

117TH CONGRESS
2D SESSION

H. R. 8861

To provide for expanded home rule for the residents of the District of Columbia, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2022

Ms. NORTON 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 provide for expanded home rule for the residents of the District of Columbia, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “District of Columbia Home Rule Expansion Act of
6 2022”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—LEGISLATIVE HOME RULE

Sec. 101. Short title; references in title.

Sec. 102. Elimination of Congressional review period for District of Columbia acts.

Sec. 103. Effective date.

TITLE II—CRIMINAL JUSTICE HOME RULE

Subtitle A—Prosecutor Home Rule

Sec. 201. Short title.

Sec. 202. Responsibility of local prosecutor's office for conduct of all District of Columbia prosecutions.

Subtitle B—Clemency Home Rule

Sec. 211. Short title.

Sec. 212. Authority to grant clemency for crimes under laws of the District of Columbia.

1 **TITLE I—LEGISLATIVE HOME**
2 **RULE**

3 SEC. 101. SHORT TITLE; REFERENCES IN TITLE.

(a) SHORT TITLE.—This title may be cited as the
“District of Columbia Legislative Home Rule Act”.

(b) REFERENCES IN ACT.—Except as may otherwise be provided, whenever in this title an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the District of Columbia Home Rule Act.

12 SEC. 102. ELIMINATION OF CONGRESSIONAL REVIEW PE-
13 RIOD FOR DISTRICT OF COLUMBIA ACTS.

14 (a) IN GENERAL.—Section 602 (sec. 1–206.02, D.C.
15 Official Code) is amended by striking subsection (c).

16 (b) CONGRESSIONAL RESOLUTIONS OF DIS-
17 APPROVAL.—

1 (1) IN GENERAL.—Section 604 (sec. 1–206.04,
2 D.C. Official Code) is repealed.

3 (2) CLERICAL AMENDMENT.—The table of con-
4 tents is amended by striking the item relating to sec-
5 tion 604.

6 (3) EXERCISE OF RULEMAKING POWER.—This
7 subsection and the amendments made by this sub-
8 section are enacted by Congress—

9 (A) as an exercise of the rulemaking power
10 of the House of Representatives and the Sen-
11 ate, respectively, and as such they shall be con-
12 sidered as a part of the rules of each House, re-
13 spectively, or of that House to which they spe-
14 cifically apply, and such rules shall supersede
15 other rules only to the extent that they are in-
16 consistent therewith; and

17 (B) with full recognition of the constitu-
18 tional right of either House to change such
19 rules (so far as relating to such House) at any
20 time, in the same manner, and to the same ex-
21 tent as in the case of any other rule of such
22 House.

23 (c) CONFORMING AMENDMENTS.—

1 (1) DISTRICT OF COLUMBIA HOME RULE ACT.—

2 (A) Section 303 (sec. 1–203.03, D.C. Official Code)
3 is amended—

4 (i) in subsection (a), by striking the second
5 sentence; and

6 (ii) by striking subsection (b) and redesignig-
7 nating subsections (c) and (d) as subsections
8 (b) and (c).

9 (B) Section 404 (sec. 1–204.04, D.C. Official
10 Code) is amended by striking “subject to the provi-
11 sions of section 602(c)” each place it appears in sub-
12 sections (e) and (f).

13 (C) Section 446 (sec. 1–204.46, D.C. Official
14 Code) is amended—

15 (i) in subsection (a), by striking the third
16 sentence; and

17 (ii) in paragraph (1) of subsection (c), by
18 striking “and such act has been transmitted by
19 the Chairman to the Congress and has com-
20 pleted the review process under section
21 602(c)(3)”.

22 (D) Section 462 (sec. 1–204.62, D.C. Official
23 Code) is amended—

24 (i) in subsection (a), by striking “(a) The
25 Council” and inserting “The Council”; and

1 (ii) by striking subsections (b) and (c).

2 (E) Section 472(d)(1) (sec. 1–204.72(d)(1),
3 D.C. Official Code) is amended by striking “Not-
4 withstanding section 602(c)(1), any act of the Coun-
5 cil” and inserting “Any act of the Council”.

6 (F) Section 475(e)(1) (sec. 1–204.75(e)(1),
7 D.C. Official Code) is amended by striking “Not-
8 withstanding section 602(c)(1), any act of the Coun-
9 cil” and inserting “Any act of the Council”.

10 (2) OTHER LAWS.—(A) Section 2(b)(1) of
11 Amendment No. 1 (relating to initiative and ref-
12 erendum) to title IV (the District Charter) (sec. 1–
13 204.102(b)(1), D.C. Official Code) is amended by
14 striking “the appropriate custodian” and all that fol-
15 lows through “portion of such act to”.

16 (B) Section 5 of Amendment No. 1 (relating to
17 initiative and referendum) to title IV (the District
18 Charter) (sec. 1–204.105, D.C. Official Code) is
19 amended by striking “, and such act” and all that
20 follows and inserting a period.

21 **SEC. 103. EFFECTIVE DATE.**

22 The amendments made by this title shall apply with
23 respect to each act of the District of Columbia—

1 (1) passed by the Council of the District of Co-
2 lumbia and signed by the Mayor of the District of
3 Columbia;

4 (2) vetoed by the Mayor and repassed by the
5 Council;

6 (3) passed by the Council and allowed to be-
7 come effective by the Mayor without the Mayor's sig-
8 nature; or

9 (4) in the case of initiated acts and acts subject
10 to referendum, ratified by a majority of the reg-
11 istered qualified electors voting on the initiative or
12 referendum,

13 on or after the first day of the One Hundred Eighteenth
14 Congress.

15 **TITLE II—CRIMINAL JUSTICE**

16 **HOME RULE**

17 **Subtitle A—Prosecutor Home Rule**

18 **SEC. 201. SHORT TITLE.**

19 This subtitle may be cited as the “District of Colum-
20 bia Prosecutor Home Rule Act”.

1 **SEC. 202. RESPONSIBILITY OF LOCAL PROSECUTOR'S OF-**
2 **FICE FOR CONDUCT OF ALL DISTRICT OF CO-**
3 **LUMBIA PROSECUTIONS.**

4 (a) IN GENERAL.—Section 23–101, D.C. Official
5 Code, is amended by striking subsections (a) through (f)
6 and inserting the following:

7 “(a) Prosecutions for violations of all police or munic-
8 ipal ordinances or regulations of the District of Columbia
9 and for violations of all penal statutes of the District of
10 Columbia in the nature of police or municipal regulations
11 shall be conducted in the name of the District of Columbia
12 by the head of the local prosecutor’s office or the assist-
13 ants of the head of such office, except as may otherwise
14 be provided in any such ordinance, regulation, or statute
15 of the District of Columbia.

16 “(b) In this section, the ‘local prosecutor’s office’ is
17 the office designated under local law of the District of Co-
18 lumbia as the office responsible for conducting prosecu-
19 tions under this section.

20 “(c) Nothing in this section shall affect the authority
21 of the Attorney General of the United States or the United
22 States Attorney for the District of Columbia to exercise
23 jurisdiction concerning violations of the laws of the United
24 States.”.

25 (b) EFFECTIVE DATE.—The amendments made by
26 this section shall apply with respect to violations of Dis-

1 triet of Columbia ordinances, regulations, and statutes
2 which occur after the expiration of the 1-year period which
3 begins on the date on which a local law of the District
4 of Columbia which designates the local prosecutor's office
5 for purposes of section 23–101(b), D.C. Official Code (as
6 amended by subsection (a)), takes effect.

7 (c) RETENTION OF FEDERAL BENEFITS BY CON-
8 TINUING EMPLOYEES.—With respect to any individual
9 who is an employee of the United States Attorney for the
10 District of Columbia as of the day before the date de-
11 scribed in subsection (b) and continues to be employed by
12 the local prosecutor's office designated for purposes of sec-
13 tion 23–101(b), D.C. Official Code (as amended by sub-
14 section (a))—

15 (1) such individual shall continue to be treated
16 as an employee of the Federal Government for pur-
17 poses of receiving benefits under any chapter of sub-
18 part G of part III of title 5, United States Code;
19 and

20 (2) such designated local prosecutor's office
21 shall be treated as the employing agency of the indi-
22 vidual with respect to such benefits.

1 **Subtitle B—Clemency Home Rule**

2 **SEC. 211. SHORT TITLE.**

3 This subtitle may be cited as the “District of Colum-
4 bia Clemency Home Rule Act”.

5 **SEC. 212. AUTHORITY TO GRANT CLEMENCY FOR CRIMES**

6 **UNDER LAWS OF THE DISTRICT OF COLUM-**

7 **BIA.**

8 (a) **AUTHORITY DESCRIBED.**—The authority to grant
9 clemency for crimes under the laws of the District of Co-
10 lumbia shall be exercised by such person or persons, and
11 under such terms and conditions, as may be provided
12 under law enacted by the District of Columbia.

13 (b) **RULE OF CONSTRUCTION.**—Nothing in this sub-
14 title may be construed—

15 (1) to affect any authority exercised by the
16 President or the Mayor of the District of Columbia
17 prior to the effective date of any law enacted by the
18 District of Columbia pursuant to this Act with re-
19 spect to the authority to grant clemency for crimes
20 under the laws of the District of Columbia; or

21 (2) to limit the authority described in sub-
22 section (a) from being exercised with respect to
23 crimes committed before, on, or after the date of the
24 enactment of this Act.

1 (c) CLEMENCY DEFINED.—In this subtitle, the term
2 “clemency” means a pardon, reprieve, or commutation of
3 sentence, or a remission of a fine or other financial pen-
4 alty.

