

116TH CONGRESS
1ST SESSION

H. R. 4445

To amend the District of Columbia Home Rule Act to provide for a uniform 60-day period for Congress to review laws of the District of Columbia before such laws may take effect, to permit Congress to use the authorities and procedures available under such Act for the consideration and enactment of resolutions of disapproval of laws of the District of Columbia to disapprove specific provisions of such laws, to clarify the expedited procedures available under such Act for the consideration of such resolutions of disapproval, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2019

Mr. GOSAR (for himself, Mr. MEADOWS, and Mr. NORMAN) introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the District of Columbia Home Rule Act to provide for a uniform 60-day period for Congress to review laws of the District of Columbia before such laws may take effect, to permit Congress to use the authorities and procedures available under such Act for the consideration and enactment of resolutions of disapproval of laws of the District of Columbia to disapprove specific provisions of such laws, to clarify the expedited procedures available under such Act for the consideration of such resolutions of disapproval, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “District of Columbia
5 Home Rule Improvement Act”.

6 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The District of Columbia was granted lim-
9 ited autonomy in 1973 by Congress, who at the time
10 did not wish to intervene in the day-to-day govern-
11 ance of the city.

12 (2) This grant of limited autonomy by Congress
13 may be revoked by Congress at any time.

14 (3) Article 1, section 8, clause 17 of the United
15 States Constitution provides Congress with the ex-
16 clusive jurisdiction over the District of Columbia.

17 (4) This clause was included for specific rea-
18 sons, notably the fact that the operation of the seat
19 of the Federal Government of the United States,
20 whose laws affect approximately 330 million Ameri-
21 cans, should not be impeded by local ordinances, ac-
22 tions, or taxation.

23 (5) The Framers of the Constitution had good
24 reason for this concern, having witnessed the reluc-
25 tance of local authorities to police disorderly conduct

1 by protestors in June of 1783, conduct that forced
2 the adjournment of the Congress and the flight of
3 its members into neighboring States.

4 (6) James Madison wrote in Federalist No. 43,
5 “The indispensable necessity of compleat authority
6 at the seat of Government carries its own evidence
7 with it. It is a power exercised by every Legislature
8 of the Union, I might say of the world, by virtue of
9 its general supremacy. Without it, not only the pub-
10 lic authority might be insulted and its proceedings
11 be interrupted, with impunity; but a dependence of
12 the members of the general Government, on the
13 State comprehending the seat of the Government for
14 protection in the exercise of their duty, might bring
15 on the national councils an imputation of awe or in-
16 fluence, equally dishonorable to the Government, and
17 dissatisfactory to the other members of the confed-
18 eracy”.

19 (b) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that—

21 (1) Congress is the proper, constitutionally
22 mandated sovereign over the District of Columbia
23 and that increasing congressional oversight of the
24 District is a wise course, in particular improving the
25 disapproval mechanisms of the District of Columbia

1 Home Rule Act to ensure that poor municipal ordi-
2 nances made by the congressionally provided, and
3 congressionally revocable authority provided to Dis-
4 trict’s municipal government can be expeditiously
5 overturned by Congress;

6 (2) the District of Columbia should never be-
7 come a State; and

8 (3) statehood for the District of Columbia
9 would require a constitutional amendment.

10 **SEC. 3. UNIFORM 60-DAY CONGRESSIONAL REVIEW PERIOD**

11 **FOR DISTRICT OF COLUMBIA LAWS.**

12 (a) ESTABLISHMENT OF 60-DAY PERIOD.—The sec-
13 ond sentence of section 602(c)(1) of the District of Colum-
14 bia Home Rule Act (sec. 1–206.02(c)(1), D.C. Official
15 Code) is amended—

16 (1) by striking “the 30-calendar-day period (ex-
17 cluding Saturdays, Sundays, and holidays, and any
18 day on which neither House is in session because of
19 an adjournment sine die, a recess of more than three
20 days, or an adjournment of more than three days)
21 beginning on the day such act is transmitted” and
22 inserting the following: “the 60-day period (exclud-
23 ing days either House of Congress is adjourned for
24 more than 3 days during a session of Congress) be-
25 ginning on the day such act is transmitted”; and

1 (2) by striking “such 30-day period” each place
2 it appears and inserting “such 60-day period”.

3 (b) **ELIMINATION OF ALTERNATIVE PERIOD FOR**
4 **ACTS AFFECTING CRIMINAL LAWS.**—Section 602(c) of
5 such Act (sec. 1–206.02(c), D.C. Official Code) is amend-
6 ed—

7 (1) by striking paragraph (2); and

8 (2) by redesignating paragraph (3) as para-
9 graph (2).

10 **SEC. 4. AUTHORIZING USE OF RESOLUTIONS OF DIS-**
11 **APPROVAL TO DISAPPROVE PROVISIONS OF**
12 **DISTRICT OF COLUMBIA LAWS.**

13 (a) **AUTHORIZATION.**—The second sentence of sec-
14 tion 602(c)(1) of the District of Columbia Home Rule Act
15 (sec. 1–206.02(c)(1), D.C. Official Code) is amended—

16 (1) by striking “such act shall take effect” and
17 inserting “such act and each provision thereof”;

18 (2) by striking “a joint resolution disapproving
19 such act” and inserting “a joint resolution dis-
20 approving such act or any provision thereof”;

21 (3) by striking “disapproving such an act” and
22 inserting “disapproving such an act or any provision
23 thereof”; and

1 (4) by striking “to have repealed such act” and
2 inserting “to have repealed such act or such provi-
3 sion (as the case may be)”.

4 (b) CONFORMING AMENDMENT RELATING TO APPLI-
5 CATION OF EXPEDITED PROCEDURES FOR CONSIDER-
6 ATION OF RESOLUTIONS.—The third sentence of section
7 602(c)(1) of such Act (sec. 1–206.02(c)(1), D.C. Official
8 Code) is amended by striking “disapproving such act” and
9 inserting “disapproving such act or any provision thereof”.

10 (c) RULE OF CONSTRUCTION.—Section 602(c)(1) of
11 such Act (sec. 1–206.02(c)(1), D.C. Official Code) is
12 amended by adding at the end the following new sentence:
13 “The enactment of a resolution disapproving a provision
14 of an act pursuant to this paragraph may not be construed
15 to repeal any of the remaining provisions of the act.”.

16 **SEC. 5. CLARIFICATION OF EXPEDITED PROCEDURES AP-**
17 **PLICABLE TO CONSIDERATION OF RESOLU-**
18 **TIONS OF DISAPPROVAL.**

19 (a) APPLICATION OF ALL PROCEDURES TO ALL RES-
20 OLUTIONS OF DISAPPROVAL.—The third sentence of sec-
21 tion 602(c)(1) of the District of Columbia Home Rule Act
22 (sec. 1–206.02(c)(1), D.C. Official Code) is amended by
23 striking “section 604, except subsections (d), (e), and (f)
24 of such section,” and inserting “section 604”.

1 (b) CLARIFICATION OF PROCEDURES.—Section 604
2 of such Act (sec. 1–206.04, D.C. Official Code) is amend-
3 ed by striking subsections (c) through (j) and inserting
4 the following:

5 “(c) REFERRAL TO COMMITTEES.—A resolution with
6 respect to Council action shall be referred to the Com-
7 mittee on Oversight and Reform of the House of Rep-
8 resentatives, or the Committee on Homeland Security and
9 Governmental Affairs of the Senate, by the President of
10 the Senate or the Speaker of the House of Representa-
11 tives, as the case may be.

12 “(d) PROCEDURES IN HOUSE OF REPRESENTA-
13 TIVES.—(1) In the House of Representatives, if the com-
14 mittee to which a resolution has been referred has not re-
15 ported it at the end of twenty calendar days after its intro-
16 duction, it is in order to move to discharge the committee
17 from further consideration of any other resolution with re-
18 spect to the same Council action which has been referred
19 to the committee.

20 “(2) In the House, a motion to discharge may be
21 made only by an individual favoring the resolution, is high-
22 ly privileged (except that it may not be made after the
23 committee has reported a resolution with respect to the
24 same action), and debate thereon shall be limited to not
25 more than one hour, to be divided equally between those

1 favoring and those opposing the resolution. An amend-
2 ment to the motion is not in order, and it is not in order
3 to move to reconsider the vote by which the motion is
4 agreed to or disagreed to.

5 “(3) In the House, if the motion to discharge is
6 agreed to or disagreed to, the motion may not be renewed,
7 nor may another motion to discharge the committee be
8 made with respect to any other resolution with respect to
9 the same action.

10 “(4) In the House, when the committee has reported,
11 or has been discharged from further consideration of, a
12 resolution, it is at any time thereafter in order (even
13 though a previous motion to the same effect has been dis-
14 agreed to) to move to proceed to the consideration of the
15 resolution. The motion is highly privileged and is not de-
16 batable. An amendment to the motion is not in order, and
17 it is not in order to move to reconsider the vote by which
18 the motion is agreed to or disagreed to.

19 “(5) In the House, debate on the resolution shall be
20 limited to not more than ten hours, which shall be divided
21 equally between those favoring and those opposing the res-
22 olution. A motion further to limit debate is not debatable.
23 An amendment to, or motion to recommit, the resolution
24 is not in order, and it is not in order to move to reconsider

1 the vote by which the resolution is agreed to or disagreed
2 to.

3 “(6) In the House, motions to postpone made with
4 respect to the discharge from committee or the consider-
5 ation of a resolution, and motions to proceed to the consid-
6 eration of other business, shall be decided without debate.

7 “(7) In the House, appeals from the decisions of the
8 Chair relating to the application of the Rules of the House
9 of Representatives to the procedure relating to a resolu-
10 tion shall be decided without debate.

11 “(e) PROCEDURES IN SENATE.—(1) In the Senate,
12 if the committee to which is referred a resolution described
13 in subsection (b) has not reported such joint resolution
14 (or an identical joint resolution) at the end of 20 calendar
15 days after its introduction, such committee may be dis-
16 charged from further consideration of such joint resolution
17 upon a written demand by any Member of the Senate, and
18 such joint resolution shall be placed on the calendar.

19 “(2)(A) In the Senate, when the committee to which
20 a resolution is referred has reported, or when a committee
21 is discharged (under paragraph (1)) from further consid-
22 eration of a resolution described in subsection (b), it is
23 at any time thereafter in order (even though a previous
24 motion to the same effect has been disagreed to) for a
25 motion to proceed to the consideration of the resolution,

1 and all points of order against the resolution (and against
2 consideration of the resolution) are waived. The motion
3 is not subject to amendment, or to a motion to postpone,
4 or to a motion to proceed to the consideration of other
5 business. A motion to reconsider the vote by which the
6 motion is agreed to or disagreed to shall not be in order.
7 If a motion to proceed to the consideration of the resolu-
8 tion is agreed to, the resolution shall remain the unfin-
9 ished business of the Senate until disposed of.

10 “(B) In the Senate, debate on the resolution, and on
11 all debatable motions and appeals in connection therewith,
12 shall be limited to not more than 10 hours, which shall
13 be divided equally between those favoring and those oppos-
14 ing the resolution. A motion further to limit debate is in
15 order and not debatable. An amendment to, or a motion
16 to postpone, or a motion to proceed to the consideration
17 of other business, or a motion to recommit the resolution
18 is not in order.

19 “(C) In the Senate, immediately following the conclu-
20 sion of the debate on a resolution described in subsection
21 (b), and a single quorum call at the conclusion of the de-
22 bate if requested in accordance with the rules of the Sen-
23 ate, the vote on final passage of the resolution shall occur.

24 “(D) Appeals from the decisions of the Chair relating
25 to the application of the rules of the Senate to the proce-

1 dure relating to a resolution described in subsection (a)
2 shall be decided without debate.

3 “(3) In the Senate the procedure specified in para-
4 graph (1) or (2) shall not apply to the consideration of
5 a resolution after the expiration of the 60 session days
6 beginning with the date of the introduction of the joint
7 resolution.

8 “(f) COORDINATION BETWEEN HOUSES.—If, before
9 the passage by one House of a resolution of that House
10 described in subsection (b), that House receives from the
11 other House a resolution described in subsection (b), then
12 the following procedures shall apply:

13 “(1) The resolution of the other House shall
14 not be referred to a committee.

15 “(2) Any Member of that House may at any
16 time offer a motion to proceed to the consideration
17 of the resolution of the other House, and such mo-
18 tion shall be considered in accordance with para-
19 graph (4) of subsection (d) (in the case of a motion
20 in the House) or in accordance with paragraph (2)
21 of subsection (e) (in the case of a motion in the Sen-
22 ate).

23 “(3) With respect to a resolution described in
24 subsection (a) of the House receiving the resolu-
25 tion—

1 “(A) the procedure in that House shall be
2 the same as if no resolution had been received
3 from the other House; but

4 “(B) the vote on final passage shall be on
5 the resolution of the other House.”.

6 **SEC. 6. EFFECTIVE DATE.**

7 This Act and the amendments made by this Act shall
8 apply with respect to acts of the District of Columbia
9 which are transmitted to Congress by the Council of the
10 District of Columbia under section 602(e) of the District
11 of Columbia Home Rule Act on or after the date of the
12 enactment of this Act.

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