AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 8861
OFFERED BY MRS. CAROLYN B. MALONEY OF
NEW YORK

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

5 (b) TABLE OF CONTENTS.—The table of contents of
6 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.
TITLE I—LEGISLATIVE HOME RULE

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.

SEC. 102. ELIMINATION OF CONGRESSIONAL REVIEW PERIOD FOR DISTRICT OF COLUMBIA ACTS.

(a) In General.—Section 602 (sec. 1–206.02, D.C. Official Code) is amended by striking subsection (c).

(b) Congressional Resolutions of Disapproval.—

(1) In General.—Section 604 (sec. 1–206.04, D.C. Official Code) is repealed.

(2) Clerical Amendment.—The table of contents is amended by striking the item relating to section 604.

(3) Exercise of Rulemaking Power.—This subsection and the amendments made by this subsection are enacted by Congress—
(A) as an exercise of the rulemaking power
of the House of Representatives and the Sen-
ate, respectively, and as such they shall be con-
sidered as a part of the rules of each House, re-
spectively, or of that House to which they spe-
cifically apply, and such rules shall supersede
other rules only to the extent that they are in-
consistent therewith; and

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

(c) CONFORMING AMENDMENTS.—

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(1) DISTRICT OF COLUMBIA HOME RULE ACT.—

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

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

(ii) by striking subsection (b) and redesig-
nating subsections (c) and (d) as subsections
(b) and (c).

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

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

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

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

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

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

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

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

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

(2) **OTHER LAWS.—** (A) Section 2(b)(1) of Amendment No. 1 (relating to initiative and referendum) to title IV (the District Charter) (sec. 1–204.102(b)(1), D.C. Official Code) is amended by striking “the appropriate custodian” and all that follows through “portion of such act to”.

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

**SEC. 103. EFFECTIVE DATE.**

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

(1) passed by the Council of the District of Columbia and signed by the Mayor of the District of Columbia;

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

(3) passed by the Council and allowed to become effective by the Mayor without the Mayor’s signature; or

(4) in the case of initiated acts and acts subject to referendum, ratified by a majority of the reg-
istered qualified electors voting on the initiative or referendum, on or after the first day of the One Hundred Eighteenth Congress.

**TITLE II—CRIMINAL JUSTICE**

**HOME RULE**

**Subtitle A—Prosecutor Home Rule**

**SEC. 201. SHORT TITLE.**

This subtitle may be cited as the “District of Columbia Prosecutor Home Rule Act”.

**SEC. 202. RESPONSIBILITY OF LOCAL PROSECUTOR’S OFFICE FOR CONDUCT OF ALL DISTRICT OF COLUMBIA PROSECUTIONS.**

(a) In general.—Section 23–101, D.C. Official Code, is amended by striking subsections (a) through (f) and inserting the following:

“(a) Prosecutions for violations of all police or municipal ordinances or regulations of the District of Columbia and for violations of all penal statutes of the District of Columbia in the nature of police or municipal regulations shall be conducted in the name of the District of Columbia by the head of the local prosecutor’s office or the assistants of the head of such office, except as may otherwise be provided in any such ordinance, regulation, or statute of the District of Columbia.
“(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.”.

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

(c) RETENTION OF FEDERAL BENEFITS BY CONTINUING EMPLOYEES.—With respect to any individual who is an employee of the United States Attorney for the District of Columbia as of the day before the date described in subsection (b) and continues to be employed by the local prosecutor’s office designated for purposes of section 23–101(b), D.C. Official Code (as amended by subsection (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

(2) the District of Columbia shall be treated as the employing agency of the individual with respect to such benefits.

Subtitle B—Clemency Home Rule

SEC. 211. SHORT TITLE.

This subtitle may be cited as the “District of Columbia Clemency Home Rule Act”.

SEC. 212. AUTHORITY TO GRANT CLEMENCY FOR CRIMES UNDER LAWS OF THE DISTRICT OF COLUMBIA.

(a) Authority described.—The authority to grant clemency for crimes under the laws of the District of Columbia shall be exercised by such person or persons, and under such terms and conditions, as may be provided under law enacted by the District of Columbia.

(b) Rule of construction.—Nothing in this subtitle 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 penalty.