

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare an emergency with respect to the need to amend the District of Columbia Procurement Practices Act of 1985 to establish the authority of the Office of the Inspector General to undertake reviews and investigations of the District of Columbia Housing Authority without a prior request of the Council..

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Inspector General Oversight Consistency Emergency Declaration Resolution of 2022”.

Sec. 2. (a) Section 208 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986, (D.C. Law 6-85; D.C. Code § 1-301.115a) codified the responsibilities and powers of the Office of the Inspector General, initially established through Mayor’s Order 79-7, dated January 7, 1979.

(b) The Office of the Inspector General was initially established with the authority to have access to all books, accounts, records, reports, findings relating to contracts and procurement, and all other papers, things, or property belonging to or in use by any department or agency under the direct supervision of the Mayor necessary to facilitate the Inspector General’s work.

(c) The Office of the Inspector General Powers and Duties Amendment Act of 1999, effective April 5, 2000 (D.C. Law 13-71; D.C. Official Code 1-301.115a) further expanded the

34 authority of the Office of the Inspector to include the ability to initiate audits and investigations  
35 of all District government agencies, including independent agencies.

36 (d) Later that year, the Council passed the District of Columbia Housing Authority Act of  
37 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code 1-301.115a), which  
38 permitted the Inspector General to undertake reviews and investigations of the District of  
39 Columbia Housing Authority (“Authority”), and make determinations or render opinions, but  
40 specifically “as requested by the Council”.

41 (e) The legislative record of the 1999 act does not include substantive comment on the  
42 requirement for an investigation of the Authority to be proceeded by a request of the Council or  
43 the potential conflict with recently passed legislation expanding the authority of the Inspector  
44 General to independent agencies.

45 (f) The unique requirement to have a request by the Council for investigations of the  
46 Authority puts at risk the confidentiality and independence of the Inspector General’s work,  
47 including the ability to set the scope of the Office’s investigations.

48 (g) The Office of the Inspector General identified the need for an investigation of the  
49 Authority in September 2021, but undertaking that investigation required a request by the  
50 Council.

51 (h) Members of the Council’s Committee on Housing and Executive Administration  
52 recently sent a series of letters to the Inspector General requesting investigations of varying  
53 scope into the operations of the Authority, highlighting the implementation challenges associated  
54 with the existing statute.

55 (i) Inspector General Daniel W. Lucas, through a letter dated October 25, 2021, noted  
56 that the statutory framework presented “an inherent conflict with our statutory requirement to  
57 conduct independent investigations”.

58 (j) The Council passed the Inspector General Oversight Consistency Temporary  
59 Amendment Act of 2021, and associated emergency legislation, but that temporary legislation  
60 will expire on October 7, 2022.

61 (k) A hearing was held on the related permanent legislation, the Inspector General  
62 Oversight Consistency Amendment Act of 2021, on July 21, 2022.

63 (k) There is a need for legislative stability to maintain ongoing investigations while the  
64 Council considers the permanent legislation.

65 Sec. 3. The Council of the District of Columbia determines that the circumstances  
66 enumerated in section 2 constitute an emergency making it necessary that the Inspector General  
67 Oversight Consistency Emergency Amendment Act of 2022 be adopted after a single reading.

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