

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4778
OFFERED BY MRS. CAROLYN B. MALONEY OF
NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “District of Columbia
3 Courts Vacancy Reduction Act”.

**4 SEC. 2. AUTOMATIC APPOINTMENT OF JUDGES TO DIS-
5 TRICT OF COLUMBIA COURTS.**

6 (a) APPOINTMENTS BY PRESIDENT.—

7 (1) IN GENERAL.—Section 433(a) of the Dis-
8 trict of Columbia Home Rule Act (sec. 1–204.33(a),
9 D.C. Official Code) is amended by striking “the
10 President shall nominate” and all that follows and
11 inserting the following: “from the list of persons rec-
12 ommended by the District of Columbia Judicial
13 Nomination Commission established under section
14 434, the President shall appoint all judges of the
15 District of Columbia courts.”.

1 (2) CONFORMING AMENDMENTS.—Section 433
2 of such Act (sec. 1–204.33, D.C. Official Code) is
3 further amended—

4 (A) in the heading, by striking “NOMINA-
5 TION AND”;

6 (B) in subsection (b) in the matter pre-
7 ceding paragraph (1), by striking “nominated
8 or”;

9 (C) in paragraph (2) of subsection (b), by
10 striking “nomination” and inserting “appoint-
11 ment”;

12 (D) in paragraph (3) of subsection (b), by
13 striking “nomination” and inserting “appoint-
14 ment”;

15 (E) in paragraph (4) of subsection (b), by
16 striking “the President, for such nomination
17 and appointment,” and inserting “the President
18 for such appointment”;

19 (F) in paragraph (5) of subsection (b), by
20 striking “his nomination” and inserting “ap-
21 pointment”;

22 (G) in the fifth sentence of subsection (c),
23 by striking “then the President may nominate”
24 and all that follows and inserting “the Presi-
25 dent may reappoint such candidate as judge.”;

1 (H) in the sixth sentence of subsection (c),
2 by striking “not to so nominate such declaring
3 candidate, he shall nominate another can-
4 didate” and inserting “not to so reappoint such
5 declaring candidate, the President shall appoint
6 another candidate”; and

7 (I) in the seventh sentence of subsection
8 (c), by striking “then the President shall not
9 submit to the Senate for advice and consent the
10 renomination of the declaring candidate as
11 judge” and inserting “the President shall not
12 reappoint the declaring candidate as judge”.

13 (3) CLERICAL AMENDMENT.—The table of con-
14 tents of such Act is amended by amending the item
15 relating to section 433 to read as follows:

“Sec. 433. Appointment of judges.”.

16 (b) APPOINTMENTS BY JUDICIAL NOMINATION COM-
17 MISSION.—Section 434(d) of such Act (sec. 1–204.34(d),
18 D.C. Official Code) is amended—

19 (1) in the first sentence of paragraph (1), by
20 striking “for possible nomination and appointment”
21 and inserting “for possible appointment”;

22 (2) in the second sentence of paragraph (1), by
23 striking “more than one nominee” and inserting
24 “more than one person”;

1 (3) in the third sentence of paragraph (1), by
2 striking “of nominees”;

3 (4) in the fourth sentence of paragraph (1)—

4 (A) by striking “the President fails to
5 nominate, for Senate confirmation,” and insert-
6 ing “the President fails to appoint”; and

7 (B) by striking “the Commission shall
8 nominate, and with the advice and consent of
9 the Senate, appoint” and inserting “the Com-
10 mission shall appoint”; and

11 (5) in paragraph (3), by striking “nomination”
12 each place it appears and inserting “appointment”.

13 **SEC. 3. AUTHORIZING CONGRESS TO PREVENT APPOINT-**
14 **MENT THROUGH RESOLUTION OF DIS-**
15 **APPROVAL.**

16 (a) RESOLUTIONS OF DISAPPROVAL.—Part C of title
17 IV of the District of Columbia Home Rule Act (sec. 1–
18 204.31 et seq., D.C. Official Code) is amended by insert-
19 ing after section 434 the following new section:

20 “AUTHORIZING CONGRESS TO PREVENT APPOINTMENT
21 THROUGH RESOLUTION OF DISAPPROVAL

22 “SEC. 434A. (a) REQUIRING TRANSMISSION OF NO-
23 TICE OF APPOINTMENT TO CONGRESS.—Notice of the ap-
24 pointment of a judge of a District of Columbia court under
25 this part shall be transmitted to the Speaker of the House

1 of Representatives and the President pro tempore of the
2 Senate by—

3 “(1) the President, in the case of an appoint-
4 ment under section 433; or

5 “(2) the District of Columbia Judicial Nomina-
6 tion Commission, in the case of an appointment
7 under section 434(d)(1).

8 “(b) TIMING OF APPOINTMENT.—The appointment
9 of a judge of the District of Columbia courts shall take
10 effect upon the expiration of the 30-calendar-day period
11 (excluding Saturdays, Sundays, and holidays, and any day
12 on which neither House is in session because of an ad-
13 journment sine die, a recess of more than three days, or
14 an adjournment of more than three days) beginning on
15 the date on which notice of the appointment is transmitted
16 to the Speaker of the House of Representatives and the
17 President pro tempore of the Senate under subsection (a),
18 unless during such 30-calendar-day period there has been
19 enacted into law a joint resolution disapproving of the ap-
20 pointment.

21 “(c) APPLICATION OF EXPEDITED PROCEDURES FOR
22 CONSIDERATION OF RESOLUTIONS OF DISAPPROVAL OF
23 COUNCIL ACTS TO CONSIDERATION OF RESOLUTIONS OF
24 DISAPPROVAL OF APPOINTMENT OF JUDGES.—

1 “(1) APPLICATION OF PROCEDURES.—The pro-
2 visions of section 604 shall apply with respect to a
3 joint resolution described in paragraph (2) in the
4 same manner and to the same extent as such provi-
5 sions apply to a joint resolution which is described
6 in section 604(b) and which disapproves an act of
7 the District of Columbia Council which is trans-
8 mitted pursuant to section 602(c)(1).

9 “(2) RESOLUTIONS DESCRIBED.—A resolution
10 described in this paragraph is a resolution, the mat-
11 ter after the resolving clause of which is as follows:
12 ‘That the _____ disapproves of the ap-
13 pointment of _____ as a judge of the
14 _____.’, with the first blank filled in
15 with the name of the House of Congress involved,
16 the second blank filled in with the name of the indi-
17 vidual involved, and the third blank filled in with the
18 name of the District of Columbia court involved, but
19 does not include any resolution which specifies more
20 than one action.”.

21 (b) CLERICAL AMENDMENT.—The table of contents
22 of such Act is amended by inserting after the item relating
23 to section 434 the following new item:

 “Sec. 434A. Authorizing Congress to prevent appointment through resolution of
 disapproval.”.

1 **SEC. 4. EFFECTIVE DATE.**

2 (a) IN GENERAL.—The amendments made by this
3 Act shall apply with respect to appointments of judges of
4 the District of Columbia courts which are made on or after
5 the date of the enactment of this Act.

6 (b) TRANSITION RULE FOR CURRENT NOMINEES.—
7 Section 434A of the District of Columbia Home Rule Act
8 (as added by section 3(a)) shall apply with respect to an
9 individual whose nomination as a judge of the District of
10 Columbia courts is pending as of the date of the enact-
11 ment of this Act as follows:

12 (1) In the case of an individual nominated by
13 the President under section 433 of such Act (as in
14 effect prior to the effective date of this Act), the
15 President shall be deemed to have transmitted notice
16 of the appointment of the individual as a judge of
17 the District of Columbia courts to the Speaker of
18 the House of Representatives and the President pro
19 tempore of the Senate on the date of the enactment
20 of this Act.

21 (2) In the case of an individual nominated by
22 the District of Columbia Judicial Nomination Com-
23 mission under section 434 of such Act (as in effect
24 prior to the effective date of this Act), the Commis-
25 sion shall be deemed to have transmitted notice of
26 the appointment of the individual as a judge of the

1 District of Columbia courts to the Speaker of the
2 House of Representatives and the President pro
3 tempore of the Senate on the date of the enactment
4 of this Act.

