..... (Original Signature of Member)

117TH CONGRESS 2D Session



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

#### IN THE HOUSE OF REPRESENTATIVES

Ms. NORTON introduced the following bill; which was referred to the Committee on \_\_\_\_\_

# 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 of6 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.

4 (a) SHORT TITLE.—This title may be cited as the

5 "District of Columbia Legislative Home Rule Act".

6 (b) REFERENCES IN ACT.—Except as may otherwise 7 be provided, whenever in this title an amendment is ex-8 pressed in terms of an amendment to or repeal of a section 9 or other provision, the reference shall be considered to be 10 made to that section or other provision of the District of 11 Columbia Home Rule Act.

# 12SEC. 102. ELIMINATION OF CONGRESSIONAL REVIEW PE-13RIOD 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2	D.C. Official Code) is repealed.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 redesig-
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	with standing 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	with standing 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.
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The amendments made by this title shall apply withrespect 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".

# SEC. 202. RESPONSIBILITY OF LOCAL PROSECUTOR'S OF FICE FOR CONDUCT OF ALL DISTRICT OF CO 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 Columbia in the nature of police or municipal regulations 10 shall be conducted in the name of the District of Columbia 11 by the head of the local prosecutor's office or the assist-12 13 ants of the head of such office, except as may otherwise be provided in any such ordinance, regulation, or statute 14 of the District of Columbia. 15

"(b) In this section, the 'local prosecutor's office' is
the office designated under local law of the District of Columbia as the office responsible for conducting prosecutions under this section.

"(c) Nothing in this section shall affect the authority
of the Attorney General of the United States or the United
States Attorney for the District of Columbia to exercise
jurisdiction concerning violations of the laws of the United
States.".

25 (b) EFFECTIVE DATE.—The amendments made by26 this section shall apply with respect to violations of Dis-

trict of Columbia ordinances, regulations, and statutes
 which occur after the expiration of the 1-year period which
 begins on the date on which a local law of the District
 of Columbia which designates the local prosecutor's office
 for purposes of section 23–101(b), D.C. Official Code (as
 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 District of Columbia as of the day before the date de-10 scribed in subsection (b) and continues to be employed by 11 12 the local prosecutor's office designated for purposes of section 23–101(b), D.C. Official Code (as amended by sub-13 14 section (a))—

(1) such individual shall continue to be treated
as an employee of the Federal Government for purposes of receiving benefits under any chapter of subpart G of part III of title 5, United States Code;
and

20 (2) such designated local prosecutor's office
21 shall be treated as the employing agency of the indi22 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 COLUM7 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—

(1) to affect any authority exercised by the
President or the Mayor of the District of Columbia
prior to the effective date of any law enacted by the
District of Columbia pursuant to this Act with respect to the authority to grant clemency for crimes
under the laws of the District of Columbia; or

(2) to limit the authority described in subsection (a) from being exercised with respect to
crimes committed before, on, or after the date of the
enactment of this Act.

(c) CLEMENCY DEFINED.—In this subtitle, the term
 "clemency" means a pardon, reprieve, or commutation of
 sentence, or a remission of a fine or other financial pen alty.