possible for COVID-19 related procurements that do not require immediate acquisition. OCP should begin using competitive procurement as much as possible and shift back to adhering to minimum requirements for posting Requests for Proposals and Invitations for Bids.
3. The Committee additionally asks that OCP comply with the statutory requirement to submit regular summaries of emergency procurements to the Council and also to submit a final summation report of all emergency procurements conducted under the public health emergency within 90 days of the end of the Public Health Emergency, as outlined in the FY22 Budget Support Act subtitle described above.
4. The Committee recommends OCP do an analysis of how much warehouse space OCP would need to centralize purchases of commonly used supplies and how many employees would be needed to inventory and warehouse these items, and then distribute to agencies as needed. OCP should do a cost benefit analysis to see if the savings that could be realized through bulk purchasing would be enough to justify the additional warehouse space and operational costs.
5. The Committee requires the Nonprofit Fairness Analysis that was required to be completed by April 1, 2021 by the FY 2021 Budget Support Act and funded in the FY 2021 budget to be completed as early as possible ahead of the beginning of FY 2022.
6. The Committee asks that the Chief Procurement Officer ensure faithful implementation of the *Nonprofit Fair Compensation Act of 2020* and provide the Committee with an implementation plan for this law, no later than September 30th, 2021.
7. The Committee asks that the CPO reflect on the other District agencies with independent procurement authority and prepare a plan and reasonable cycle for review of those agencies' practices. The Committee would like to ensure that the CPO has a line of sight into those agencies' procurement departments so that best practices can be shared and opportunities for improvement are recognized and addressed before they become liabilities.
8. The Committee recommends that the Chief Procurement Officer begin evaluating agencies with independent procurement authority in order to provide the Committee with recommendations on whether any agencies lack adequate training for procurement personnel.
9. The Committee asks that the CPO consider any other specialized industries from which the District frequently requires goods and services, where procurement personnel would benefit from industry specific training.
10. The Committee encourages OCP to develop a strong working relationship with OCTO and ensure OCTO is involved as early as possible on every IT procurement. The Chief Procurement Officer should draft an official policy that OCP's procurement personnel can

incorporate into their procedures. The policy should detail every step in the IT procurement process where OCTO professionals should have a role and clearly define what that role is at each step.

11. The Committee recommends that OCP use this opportunity to analyze whether some of its public facing presentations may be better suited for virtual delivery even after the threat of the pandemic fades. OCP should ensure that any virtual workshops are featured on the agency's website and are well communicated with the assistance of the Department of Small and Local Business Development (DSLBD), ANCs, and this Committee.
12. The Committee strongly recommends that OCP create a weekly email newsletter that CBEs can self-subscribe to, listing all open solicitations and OCP's workshop schedule.
13. OCP should attempt to partner with other agencies with procurement authority on this effort, so that the newsletter is a comprehensive list of contracting opportunities with the District.
14. The Committee ask that OCP work with DSLBD and other major contracting agencies, like DGS, to identify a set of metrics to track the District's contracting efforts with small and local businesses. These data should, at a minimum, track the number of certified small businesses the District contracts with each quarter and each fiscal year, the cumulative value of contracts each business is awarded, and the percentage of the cumulative value of District contracts awarded to certified business enterprises by sub-category (Resident Owned Businesses, Development Enterprise Zone, Disadvantaged Business Enterprise, etc.).
15. OCP and all other agencies should reflect on employee productivity, morale, stress levels, and ability to maintain a work life balance over the past year while many employees worked from home. OCP should consider whether a portion of its workforce should remain remote, which departments or specific roles are best suited for remote work, or whether partial or fully remote schedules should be optional for OCP's employees.
16. OCP should ensure an equitable contracting process by ensuring that contracting officers receive yearly training on the proper use of their discretion. OCP should also consider requiring contracting officers to file business relationship disclosure forms and require recusals by contracting officers on procurements where their ability to act without bias is in question.
17. The Chief Procurement Officer should consider hiring a third-party vendor to conduct a 'corporate culture audit' and seek their recommendations for improvement so that such accusations do not continue.

P. OFFICE OF THE CHIEF TECHNOLOGY OFFICER

1. AGENCY MISSION AND OVERVIEW

The mission of the Office of the Chief Technology Officer (OCTO) is to serve as the central technology organization for the District government. OCTO develops, implements, and maintains the District’s technology infrastructure, develops and maintains major enterprise applications, establishes and oversees technology policies and standards for the District, and provides technology services and support to District agencies. OCTO also develops solutions to improve services to District residents, businesses, and visitors.

OCTO was established in 1998 with the purpose to centralize responsibility for the District government’s investments in information technology and telecommunications systems to help District departments and agencies provide services more efficiently and effectively. The Office is charged with serving as a source of expertise for District departments and agencies seeking to use information technology and telecommunications systems to improve services. OCTO’s purpose also includes a responsibility to ensure that reasonable, affordable access to high-speed internet services is available to District residents and businesses. D.C. Official Code § 1-1402.

OCTO consists of eight divisions focused on IT Infrastructure, Applications, Customer Experience and Telecommunications, DC-Net, Data, IT Security, and OCTO’s Agency Management activities and Financial Operations. Each division includes several sub-activities.

2. FISCAL YEAR 2021 OPERATING BUDGET

<i>Operating Budget</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$67,881,478	\$69,801,510	\$95,729,597	(\$1,656,467)	\$94,073,130
Special Purp.	\$9,817,039	\$10,153,707	\$12,229,712	\$0	\$12,229,712
Federal Pay.	\$6,393,002	\$0	\$656,610	\$0	\$656,610
Intra-District	\$41,209,031	\$38,202,392	\$47,777,802	\$0	\$47,777,802
Gross Funds	\$125,300,550	\$118,157,608	\$156,393,721	(\$1,656,467)	\$154,737,254

<i>Full-Time Employee Equivalents</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	226.1	226.4	226.1	(5)	221.1
Special Purp.	12.2	14.9	15	0	15
Federal Pay.	0	0	3	0	3
Intra-District	120.9	142.7	143.9	0	143.9
Gross Funds	359.3	384	388	(5)	383

Committee Analysis and Comments

District Technology Stress Tested by COVID-19

As with every agency across the District, COVID-19 had a unique impact on OCTO's operations during FY 2020 and FY 2021 to date. Upon declaration of the public health emergency in March 2020, the District's unique response to this once in a lifetime natural phenomenon depended on prolonged stay at home orders for District residents, business closures and capacity limits, and a near total shut down our normal daily lives. As the world learned more about the novel coronavirus, it became clear that in order to overcome the spread of COVID-19 and lessen its deadly impacts on residents, the key would be to limit in-person interaction as much as possible. For much longer than the initially projected two weeks, much of the world stayed home and front-line medical staff battled the devastating hospital scenes.

While limiting residents' movement and activity for safety reasons is not too difficult during a snowstorm that lasts a few days, doing so for weeks, which turned into months, and now over a full year, proved to be a challenge no government has faced within the lifetime of nearly anyone alive today, save a few centenarians that lived through the 1918 flu pandemic. Luckily, in the past 100 years, rapid creation and advancements in technology has enabled live communication through computerized devices as small as our palms, with audio and video capabilities, a host of applications that enable collaboration, and secure, remote access to databases and files, enabling most workers and students to transition to completing their work and education entirely from their own homes. OCTO was key to this transition for the District, both internally for District employees and educators, and externally, providing key resources and services for families and businesses in the District.

Agency vs. Centralized Information Technology Management

Agencies turned to OCTO for leadership and guidance on ensuring employees had devices necessary to work from home, with secure access to the programs and files needed to perform their work, and a method for virtual meetings. OCTO supported the transition of 63% of the District government's workforce from in person to remote work arrangements.

The situation highlighted a gap in the District's IT operations, in that some agencies did not have established relationships with OCTO and despite the agency's existence as the central authority on District information technology for many years, it took this crisis for those agencies to take seriously the recommendations and expertise OCTO had provided previously. OCTO currently lacks the legal authority to require all District agencies to operate in accordance with all of their policies and best practices or to require OCTO's involvement in key IT acquisitions and changes. With the sudden uptick of demand for OCTO's guidance and services by agencies that were previously acting fairly independently with their technology, OCTO found its resources, including its employees, strained and working around the clock.

The Committee recommends that following the public health emergency, OCTO conduct an analysis of the many IT operational changes, hardware and software acquisitions, and infrastructure investments that took place over the past year and half. In the analysis, OCTO

should determine which changes should remain permanent, even as District agencies go back to working in person and schools transition back to physical classrooms, and which changes, if any, made under time constraints and in a high pressure situation, should be retracted completely or modified. The analysis should also contemplate any issues OCTO experienced in implementing or enforcing any technical or policy changes across the District and provide recommendations to the Committee on how OCTO's mandate, governing statute, regulations, or organizational structure need to change in response to any weaknesses discovered under the stress test the pandemic provided. The analysis should provide recommendations for balancing agency autonomy over their technology strategy and the need for centralized policy and decision making. OCTO should evaluate potential redundancies in IT resources between OCTO's central team and agencies.

Bulk Technology Purchasing

During OCTO's performance oversight hearing, the Committee learned that during the process of transitioning the District's workforce to remote work capability, the District needed new devices for those employees that did not already have the necessary equipment to work from home. Normally, agencies procure their own devices, but in the midst of the pandemic, OCTO worked with agency Chief Information Officers (CIOs) to identify their needs so that OCTO could centrally procure the devices. In doing so, OCTO centrally procured 3,000 new devices and saved \$5 million dollars because of discounts made available by submitting a bulk order. *The Committee recommends OCTO continue this practice. OCTO should work with agency CIOs on an annual basis to identify plans for replacing devices and other equipment and accessories. All known device procurement needs for each year should be made together at the outset of the year, centrally through OCTO. OCTO should additionally make periodic requests for additional orders from agency CIOs on a monthly or quarterly basis for any needs not identified in time for the larger annual order. OCTO should endeavor to cut back on small and limited orders as much as possible to realize additional savings for the District.*

District of Columbia Public Schools Remote Learning

OCTO provides IT support for District of Columbia Public Schools (DCPS) and its approximately 52,000 students. When students in the District transitioned to remote learning, one of the most immediate hurdles to cross was ensuring students had access to devices and a fast, reliable internet connection. DCPS procured devices, which OCTO imaged and prepared for distribution to students through schools. Some students in households without internet access were provided with mobile hotspots to provide students' devices with a connection through cellular data. The hotspots were obtained with the assistance of the DC Education Equity Fund, which was created through the Greater Washington Community Foundation to collect donations, used on necessities for remote learning for at risk students in both DCPS and DC Charter Schools.

To support parents and students navigating their new devices and the new virtual classrooms students were attending classes through, OCTO set up seven new call centers during the pandemic and expanded their other existing call centers, with 16 total in operation today supporting the District overall, including parents, students, and teachers.

In addition to the distribution of hotspots, OCTO managed the Internet for All program to assist households with school aged children obtain internet access. The federal *Coronavirus Aid, Relief, and Economic Security Act* (CARES Act) included funding to support state remote learning efforts through the Governor's Emergency Education Relief Fund (GEER Fund). Of the \$5.8 million dollars received through the GEER Fund, \$3.3 million were directed toward in-home internet access, which OCTO managed through the Internet for All program. The program allowed households with students enrolled in DCPS or DC charter schools, pre-school through 12th grade, to obtain free internet access through RCN or Comcast for one year. In addition to families having students in their home, they also needed to prove financial need through qualification and enrollment in one of the following programs: Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Medicaid, Public housing assistance, Supplemental Security Income (SSI), National School Lunch Program or Head Start (NSLP), Low Income Home Energy Assistance Program (LIHEAP), the Women, Infants, and Children program (WIC), Federal Pell Grant, or Veterans Affairs Pension. The program was aimed at helping 25,000 homes achieve internet connectivity.

Students have been engaged in remote learning for more than an entire school year. Despite OCTO and DCPS' efforts to provide devices, connectivity, and technical support at the outset, many families struggled all year long obtaining and maintaining connection to their remote classrooms, creating frustration, and learning loss for the impacted students. In testimony through OCTO's performance and budget oversight processes, the Committee heard from parent led organizations, like Digital Equity in DC Education, and the DC Education Coalition for Change (DECC), as well as other child advocacy organizations, like the Children's Law Center.

The Committee learned of issues with obtaining proper resolution for technical support through the call centers OCTO set up. The testimony pointed to concerns with the call centers, including long wait times, lack of follow-up after an issue ticket is created, tickets being closed without resolution, and a lack of ability to create appointments with technicians for in-person support or hardware troubleshooting and a lack of knowledge to direct parents to create appointments in another way. These issues do not reflect every parent or teacher's experience. Digital Equity in DC Education conducted a survey in fall 2020 of parents' experiences with the technical support call centers – 43.7% of the 126 respondents rated their satisfaction as a four or five on a one to five scale. The survey revealed that quality of service was clearly inconsistent. Unfortunately, this has been a common issue with District-managed call centers, as residents seeking help with unemployment insurance claims experienced similar inconsistent levels of support. Though the unemployment call centers were not managed by OCTO, it appears the District residents overall are experiencing a trend of District call centers being unable to meet their needs, in what was a trying and frustrating time for everyone during this pandemic. District call centers are managed by a mix of agency employees and contractors, depending on the call center and the time of day. This leads the Committee to believe there is some gap in communication or training between District agencies and the direct employees and third-party companies that provide call center services. *The Committee recommends that OCTO work with the Office of Contracting and Procurement (OCP) and DCPS to diagnose the root cause for inconsistent knowledge by call takers and determine whether there is a contractual gap that needs to be addressed, whether the issues lie with improper training or materials provided by the District agencies being serviced, or another issue needing to be addressed. The Committee also recommends that OCTO implement a*

quality control process, to ensure centers are implementing new information as provided, are following through on reported tickets and handing off callers to technicians as appropriate, and are properly troubleshooting issues raised.

Testimony also highlighted that while the Internet for All initiative is a positive effort that could have benefited up to 25,000 households, the program has had low enrollment, with only 6,000 families enrolled as of February 2021. One of the limitations cited by the Children’s Law Center was that families were unable to self-enroll in the program and had to instead wait to receive an invitation to enroll from OCTO. Finally, parents raised the issue that 50 megabits per second (mbps) simply was not a fast enough speed to accommodate remote learning, with parents responding to the Digital Equity in DC Education survey citing slow speeds and disconnections while attempting to connect with their children’s classrooms, particularly in households with more than one student. In response to this testimony, the Committee is happy to see that parents can now self-enroll in the Internet for All program, by texting INTERNET to 69866 and can learn more information on Tech Together DC program website. *The Committee recommends that OCTO conduct its own testing of the DCPS student remote learning platform with the currently available 50 mbps speed and document any shortcomings and the limits of the speed’s support for programs needed for remote learning on one and multiple devices.*

While it seems students will return to in-person learning in the 2021-2022 school year beginning this September, the trajectory of the pandemic is still somewhat unpredictable, with vaccination rates stagnating and dangerous variants spreading in the United States. The pandemic’s urgent need to provide connectivity to families with students made it abundantly clear that even before the pandemic, many students were likely struggling to keep up academically, simply due to a lack of access to internet resources for homework, research, and school activities. While the Internet for All program is currently only funded for one year of internet service per family, District families will clearly need support beyond that timeframe, regardless of whether students continue remote learning or return to in-person classrooms. *If the Internet for All program or a similar program continues to enroll additional families over the next year, OCTO should consider re-negotiating speeds with the participating Internet Service Providers or consider linking speed to the number of students in the household, rather than providing a single speed option for all households.*

Fast and Affordable Internet for All District Residents

As discussed, remote learning revealed how many families with children drastically need an in-home internet connection to set their children up for academic success, even after remote learning ends. However, the need for fast and affordable internet connection is pervasive throughout all households in the District, not just those with school-aged children. Another portion of the population that is particularly underserved in this regard includes the District’s senior population. Other low-income households are also barred from participation in opportunities due to the lack of affordable internet access for their home. While internet was once a luxury, it is undeniable that today it is a necessary utility, needed to function successfully in today’s web-dependent society. Particularly during the pandemic, and likely going forward, the internet is the key to accessing jobs, critical healthcare services, virtual classrooms, grocery and necessity delivery services, and much more.

COVID-19 Temporary Solutions - Testing the Market

The District must consider the options available to provide District residents with digital equity. The pandemic provided test cases for possible long-term models. The Internet for All program discussed above, subsidized internet packages for low-income families, ultimately provided by and serviced through Comcast and RCN.

The Federal Communications Commission (FCC) introduced the Emergency Broadband Benefit Program, through which qualifying residents could receive a discount of up to \$50 per month towards broadband service. Eligible households could also receive a one-time discount of up to \$100 toward the purchase of a laptop, desktop computer, or a tablet. Qualifying households were those with an income that is at or below 135% of the Federal Poverty Guidelines or participates in certain assistance programs, such as SNAP, Medicaid, or Lifeline; households approved to receive benefits under the free and reduced-price school lunch program or the school breakfast program, including through the USDA Community Eligibility Provision in the 2019-2020 or 2020-2021 school year; households that received a Federal Pell Grant during the current award year; or households that experienced a substantial loss of income due to job loss or furlough since February 29, 2020 and the household had a total income in 2020 at or below \$99,000 for single filers and \$198,000 for joint filers. The FCC program was more broadly applicable and households without children doing remote learning also had the opportunity to receive the financial assistance provided. The program had 24 participating local Internet Service Providers (ISPs) to choose from, who would ultimately connect households and provide broadband service, with the FCC discount automatically attaching to qualifying households' bills.

The Committee recommends that OCTO create and conduct a public survey of District residents about their internet connection experiences before and during the COVID-19 pandemic, including questions about whether they have an in-home internet solution, affordability, service provider availability at their home address, how residents primarily access internet when needed, and about user experience with the Internet for All and FCC Emergency Broadband Benefit programs. The survey should be executed with the intention to better inform OCTO about the current state of resident access and the viability and satisfaction with long term programs modeled on the temporary solutions introduced during the pandemic.

Other Potential Solutions

In speaking with OCTO's Chief Technology Officer, Lindsey Parker, the Committee learned that, though proposed by some public witnesses in the performance oversight hearing, the District's DC-Net connection, could not be used to provide private residents with internet. DC-Net is the District's owned and operated high-capacity fiber optic telecommunications platform with 800+ miles of fiber optic connection, through which OCTO provides managed voice, data and video wired and wireless services to District government buildings, including agencies, schools, and libraries. The District also provides service for a fee to local nonprofit organizations, healthcare providers, universities, and Federal government agencies, including the Supreme Court of the United States. In this way, DC-Net competes with other local ISPs. However, due to restrictions by the FCC and in agreements between the District and other local ISPs, DC-Net

cannot compete with ISP for service to private residences. *The Committee recommends OCTO provide the Committee with a short analysis of the current legal and contractual limitations on DC-Net use for private residences so the Council can determine whether those limitations can be legislatively removed.*

Finally, public witnesses proposed OCTO utilize the Citizen Broadband Radio Service (CBRS) network to provide wireless broadband to District residents. CBRS is a band of spectrum that the FCC made available to support broadband availability expansion efforts in 2017. CBRS operates in the 3.5GHz band and was already used by the U.S. Navy, and a few other Federal agencies. Spectrum access is shared among three groups of users, per FCC rules. The first group includes incumbent users, like the U.S. Navy. This group occupies Tier 1 of the spectrum. The next group includes users with priority access licenses issued by the FCC, using tier 2 of the spectrum. These users include municipalities, like the District, who may want to provide public wireless broadband to portions of the city, or to provide affordable or free broadband access to District residents. The third and final tier users include all other organizations and companies for commercial use. OCTO has informed the Committee that it intends to pilot this solution for broadband expansion to residents, businesses, and District visitors. *The Committee asks that OCTO provide the Committee with a timeline and action plan for the pilot program by September 30, 2021.*

In addition to exploring options to provide District residents with fast and affordable in-home internet access, OCTO should continue to focus on providing access to residents throughout the District. OCTO's website currently provides an interactive map through which residents can locate free wireless hotspots, including DC government buildings, schools, libraries, and recreation centers. *The District should work with WMATA to incorporate free access available at Metrorail stations to provide a comprehensive listing of points of access within the District's borders. OCTO should also consider expanding Wi-Fi hotspots to include more outdoor and freely accessible points of access and should consider working with private businesses to create additional points of access. OCTO should additionally consider adding charging stations in some of these locations.*

Combating the Digital Divide with Technology Education Opportunities

Lack of access to a fast and affordable internet connection is only one aspect of what contributes to the digital divide, the growing gap between wealthy and middle-class Americans with access to technology and those without access due to cost, age, knowledge, and accessibility barriers. Lack of computer literacy is a key barrier to accessing the opportunities technology can create for District residents. An inability to navigate the web bars some District residents from access to job opportunities only advertised online, access to public resources or applications for public assistance, key news updates, savings available only to those with access to compare costs online, and many, many other advantages most people comfortable navigating the web take for granted. The pandemic highlighted the difficulties many residents face simply due to the fact that they lack basic computer skills training.

OCTO had a program called Connect.DC, which provided free technology training classes, with the goal of helping residents navigate the digital landscape, make technology relevant to their daily lives, and establish a foundation for additional, more advanced training. The service was

offered in partnership with Byte Back, an organization that provides basic and advanced technology training courses. In the FY 2020 budget, OCTO's funding for its digital literacy training was eliminated and in FY 2021, the entire budget for the Connect.DC program. In addition to digital literacy training, the program managed digital divide research and community outreach efforts to inform residents about the resources available for training, affordable internet access promotions, and public computer access locations.

Since then, the District established a new Tech Together DC initiative, which appears to be a collaborative partnership between the government, residents, businesses, and nonprofit organizations. While OCTO is involved with the program, it seems OCTO does not manage the program itself. The initiative has four action areas, including increasing access to internet service, increasing access to internet-enabled devices and IT support, demystifying technology through awareness, training, and access to opportunities, and increasing technology savviness within DC government. While the Tech Together DC goals include digital literacy training for District residents, the initiative's website appears to be bare bones, without any programming offered. The initiative seems to still be in a phase of partner recruitment. Despite the well-intentioned transition from Connect.DC to the broader Tech Together DC initiative, District residents have been left with a gap of two fiscal years in which digital literacy training was not offered, despite the heightened need the pandemic created. While OCTO has a large influx of federal *American Rescue Plan Act* (ARPA) funding included in its proposed FY 2022 budget, it is unclear whether those funds will be used specifically for digital literacy training for residents and how much. *As proposed in public testimony, the Committee recommends the District survey District residents to understand the range of digital literacy levels among adults, which can be incorporated into the survey referenced above on internet connectivity. It is vital that the District understand where residents with the greatest need for training are, the differing levels of existing knowledge, how to make digital literacy initiatives most accessible to residents, and the type of outreach needed to gain the broadest participation. The Committee recommends that OCTO use ARPA funding to make fundamental training courses once again available to District residents, while creating a strategic plan for future, continued outreach and training.*

IT Procurements

Procurement of IT products and services is managed by OCP and other agencies with independent procurement authority. OCTO, as the District's central technology organization, must have a role in these acquisitions, to ensure the agency's expertise is leveraged when determining an agency's needs and whether procurement is even necessary or if OCTO has internal tools or resources to address those needs. OCTO is best situated to understand the interaction new acquisitions will have on the District's existing IT infrastructure, cyber security, and interaction with other key applications and databases. OCTO should be involved in drafting and/or approving any Request for Proposal (RFP) requirements and advising OCP on any contractual limitations on the quality and value of potential proposals.

The Office of the Inspector General (OIG) audit report issued in 2019, concluded that "OCTO's oversight of information technology acquisitions needs improvement to ensure the District realizes intended benefits." The report found that agencies were completely bypassing OCTO's role in approving IT acquisitions either intentionally or due to issues with the

Procurement Automated Support System (PASS) not consistently adding OCTO as an approver. It was also found that there was a lack of regulations promulgated by OCTO defining the process for OCTO's review and approval of agency IT budgets and individual acquisitions. OCTO concurred with the OIGs recommendation and created action plans for improvement in FY 2020. However, given the derailment the COVID-19 pandemic created for all carefully laid plans in FY20, the Committee is concerned these efforts may not have been fully executed. The Committee also understands that while OCTO has seen improvements in agencies seeking OCTO's approval of IT acquisitions, the Committee understands that sometimes OCTO is only brought in to approve acquisitions late in the process, at which point OCTO can no longer provide the greatest benefit to the project. The Committee fears OCTO's role is not strong enough and that OCTO is not engaged early enough to create a meaningful impact. It is also unclear whether any distinctions exist in OCTO's role as it pertains to large capital-scale IT procurement projects and smaller, operating budget level acquisitions. While OCTO has indicated a positive working relationship with OCP, it is not clear whether agencies with independent procurement authority are adhering to requirements that OCTO be included in their IT planning.

The Committee requests that OCTO provide an update on the action plans OCTO provided OIG in response to their recommendations, which were intended to be carried out during FY 2020, when the pandemic began. The Committee requests that OCTO document a process flow detailing OCTO's involvement at the various stages of the IT procurement process on procurements conducted through OCP. OCTO should provide any alternative process flows that may exist with agencies with independent procurement authority. The Committee also requests that OCTO provide recommendations to the Committee on any statutory amendments that would further support OCTO's role in the IT procurement process.

American Rescue Plan Act

OCTO's FY 2022 proposed budget include \$26.5 million dollars of American Rescue Plan Act funding, OCTO's budget chapter references funds being distributed amongst several new initiatives. The initiatives cited include the case management system for the gun violence prevention program; the Devices for Residents Initiative; the Future of Work Study Initiative; and the Ease of Doing Business Initiative.

Devices for Residents

The Devices for Residents Initiative's purpose is to expand device access by providing laptops and tablets to over 38,000 DC households, including seniors, returning citizens, families in TANF and SNAP programs, adults in workforce training programs, and residents experiencing housing insecurity or living in temporary shelters; and providing free support and training for residents to help navigate these new devices.

OCTO plans to finalize the program design and procurement and distribution strategy during the last quarter of FY 2021, in coordination with agency partners like the Department of Aging and Community Living, the Department of Human Services, the Child and Family Services Agency, and the Office of Community Affairs to finalize the Devices for Residents Initiative program design and procurement strategy.

OCTO plans to solicit for program proposals, review proposals, and kick-off the new program with vendor partners in the first quarter of FY 2022. OCTO anticipates device procurement, and first phase of device distribution will most likely start in the second quarter of FY 2022 followed by a second phase of device distribution in the third quarter. *The Committee requests that OCTO update the Committee at each of the quarter-based phases of the Devices for Residents Initiative's implementation. OCTO should update the Committee with the final program design and procurement strategy and ensure OCP is aware of the upcoming needs as well. OCTO should also update the Committee with the distribution strategy, parameters around who qualifies to receive a device and which kind of device they qualify for, and the proportion of funds to be used for device procurement, program design and implementation, and any training or support services that may be included in the program.*

Gun Violence Prevention

In February 2021, the Mayor announced the launch of the Gun Violence Emergency Operations Center (EOC), as part of the Building Blocks DC's (BBDC) program, within the Office of the City Administrator. The goal of the EOC and the BBDC program is to address gun violence and its prevention as a public health initiative. The program aims to create sustained reductions in gun violence in the District by focusing in on those most at risk of being victimized by gun violence or those most at risk of becoming perpetrators of gun violence. The program will then create strategies for supporting these individuals or communities through housing, career and workplace readiness, mental health care, academic support, and other government services.

Building Blocks DC is meant to be a place-based, data-driven approach that uses comprehensive block-by-block analysis to pinpoint specific areas where gun violence is regularly happening. Using 2020 crime data, District officials identified 151 blocks that represent only 2% of all blocks in the District but were the site of 41% of all gunshot-related crimes. The BBDC team is responsible for the creation of a data-informed, evidence-based, and community-empowered strategy.

As BBDC builds out their processes and data sharing and integrations needs, the OCTO Digital Services team will work to discover automation and integration needs to build a solution that helps the new entity serve its mission. When announced in February 2021, the program was funded with an initial investment of \$15 million. The FY 2021 funding will allow for resources to be hired to (1) help capture business process and integration needs and (2) manage the eventual build out of the system(s). This work will determine a workplan for FY 2022. *The Committee requests that OCTO submit an FY 2022 workplan for the Building Blocks DC Gun Violence Prevention database to the Committee by September 30, 2021, and updates throughout FY 2022 as the workplan evolves.*

Future of Work Study Initiative

The Future of Work Study Initiative will be a study to help identify the tools, systems, and ways of working needed from a technology perspective to meet the hybrid work environment needs of the future. Formulation of the working group will begin in Q4 of FY 2021, with deeper research, analysis and the development of policy recommendations and cost projections to be concentrated in the first half of FY 2022. *OCTO should inform the Committee as the working group is formed and policy recommendations are developed.*

Ease of Doing Business Initiative

OCTO's Digital Services team will utilize user centric design methodologies to create and consolidate easy-to-use systems and will actively solicit feedback from all stakeholders. Initial efforts will focus on DC's recovery efforts, specifically creating a business portal to ease business owners time and resources spent on city processes, like for permitting, licensing, taxes, and other regulatory requirements.

In FY 2022, OCTO plans to recruit for subject matter experts to set up the DC Digital Services team. In the remainder of FY 2022, OCTO will focus on determining the business processes required for the various agencies that businesses interact with to share necessary data and service delivery information and determining the requirements for a centralized "Business Center" for the District. The Digital Services team will then build a user-focused platform to help businesses navigate DC Government processes. *The Committee requests that OCTO provide quarterly updates on the progress of the Ease of Doing Business Initiative's progress in FY 2022.*

OCTO reports that an additional federal funding pool for infrastructure, including for broadband solutions, is expected soon. The agency intends to use that funding pool to invest in an innovative approach to solve for internet access. *The Committee asks that OCTO inform the Committee as soon as additional information about this funding is available, including any limitations on use.*

3. FY 2022-2027 CAPITAL BUDGET

OFFICE OF THE CHIEF TECHNOLOGY OFFICER (TO0)									
Archives Building	Available Balances	\$553,005	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$553,005)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Wifi Upgrade	Available Balances	\$607,034	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$607,034	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Pub. Wifi Expan.	Available Balances	\$709,057	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$709,057	\$0	\$0	\$0	\$0	\$0	\$0	\$0
MP-Core Infrastr.	Available Balances	\$2,266,972	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$2,266,972	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Data Priv. & Anon.	Available Balances	\$28,857	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$28,857	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Dis. Recov. & COOP	Approved FY 21 CIP	\$0	\$3,370,000	\$3,220,000	\$0	\$0	\$0	\$0	\$6,590,000
	Available Balances	\$3,636,246	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$3,636,246	\$3,370,000	\$3,220,000	\$0	\$0	\$0	\$0	\$6,590,000
Direct. Servic. Moder.	Approved FY21 CIP	\$0	\$1,550,000	\$0	\$0	\$0	\$0	\$0	\$1,550,000
	Mayor's Proposed	\$0	\$1,400,000	\$0	\$0	\$0	\$0	\$0	\$1,400,000
	Available Balances	\$2,962,128	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$2,962,128	\$2,950,000	\$0	\$0	\$0	\$0	\$0	\$2,950,000
Digital Serv. Modern.	Mayor's Proposed	\$0	\$4,051,320	\$0	\$0	\$0	\$0	\$0	\$4,051,320
		\$0	\$4,051,320	\$0	\$0	\$0	\$0	\$0	\$4,051,320
Peoplesoft Enter.	Available Balances	\$476,786	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$276,786)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$200,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Enhanced Email Sec.	Available Balances	\$93,706	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$93,706	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Credent. And Wireless	Available Balances	\$574,991	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$108,696)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$466,295	\$0	\$0	\$0	\$0	\$0	\$0	\$0
MP – Ent. Cyber Sec.	Mayor's Proposed	\$0	\$8,000,000	\$0	\$0	\$0	\$0	\$0	\$8,000,000
	Available Balances	\$500,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$500,000	\$8,000,000	\$0	\$0	\$0	\$0	\$0	\$8,000,000
HCM Ent. App.	Available Balances	\$1,975,192	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$1,975,192	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DCWAN	Available Balances	\$15,622	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$15,622)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Unif. Comm. Center	Available Balances	\$293,681	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$293,681	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DC Cable Net	Available Balances	(\$10,000,000)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		(\$10,000,000)	\$0	\$0	\$0	\$0	\$0	\$0	\$0

UCC Federal Pay.	Available Balances	\$25,240	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$25,240	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Data Cent. Reloc. GO	Available Balances	\$7,129	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$7,129)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Ent. Backup Hard.	Available Balances	\$368,465	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$368,465	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Data Center Reloc.	Available Balances	\$3,857,822	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$3,857,822	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Data Man. and Pub.	Available Balances	\$41,319	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$41,319)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Procure. System	Available Balances	\$544	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$544)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Trans. Infra. Moder.	Available Balances	\$328,167	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$328,167)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Next Gen. Data Cent.	Available Balances	\$30,593	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$30,593)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DC Gov. Citywide IT	Available Balances	\$2,812,226	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$2,812,226	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DCHA Wifi Improv.	Available Balances	\$876,871	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$876,871	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Enter. Net. Monitor.	Available Balances	\$2,284	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Changes	(\$2,284)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Upgrade End of Life	Available Balances	\$558,577	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$558,577	\$0	\$0	\$0	\$0	\$0	\$0	\$0
IT GIS Manag..	Available Balances	\$109,911	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$109,911)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Human Res. App.	Available Balances	\$2,377	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Committee Change	(\$2,377)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TO0 Total		\$12,238,369	\$18,371,320	\$3,220,000	\$0	\$0	\$0	\$0	\$21,591,320

4. POLICY RECOMMENDATIONS

The Committee recommends that the Office of the Chief Technology Officer implement the following policy recommendations:

1. The Committee recommends that following the public health emergency, OCTO conduct an analysis of the many IT operational changes, hardware and software acquisitions, and infrastructure investments that took place over the past year and half. In the analysis, OCTO should determine which changes should remain permanent, and which changes, if any, should be retracted completely or modified. The analysis should also contemplate any issues OCTO experienced in implementing or enforcing any technical or policy changes across the District and provide recommendations to the Committee on how OCTO's mandate, governing statute, regulations, or organizational structure need to change in response to any weaknesses discovered under the stress test the pandemic provided.
2. OCTO should provide recommendations for balancing agency autonomy over their technology strategy and the need for centralized policy and decision making. OCTO should evaluate potential redundancies in IT resources between OCTO's central team and agencies.
3. OCTO should work with agency CIOs on an annual basis to identify plans for replacing devices and other equipment and accessories. All known device procurement needs for each year should be made together at the outset of the year, centrally through OCTO. OCTO should additionally make periodic requests for additional orders from agency CIOs on a monthly or quarterly basis for any needs not identified in time for the larger annual order. OCTO should endeavor to cut back on small and limited orders as much as possible to realize additional savings for the District.
4. The Committee recommends that OCTO work with the Office of Contracting and Procurement (OCP) and DCPS to diagnose the root cause for inconsistent knowledge by call center call takers and determine whether there is a contractual gap that needs to be addressed, whether the issues lie with improper training or materials provided by the District agencies being serviced, or another issue needing to be addressed.
5. The Committee also recommends that OCTO implement a quality control process, to ensure call centers are implementing new information as provided, are following through on reported tickets and handing off callers to technicians as appropriate, and are properly troubleshooting issues raised.
6. The Committee recommends that OCTO conduct its own testing of the DCPS student remote learning platform with the currently available 50 mbps speed available through the Internet for All program and document any shortcomings and the limits of the speed's support for programs needed for remote learning on one and multiple devices.
7. If the Internet for All program or a similar program continues to enroll additional families over the next year, OCTO should consider re-negotiating speeds with the participating

Internet Service Providers or consider linking speed to the number of students in the household, rather than providing a single speed option for all households.

8. The Committee recommends that OCTO create and conduct a public survey of District residents about their internet connection experiences before and during the COVID-19 pandemic, including questions about whether they have an in-home internet solution, affordability, service provider availability at their home address, how residents primarily access internet when needed, and about user experience with the Internet for All and FCC Emergency Broadband Benefit programs. The survey should be executed with the intention to better inform OCTO about the current state of resident access and the viability and satisfaction with long term programs modeled on the temporary solutions introduced during the pandemic.
9. The Committee recommends OCTO provide the Committee with a short analysis of the current legal and contractual limitations on DC-Net use for private residences so the Council can determine whether those limitations can be legislatively removed.
10. The Committee asks that OCTO provide the Committee with a timeline and action plan for the Citizen Broadband Radio Service pilot program by September 30, 2021.
11. The District should work with WMATA to incorporate Metrorail stations in OCTO's virtual map of wireless hotspots to provide a comprehensive listing of points of access within the District's borders.
12. OCTO should also consider expanding wireless hotspots to include more outdoor and freely accessible points of access and should consider working with private businesses to create additional points of access.
13. OCTO should additionally consider adding charging stations in some of these wireless hotspot locations.
14. The Committee recommends the District survey District residents to understand the range of digital literacy levels among adults, which can be incorporated into the survey referenced above on internet connectivity. It is vital that the District understand where residents with the greatest need for training are, the differing levels of existing knowledge, how to make digital literacy initiatives most accessible to residents, and the type of outreach needed to gain the broadest participation.
15. The Committee recommends that OCTO use ARPA funding to make fundamental training courses once again available to District residents, while creating a strategic plan for future, continued outreach and training.
16. The Committee requests that OCTO provide an update on the action plans OCTO provided OIG in response to their recommendations, which were intended to be carried out during FY 2020, when the pandemic began.

17. The Committee requests that OCTO document a process flow detailing OCTO's involvement at the various stages of the IT procurement process on procurements conducted through OCP. OCTO should provide any alternative process flows that may exist with agencies with independent procurement authority.
18. The Committee also requests that OCTO provide recommendations to the Committee on any statutory amendments that would further support OCTO's role in the IT procurement process.
19. The Committee requests that OCTO update the Committee at each of the quarter-based phases of the Devices for Residents Initiative's implementation. OCTO should update the Committee with the final program design and procurement strategy and ensure OCP is aware of the upcoming needs as well. OCTO should also update the Committee with the distribution strategy, parameters around who qualifies to receive a device and which kind of device they qualify for, and the proportion of funds to be used for device procurement, program design and implementation, and any training or support services that may be included in the program.
20. The Committee requests that OCTO submit an FY 2022 workplan for the Building Blocks DC Gun Violence Prevention database to the Committee by September 30, 2021, and updates throughout FY 2022 as the workplan evolves.
21. OCTO should inform the Committee as the working group is formed and policy recommendations are developed for the Future of Work Study.
22. The Committee requests that OCTO provide quarterly updates on the progress of the Ease of Doing Business Initiative's progress in FY 2022.
23. The Committee asks that OCTO inform the Committee as soon as additional information about pending funding for infrastructure and broadband solutions is available, including any limitations on use.

Q. DEPARTMENT OF GENERAL SERVICES

1. AGENCY MISSION AND OVERVIEW

The Department of General Services (DGS) states that its mission “is to build, maintain, and sustain the District of Columbia’s real estate portfolio,” work that “allows the agency to foster economic viability, environmental stewardship, and equity across all eight (8) wards.” As of early March 2021, the real estate portfolio included 848 sites, totaling over 173 million lot square feet, and 684 facilities totaling more than 37 million building square feet. The agency is comprised of over 700 employees across seven divisions:

1. *Office of the Director* – Provides overall leadership for the department, including policy development, planning, performance measures, accountability, service integration and customer service. The Director's office also administers day-to-day

operations of the department, including operating and capital budget preparation and administration, training, information technology management, human resources, and legal counsel. The Chief Operating Officer subdivision includes the public- and agency-facing work order management workforce known as the FIRST Team.

2. *Capital Construction Services* – Implements and oversees the Department's capital improvement program for client agencies within the District and executes the capital budget program, which includes the rehabilitation of existing real property facilities and construction of new facilities supporting the District.
3. *Portfolio Management* – Coordinates lease administration, allocation of owned and leased properties to District agencies, property acquisition and disposition, fixed-cost forecasting, and rent collection from entities leasing District-owned property.
4. *Sustainability and Energy Management* – Coordinates the Department's integrated planning, resources, and educational outreach to build and operate facilities that are energy efficient, comfortable, and environmentally responsible.
5. *Contracting and Procurement* – Provides services and support in procuring construction, architecture and engineering services; facilities maintenance and operation services; real estate asset management services, including leasing and auditing; utility contracts; and security services.
6. *Facilities Management* – Coordinates day-to-day operations of District-owned properties, vacant lots and homeless shelters by maintaining building assets and equipment; performing various repairs and non-structural improvements; and providing janitorial, trash and recycling pickup, postal, and engineering services.
7. *Protective Services* – Coordinates and manages the security and law enforcement requirements for District government facilities.

The combination of so many property-related functions into a single enormous agency is a relatively recent phenomenon. In 2011, the Council established DGS as a new agency within the administration of then-Mayor Vincent Gray, through subtitle C of title I of the *Fiscal Year 2012 Budget Support Act of 2011*. The new Department absorbed all the functions of the former Department of Real Estate Services and the Office of Public Education Facilities Modernization; all capital construction and real property management functions formerly housed in any other District agencies, aside from the Department of Transportation; and certain asset management functions formerly addressed by the Deputy Mayor for Planning and Economic Development.

While the centralization of the District's real property portfolio under a single agency enables efficiencies in procuring services across multiple client departments, it has also given rise to some complications in government transparency and accountability. DGS representatives frequently have to clarify for confused members of the public that their role in many important policy decisions is sharply limited; still, it plays a key role in implementing consequential policy decisions. For example, DGS leadership cannot decide when a new short-term family housing facility ought to open. But once the Department of Human Services elects to develop such a facility, it cannot obtain land, procure design and build services for new construction, or lead the renovation of an existing structure to make it suitable for use as a shelter, but must rely on DGS's specialized personnel for all these functions. Similarly, even after a public school facility is built

or modernized, major maintenance and repair issues must come to the attention of DGS and its contractors.

In light of these important responsibilities and persistent structural challenges, the Committee strives to support DGS’s hardworking leaders in their efforts to make their work transparent to the public—and pushes DGS to be as responsive and accountable as possible. As detailed in various subsections below, the ongoing COVID public health emergency has also placed some distinctive additional strains on this Department.

2. FISCAL YEAR 2021 OPERATING BUDGET

<i>Operating Budget</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$349,635,604	\$323,891,792	\$300,057,829	(\$518,583)	\$299,539,246
Dedicated Tax	\$189,981	\$1,513,776	\$1,048,174	\$0	\$1,048,174
Special Purp.	\$5,925,915	\$5,166,676	\$6,041,009	\$0	\$6,041,009
Federal Pay.	\$4,357,994	\$0	\$0	\$0	\$0
Intra-District	\$148,743,332	\$180,359,674	\$189,766,037	\$0	\$189,766,037
Gross Funds	\$508,852,825	\$510,931,918	\$496,913,049	(\$518,583)	\$496,394,466

<i>Full-Time Employee Equivalents</i>					
<i>Fund Type</i>	<i>FY 2020 Actual</i>	<i>FY 2021 Approved</i>	<i>FY 2022 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	583.5	645.2	644	(1)	643
Dedicated Tax	0	0	0	0	0
Special Purp.	12	3	8	0	8
Federal Pay.	0	0	0	0	0
Intra-District	20	22	22	0	22
Gross Funds	615.5	670.2	674	(1)	673

Committee Analysis and Comments

Office of the Director

Coordination of Maintenance and Capital Repairs

Maintenance service tasks are handled by the Facilities Management Division and major capital improvement projects are handled by the Capital Construction Services Division. However, this past year, the Department moved its repair and maintenance triaging processes, known as the Facilities Intake Response Service Team or FIRST, within the Office of the Director. The Department is prioritizing improving the function of FIRST, including by streamlining handoffs from the Facilities Management Division to the Capital Construction Services Division when maintenance projects reveal capital project needs.

DGS faced some intense and unaccustomed pressures in the fall and winter months of FY 2020, as it worked quickly under a high degree of public scrutiny to prepare schools for safer operation during the COVID-19 public health emergency, even as many important pre-planned

activities, such as school modernization, had to continue. During this period, concerned members of the public sought to bring issues with school facilities to our and other Council offices' attention. Their experiences suggested that families with concerns about their students' schools were largely unaware of the process for bringing issues to the Department's attention through the work order system managed by FIRST. *The Committee urges the Department to continue or increase its communications about the availability of issue reporting tools and the need to generate work orders, and to enlist relevant sibling agencies to help get the word out to their constituencies.*

In performance oversight and related follow-up communications, DGS leadership noted that there is a public-facing dashboard for HVAC request status tracking, and that there may be interest in real-time tracking functionality that would allow members of the public to look up the status of specific maintenance or repair requests for other work types. The Department recently indicated that it attempted a pilot program involving QR codes posted in public spaces such as parks, with the idea that members of the public could use them to register site-specific maintenance issues and check the status of existing tickets for the site. The pilot program yielded limited participation, which the Director attributed to the pandemic. *The Committee requests that the Department provide periodic reports on its QR-code-based maintenance issue reporting and tracking pilot program and any other initiatives in this vein, at least quarterly, until a decision is reached.*

Improved Contracting and Procurement Practices

In recent years, Chairman Mendelson has repeatedly introduced legislation to repeal DGS's independent procurement authority. While that level of restructuring may not yet be warranted under present circumstances, this Committee has moved legislation to improve and make uniform the various contracting practices at agencies within its portfolio, including DGS. The *Procurement Agencies Alignment Amendment Act of 2021*, introduced by Committee Chair Robert C. White, Jr. would require, among other things, that the Office of Contracting and Procurement (OCP) audit DGS's procurements annually, that OCP provide training to DGS personnel, and that DGS prepare annual acquisition plans for Council review.

In the meantime, the Committee notes that our periodic analysis of passive-review measures suggests the Department routinely under-scopes contracts and manipulates contract structures in ways that minimize and delay Council oversight and public input. For example, the Council routinely receives notice that the Department has already spent over \$970,000 beyond what is permitted under an existing contract, and that the Department needs Council approval within days or weeks to complete necessary work that will tip the project over \$1 million. Even if it is clear work exceeding \$1 million in aggregate value will be necessary, the Department only treats the expansion in scope as requiring Council approval when the first near-million is already spent, not when the million-plus in additional work that will ultimately be necessary is commenced. This approach is inconsistent with transparent and responsive governance and the spirit of the law. *The Committee reminds the Department to maintain forthright, timely communication on its contracting processes, including through total compliance with statutory Council review requirements. In particular, the Committee reiterates the instructions from the Committee's FY 2021 budget report that the Department should plan its procurements in a way to avoid the need for emergency "tipping" or retroactive contract approvals, and should seek*

Council approval prior to expending funds on projects that it knows will ultimately need to exceed \$1 million to avoid irretrievable losses should the Council choose not to approve the full contract.

The Department's contracting and procurement activities are also an important source of opportunities for certified small and local business entities (CBEs). The Committee is encouraged by the Department's efforts to comply with recent Contract Appeals Board precedent that clarifies the level of detail that contractors must provide regarding their CBE contracting plans. On a few occasions, the Committee has raised concerns that entities that the Department seeks to contract with may be abusing the preference point system for CBEs, and has had to push the Department to apply additional scrutiny to such entities. While the Committee recognizes that the Department of Small and Local Businesses bears primary responsibility for analysis of businesses' CBE status eligibility, *the Committee encourages the Department to maintain vigilance against any attempts to circumvent or hijack the District's important CBE support programs.*

The Committee also notes that these concerns typically come up when the Department has already invested as many resources into an arrangement with a prospective contractor as it can by pushing the boundaries of its Council review obligations, as discussed above. The Department can help avoid running into these issues and scrambling to resolve them on artificially short timelines by initiating reviews earlier in its processes.

The Committee notes that the proposed budget would include substantial increases to the Department's contracting and procurement resources. While the Committee disagrees that the full amount of the increase included in the proposed budget is necessary and is advancing the budget with a slight reduction relative to the Mayor's proposal, the Committee's proposal would still result in a significant increase relative to FY21. The Committee appreciates the Department's attention to contracting and procurement needs and is hopeful that the increase that we are advancing will be helpful to the Department.

Sustainability and Energy Management

Renewable Energy Future

Climate change remains a dire existential threat, and the Department's portfolio is the site of meaningful opportunities for energy efficiency, waste reduction, and renewable energy generation. The Department is continuing to evaluate existing portfolio sites for renewable energy generation projects pursuant to the *Renewable Energy Future Amendment Act of 2020*. In performance oversight, the Sustainability and Energy Management Division acknowledged that, on occasion, District properties have not been assessed as suitable for renewable energy generation projects due to their historic character. *The Committee requests that the Department inform the Committee any time a historic designation impedes renewable energy generation on portfolio properties.*

The Committee notes with excitement that three school and recreation center construction projects are underway that are anticipated to qualify for net-zero energy (NZE) certification—including one, Banneker High School, that was converted from a net energy consuming plan to a net-zero plan at no additional cost. DGS has indicated that it intends to learn from these projects

and determine to what extent new construction can drive compliance with the District’s mandates for net-zero-energy buildings as a percentage of its portfolio. However, the Committee was disappointed to learn at its budget oversight hearing that the Department does not intend to pursue NZE-readiness for upcoming projects, but prefers to assess the performance of the three new NZE-ready facilities for at least a year first. According to post-performance-oversight discussions with the Department, “the decision to make a building net-zero energy is based on the unique characteristics of the site and facility, modernization budget, tenant agency input, and local community input.” The Council has instructed the Department to plan for NZE consumption for 12.5% of the overall portfolio, and the Committee is concerned that proceeding apace with new non-NZE construction will both impede this important goal and saddle the District with destructive emissions for decades to come. *The Committee urges the Department to publicly commit to a clear and aggressive target for net-zero energy on new construction and major renovations. The Committee further urges DGS to investigate all new construction and significant renovation plans—including any for which NZE readiness is deferred—for opportunities to incorporate energy efficiency innovations and renewable energy generation systems, and requests that the Department notify the Committee of its reasoning when it declines to include such solutions in individual projects.*

The Department has noted that it will continue to pursue LEED Gold certification for new construction projects. While the Department has made admirable progress in satisfying LEED standards, the Committee is concerned that those wide-ranging scoring systems fall short of ensuring energy efficiency sufficient to meet the District’ net-zero goals. For this reason, *the Committee urges the Department to review construction standard sets and approaches that are squarely focused on energy and emissions, such as the elements of NZE construction set forth in the currently voluntary Net-Zero Energy Appendix to the District of Columbia Energy Conservation Code, or “Appendix Z” (67 DCR 6326), and to incorporate as many elements of those standards and approaches as feasible under current law.*

The Committee notes that while energy efficiency and renewables can generate overall cost savings in the medium to long term, these objectives can also require some increased up-front costs. The District’s federally imposed balanced budget obligations can make it difficult to undertake a holistic, rather than near-sighted, cost-benefit analysis of such innovations. *The Committee welcomes discussion with the Department regarding innovative financing, private-public partnerships, or other strategies to help the Department more rationally assess its NZE development opportunities.*

In addition to new construction and major renovations, DGS has the opportunity to reduce emissions and energy consumption through retrofitting existing facilities. The *CleanEnergy DC Omnibus Amendment Act of 2018*, which passed with the unanimous support of the Council and received the Mayor’s signature, includes a requirement that the Department plan to perform energy retrofitting across 9% of the building portfolio square footage in fiscal years 2021-2024. Advocates have argued that satisfying this important requirement would involve a significantly greater capital investment than is contemplated in the proposed budget. Unfortunately, the strategic energy management plan that would clarify how DGS intends to hit the mark, and that was due in January 2020, remains incomplete. *The strategic energy management must plan be finalized and submitted as swiftly as possible and include a detailed explanation of the likely cost of achieving energy and*

emission reductions of at least 30% through retrofitting at least 9% of the portfolio by building square footage.

In the meantime, as described further in the capital budget section of this chapter, the Committee is investing in greater and faster energy retrofitting improvements.

Waste Reduction

The *Zero Waste Omnibus Amendment Act of 2020* laid out important new rules for District agencies and facilities to minimize waste. Among other things, the law promotes waste reduction through reuse, repair, donation, recycling, and composting. At DGS, full implementation of the law will require investments including three new FTEs to handle important responsibilities such as training, making sure receptacles are provided, and compiling and submitting compliance data. The Committee is receiving funds from the Committee on Transportation and the Environment to support DGS's fulfillment of its new zero-waste responsibilities, and expects DGS to make full and fast use of these resources.

Environmental Hazard Monitoring and Response

Through their long history, the land and buildings of the District have been managed with varying degrees of care, awareness of long-term environmental hazards, and attention to disparities in the impact of industrial production and consumption. Today, environmental hazards are discovered in connection with public facilities projects with alarming frequency, despite a rather haphazard approach to screening for such hazards. From lead paint washing down onto playground equipment to former landfills off-gassing into the sites of future shelters, the Council has been working to identify and remediate hazards in District-run spaces.

The Council recently enacted the *Public Facilities Environmental Safety Amendment Act of 2020*, effective March 2021. Among other things, that law directs DGS to conduct "Phase I" environmental hazard analyses of all construction projects in certain categories, rather than only large projects on an ad-hoc basis; to study all buildings for certain hazardous materials every 10 years; and to test playgrounds for lead every three years. *The Committee has found approximately \$1.5 million to support the periodic testing components of the Public Facilities Environmental Safety Amendment Act of 2020, and urges the Department to implement these aspects of the law with all haste and diligence. The Committee encourages the Council to fund the remainder of the law as soon as possible.*

Maintenance of Energy Efficiency and Green Energy Technology

As the Committee noted last year, installation of sophisticated building systems will fail to have the expected results if they are not maintained and utilized correctly. The District has invested heavily in new technologies to attain LEED certification for new buildings, to reduce energy utilization, and to generate renewable energy. The Department must continue training its employed and contract maintenance workforce to ensure that newer technologies are properly maintained to fully realize environmental benefits and avoid costly early replacements. To help foster expertise that will serve our local workforce in meeting the demands of the ever-changing green economy,

the Committee encourages the Department to bring a range of small and local businesses on board for green technology projects. To the extent issues arise with the ability of local companies to meet these evolving needs, the Committee is prepared to explore solutions such as creating appropriate workforce development programs. The Department should identify gaps in local expertise to install and maintain environmentally friendly building systems and share those gaps with the Committee.

Urban Farming on District Lands

Urban farming programs have provided sites of commerce, community bonding, and improved nutrition systems. The Council has long supported urban food production. With the *Office of Urban Agriculture Establishment Amendment Act of 2019* (subtitle VI.J of the *Fiscal Year 2020 Budget Support Act of 2019*), the Council transferred primary authority over a program of out-leases for private farming on District land to a new Office of Urban Agriculture within the Department of Energy and Environment. The *Urban Agriculture Funding Amendment Act of 2020* (subtitle VI.M of the *Fiscal Year 2021 Budget Support Act of 2020*) further consolidated responsibility for certain tax abatements for urban farms on District-owned land to DOEE. However, DGS is still responsible for providing consultation to DOEE in identifying certain eligible vacant lands, a list of which DOEE must then publish on its website.⁵ *The Committee encourages DGS to work quickly with DOEE to help prepare a detailed list of eligible vacant sites for urban farming out-leases.*

Facilities Management

Routine Preventive Maintenance

In connection with its FIRST process improvements (discussed above under the Office of the Director), DGS has instituted schedules of proactive HVAC maintenance that should improve system efficiency and prevent costly breakdowns. DGS leaders indicated in performance oversight that they plan to expand this preventive approach to other forms of routine maintenance; the Committee appreciates this initiative. As of April 2021, the Department has indicated that the Facilities Management Division applies a scheduled or preventive maintenance approach to fire, life, and safety systems; mowing and other grounds maintenance; elevators; generators; and roofing systems. *The Committee encourages the Committee to continue evaluating potential additional areas that would benefit from a preventive maintenance approach, including by analyzing its work order data to identify and predict major recurring issues.*

Maintenance of Vacant Properties

Vacant properties, if not carefully maintained, can quickly fall into disrepair that later necessitates expensive repair or replacement. In the meantime, deteriorating vacant buildings can both decrease nearby property values and represent missed revenue opportunities for the District government, among other ills.

⁵ See D.C. Official Code 48–402.01(b)(1), (f)(1).

The Committee raised these concerns in budget oversight last fiscal year and cited several troubling examples of unnecessary loss within the DGS portfolio. In its most recent performance oversight cycle, however, the Department provided updates suggesting that it remains at the exploratory stages of implementing a vacant property preparation and maintenance program (such as identification of vacant DMPED buildings that “could be” maintained through a central agreement, as well as explorations of how to secure vacant buildings consistent with fire safety needs). *The Committee urges the Department to accelerate its development of a proactive and careful vacant property management strategy that takes effect immediately upon District properties becoming vacant, even if the relevant client agencies retain some authority over the properties.*

Opportunities for Shelter Service Recipients

Advocates have pointed out that if shelter facilities’ maintenance, repair, and other facility service needs were addressed by individuals staying at the shelters, the income and experience directed toward the residents could be beneficial. *The Committee encourages the Department to explore whether there are barriers to hiring shelter residents to perform facility services at shelters. If there are barriers, the Committee requests that the Department inform the Committee and assist the Committee in exploring solutions. If not, the Committee encourages DGS to work with the Department of Human Services to increase awareness of work opportunities that may be available at shelters.*

Portfolio Management

Transparency and Analytics

Ever since its creation in 2011, the Department has been under a statutory obligation to maintain a comprehensive public list of its portfolio properties and to compile an annual report of changes in the portfolio. This transparency requirement is an important component of the Council’s oversight of DGS. It also provides the public with context for understanding the District’s progress toward important policy goals, such as the energy retrofitting targets in the *CleanEnergy DC Omnibus Amendment Act of 2018*, which are structured as percentages of total building square footage in the Department’s portfolio.

In performance oversight, the Department reported that it had prepared a comprehensive list for the first time in FY 2020, but that it had not yet developed adequate recurring processes to permit compliant reporting by the statutory deadline in early FY 2021. When the Mayor transmitted her first Annual Report of Changes to the Inventory of District Real Property Assets on May 27, 2021, it appeared incomplete. The report included only 4 newly built shelters and 1 newly acquired school in FY 2020—even though DGS has consistently claimed in its workload reports that it added 14 new buildings to its portfolio in FY 2020.⁶

⁶ See Office of the City Administrator, FY20 Performance Accountability Report on DGS at 7 (Jan. 15, 2021), https://oca.dc.gov/sites/default/files/dc/sites/oca/publication/attachments/DGS_FY20PAR.pdf.

The Committee urges the Department to revisit its existing portfolio tracking protocols, avoid omissions from future reports, and double-check that its master database of portfolio properties is complete.

Leasing Practices as Engines of Opportunity

The Committee applauds the Department's selection of a leased site on Minnesota Avenue NE in Ward 7 for its future headquarters. In performance oversight, the Department cited its leasing practices as a component of its racial equity promotion strategy, and the Committee shares this hope; bringing most of the Department's sizable in-person workforce on a daily basis into a Ward whose population is over 90% Black by some estimates should provide an influx of additional capital to communities that have not received their fair share of the benefits of economic growth.

The Committee reminds the Department of the importance of rigorous adherence to its CBE contracting and local hiring requirements in connection with its new headquarters project in Ward 7. The Committee encourages the Department to look for additional ways to ensure that the project serves to strengthen the existing neighborhood community. More broadly, the Committee encourages the Department to consider its headquarters relocation as a model for spreading the benefits of a robust District government workforce throughout the District, with an emphasis on neighborhoods in greatest need of an economic boost.

Eastern Market Sustainability

For FY 2021, the Committee provided an operating subsidy for Eastern Market, a unique community institution on Capitol Hill, and accelerated capital funding for the market. Although DGS is responsible for Eastern Market operations, the Deputy Mayor for Planning and Economic Development commissioned an independent consultant to study both Eastern Market and successful comparable markets in other jurisdictions to develop recommendations for the long-term economic sustainability of this important institution. Early this fiscal year, the consultant published its report. The Committee is continuing to evaluate ways in which legislative changes might help improve governance over operation of the Eastern Market Special Use Area. In the meantime, *the Committee recommends that the Department adopt those operational modifications recommended in the Eastern Market study report that the Department is currently empowered to undertake, such as limited place-making and signage updates. The Committee further encourages the Department to convene a working group of appropriate stakeholders to advise on the details of any such near-term changes and to cultivate collaborative relationships necessary to support any legislative changes to EMSUA governance.*

For FY 2022, the Committee was displeased to learn that the Department failed to satisfy certain requirements to involve the Eastern Market Community Advisory Committee in budget proposal preparations. At its budget oversight hearing, the Department confirmed that this process omission was inadvertent and that plans are already in place to ensure full compliance during the development of the FY23 budget proposal. *The Committee expects the Department to adhere to its commitments and legal obligations regarding the development of Eastern Market budget*

proposals going forward, including by consulting the Eastern Market Community Advisory Committee.

Although the FY 2022 budget as proposed would not repeat the one-time Eastern Market operating subsidy from FY 2021, the Committee on the Judiciary and Public Safety intends to transfer \$1 million in capital funding to support.

Space for LGBTQ Community Service

The DC Center for the LGBT Community (“DC Center”) is currently headquartered at the Frank D. Reeves Center. The DC Center has joined with certain fellow local organizations serving the LGBTQ community—Casa Ruby, Rainbow Families, and the Capital Pride Alliance—in search of a new shared space. Meanwhile, the Deputy Mayor for Planning and Economic Development is about to embark on a major Reeves Center redevelopment project involving \$24 million in government funds, which will require the relocation of current tenants. The Committee has previously encouraged DGS to consult with the LGBTQ shared space coalition on potential District-owned locations and encouraged the Mayor to include supportive funding in the budget.

The Committee supports the \$1 million for the DC Center and its coalition partners proposed as part of DMPED’s capital improvement plan. At its budget oversight hearing before the Committee on Business and Economic Development, DMPED indicated that they were open to reserving space for the coalition in the Reeves Center redevelopment but would seek to recast the capital funds as a grant to maximize the coalition’s flexibility. *Although DMPED will be responsible for administering funds to support a new shared location for the DC Center for the LGBT Community, Casa Ruby, Rainbow Families, and the Capital Pride Alliance, the Committee encourages DGS to remain engaged with this coalition should they require additional information about opportunities in District government buildings.*

Protective Services

The people of the District of Columbia have suffered several tragedies in the past year in addition to the heartbreaking loss of at least 1,141 residents to COVID. In the winter of 2020-21, supporters of former President Trump repeatedly entered the District and wrought destruction on our communities, swarming and assaulting unarmed protestors and burning Black Lives Matter banners that they tore off the meeting places of Black-led churches with majority-Black congregations. Hours of horrifying video footage freely posted on the internet reflect the sense of impunity that many of these assailants felt to terrorize our communities. The unconscionable violence reached deadly levels on January 6, 2021, when assorted violent extremists, white supremacists, conspiracy theorists, and other individuals, stirred to vile action by former President Trump’s reckless and unfounded claims of election fraud, breached the U.S. Capitol complex and caused the deaths of several people including Capitol Police officers.

These repeated invasions of the District by large groups of people opposed to the rule of law and unmoored from empirical reality shine a stark light on the need for the District to ensure our physical spaces and communication networks are hardened against disruption to our government operations, without giving in to any impulse to disrespect our residents’ cherished

civil rights. DGS's Protective Service Division personnel are a crucial part of maintaining the security of our residents and the continuity of their government.

Protective Services for Federal Operations

Protective Services Division officers reported, and the Department confirmed, that the Division modified officers' schedules from eight-hour days to blocks of 12-hour days and prohibited use of annual leave for several months in early calendar year 2021. Moreover, the 12-hour scheduling meant that officers who decided to use sick leave or family medical leave in lieu of annual leave were required to use significantly more of their leave hours to achieve a day off. The Department has indicated that these policy changes were necessary to satisfy the District's obligation to provide security staffing for the D.C. National Guard during deployments in response to the January 6 terrorist attack and security concerns relating to the presidential inauguration (though the activation lasted over four months beyond the inauguration). Evidence suggests extended periods of 12-hour shifts have negative effects on workers' job performance and personal lives. *The Committee urges the Department to avoid unwelcome changes to PSD officers' schedules as much as possible and to revisit the arrangement with the D.C. National Guard that results in difficult working conditions for District workers based on emergencies of a primarily federal character.*

Identifying and Safeguarding Against Threats to District Assets

The discrepancy in preparation and response by both federal and District law enforcement and intelligence authorities to the Capitol insurrection on January 6 versus the prior summer's largely peaceful Black Lives Matter demonstrations illustrates the extreme peril of incorporating faulty assumptions around race and dangerousness into government preparations. Therefore, as the Division continues its threat assessment program, *the Committee urges the Protective Services Division to apply a racial equity lens as a necessary component of ensuring accurate and complete risk assessments.*

The Protective Services Division's Threat Management Section reported in performance oversight that it is in the process of conducting a wholesale program of both site-specific and programmatic threat assessments. *The Committee appreciates these efforts and urges the Protective Services Division to bring to the Committee's attention any unaddressed threats to District property that require Council attention.*

The Committee urges the full Council to carefully consider the Division's recommendations regarding security at the Wilson Building, Daly Building, Barry Building, and other key operational centers of the District government in order to ensure continuity of operations should further violent disruptions threaten District assets.

Public Safety on District Property

As noted in this report's sections on the Office of Human Rights, a recent report from the Advisory Committee on Street Harassment noted that some District residents—especially transgender residents, residents experiencing homelessness, and members of other marginalized

groups—reported in focus group settings that they had experienced discriminatory, intimidating, and completely unnecessary mistreatment from law enforcement. *The Committee reminds the Protective Services Division to implement any and all training requirements that the Advisory Committee on Street Harassment promulgates pursuant to its statutory authority. In the meantime, the Committee urges the Division to review the findings in the Advisory Committee report and instruct its personnel on ways to avoid intimidation, bias, or the perception of bias when deciding whom to surveil and remove from District property and how to conduct such interactions.*

Through public witness testimony and other community engagement, the Committee learned that some publicly accessible sites within the Department’s portfolio create concern for nearby residents if lights are not turned on during busy evening hours. The situation at the Fletcher-Johnson School campus at the time of the Committee’s performance oversight hearing was illustrative, and the Committee has continued to hear from neighbors that changes to lighting and patrol protocols are necessary. *The Committee urges the Department to be receptive to community concerns about unlit areas under its purview, to promptly and thoroughly assess sites that are the subject of such concerns, and, if the concerns are substantiated, to work closely with any private tenants or client agencies to identify appropriate solutions.*

Finally, the Committee strongly encourages the Division to remain attentive to best practices and policy innovations in accountable policing, to ensure that security personnel’s actions neither effect nor create the appearance of excessive force, improper bias, or legal impunity. At a minimum, *the Committee urges the Protective Services Division to carefully track use-of-force incidents, to regularly analyze the data for trends, and to make the information available to the public in the name of transparency and accountability.*

Capital Construction

Shelter Projects

The Department recently completed several shelter-construction projects, and several additional renovation and relocation projects on behalf of the Department of Human Services are planned for the coming years. The Committee worries that the personal and economic disruption of the ongoing pandemic may increase the District’s need for safe and reliable shelter spaces for some time to come. This year, the Ward 6 short-term family housing construction project revealed gaps between the contractor’s initial scope of work and critical requirements for safe operation, such as deficits in the visibility and audibility of the fire alarm system. *The Committee urges the Department to use shortcomings in earlier shelter projects as learning opportunities, and work with its client agency partners to ensure that shelter needs are comprehensively addressed in future construction and renovation projects.*

Homeless residents, advocates, and community members have also continued to highlight environmental contamination on the site of the proposed new 801 East Men’s Shelter. This year, despite longstanding concerns about a history of landfill use on portions of the site, the Department was forced to increase the budget for the project significantly for environmental abatement, as well as to implement unusually large foundation elements to accommodate and protect Metro tunnels under the site. As of April 2021, public uncertainty remained regarding the adequacy of vapor

barriers in protecting future residents against volatile organic compounds. *The Committee urges the Department to play an active role in scrutinizing shelter facility projects for environmental hazards, and to maintain close communication with the public regarding any hazards discovered and abated to promote accountability and faith in government.*

The Committee has repeatedly heard intense interest from homeless residents and their advocates about the futures of two low-barrier shelters, the Harriet Tubman Women’s Shelter and the New York Avenue Low Barrier Shelter for men. The Committee’s understanding is that as of the date of this report, the Department is actively seeking a new location for the Harriet Tubman shelter. The Department reports that they have selected a site for the New York Avenue shelter, and are engaged in procuring architecture services and arranging for the relocation of the current occupant. *The Committee encourages DGS to communicate regular updates regarding the New York Avenue and Harriet Tubman low-barrier shelter projects to homeless residents and their advocates.*

Public Restrooms

The Committee emphasized in last year’s budget report that the District faces a clear need for public restrooms, and that such facilities are necessary for many residents to traverse the city comfortably and safely, particularly as all residents are not equally welcomed into private businesses to use the facilities. A year spent in the grip of the COVID-19 pandemic, with many private businesses temporarily or permanently closed or reconfigured, has driven home that private business restrooms are not an adequate substitute for safe and widely accessible public restroom facilities. The Committee has supported major investments in public restroom initiatives, most notably the *Public Restrooms Facilities Installation and Promotion Act of 2017* (“Restrooms Act”).

Funding for some aspects of the Restrooms Act project was temporarily withdrawn by the administration. The Committee appreciates the proposed reinstatement of funding for the full project for FY 2022.

On April 23, 2021, DGS passed a Restrooms Act milestone by submitting to the Council its “Public Restroom Facilities [Installation] and Promotion Act of 2018: Report on the Sites with Frequent Incidents of Public Defecation and Urination,” which among other things compiles recommendations for potential locations for 2 pilot restroom constructions. DGS confirmed at its budget oversight hearing that it had recently satisfied another requirement: a working group has begun meeting to consider the recommendations in the Department’s report. *The Department must support the public restroom working group in meeting regularly and preparing its recommendations quickly. If new pilot public restrooms are not deployed by the start of FY22, then the Department should ensure that they are deployed as soon as possible. Once the restrooms open, the Department should assess usage and quickly work to deploy the additional capital funding available in future years.*

Sustaining the Tree Canopy

A healthy and mature population of diverse species of trees can provide numerous benefits to the District, including moderating the air quality and surface temperature, providing shade, serving as habitat for local wildlife, and accentuating public spaces with natural beauty. The Department has indicated in follow-up discussions of performance oversight that it ensures landscaping needs, including favorable conditions for trees, are considered at the project design stage and enforced through third-party inspections and other mechanisms. *The Committee urges the Department to adopt contracting standards that further promote healthy tree growth on District property.*

DC Archives

The Committee has continued to field complaints from constituents on the lack of progress toward development of a new Archives building. At present, extensive records reflecting the District's rich history are housed in conditions that do not meet archival preservation standards and make it nearly impossible to perform the difficult work of adequately cataloguing the contents of the Archives, let alone allow the public to conduct thorough research. The Office of the Secretary previously announced a plan to transform a space currently referred to as University of the District of Columbia Building 41 into the new Archives. In the FY 2021 capital improvement plan, the District government deferred funding for this transformation. In the latest capital improvement plan proposal, no funds become available until FY 2024.

At various points this year, the Committee and concerned archivists have heard conflicting reports from the Department and from the University of the District of Columbia as to the causes of delays in the development of Building 41. The most recent updates indicate that the building will be free of UDC encumbrances by the end of FY 2022. The Committee is concerned that if the Department waits until FY 2024 to even begin design work for the space, additional precious records will deteriorate to the point of uselessness and socially valuable research projects will be unnecessarily delayed.

The Committee will transfer over \$2.7 million in capital funding for FY 2023 to the Committee on Housing and Executive Administration, to accelerate planning services on behalf of the Secretary of the District of Columbia for the conversion of UDC Building 41 into the new DC Archives. While the Committee recognizes that the Office of the Secretary has primary decision-making authority over many aspects of the archives project, *the Committee urges the Department to facilitate greater transparency and provide up-to-date information on the status of the DC Archives. The Committee further encourages the Department to ensure that researchers and other public stakeholders have opportunities to advise the Department on the technical specifications that can best preserve the District's treasured historic materials.*

3. FY 2022-2027 CAPITAL BUDGET

DEPARTMENT OF GENERAL SERVICES (AM0)									
Facility Con. Asses.	Approved FY21 CIP	0	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	0	5,000,000
	Mayor's Proposed	0	1,000,000	0	0	0	0	1,000,000	2,000,000
	Available Balances	425,603	0	0	0	0	0	0	0
	Committee Change	1,000,000	0	(1,000,000)	0	0	0	0	(1,000,000)
		1,425,603	2,000,000	0	1,000,000	1,000,000	1,000,000	1,000,000	6,000,000
Marion S. Barry, Jr.	Mayor's Proposed	0	150,000	1,302,490	0	0	0	0	1,452,490
	Available Balances	1,121	0	0	0	0	0	0	0
	Committee Change	(1,121)	0	0	0	0	0	0	0
		0	150,000	1,302,490	0	0	0	0	1,452,490
Daly Bui. Crit. Syst.	Available Balances	3,890,000	0	0	0	0	0	0	0
		3,890,000	0	0	0	0	0	0	0
Oak Hill Campus	Available Balances	2,355,956	0	0	0	0	0	0	0
		2,355,956	0	0	0	0	0	0	0
Daly/MPD Swing	Available Balances	13,542,156	0	0	0	0	0	0	0
		13,542,156	0	0	0	0	0	0	0
Reeves Center Ren.	Available Balances	1,721,208	0	0	0	0	0	0	0
		1,721,208	0	0	0	0	0	0	0
Non Struct. Renov.	Available Balances	1,573,000	0	0	0	0	0	0	0
		1,573,000	0	0	0	0	0	0	0
New Hospital Park..	Available Balances	159,174	0	0	0	0	0	0	0
	Committee Change	(128,348)	0	0	0	0	0	0	0
		30,826	0	0	0	0	0	0	0
Daly Build. Rehab.	Available Balances	1,000,000	0	0	0	0	0	0	0
	Committee Change	(1,000,000)	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0
Eastern Market	Mayor's Proposed	0	330,000	0	0	0	0	0	330,000
	Available Balances	1,387,135	0	0	0	0	0	0	0
	Committee Change	1,000,000	0	0	0	0	0	0	0
		2,387,135	330,000	0	0	0	0	0	330,000
East. Mark. Metro Par.	Available Balances	103,629	0	0	0	0	0	0	0
		103,629	0	0	0	0	0	0	0
Shelter and Trans. Ho.	Available Balances	219,800	0	0	0	0	0	0	0
	Committee Change	(219,800)	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0
Hazardous Mat. Abat.	Approved FY21 CIP	0	0	0	100,000	100,000	100,000	0	300,000
	Mayor's Proposed	0	0	0	(100,000)	(100,000)	(100,000)	0	(300,000)
	Available Balances	1,476,434	0	0	0	0	0	0	0

		1,476,434	0	0	0	0	0	0	0
ADA Compl. Pool	Approved FY21 CIP	0	500,000	500,000	500,000	500,000	500,000	0	2,500,000
	Mayor's Proposed	0	0	0	0	0	0	500,000	500,000
	Available Balances	34,287	0	0	0	0	0	0	0
	Committee Change	(34,287)	0	0	0	0	0	0	0
		0	500,000	500,000	500,000	500,000	500,000	500,000	3,000,000
Arch. Rec. of Deeds	Available Balances	24,562	0	0	0	0	0	0	0
	Committee Change	(24,562)	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0
Big 3 Buildings Pool	Available Balances	131,759	0	0	0	0	0	0	0
	Committee Change	(56,004)	0	0	0	0	0	0	0
		75,755	0	0	0	0	0	0	0
EPA Storm Water	Available Balances	2,884,467	0	0	0	0	0	0	0
		2,884,467	0	0	0	0	0	0	0
Enhanc. Comm. Infra.	Approved FY21 CIP	0	250,000	250,000	250,000	250,000	250,000	0	1,250,000
	Mayor's Proposed	0	(250,000)	(250,000)	(250,000)	(250,000)	(250,000)	0	(1,250,000)
	Available Balances	898,903	0	0	0	0	0	0	0
		898,903	0	0	0	0	0	0	0
HVAC Repair Ren.	Available Balances	200	0	0	0	0	0	0	0
	Committee Changes	(200)	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0
Roof Replac. Pool	Approved FY21 CIP	0	2,141,000	1,250,000	1,250,000	1,250,000	1,250,000	0	7,141,000
	Mayor's Proposed	0	(2,141,000)	(1,250,000)	0	0	0	1,250,000	(2,141,000)
	Available Balances	5,419,283	0	0	0	0	0	0	0
	Committee Changes	(401,000)	0	0	0	0	0	0	0
		5,018,283	0	0	1,250,000	1,250,000	1,250,000	1,250,000	5,000,000
Energy Retrofitting	Approved FY21 CIP	0	2,000,000	1,000,000	1,000,000	2,000,000	2,000,000	0	8,000,000
	Mayor's Proposed	0	1,411,000	0	250,000	0	0	2,000,000	3,661,000
	Available Balances	2,269,697	0	0	0	0	0	0	0
	Committee Changes	1,000,000	0	(1,000,000)	0	0	2,713,000	0	1,713,000
		3,269,697	3,411,000	0	1,250,000	2,000,000	4,713,000	2,000,000	13,374,000
Critical System Rep.	Approved FY21 CIP	0	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	0	5,000,000
	Mayor's Proposed	0	0	0	0	0	0	1,000,000	1,000,000
	Available Balances	5,229,612	0	0	0	0	0	0	0
	Committee Changes	713,000	0	(713,000)	0	0	0	0	(713,000)
		5,942,612	1,000,000	287,000	1,000,000	1,000,000	1,000,000	1,000,000	5,287,000
Mun. Lab. Prog. Man.	Mayor's Proposed	0	6,160,001	0	0	0	0	0	6,160,001
	Available Balances	2,855,403	0	0	0	0	0	0	0
		2,855,403	6,160,001	0	0	0	0	0	6,160,001
Public Restrooms	Approved FY 21 CIP	0	270,000	270,000	270,000	270,000	0	0	1,080,000
	Available Balances	270,000	0	0	0	0	0	0	0

		270,000	270,000	270,000	270,000	270,000	0	0	1,080,000
Wilson Bldg	Approved FY21 CIP	0	791,250	2,665,000	2,665,000	1,068,750	250,000	0	7,440,000
	Available Balances	4,258,293	0	0	0	0	0	0	0
		4,258,293	791,250	2,665,000	2,665,000	1,068,750	250,000	0	7,440,000
W Street Transfer	Available Balances	13,490,000	0	0	0	0	0	0	0
		13,490,000	0	0	0	0	0	0	0
AM0 Total		67,469,360	14,612,251	5,024,490	7,935,000	7,088,750	8,713,000	5,750,000	49,123,491

Committee Analysis and Comments

Facility Conditions Assessments

As noted in the Committee's FY 2021 budget report, the contractor responsible for conducting facility conditions assessments on District government-owned properties suddenly collapsed, setting back the assessment process. As of its most recent performance oversight hearing, DGS was still working to make up for time lost through no fault of its own. During its budget oversight hearing, the Department indicated that it will resume facility condition assessments in the coming months in consultation with client agencies. The Committee appreciates the Department's work in this area. *The Committee's budget will advance \$1,000,000 in capital funding from FY 2023, instead making it available immediately. The Committee requests that DGS continue to provide the Committee with regular updates on the status of the comprehensive facility condition assessment effort.*

Small Capital Improvements

Going into FY 2021, the Committee provided funds to help address roof and system replacement needs, citing concerns such as failing HVACs. As anticipated, recurring water damage issues remained a concern in FY 2021. For example, at Takoma Education Campus—where parents have noted patterns of recurring water damage from roof and/or plumbing issues for several years—DGS's work order reports indicated ongoing water intrusion from unknown sources in a science classroom, cafeteria, athletic space and utility closets. The Committee is hopeful that the Facilities Management Division's new, proactive approach to routine maintenance tracking will help reduce the incidence of destructive roof and plumbing leaks at District facilities. *The Committee strongly recommends that the Department analyze roof and HVAC failure data for trends and opportunities for improvement, such as subpar craftsmanship by contractors or faults in particular types of systems.*

To further support any necessary HVAC upgrades across the portfolio, the Committee is making an additional \$713,000 available to the Department through its Critical System Replacement capital project pool, effective beginning in the remainder of FY 2021. The Committee is also pleased to accept a transfer of operating funds from the Committee on Transportation and the Environment to support the immediate construction of a new covered walkway at Stoddert Elementary School between the permanent main buildings and a growing set of demountable mobile units currently in use by the school.

Energy Retrofitting

As noted in the operating budget analysis section of this chapter, DGS is in the process of planning out its energy retrofitting activities as part of a broader strategic energy management plan, and the Committee is strongly encouraging the Department to complete that plan quickly. The Committee's budget will accelerate \$1,000,000 in energy retrofitting currently scheduled for FY 2023, making it available beginning in FY 2021. It would also add over \$2.7 million for further

retrofitting beginning in FY26. *The Committee urges the Department to make swift use of the energy retrofitting capita funds that we are accelerating into the FY 2021 budget.*

Hazardous Material Abatement

The District must ensure that materials used in public facilities do not impair the health and safety of schoolchildren, shelter residents, recreational athletic teams and other users. The Committee continues to receive input from concerned stakeholders about potential sources of human toxicity, excessive heat, harmful friction, and pollution from materials used in District spaces, as well as the potential for costly frequent replacements. While some material selections are motivated by consideration of important factors such as fields' ability to safely absorb shocks and reduce injuries to athletes and other users, the Committee continues to press for clarity as to whether these spaces pose unacceptable hazards.

With the *Safe Fields and Playgrounds Act of 2018*, the Council directed DGS and certain of its sibling agencies to provide a more complete picture. That law, among other things, instructed DGS, DCPS, and DPR to compile and publish an inventory of District recreational sites; instructed DOEE and DOH to study the toxicity, impact danger, and heat danger of synthetic materials used at those sites; and limited synthetic materials to an approved list of those that do not pose certain dangers, once the administration has prepared that list. The first two stages, the recreation space audit and materials study, were originally due within a year of the statute's enactment in April 2019, and then were funded in August 2019. The Department engaged a contractor to complete the recreational space list in September 2020. Unfortunately, the recreation space list is still not available on the Department's website. As for the synthetic materials study, the agencies designated by statute to carry it out (DOEE and DOH) transferred their budgets for the purpose to DGS in October 2020, and, as of the date of this report, DGS still had not completed it.

The proposed budget includes a \$1 million reduction to the capital improvement plan's project for District-wide Athletic Field and Park Improvements, which was supposed to replace roughly two fields a year as synthetic fields reach the end of their useful lives. This underscores the need to develop a clear understanding of the effects of our choice of field materials. *The Committee strongly encourages the Department to complete the mandatory public recreation space list swiftly, and to immediately and thoroughly undertake the mandatory synthetic field and playground materials study.*

As detailed in its FY 2021 budget chapter, the Committee also identified various potential environmental hazards through performance oversight, including lead contamination in the District's fields and playgrounds and other harmful contaminants at shelter and school sites. The Committee ensured that the Department received \$2,000,000 in FY 2021 to abate or remove existing sources of lead and other environmental hazards. The Department reported in performance oversight that it has implemented a Lead Reduction Initiative to reduce lead at DCPS and DPR sites and to test for lead in paint. *The Committee urges the Department to keep the Committee informed of any hazards identified in public spaces and opportunities for further lead and hazardous material abatement to safeguard District residents.*

COVID-19 Safety Improvements

The Committee appreciates the herculean efforts that Department employees and contractors contributed to the cause of preparing schools for modified operation in a posture meant to reduce COVID-19 transmission.

Just as early reporting on COVID-19 appears to have overestimated the importance of fomite transmission and wildly underestimated or even entirely discounted the importance of aerosol transmission of COVID-19, it remains possible that expert understandings of the necessary measures to combat infection will change. As the 2021-22 school year gets underway, the Council will be carefully monitoring new public health data to determine whether modifications undertaken to date are adequate to protect the health of our students, staff, and families, or whether further measures are warranted. *The Committee urges the Department to keep careful records of all modifications to each campus within its portfolio, including not only physical systems such as HVAC and portable air filters, but also operational safeguards such as cleaning procedures.*

While the Department's longstanding attitude has been that client agencies make policy decisions and DGS simply implements them, *the Committee strongly urges the Department to maintain a proactive approach with respect to school operations during this pandemic.* The Department has amassed a great deal of institutional expertise that will be helpful to school system leaders in understanding their options for any future modifications. The Department can share its expertise with executive and legislative decisionmakers, both to improve the quality of their/our decisions and to ensure that the Department has as much lead time as possible before it is called on to make any massive rapid changes for the safety of our school-age kids, their families, their educators, and our hardworking school staff.

Anacostia River Boating Facilities

Several historic yacht clubs and boathouses along the lowermost stretch of the Anacostia River provide important access to recreation and economic activity for communities in the District. In performance oversight, the Committee learned that at least four of these entities have concerns about their current facilities that they believe could be addressed in whole or in part through arrangements with the Department. The Department committed to engaging promptly with all these entities and evaluating plans to assist as appropriate. More recently, the Department has helped to convene agencies across the District government and assess possible solutions to the clubs' concerns—but has not been consistently transparent with the clubs themselves regarding any solutions under consideration or committed to a timeline for resolution. *The Committee requests that the Department work quickly and transparently to assist the clubs of Boathouse Row in understanding their options, and keep the Committee informed of the timing and outcomes of its engagement with the historic boathouse community.*

Recreational Space Improvements

In the Ivy City neighborhood of Northeast D.C., the historic Crummell School site has sat vacant for decades. In recent years, a mixed-use development plan has stalled, and public and private entities involved have signaled that forward progress in the next few years is unlikely. In

the meantime, neighborhood residents and community advocates point out that safe, appropriately furnished recreational site options for nearby residents are extremely limited. The Committee previously designated over \$1 million for the rapid development of interim recreational space in Ivy City, but in performance oversight it emerged that the Department planned to use less than 15% of the available amount at the Crummell School site and was exploring ways to direct the rest to a nearby park. But residents of Ivy City have continued to advocate for themselves and draw attention to the needs of their youth. The Department has now opened the Crummell School parking lot to the public with additional short-term amenities. Better still, the proposed capital budget includes \$20 million across FY 2022 and FY 2023 for the development of a recreation center at the historic school building. The Committee thanks the Mayor for heeding the Ivy City community's needs, and congratulates the neighborhood and its leaders on their successful advocacy.

The Committee encourages the Department to work with all deliberate speed on developing specifications for the Crummell School recreation center development project so as to be ready to proceed with the project in FY 2022. The Department should maintain frequent communication with Ivy City community representatives to ensure that the plan addresses community needs such as green space.

4. POLICY RECOMMENDATIONS

The Committee recommends that the Department of General Services implement the following policy recommendations:

1. The Committee urges the Department to continue or increase its communications about the availability of issue reporting tools and the need to generate work orders, and to enlist relevant sibling agencies to help get the word out to their constituencies.
2. The Committee urges the Department to continue or increase its communications about the availability of issue reporting tools and the need to generate work orders, and to enlist relevant sibling agencies to help get the word out to their constituencies.
3. The Committee requests that the Department provide periodic reports on its QR-code-based maintenance issue reporting and tracking pilot program and any other initiatives in this vein, at least quarterly, until a decision is reached.
4. The Committee reminds the Department to maintain forthright, timely communication on its contracting processes, including through total compliance with statutory Council review requirements. In particular, the Committee reiterates the instructions from the Committee's FY 2021 budget report that the Department should plan its procurements in a way to avoid the need for emergency "tipping" or retroactive contract approvals and should seek Council approval prior to expending funds on projects that it knows will ultimately need to exceed \$1 million to avoid irretrievable losses should the Council choose not to approve the full contract.

5. The Committee encourages the Department to maintain vigilance against any attempts to circumvent or hijack the District's important CBE support programs.
6. The Committee requests that the Department inform the Committee any time a historic designation impedes renewable energy generation on portfolio properties.
7. The Committee urges the Department to publicly commit to a clear and aggressive target for net-zero energy on new construction and major renovations. The Committee further urges DGS to investigate all new construction and significant renovation plans—including any for which NZE readiness is deferred—for opportunities to incorporate energy efficiency innovations and renewable energy generation systems, and requests that the Department notify the Committee of its reasoning when it declines to include such solutions in individual projects.
8. The Committee urges the Department to review construction standard sets and approaches that are squarely focused on energy and emissions, such as the elements of NZE construction set forth in the currently voluntary Net-Zero Energy Appendix to the District of Columbia Energy Conservation Code, or "Appendix Z" (67 DCR 6326), and to incorporate as many elements of those standards and approaches as feasible under current law.
9. The Committee welcomes discussion with the Department regarding innovative financing, private-public partnerships, or other strategies to help the Department more rationally assess its NZE development opportunities.
10. The strategic energy management plan must be finalized and submitted as swiftly as possible and include a detailed explanation of the likely cost of achieving energy and emission reductions of at least 30% through retrofitting at least 9% of the portfolio by building square footage.
11. The Committee is receiving funds from the Committee on Transportation and the Environment to support DGS's fulfillment of its new zero-waste responsibilities and expects DGS to make full and fast use of these resources.
12. The Committee has found approximately \$1.5 million to support the periodic testing components of the *Public Facilities Environmental Safety Amendment Act of 2020* and urges the Department to implement these aspects of the law with all haste and diligence. The Committee encourages the Council to fund the remainder of the law as soon as possible.
13. The Committee encourages the Department to bring a range of small and local businesses on board for green technology projects.
14. The Department should identify gaps in local expertise to install and maintain environmentally friendly building systems and share those gaps with the Committee.

15. The Committee encourages DGS to work quickly with DOEE to help prepare a detailed list of eligible vacant sites for urban farming out-leases.
16. The Committee encourages the Committee to continue evaluating potential additional areas that would benefit from a preventive maintenance approach, including by analyzing its work order data to identify and predict major recurring issues.
17. The Committee urges the Department to accelerate its development of a proactive and careful vacant property management strategy that takes effect immediately upon District properties becoming vacant, even if the relevant client agencies retain some authority over the properties.
18. The Committee encourages the Department to explore whether there are barriers to hiring shelter residents to perform facility services at shelters. If there are barriers, the Committee requests that the Department inform the Committee and assist the Committee in exploring solutions. If not, the Committee encourages DGS to work with the Department of Human Services to increase awareness of work opportunities that may be available at shelters.
19. The Committee urges the Department to revisit its existing portfolio tracking protocols, avoid omissions from future reports, and double-check that its master database of portfolio properties is complete.
20. The Committee reminds the Department of the importance of rigorous adherence to its CBE contracting and local hiring requirements in connection with its new headquarters project in Ward 7. The Committee encourages the Department to look for additional ways to ensure that the project serves to strengthen the existing neighborhood community.
21. The Committee encourages the Department to consider its headquarters relocation as a model for spreading the benefits of a robust District government workforce throughout the District, with an emphasis on neighborhoods in greatest need of an economic boost.
22. The Committee recommends that the Department adopt those operational modifications recommended in the Eastern Market study report that the Department is currently empowered to undertake, such as limited place-making and signage updates. The Committee further encourages the Department to convene a working group of appropriate stakeholders to advise on the details of any such near-term changes and to cultivate collaborative relationships necessary to support any legislative changes to EMSUA governance.
23. The Committee expects the Department to adhere to its commitments and legal obligations regarding the development of Eastern Market budget proposals going forward, including by consulting the Eastern Market Community Advisory Committee.
24. Although DMPED will be responsible for administering funds to support a new shared location for the DC Center for the LGBT Community, Casa Ruby, Rainbow Families, and the Capital Pride Alliance, the Committee encourages DGS to remain engaged with this

coalition should they require additional information about opportunities in District government buildings.

25. The Committee urges the Department to avoid unwelcome changes to PSD officers' schedules as much as possible and to revisit the arrangement with the D.C. National Guard that results in difficult working conditions for District workers based on emergencies of a primarily federal character.
26. The Committee urges the Protective Services Division to apply a racial equity lens as a necessary component of ensuring accurate and complete risk assessments.
27. The Committee reminds the Protective Services Division to implement any and all training requirements that the Advisory Committee on Street Harassment promulgates pursuant to its statutory authority. In the meantime, the Committee urges the Division to review the findings in the Advisory Committee report and instruct its personnel on ways to avoid intimidation, bias, or the perception of bias when deciding whom to surveil and remove from District property and how to conduct such interactions.
28. The Committee urges the Department to be receptive to community concerns about unlit areas under its purview, to promptly and thoroughly assess sites that are the subject of such concerns, and, if the concerns are substantiated, to work closely with any private tenants or client agencies to identify appropriate solutions.
29. The Committee urges the Protective Services Division to carefully track use-of-force incidents, to regularly analyze the data for trends, and to make the information available to the public in the name of transparency and accountability.
30. The Committee urges the Department to use shortcomings in earlier shelter projects as learning opportunities, and work with its client agency partners to ensure that shelter needs are comprehensively addressed in future construction and renovation projects.
31. The Committee urges the Department to play an active role in scrutinizing shelter facility projects for environmental hazards, and to maintain close communication with the public regarding any hazards discovered and abated to promote accountability and faith in government.
32. The Committee encourages DGS to communicate regular updates regarding the New York Avenue and Harriet Tubman low-barrier shelter projects to homeless residents and their advocates.
33. The Department must support the public restroom working group must convene in meeting regularly and preparing its recommendations quickly. If new pilot public restrooms are not deployed by the start of FY 2022, then the Department should ensure that they are deployed as soon as possible. Once the restrooms open, the Department should assess usage and quickly work to deploy the additional capital funding available in future years.

34. The Committee urges the Department to adopt contracting standards that further promote healthy tree growth on District property.
35. The Committee urges the Department to facilitate greater transparency and provide up-to-date information on the project status of the DC Archives. The Committee further encourages the Department to ensure that researchers and other public stakeholders have opportunities to advise the Department on the technical specifications that can best preserve the District's treasured historic materials.
36. The Committee's budget will advance \$1,000,000 in capital funding from FY 2023, instead making it available immediately. The Committee requests that DGS continue to provide the Committee with regular updates on the status of the comprehensive facility condition assessment effort.
37. The Committee strongly recommends that the Department analyze roof and HVAC failure data for trends and opportunities for improvement, such as subpar craftsmanship by contractors or faults in particular types of systems.
38. The Committee urges the Department to make swift use of the energy retrofitting capital funds that we are accelerating into the FY 2021 budget.
39. The Committee strongly encourages the Department to complete the mandatory public recreation space list swiftly, and to immediately and thoroughly undertake the mandatory synthetic field and playground materials study.
40. The Committee urges the Department to keep the Committee informed of any hazards identified in public spaces and opportunities for further lead and hazardous material abatement to safeguard District residents.
41. The Committee urges the Department to keep careful records of all modifications to each campus within its portfolio, including not only physical systems such as HVAC and portable air filters, but also operational safeguards such as cleaning procedures.
42. The Committee strongly urges the Department to maintain a proactive approach with respect to school operations during this pandemic.
43. The Committee requests that the Department work quickly and transparently to assist the clubs of Boathouse Row in understanding their options, and keep the Committee informed of the timing and outcomes of its engagement with the historic boathouse community.
44. The Committee encourages the Department to work with all deliberate speed on developing specifications for the Crummell School recreation center development project so as to be ready to proceed with the project in FY 2022. The Department should maintain frequent communication with Ivy City community representatives to ensure that the plan addresses community needs such as green space.

III. BUDGET SUPPORT ACT RECOMMENDATIONS

On Thursday, May 27, 2021, Chairman Mendelson introduced, on behalf of the Mayor, the *Fiscal Year 2022 Budget Support Act of 2021* (Bill 24-0285). The bill contains one subtitle which was referred to the Committee for comments. The Committee recommends the addition of five subtitles.

A. RECOMMENDATIONS ON MAYOR'S PROPOSED SUBTITLES

The Committee provides comments on the following subtitles of the *Fiscal Year 2022 Budget Support Act of 2021*:

1. Inspector General Support Fund

a. Purpose, Effect, and Impact on Existing Law

This subtitle establishes as a non-lapsing special fund, the Office of the Inspector General Support Fund, which would, with certain fiscal limitations, capture up to \$1 million in any fiscal year and up to \$2.5 million in total from restitutions, recoupments, and recaptured overpayments resulting from the Office's work to support the Office's statutory responsibilities.

b. Committee Reasoning

The Committee recommends inclusion of the subtitle as proposed by the Mayor, with certain technical amendments. Among those amendments is a change to subsection (d) of the proposed subtitle to ensure the Office has the flexibility to use the support fund to meet any of its statutory obligations and responsibilities.

The Office of the Inspector General is critically important to ensuring transparency and accountability for the District government by identifying and addressing waste, fraud, and abuse. These functions result in substantial additional resources for the District government as a result of recovered overpayments identified in audits, and restitution and recoupments from criminal and civil investigations. These activities have resulted in \$11,609,204 in recoupments in FY 2018, \$18,030,987 in FY 2019, and \$10,643,261 in FY 2020.

A support fund that recoups some of these receipts derived directly from the OIG's work will help ensure continuing and consistent funding for these important activities that is tied to the scale of the financial benefit received by the District. A similar fund, the Litigation Support Fund, has been established to support the work of the Office of the Attorney General. The Committee recommends identifying additional funds in future budgets to reduce the constraints placed on the Inspector General Support Fund in the proposed draft.

c. Section-by-Section Analysis

Sec. XXXX. States the short title.

Sec. XXX2. Amends the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; codified in relevant part at D.C. Official Code § 1-301.115a), to create the Office of the Inspector General Support Fund as a special, non-lapsing fund, capturing certain funds to support the statutory responsibilities of the Office of the Inspector General.

d. Fiscal Impact

The fiscal impact of this subtitle was incorporated into the FY 2022 budget and financial plan as proposed by the Mayor.

B. RECOMMENDATIONS FOR NEW SUBTITLES

The Committee on Government Operations and Facilities recommends the following new subtitles to be added to the *Fiscal Year 2022 Budget Support Act of 2021*:

1. COVID-19 Public Health Emergency Procurement Analysis

a. Purpose, Effect, and Impact on Existing Law

The purpose of this subtitle is to require the Office of Contracting and Procurement to provide a report to the Mayor and the Council within 90 days after the end of the public health emergency that began on March 11, 2020, that includes a detailed analysis of the use of emergency procurements during the public health emergency.

b. Committee Reasoning

The onset of the coronavirus pandemic resulted in an unprecedented reliance on the use of emergency procurements to purchase hundreds of millions of dollars' worth of supplies and equipment to ensure that the District government had on hand all the resources it needed to sustain its operations and protect our residents. These procurements included personal protective equipment, cleaning supplies, janitorial services, HVAC equipment, and entire hotels to use for social distancing, among many other requirements. The purchase of these supplies necessitated a dramatic expansion of the District's warehouse capacity to receive, store, and distribute purchased supplies.

Emergency procurement authority tied to the public health emergency allowed for these procurements to move more quickly, but doing so resulted in reduced transparency, competition, and independent review of the procurements. Unfortunately, the Office of Contracting and Procurement only intermittently complied with statutory requirements to notify the Council of emergency procurements after award. In addition, two separate independent audits identified issues with emergency procurement procedures, including issues with administration of the warehouses, adequate record-keeping, and providing prompt access to records to the Inspector General.

In addition to the Committee's ongoing oversight of emergency procurements, this subtitle would ensure a complete accounting of emergency procurements is compiled and provided to the

Council. In addition, the report would incorporate additional analysis of areas for improvement, plans to dispose of any excess supplies, plans for the future of the District's newly acquired warehouse space, and an analysis of how the use of emergency procurement authority impacted the certified business enterprise community. As this reporting will be specifically to account for the expenditure of funds appropriated in the budget, the subtitle is germane to the budget.

c. Section-by-Section Analysis

Sec. XXXX. States the short title.

Sec. XXX2. Amends Section 204(b) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371, D.C. Official Code § 2-352.04(b)) to require the Office of Contracting and Procurement to issue a robust report to the Council no later than 90 days after the end of the public health emergency with a detailed review and analysis of emergency procurements that occurred during the public health emergency and an analysis of emergency procurements with certified business enterprises.

d. Fiscal Impact

The Office of the Chief Financial Officer estimates that the Office of Contracting and Procurement can absorb the cost of implementing the subtitle.

2. LGBTQ Community Business Evaluation and Support

a. Purpose, Effect, and Impact on Existing Law

This subtitle requires the Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs to evaluate the economic and cultural status of private businesses in the District that serve LGBTQ community needs and to prepare a report to the Council with recommendations for supporting such businesses.

b. Committee Reasoning

Socialization between LGBTQ people plays an important role in helping participants attain individual well-being, develop a shared culture, and organize for political changes that help promote gender and sexual equity for all. But LGBTQ individuals cannot necessarily find robust LGBTQ community through their families of origin. Bars, dance clubs, gyms, bookstores, community magazines and newspapers, and other private businesses have long helped to fill this gap: first covertly, then more openly, going out of their way to cater to sexual- and gender-minority patrons and fostering community in the process.

The Committee has encountered anecdotal evidence to suggest that LGBTQ community businesses, especially businesses known for hosting gatherings of queer women, have dwindled in recent years relative to the size of the District's considerable LGBTQ population. The Committee is also concerned by suggestions that several prominent LGBTQ establishments are associated with racist statements and actions and have not done enough to rebuild trust, leaving some LGBTQ

District residents of color in the impossible position of choosing between entering spaces where they do not feel welcome or forgoing important LGBTQ social opportunities altogether.

This proposal would instruct the Office of LGBTQ Affairs, together with community representatives including its diverse Advisory Committee of community service organization representatives, to evaluate the health of the District’s LGBTQ community business economy and prepare recommendations for the support and improvement of these important institutions.

c. Section-by-Section Analysis

Sec. XXX1. States the short title.

Sec. XXX2. Amends the Office of Gay, Lesbian, Bisexual, and Transgender Affairs Establishment Act of 2005 to define the term “LGBTQ Community Business” and require a study of LGBTQ Community Businesses and their needs by July 31, 2022.

d. Fiscal Impact

The Office of the Chief Financial Officer estimates the cost of implementing this legislation at \$150,000 in one-time dollars at the Office of LGBTQ Affairs, Program 5000, Activity 5006, CSG 40.

3. Human Rights Case Management Metrics

a. Purpose, Effect, and Impact on Existing Law

This subtitle requires the Mayor to submit quarterly reports to the Counsel that provide certain details regarding the workload and performance of the Office of Human Rights.

b. Committee Reasoning

The responsibilities of the Office of Human Rights and Commission on Human Rights include mediating, investigating, evaluating, and adjudicating complaints of unlawful discrimination under the Human Rights Act of 1977 (HRA) and various other District and federal laws. The HRA alone provides a basis for complaints of discrimination based on over 20 protected characteristics across four broad settings: housing, employment, public accommodations, and educational institutions. Moving a complaint through the process to a just and well-reasoned outcome is often complicated and labor-intensive.

Through performance oversight, the Committee has learned that complainants, respondents, and their legal representatives are concerned and frustrated by delays in case processing. For example, in FY19, over a third of cases pending before the Commission had been pending for over 15 months. Although the Office and Commission are staffed by dedicated public servants, these agencies are recovering from a period of severe underfunding. The Office’s case-to-investigator ratio remains above the norm for state human rights adjudication agencies by a

significant margin. Extended administrative delays dull the impact of a human rights complaint and risk giving offenders a sense of impunity.

The Committee believes that maintaining a nimble and responsive Office of Human Rights is critical to fostering a just society in the District of Columbia and building residents' trust in government and in one another. Keen attention from the Council can help the Office spot and respond to problems as they arise. Current law requires the Mayor to submit an annual report on the Office to the Council but lists very few details that the report must include. This proposal would give the Council more detailed and frequent insight into the workload of the Office and Commission, enabling rapid identification of any specific stages of the enforcement process where cases are accumulating.

c. Section-by-Section Analysis

Sec. XXX1. States the short title.

Sec. XXX2. Amends the Human Right Act of 1977 to require a quarterly report from the Mayor on specific case processing and workload metrics regarding the Office of Human Rights, in addition to the more limited annual report required under existing law; requires the Mayor to explain any gaps in the quarterly report and provide an estimate as to when complete reporting will commence.

d. Fiscal Impact

The Office of the Chief Financial Officer estimates the cost of implementing this legislation at \$74,932 in recurring dollars for 1 full-time employee to implement the subtitle at the Office of Human Rights in Program 2000, Activity 2060.

4. Veteran Transportation Program Expansion

a. Purpose, Effect, and Impact on Existing Law

The purpose of this subtitle is to require the Office of Veterans Affairs to expand its existing Vets Ride transportation program to eliminate the existing, strict limitations that veterans face when accessing the program. To do so, the subtitle establishes a mandate that the Office of Veterans Affairs, provide a free on-demand transportation or public transportation option to veterans who reside in a household with an annual household income of less than or equal to 80% of the area median income. The program would provide 15 free, one-way trips per month for each eligible veteran, 6 days a week, from or to any destination in the District. To ensure that the Office retains flexibility in administering the program in case demand far exceeds expectations, the subtitle limits the entitlement to free transportation to the extent of existing funds.

b. Committee Reasoning

Currently, the Vets Ride program, operates through a partnership with the Department of For-Hire Vehicles and Via Transportation to provide on-demand transportation to eligible

veterans. However, the scope of the program is strictly limited to veterans with annual incomes of less than \$30,000 or are recently unemployed. Currently, veterans are only permitted to use 10 vouchers per month, albeit with the option of rolling over vouchers to the next month. Veterans are also limited to specified destinations within the city.

The Committee recommends, through this subtitle, that the program be expanded in a variety of ways. First, eligibility is expanded to all veterans who reside in a household with less than 80% of area median income. Second, rather than providing 10 vouchers per month, the program would be expanded to 15 vouchers per month, coming closer to meeting all of a veteran's transportation needs. These vouchers would be usable at least 6 days a week, recognizing the need for weekend transportation, particularly for working veterans. The Office would also halt the practice of limiting the destinations of veteran's trips, allowing veterans to use their vouchers on trips they deem important. Finally, the subtitle provides the Office with flexibility to go beyond Via to offer public transportation or other transportation options if necessary or expedient. Taken together, these expansions will establish a transportation program that goes beyond a niche, occasional resource for very low-income veterans and instead provide a robust program that more closely reflects the respect the District has for those who served.

c. Section-by-Section Analysis

Sec. XXXX. States the short title.

Sec. XXX2. Amends Section 704 of the Office of Veterans Affairs Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 49-1003) to expand income eligibility for the Vets Ride program, the number of monthly trips provided to each eligible veteran, the number of days per week the program is accessible, and prohibit limitations on points of origin or destination, aside from limitations that trips begin and end in the District.

d. Fiscal Impact

The Office of the Chief Financial Officer estimates that the cost of the subtitle will be \$93,600 in recurring dollars at the Office of Veterans Affairs, Program 200, Activity 2020, CSG 40.

5. Subject to Appropriations Repeals and Modifications

a. Purpose, Effect, and Impact on Existing Law

This subtitle would repeal the subject to appropriations language in two bills that the Committee is proposing to fully fund and modify the subject to appropriations of two bills to be partially funded.

b. Committee Reasoning

The Committee through acceptance of funds from the Committee on Judiciary and Public Safety, recommends full funding for Law 22-0225, the *Campaign Finance Reform Amendment*

Act of 2018 and for Law 23-203, the *Bella Evangelista and Tony Hunter Panic Defense Prohibition and Hate Crimes Response Amendment Act of 2020* and it recommends repealing the subject to appropriations language in both laws to reflect this funding.

The Committee also recommends modifying the subject to appropriations language of Law 23-0233, the *Public Facilities Environmental Safety Amendment Act of 2020* to reflect the funding of all parts of the law except for Section 2(b)(2).

Finally, the Committee, through the acceptance of funds from the Committee on Transportation and the Environment, recommends modifying the subject to appropriations language of Law 23-0211, the *Zero Waste Omnibus Amendment Act of 2020* to reflect the funding of all parts of the law except for Section 2(b)(2), the amendatory section 103(e) within 2(b)(3), 2(d)(2), and amendatory sections 112c and 112e within 2(k), and 2(m)(1).

c. Section-by-Section Analysis

Sec. XXXX. States the short title.

Sec. XXX2. Repeals the subject to appropriations language of the *Campaign Finance Reform Amendment Act of 2018*.

Sec. XXX3. Repeals the subject to appropriations language of the *Bella Evangelista and Tony Hunter Panic Defense Prohibition and Hate Crimes Response Amendment Act of 2020*.

Sec. XXX4. Modifies the subject to appropriations language of the *Public Facilities Environmental Safety Amendment Act of 2020* to encompass only Section 2(b)(2).

Sec. XXX5. Modifies the subject to appropriations language of the *Zero Waste Omnibus Amendment Act of 2020* to encompass section 2(b)(2), the amendatory section 103(e) within 2(b)(3), 2(d)(2), and amendatory sections 112c and 112e within 2(k), and 2(m)(1).

d. Fiscal Impact

The Office of the Chief Financial Officer estimates the cost of the remaining unfunded portion of the *Campaign Finance Reform Amendment Act of 2018* to be \$1,096,895 in the Office of Contracting and Procurement, including \$250,000 in one-time costs, and \$846,895 in recurring costs, and including 7 new FTEs. This includes \$948,902 in Program 2000, Activity 2010 and \$147,993 in Program 7000, Activity 7020.

The Office of the Chief Financial Officer estimates the cost of the *Bella Evangelista and Tony Hunter Panic Defense Prohibition and Hate Crimes Response Amendment Act of 2020* to be \$137,000 in the Office of Human Rights, including 1 new FTE in Program 2000, Activity 2030, funded with \$100,000 in CSG 11 and \$26,000 in CSG 14; as well as \$11,000 in CSG 20.

The Office of the Chief Financial Officer's Fiscal Impact Statement dated November 9, 2020, found the cost of the *Public Facilities Environmental Safety Amendment Act of 2020* to be

\$8,662,000, \$300,000 of which would be one-time. \$7,200,000 of that fiscal impact was for Section 2(b)(2) of the bill, which added additional Phase 1 Assessments for small construction projects. The remainder of the bill, which the Committee proposes funding in this report, is reported to have a cost of \$1,461,741 and 4 FTEs in total.

The funding for the *Public Facilities Environmental Safety Amendment Act of 2020* includes \$500,000 in Program 3000, Activity 3016, CSG 35; \$227,000 in Program 3000, Activity 3010, CSG 35; \$300,000 in Program 1000, Activity 1040, CSG 41. The funding supports an Attorney Advisor, funded with \$106,807 in CSG 11 and \$29,799.15 in CSG 14 in Program 1000, Activity 1060; a Community Relations Specialist, funded with \$78,487 in CSG 11 and \$21,897.87 in CSG 14 in Program 1000, Activity 1080, an Environmental Protection Specialist, funded with \$78,487 in CSG 11 and \$21,897.87 in CSG 14 in Program 3000, Activity 3010; and a Program Analyst, funded with \$76,126 in CSG 11 and \$21,239.15 in CSG 14 in Program 1000, Activity 1040.

The Office of the Chief Financial Officer has estimated the cost of Sections 2(e) and 2(l) of the *Zero Waste Omnibus Amendment Act of 2020*, at \$269,997.52 in FY 2022. This funding includes \$54,000 in Program 7000, Activity 7007, CSG 40. In addition, the funding supports 3 FTEs in Program 7000, Activity 700, a Program Support Specialist funded with \$51,059 in CSG 11 and \$14,245.46 in CSG 14, a Program Support Specialist funded with \$54,323 in CSG 11 and \$15,156.12 in CSG 14, and a Program Analyst, funded with \$63,498 in CSG 11 and \$17,715.94 in CSG 14.

IV. ACKNOWLEDGMENTS

The Committee's work would not be possible without the support of the members of the Committee, and their staffs. We would also like to acknowledge the herculean efforts of several District government employees on this budget, who worked on a compressed and delayed timetable and without whom this report would not have been possible. These employees went far beyond reasonable expectations to support the Committee's work. Their contributions should not go unrecognized by the residents of the District of Columbia. Any errors in this report are ours, any success the Committee finds was due to the support of an incredible team, which includes:

- Jennifer Budoff, Budget Director
- Anne Phelps, Counsel and Senior Advisor
- Joseph Wolfe, Special Assistant
- Errol Spence, Budget Analyst
- Nicole Streeter, General Counsel
- Valerie Nadal, Assistant General Counsel
- Jamie Lantinen, Fiscal Analyst

V. COMMITTEE ACTION AND VOTE

On Thursday, July 1st, 2021, the Committee on Government Operations and Facilities held a Committee Meeting to consider the Report and Recommendations of the Committee on Government Operations and Facilities on the FY 2022 Budget for Agencies Under Its Purview. Councilmember Robert C. White, Jr., recognized the presence of a quorum consisting of XXXX. The Chair then provided the following statement:

XXXX

The Chair then moved the proposed committee report, with leave for staff to make technical and conforming amendments and to accept additional transfers of resources from other Committees.

Dissenting, Separate, and Individual Views of Committee Members

XXXX

Amendments or Other Motions

XXXX

Vote on the Measure and Report

YES: XXXX

NO: XXXX

PRESENT: XXXX

VI. ATTACHMENTS

- 1. Committee Adjustments**
- 2. Proposed Budget Support Act Subtitles**

ATTACHMENT 1

Committee on Government Operations and Facilities - Recommended Operating Budget Changes

Agency	Program	Activity	CSG	Proposed Change in FTEs	Adjustment	Recurring or One-Time Change	FY21	FY22	Comments
OCTO	1000	1010	0011	(1.00)	Reduction	Recurring		(\$143,646)	FTE Reduction - Position number 00051109 (Supervisory IT Specialist)
OCTO	1000	1010	0014		Reduction	Recurring		(\$32,464)	Associated Fringe for FTE Reduction - Position number 00051109 (Supervisory IT Specialist)
OCTO	1000	1060	0011	(1.00)	Reduction	Recurring		(\$84,199)	FTE Reduction - Position number 00076763 (Attorney Advisor)
OCTO	1000	1060	0014		Reduction	Recurring		(\$19,029)	Associated Fringe for FTE Reduction - Position number 00076763 (Attorney Advisor)
OCTO	1000	1090	0011	(1.00)	Reduction	Recurring		(\$76,126)	FTE Reduction - Position number 00088603 (Management Analyst)
OCTO	1000	1090	0014		Reduction	Recurring		(\$17,204)	Associated Fringe for FTE Reduction - Position number 00088603 (Management Analyst)
OCTO	4000	4010	0011	(1.00)	Reduction	Recurring		(\$132,627)	FTE Reduction - Position number 00088730 (Information Technology Specialist)
OCTO	4000	4010	0014		Reduction	Recurring		(\$29,974)	Associated Fringe for FTE Reduction - Position number 00088730 (Information Technology Specialist)
OCTO	5000	5010	0011	(1.00)	Reduction	Recurring		(\$132,627)	FTE Reduction - Position number 00094039 (Information Technology Specialist)
OCTO	5000	5010	0014		Reduction	Recurring		(\$29,974)	Associated Fringe for FTE Reduction - Position number 00094039 (Information Technology Specialist)
OCTO	1000	1010	0040		Reduction	Recurring		(\$1,000)	Reduction to align budget with planned spending.
OCTO	4000	4020	0040		Reduction	Recurring		(\$136,278)	Reduction to proposed NPS enhancement.
OCTO	5000	5010	0040		Reduction	Recurring		(\$201,900)	Reduction to proposed enhancement.
OCTO	1000	1080	0041		Reduction	Recurring		(\$74,236)	Reduction to align budget with planned spending
OCTO	3000	3037	0041		Reduction	One Time		(\$545,183)	One-time reduction to fund housing vouchers at the District of Columbia Housing Authority using federal stimulus funded local revenue replacement

DGS	1000	1040	0020		Reduction	Recurring		(\$10,000)	Reduction to align budget with projected spending
DGS	1000	1040	0040		Reduction	Recurring		(\$14,037)	Reduction to reduce proposed enhancement
DGS	1000	1040	0041		Reduction	Recurring		(\$50,000)	Reduction to proposed enhancement
DGS	1000	1051	0041		Reduction	Recurring		(\$52,926)	Reduction to align budget with projected spending
DGS	1000	1060	0040		Reduction	Recurring		(\$20,403)	Reduction to proposed enhancement.
DGS	1000	1070	0040		Reduction	Recurring		(\$302,546)	Reduction to align budget with projected spending
DGS	3000	3010	0035		Reduction	Recurring		(\$46,000)	Reduction to proposed enhancement
DGS	3000	3014	0035		Reduction	Recurring		(\$285,000)	Reduction to proposed enhancement
DGS	3000	3015	0035		Reduction	Recurring		(\$300,000)	Reduction to proposed enhancement, in line with prior year expenditures
DGS	4000	4001	0020		Reduction	Recurring		(\$214,901)	Reduction to align budget with projected spending
DGS	4000	4001	0041		Reduction	Recurring		(\$89,359)	Reduction to align with prior year spending level
DGS	6000	6001	0020		Reduction	Recurring		(\$20,077)	Reduction to align with projected spending
DGS	7000	7007	0011	(1.00)	Reduction	Recurring		(\$76,126)	FTE Reduction - Position number 102645 (Program Analyst)
DGS	7000	7007	0014		Reduction	Recurring		(\$21,239)	Associated Fringe for FTE Reduction - Position number 102645 (Program Analyst)
DGS	5000	5010	0011	(1.00)	Reduction	Recurring		(\$112,111)	FTE Reduction - Ponsition number 77899 (Management and Program Analyst)
DGS	5000	5010	0014		Reduction	Recurring		(\$31,279)	Associated Fringe for FTE Reduction - Ponsition number 77899 (Management and Program Analyst)
DGS	2000	2001	0011	(1.00)	Reduction	Recurring		(\$143,646)	FTE Reduction - Position number 75338 (Realty Officer)
DGS	2000	2001	0014		Reduction	Recurring		(\$40,077)	Associated Fringe for FTE Reduction - Position number 75338 (Realty Officer)

DGS	3000	3015	0011	(1.00)	Reduction	Recurring		(\$103,657)	FTE Reduction - Position number 73349 (Human Resources Specialist)
DGS	3000	3015	0014		Reduction	Recurring		(\$28,920)	Associated Fringe for FTE Reduction - Position number 73349 (Human Resources Specialist)
DGS	3000	3009	0011	(1.00)	Reduction	Recurring		(\$76,126)	FTE Reduction - Position number 43231 (Realty Specialist)
DGS	3000	3009	0014		Reduction	Recurring		(\$21,239)	Associated Fringe for FTE Reduction - Position number 43231 (Realty Specialist)
DGS	4000	4001	0011	(1.00)	Reduction	Recurring		(\$49,002)	FTE Reduction - Position number 10600 (Special Police Officer)
DGS	4000	4001	0014		Reduction	Recurring		(\$13,672)	Associated Fringe for FTE Reduction - Position number 10600 (Special Police Officer)
DGS	3000	3016	0011	(1.00)	Reduction	Recurring		(\$51,059)	FTE Reduction - Position number 9106 (Property Management Specialist)
DGS	3000	3016	0014		Reduction	Recurring		(\$14,245)	Associated Fringe for FTE Reduction - Position number 9106 (Property Management Specialist)
DGS	4000	4001	0011	(1.00)	Reduction	Recurring		(\$49,002)	FTE Reduction - Position number 6923 (Special Police Officer)
DGS	4000	4001	0014		Reduction	Recurring		(\$13,672)	Associated Fringe for FTE Reduction - Position number 6923 (Special Police Officer)
DGS	3000	3016	0035		Enhance	Recurring		\$500,000	Enhancement to partially repeal the S2A clause of B23-665 by providing funding to support the Public Facilities Environmental Safety Amendment Act of 2020.
ORCA	1000	1100	0020		Reduction	Recurring		(\$15,000)	Reduction to align with projected spending
ORCA	1000	1100	0020		Enhance	One Time		\$10,000	One-time enhancement to support the Commission on Re-Entry
OCP	8000	8050	0040		Reduction	Recurring		(\$170,000)	Reduction to proposed enhancement
OCP	9000	9010	0040		Reduction	One Time		(\$111,000)	One-time reduction to proposed enhancement supporting ware house operations
OCP	2000	2010	0011	(1.00)	Reduction	Recurring		(\$80,337)	FTE Reduction - Position number 00075199 (Measurement and Planning Analyst)
OCP	2000	2010	0014		Reduction	Recurring		(\$17,031)	Associated Fringe for FTE Reduction - Position number 00075199 (Measurement and Planning Analyst)

OCP	2000	2010	0011	(1.00)	Reduction	Recurring		(\$129,411)	FTE Reduction - Position number 00083246 (Supervisory Contract Specialist)
OCP	2000	2010	0014		Reduction	Recurring		(\$27,435)	Associated Fringe for FTE Reduction - Position number 00083246 (Supervisory Contract Specialist)
OCP	2000	2010	0011	(1.00)	Reduction	Recurring		(\$110,580)	FTE Reduction - Position number 00083260 (Contract Specialist)
OCP	2000	2010	0014		Reduction	Recurring		(\$23,443)	Associated Fringe for FTE Reduction - Position number 00083260 (Contract Specialist)
OCP	2000	2010	0011	4.00	Enhance	Recurring		\$347,648	Transfer in from the Committee on Judiciary and Public Safety to support 4 new Contract Specialist FTEs to fund the fiscal impact of L22-250
OCP	2000	2010	0014		Enhance	Recurring		\$91,084	Transfer in from the Committee on Judiciary and Public Safety to support the associated fringe for 4 new Contract Specialist FTEs to fund the fiscal impact of L22-250
OCP	2000	2010	0011	2.00	Enhance	Recurring		\$225,966	Transfer in from the Committee on Judiciary and Public Safety to support 2 new Contracting Specialist FTEs to fund the fiscal impact of L22-250
OCP	2000	2010	0014		Enhance	Recurring		\$59,204	Transfer in from the Committee on Judiciary and Public Safety to support the associated fringe for 2 new Contracting Specialist FTEs to fund the fiscal impact of L22-250
OCP	2000	2010	0040		Enhance	One Time		\$200,000	Transfer in from the Committee on Judiciary and Public Safety to support the database update to fund the fiscal impact of L22-250
OCP	2000	2010	0040		Enhance	Recurring		\$25,000	Transfer in from the Committee on Judiciary and Public Safety to support the database maintenance required to fund the fiscal impact of L22-250
OCP	7000	7020	0011	1.00	Enhance	Recurring		\$77,649	Transfer in from the Committee on Judiciary and Public Safety to support a new Training Specialist to fund the fiscal impact of L22-250
OCP	7000	7020	0014		Enhance	Recurring		\$20,344	Transfer in from the Committee on Judiciary and Public Safety to support the associated fringe for a new Training Specialist to fund the fiscal impact of L22-250
CAB	2000	2001	0020		Reduction	Recurring		(\$1,173)	Reduction to proposed enhancement

OCP	7000	7020	0040		Enhance	One Time		\$50,000	Transfer in from the Committee on Judiciary and Public Safety to support the training module required to fund the fiscal impact of L22-250
CAB	2000	2001	0040		Enhance	One Time		\$79,300	One-time enhancement to fund Archiving Documents Project
CAB	2000	2001	0040		Enhance	Recurring		\$12,971	Enhancement to address NPS shortfall proposed in Errata letter
CAB	2000	2001	0011		Enhance	Recurring		\$19,974	Enhancement to address PS shortfall proposed in Errata letter
CAB	2000	2001	0014		Enhance	Recurring		\$6,308	Enhancement to address associated fringe for PS shortfall proposed in Errata letter
OANC	1000	1080	0040		Reduction	Recurring		(\$27,000)	Reduction to align budget with projected spending
OANC	1000	1085	0040		Enhance	One Time		\$58,389	Enhancement to from Advisory Neighborhood Commissions Technical Support and Assistance Fund balance sweep
OANC	1000	1085	0050		Enhance	Recurring		\$150,000	Enhancement to fund Expert Support
OANC	1000	1085	0040		Enhance	One Time		\$100,000	One-time enhancement to fund Strategic Plan
OVA	2000		0020		Reduction	Recurring		(\$1,000)	Reduction to align budget with projected spending
OVA	2000	2200	0011	1.00	Enhance	Recurring		\$85,000	Enhancement to fund a Veterans LGBTQ Coordinator
OVA	2000	2200	0014		Enhance	Recurring		\$17,765	Enhancement to fund associated fringe for a Veterans LGBTQ Coordinator
OVA	2000	2200	0040		Enhance	Recurring		\$93,600	Enhancement to support the transportation program expansion. Includes \$15,000 from fund balance sweep (0600) in FY22 and is balanced throughout the financial plan with other recurring reductions.
OAH	400A	040A	0011	1.00	Enhance	Recurring		\$60,019	FTE Enhancement to fund Resource Center
OAH	400A	040A	0014		Enhance	Recurring		\$11,703	Associated Fringe to fund FTE enhancement for Resource Center

OCA	5000	5019	0040		Enhance	One Time		\$28,080	Transfer in from the Committee on Judiciary and Public Safety to fund the outstanding balance of the Capitol Hill Cluster School for the Capitol Hill Classic.
OHR	2000	2060	0011	1.00	Enhance	Recurring		\$56,798	FTE Enhancement to support the reporting of Case Stats and Letters of Determination
OHR	2000	2060	0014		Enhance	Recurring		\$18,134	Associated Fringe for FTE Enhancement to support the reporting of Case Stats and Letters of Determination
OHR	2000	2020	0011	1.00	Enhance	Recurring		\$112,843	FTE Enhancement to fund Enforcement Manager position
OHR	2000	2020	0014		Enhance	Recurring		\$27,308	Associated Fringe for FTE Enhancement to fund Enforcement Manager position
OHR	2000	2030	0011	1.00	Enhance	Recurring		\$101,047	FTE Enhancement to fund Equal Opportunity Specialist Investigator position
OHR	2000	2030	0014		Enhance	Recurring		\$24,453	Associated Fringe for FTE Enhancement to fund Equal Opportunity Specialist Investigator position
OHR	2000	2030	0011	1.00	Enhance	Recurring		\$101,047	FTE Enhancement to fund Attorney Advisor position
OHR	2000	2030	0014		Enhance	Recurring		\$24,453	Associated Fringe for FTE Enhancement to fund Attorney Advisor position
OHR	2000	2030	0011	1.00	Enhance	Recurring		\$100,000	Transfer in from the Committee on Judiciary and Public Safety to fund a new Attorney Advisor FTE to fund the fiscal impact of L23-283
OHR	2000	2030	0014		Enhance	Recurring		\$26,000	Transfer in from the Committee on Judiciary and Public Safety to fund associated fringe for new Attorney Advisor FTE to fund the fiscal impact of L23-283
OHR	2000	2030	0020		Enhance	Recurring		\$11,000	Transfer in from the Committee on Judiciary and Public Safety to fund NPS for new Attorney Advisor FTE to fund the fiscal impact of L23-283
OIG	3000	3010	0011	1.00	Enhance	Recurring		\$79,314	Enhancement to unfreeze Staff Assistant - Position Number 27941
OIG	3000	3010	0014		Enhance	Recurring		\$16,894	Enhancement for associated fringe to unfreeze Staff Assistant - Position Number 27942
OIG	4000	4011	0011	1.00	Enhance	Recurring		\$104,569	Enhancement to unfreeze Investigator - Position Number 1169
OIG	4000	4011	0014		Enhance	Recurring		\$22,582	Enhancement to associated fringe to unfreeze Investigator - Position Number 1169

OIG	4000	4011	0040		Enhance	One Time		\$200,000	Enhancement to fund risk assessment
OLGBTQ	5000	5006	0040		Enhance	One Time		\$200,000	Enhancement to fund study on LGBTQ Business Support
DGS					Fund Balance Sweep	One Time		\$222,678	One-time reduction to West End Library/Firehouse Maintenance (2225) fund balance to reduce reductions taken from OCTO's Devices for Residents Initiative and Human Services Occupancy Fixed Costs.
OANC					Fund Balance Sweep	One Time		\$58,389	Fund balance sweep to Advisory Neighborhood Commissions Technical Support and Assistance Fund
OVA					Fund Balance Sweep	One Time		\$15,000	One-time reduction to the Office of Veterans Affairs (0600) fund balance. Will Reinvest in OVA Transportation Expansion
					Transfer out	Recurring		(\$479,293)	Transfer to the Committee on Housing and Executive Administration to fund 20 TAH housing vouchers for LGBTQ Seniors
					Transfer out	Recurring		(\$359,470)	Transfer to the Committee on Housing and Executive Administration to fund 15 TAH housing vouchers for Seniors
					Transfer out	Recurring		(\$479,293)	Transfer to the Committee on Housing and Executive Administration to fund 20 TAH housing vouchers for Returning Citizens
					Transfer out	One Time		(\$100,000)	Transfer to the Committee on Human Services to restore a reduction to the Transitional Housing for Youth program
					Transfer out	One Time		(\$150,000)	Transfer to the Committee on Judiciary and Public Safety to fund Bias in Threat Assessments
					Transfer out	Recurring		(\$100,000)	Transfer to the Committee on Judiciary and Public Safety to support the Reentry Housing Pilot Program
					Transfer in	One Time		\$28,080	Transfer in from the Committee on Judiciary and Public Safety to fund the outstanding balance of the Capitol Hill Cluster School for the Capitol Hill Classic
				4.00	Transfer in	Recurring		\$347,648	Transfer in from the Committee on Judiciary and Public Safety to support 4 new Contract Specialist FTEs to fund the fiscal impact of L22-250

					Transfer in	Recurring		\$91,085	Transfer in from the Committee on Judiciary and Public Safety to support the associated fringe for 4 new Contract Specialist FTEs to fund the fiscal impact of L22-250
				2.00	Transfer in	Recurring		\$225,966	Transfer in from the Committee on Judiciary and Public Safety to support 2 new Contracting Specialist FTEs to fund the fiscal impact of L22-250
					Transfer in	Recurring		\$59,204	Transfer in from the Committee on Judiciary and Public Safety to support the associated fringe for 2 new Contracting Specialist FTEs to fund the fiscal impact of L22-250
					Transfer in	One Time		\$200,000	Transfer in from the Committee on Judiciary and Public Safety to support the database update to fund the fiscal impact of L22-250
					Transfer in	Recurring		\$25,000	Transfer in from the Committee on Judiciary and Public Safety to support the database maintenance required to fund the fiscal impact of L22-250
				1.00	Transfer in	Recurring		\$77,649	Transfer in from the Committee on Judiciary and Public Safety to support a new Training Specialist to fund the fiscal impact of L22-250
					Transfer in	Recurring		\$20,344	Transfer in from the Committee on Judiciary and Public Safety to support the associated fringe for a new Training Specialist to fund the fiscal impact of L22-250
					Transfer in	One Time		\$50,000	Transfer in from the Committee on Judiciary and Public Safety to support the training module required to fund the fiscal impact of L22-250
				1.00	Transfer in	Recurring		\$100,000	Transfer in from the Committee on Judiciary and Public Safety to fund a new Attorney Advisor FTE to fund the fiscal impact of L23-283
					Transfer in	Recurring		\$26,000	Transfer in from the Committee on Judiciary and Public Safety to fund associated fringe for new Attorney Advisor FTE to fund the fiscal impact of L23-283
					Transfer in	Recurring		\$11,000	Transfer in from the Committee on Judiciary and Public Safety to fund NPS for new Attorney Advisor FTE to fund the fiscal impact of L23-283

				3.00	Transfer in	Recurring		\$278,000	Transfer in from the Committee on Transportation and the Environment to partially repeal S2A clause of B23-506 by providing funding to support the Zero Waste Omnibus Amendment Act of 2020. The current allocation of this enhancement is an estimate and will be updated once final attributes are confirmed.
					Transfer in	One Time	\$125,000		Transfer in from the Committee on Transportation and the Environment to support construction of a covered walkway at Stoddert Elementary School.
DGS	5000	5001	0041		Enhance	One Time	\$125,000		Transfer in from the Committee on Transportation and the Environment to support construction of a covered walkway at Stoddert Elementary School.
DGS	3000	3010	0035		Enhance	Recurring		\$227,000	Enhancement to partially repeal the S2A clause of B23-665 by providing funding to support the Public Facilities Environmental Safety Amendment Act of 2020.
DGS	1000	1060	0011	1.00	Enhance	Recurring		\$106,807	Enhancement to partially repeal the S2A clause of B23-665 by providing funding to support the Public Facilities Environmental Safety Amendment Act of 2020.
DGS	1000	1060	0014		Enhance	Recurring		\$29,799	Enhancement to partially repeal the S2A clause of B23-665 by providing funding to support the Public Facilities Environmental Safety Amendment Act of 2020.
DGS	1000	1080	0011	1.00	Enhance	Recurring		\$78,487	Enhancement to partially repeal the S2A clause of B23-665 by providing funding to support the Public Facilities Environmental Safety Amendment Act of 2020.
DGS	1000	1080	0014		Enhance	Recurring		\$21,898	Enhancement to partially repeal the S2A clause of B23-665 by providing funding to support the Public Facilities Environmental Safety Amendment Act of 2020.
DGS	3000	3010	0011	1.00	Enhance	Recurring		\$78,487	Enhancement to partially repeal the S2A clause of B23-665 by providing funding to support the Public Facilities Environmental Safety Amendment Act of 2020.
DGS	3000	3010	0014		Enhance	Recurring		\$21,898	Enhancement to partially repeal the S2A clause of B23-665 by providing funding to support the Public Facilities Environmental Safety Amendment Act of 2020.
DGS	1000	1040	0011	1.00	Enhance	Recurring		\$76,126	Enhancement to partially repeal the S2A clause of B23-665 by providing funding to support the Public Facilities Environmental Safety Amendment Act of 2020.

DGS	1000	1040	0014		Enhance	Recurring		\$21,239	Enhancement to partially repeal the S2A clause of B23-665 by providing funding to support the Public Facilities Environmental Safety Amendment Act of 2020.
DGS	1000	1040	0041		Enhance	One Time		\$300,000	Enhancement to partially repeal the S2A clause of B23-665 by providing funding to support the Public Facilities Environmental Safety Amendment Act of 2020.
DGS	7000	7007	0011	3.00	Enhance	Recurring		\$168,880	Transfer in from T&E to partially repeal S2A clause of B23-506 by providing funding to support 3 FTEs for the Zero Waste Omnibus Amendment Act of 2020.
DGS	7000	7007	0014		Enhance	Recurring		\$47,118	Transfer in from T&E to partially repeal S2A clause of B23-506 by providing funding to support the additional fringe of 3 FTEs Zero Waste Omnibus Amendment Act of 2020.
DGS	7000	7007	0040		Enhance	Recurring		\$54,000	Transfer in from T&E to partially repeal S2A clause of B23-506 by providing funding to support the Zero Waste Omnibus Amendment Act of 2020.
ORCA	1000	1100	0050		Reduction	Recurring		(\$118,000)	Adjustment to reflect proposed shift in the Errata Letter to support the Paralegal and Access to Jobs program
ORCA	1000	1100	0040		Enhance	Recurring		\$118,000	Adjustment to reflect proposed shift in the Errata Letter to support the Paralegal and Access to Jobs program

ATTACHMENT 2

Committee on Government Operations and Facilities
Attachment 2
Fiscal Year 2022 Budget Support Act of 2021
Recommended Subtitles

1 **TITLE I. GOVERNMENT DIRECTION AND SUPPORT**

2 **SUBTITLE A. INSPECTOR GENERAL SUPPORT FUND**

3 Sec. 1001. Short title.

4 This subtitle may be cited as the “Inspector General Support Fund Establishment
5 Amendment Act of 2021”.

6 Sec. 1002. The District of Columbia Procurement Practices Act of 1985, effective
7 February 21, 1986 (D.C. Law 6-85; codified in relevant part at D.C. Official Code § 1-301.115a),
8 is amended by adding a new section 208~~ba~~ to read as follows:

9 “Sec. 208~~ba~~. Office of the Inspector General Support Fund.

10 “(a) There is established as a special fund the Office of the Inspector General Support
11 Fund (“Fund”), which shall be administered by the Office of the Inspector General (“OIG”) in
12 accordance with subsection (~~ed~~) of this section.

13 “(b) The following funds shall be deposited into the Fund:

14 “(1) Twenty-five percent of the revenue received by the District from each
15 restitution and recoupment resulting from a criminal action that was initiated based on a referral
16 by OIG of a criminal matter to the United States Attorney’s Office or to the Office of the
17 Attorney General for the District; provided, that such revenue is not due to another party or
18 encumbered by federal or other legal restrictions; provided further, that before the deposit of
19 such revenue into the Fund in each of fiscal years 2022 through 2025, there shall be deposited

20 first into the General Fund of the District of Columbia \$284,000 from such recoveries or from
21 recaptured payments described in paragraph (2) of this subsection; and

22 “(2) Twenty-five percent of the revenue received by the District resulting from
23 recaptured overpayments identified by OIG during the course of an audit, inspection, or
24 evaluation; provided that, such revenue is not due to another party or encumbered by federal or
25 other legal restrictions; provided further, that before the deposit of such revenue into the Fund in
26 each of fiscal years 2022 through 2025, there shall be deposited first into the General Fund of the
27 District of Columbia \$284,000 from such recaptured overpayments or from recoveries described
28 in paragraph (1) of this subsection.

29 “(c)(1) Notwithstanding subsection (b) of this section:

30 “(A) No more than \$1 million may be deposited into the Fund in any fiscal
31 year; and

32 “(B) No additional revenue shall be deposited into the Fund if the deposit
33 of the additional revenue would result in the total amount in the Fund exceeding \$2.5 million.

34 “(2) Revenue described in subsection (b) of this section that is not deposited into
35 the Fund as a result of the restrictions set forth in this subsection shall instead be deposited in the
36 General Fund.

37 “(d) Money in the Fund shall be used to support OIG’s statutory responsibilities as set
38 forth in section 208~~(a-1)(2)~~.

39 “(e)(1) The money deposited into the Fund but not expended in a fiscal year shall not
40 revert to the unassigned fund balance of the General Fund of the District of Columbia at the end
41 of any fiscal year, or at any other time.

42 “(2) Subject to authorization in an approved budget and financial plan, any funds
43 appropriated in the Fund shall be continually available without regard to fiscal year limitation.

44 “(f) For the purposes of this section, the term “recaptured overpayments” means local
45 funds disbursed by a District agency, a District contractor, a District grantee, or other entity
46 administering a District program or activity in excess of statutory, contractual, or other
47 applicable legal requirements, where such excess disbursements are identified by the OIG in an
48 audit or investigation, and where such excess disbursements are recovered by the District based
49 on the OIG audit or investigation.”.

50 **TITLE --. SUBTITLE --. COVID-19 PUBLIC HEALTH EMERGENCY**

51 **PROCUREMENT ANALYSIS**

52 Sec. XXXX. Short title.

53 (a) This subtitle may be cited as the “COVID-19 Public Health Emergency Procurement
54 Analysis Amendment Act of 2021”.

55 Sec. XXX2. Section 204(b) of the Procurement Practices Reform Act of 2010, effective
56 April 8, 2011 (D.C. Law 18-371, D.C. Official Code § 2-352.04(b)), is amended as follows:

57 (a) Paragraph (16) is amended by striking the phrase “; and” and inserting a semicolon in
58 its place.

59 (b) Paragraph (17)(C) is amended by striking the period and inserting the phrase “; and”
60 in its place.

61 (c) A new paragraph (18) is added to read as follows:

62 “(18) To issue a report to the Mayor and the Council within 90 days after the end
63 of the Public Health Emergency that began on March 11, 2020, that includes:

64 “(A) A review and analysis of emergency procurements conducted under
65 the Public Health Emergency that includes:

66 “(1) A comprehensive listing of each emergency procurement
67 conducted, including the date of contract award, the source selection method, including whether
68 the procurement was competitively sourced, the name and certified business enterprise status of
69 the awardee, the award amount, the category of goods or services procured, and a description of
70 the specific goods or services procured;

71 “(2) A breakdown of expenditures by funding source, including the
72 extent to which funds have been reimbursed by the federal government, or are in process of
73 reimbursement;

74 “(3) The value of goods or services procured by each agency;

75 “(4) A listing of inventory levels by product type on the date of the
76 last day of the Public Health Emergency;

77 “(5) A list of any IDIQ contracts awarded under the Public Health
78 Emergency, including the value of orders placed against each IDIQ contract;

79 “(7) A process map of the emergency procurement process used
80 during the Public Health Emergency, including receipt of goods, quality assurance, and
81 inventory and distribution steps;

82 “(8) Any lessons learned or areas for improvement in the effective
83 management of emergency procurements;

84 “(9) A plan for disposition of any excess supplies and equipment;

85 and

86 “(10) A plan for retaining or decommissioning the additional
87 warehouse space acquired during the public health emergency;

88 “(B) An analysis of emergency procurements with certified local, small, or
89 disadvantaged business enterprise, as defined in section 2302 of the Small and Certified Business
90 Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-
91 33; § 2-218.02), including:

92 “(1) The total value of procurements with certified business
93 enterprises relative to the total value of emergency procurements;

94 “(2) The number of emergency procurement contracts awarded to
95 certified business enterprises relative to the total number of emergency procurement contracts
96 awarded;

97 “(3) The number of distinct certified business enterprises that
98 received an emergency procurement award; and

99 “(4) An analysis of the types of goods or services the District
100 needed, where no more than two certified business enterprises were capable of performing the
101 contract requirements.”.

102 **TITLE --. SUBTITLE --. LGBTQ COMMUNITY BUSINESS EVALUATION AND**
103 **SUPPORT**

104 Sec. XXX1. Short title.

105 This subtitle may be cited as the “LGBTQ Community Business Evaluation and Support
106 Amendment Act of 2021”.

107 Sec. XXX2. The Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2005,
108 effective April 4, 2006 (D.C. Law 16-89, D.C. Official Code § 2-1381 *et seq.*), is amended as
109 follows:

110 (a) Section 2 (D.C. Official Code § 2-1381) is amended by adding a new paragraph (2a)
111 to read as follows:

112 “(2A) “LGBTQ Community Business” means a for-profit business that:

113 “(A) Is authorized to do business in the District;

114 “(B) Either maintains at least one physical facility in the District that is
115 regularly open to the public, or is a publication that dedicates a majority of its coverage to news
116 and issues in the District;

117 “(C) Is either majority-owned or primarily managed by LGBTQ
118 individuals; and

119 “(D) Holds itself out to the public as catering to LGBTQ customers or
120 communities, including through advertising or regular events; however a business that declines
121 to advertise widely its practice of catering to LGBTQ customers or communities to protect the
122 privacy and safety of its clientele, but can demonstrate that it willingly cultivates LGBTQ
123 individuals as customers through other means, such as word of mouth, may satisfy this
124 criterion.”.

125 (b) Section 4 (D.C. Official Code § 2-1383) is amended as follows:

126 (1) Paragraph (11) is amended by striking the phrase “; and” and inserting a
127 semicolon in its place.

128 (2) Paragraph (12) is amended by striking the period and inserting the phrase “;
129 and” in its place.

130 (3) A new paragraph (13) is added to read as follows:

131 “(13) No later than July 31, 2022, in coordination with the Advisory Committee
132 and after consultation with the LGBTQ community, submit to the Council a report on the state of
133 LGBTQ Community Businesses that shall include:

134 “(A) An evaluation of the state of the LGBTQ Community Business
135 economy and how that economy has changed over time;

136 “(B) The economic and social value of the LGBTQ Community Business
137 economy to the District as a whole;

138 “(C) The key challenges currently faced by LGBTQ Community
139 Businesses;

140 “(D) Recommendations for maintaining vibrant and diverse LGBTQ
141 Community Businesses; and

142 “(E) Recommendations for ensuring that LGBTQ Community Businesses
143 remain open and welcoming to all members of the LGBTQ community.”.

144 **TITLE --. SUBTITLE --. HUMAN RIGHTS CASE MANAGEMENT METRICS**

145 Sec. XXX1. Short title.

146 This subtitle may be cited as the “Human Rights Case Management Metrics Amendment
147 Act of 2021”.

148 Sec. XXX2. Section 301 of the Human Rights Act of 1977, effective December 13, 1977
149 (D.C. Law 2-38, D.C. Official Code § 2-1403.01), is amended by adding a new subsection (g-1)
150 to read as follows:

151 “(g-1)(1) The Mayor shall report quarterly to the Council as to the volume and
152 age of cases before the Office and the Commission, including at minimum the following
153 measures:

154 “(A) The number of initial questionnaires or other inquiries
155 alleging unlawful discrimination the Office received during the prior quarter, broken down by
156 protected characteristics and categories of alleged discriminatory action;

157 “(B) The number of signed formal complaints that were filed
158 during the prior quarter, broken down by protected characteristics and categories of alleged
159 discriminatory action;

160 “(C) The number of intake interviews that took place during the
161 prior quarter;

162 “(D) The number of initial inquiries awaiting intake interviews,
163 broken down by number of weeks since initial questionnaire or other inquiry;

164 “(E) The number of initial inquiries that were withdrawn or
165 otherwise closed before a signed formal complaint could be completed;

166 “(F) The number of mediation sessions that took place during the
167 prior quarter, broken down by protected characteristics, categories of alleged discriminatory
168 action, and number of weeks elapsed from complaint to mediation;

169 “(G) The number of mediation sessions that resulted in
170 conciliation;

171 “(H) The number of mediation sessions that failed to produce
172 conciliation and proceeded to the investigation stage;

173 “(I) The number of signed formal complaints awaiting mediation,
174 broken down by number of weeks since filing;

175 “(J) The number of signed formal complaints withdrawn or
176 otherwise closed before a mediation could be completed;

177 “(K) The number of determinations of jurisdiction and probable
178 cause or lack thereof that the Office issued the prior quarter, broken down by protected
179 characteristics, categories of alleged discriminatory action, determination, and number of weeks
180 between unsuccessful mediation and determination;

181 “(L) The number of cases awaiting a determination of jurisdiction
182 and probable cause following unsuccessful mediation, broken down by number of weeks since
183 unsuccessful mediation;

184 “(M) The number of investigations open per Office full-time
185 equivalent investigator;

186 “(N) The number of decisions and orders the Commission rendered
187 in the prior quarter, broken down by protected characteristics and categories of alleged
188 discriminatory conduct;

189 “(O) The number of matters withdrawn or otherwise terminated
190 without a decision of the Commission in the prior quarter; and

191 “(P) The number of matters pending before the Commission,
192 broken down by number of weeks since the Office issued a determination of jurisdiction and
193 probable cause, and whether the Commission has held a hearing.

194 “(2) In each quarterly report, if the Mayor is unable to calculate one or
195 more of the metrics specified in paragraph (1), then for each such omitted measure, the Mayor
196 shall:

197 “(A) Briefly explain the obstacle preventing accurate
198 measurement;

199 “(B) Specify what steps the Office and the Commission are taking
200 to enable accurate measurement; and

201 “(C) Estimate the time remaining before the Office will be in a
202 position to provide consistent quarterly updates on the measure.”.

203 **TITLE --. SUBTITLE --. VETERAN TRANSPORTATION PROGRAM**
204 **EXPANSION**

205 Sec. XXXX. Short title.

206 (a) This subtitle may be cited as the “Veteran Transportation Program Expansion
207 Amendment Act of 2021”.

208 Sec. XXX2. Section 704 of the Office of Veterans Affairs Establishment Act of 2001,
209 effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 49-1003), is amended as
210 follows:

211 (a) Paragraph (24) is amended by striking the phrase “; and” and inserting a semicolon in
212 its place.

213 (b) Paragraph (25) is amended by striking the period and inserting the phrase “; and” in
214 its place.

215 (c) A new paragraph (26) is added to read as follows:

216 “(26) Subject to the availability of funding, provide a free on-demand
217 transportation or public transportation option to veterans who reside in a household with an
218 annual household income of less than or equal to 80% of area median income as defined in D.C.
219 Official Code § 47-1806.09(1)(A), which, at a minimum:

220 “(A) Offers 15 one-way trips per month for each eligible veteran in the
221 program;

222 “(B) Operates 6 days a week; and

223 “(C) Does not restrict the point of origin or destination of each trip, except
224 that trips must begin and end within the District.”.

225 **TITLE --. SUBTITLE --. SUBJECT TO APPROPRIATIONS REPEALS AND**
226 **MODIFICATIONS**

227 Sec. XXXX. Short title.

228 This subtitle may be cited as the “Subject to Appropriations Repeals and Modifications
229 Amendment Act of 2021”.

230 Sec. XXX2. Section 10 of the Campaign Finance Reform Amendment Act of 2018,
231 effective March 13, 2019, (Law 22-0250) is repealed.

232 Sec. XXX3. Section 6 of the Bella Evangelista and Tony Hunter Panic Defense Prohibition
233 and Hate Crimes Response Amendment Act of 2020, effective May 15, 2021, (Law 23-0283) is
234 repealed.

235 Sec. XXX4. Section 4 of the Public Facilities Environmental Safety Amendment Act of
236 2020, effective March 16, 2021, (Law 23-0233) is amended to read as follows:

237 “Sec. 4. Applicability.

238 “(a) Section 2(b)(2) of this act shall apply upon the date of inclusion of its fiscal effect in
239 an approved budget and financial plan.

240 “(b) The Chief Financial Officer shall certify the date of inclusion of the fiscal effect in an
241 approved budget and financial plan and provide notice to the Budget Director of the Council of
242 the certification.

243 “(c)(1) The Budget Director shall cause the notice of the certification to be published in
244 the District of Columbia Register.

245 “(2) The date of publication of the notice of the certification shall not affect the
246 applicability of section 2(b)(2).”.

247 Sec. XXX5. Section 6(a) of the Zero Waste Omnibus Amendment Act of 2020, effective
248 March 16, 2021 (D.C. Law 23-211; 68 DCR 68), is amended to read as follows:

249 “(a) Section 2(b)(2), the amendatory section 103(e) within 2(b)(3), 2(d)(2), amendatory
250 sections 112c and 112e within 2(k), and 2(m)(1) shall apply upon the date of inclusion of its fiscal
251 effect in an approved budget and financial plan.”.