

District of Columbia Local Lawmaking and Congressional Authority: In Brief

February 22, 2024

Congressional Research Service

<https://crsreports.congress.gov>

R47927

Contents

Legislative Authority for the District of Columbia	1
Retention of Congressional Authority	1
Regular Local Lawmaking Process	1
Council	1
Mayor	2
Congress	2
Special Legislation	3
Congressional Disapproval Process	4
Introduction and Referral of a Joint Resolution of Disapproval	5
Committee Report or Discharge	5
Calling Up the Joint Resolution	6
Considering the Joint Resolution	6
Subsequent Parliamentary Action	6
Authorizing Legislation	8
District of Columbia Government Administration	9
District of Columbia Public Policy Issues	9
General Provisions in Appropriations Acts	10
Selected Issues in the 118 th Congress	10
Disapproval Resolutions	10
Home Rule and Political Status	11

Figures

Figure 1. District of Columbia Regular Local Lawmaking Process	3
--	---

Tables

Table 1. Disapproval Resolutions of District Acts Receiving Floor Consideration	7
---	---

Contacts

Author Information	12
--------------------------	----

Legislative Authority for the District of Columbia

The U.S. Constitution provides Congress with plenary legislative authority over the District of Columbia (the District) as the federal capital.¹ In accordance with this power, Congress grants limited home rule authority to the District, and enables District residents to elect a mayor and city council, pursuant to the District of Columbia Self-Government Reorganization Act of 1973, P.L. 93-198 (the Home Rule Act).

The act authorized the District government to pass local laws on “all rightful subjects of legislation within the District,” provided the legislation is “consistent with the Constitution of the United States” and with relevant Home Rule Act provisions limiting such local authority.²

Retention of Congressional Authority

Pursuant to Section 601 of the Home Rule Act, Congress “reserves the right, at any time, to exercise its constitutional authority as legislature for the District.”³ The act also established a process by which Congress may review and disapprove (i.e., block) most types of local legislation before it takes effect.⁴

Congress has exercised its authority over District laws and actions through three primary approaches:

1. congressional disapproval of acts passed by the District government;
2. enactment of authorizing acts; and
3. policy provisions in appropriations legislation.

Regular Local Lawmaking Process

Section 404 of the Home Rule Act vests the District’s delegated legislative power with the Council of the District of Columbia (council). The Home Rule Act also enumerates the local lawmaking roles and requirements for the council, the mayor, and Congress.⁵ In addition, the Code of the District of Columbia sets forth a process by which laws may be enacted or repealed through citizen-sponsored ballot initiatives or referenda.⁶

Council

Through its vested legislative authority, the council adopts procedural rules and develops local laws.⁷ Members of the council have exclusive authority to introduce bills in the body. However,

¹ U.S. Constitution, Article I, Section 8, clause 17.

² 87 Stat. 784.

³ 87 Stat. 813.

⁴ The length of the congressional review period varies by type of legislation. Local emergency acts and resolutions are not subject to the statutory mechanism for a formal congressional joint resolution of disapproval.

⁵ See 87 Stat. 787, 87 Stat. 788, 87 Stat. 813, and 87 Stat. 814.

⁶ Code of the District of Columbia, §1–1001.16, <https://code.dccouncil.gov/us/dc/council/code/sections/1-1001.16>.

⁷ For an example of such rules, see Council of the District of Columbia, *Rules of Organization and Procedure for the Council of District of Columbia*, Council Period 25, January 3, 2023, pp. 61-72, <https://lims.dccouncil.gov/downloads/LIMS/51944/Meeting1/Enrollment/PR25-0001-Enrollment5.pdf>.

the mayor, the Uniform Law Commission,⁸ and independent District agencies can transmit proposed legislation to the council for introduction by the council chair.⁹ Upon introduction, a bill is referred to the relevant committee or committees by the council chair.¹⁰ When considering legislation, a committee may hold hearings, propose amendments, and vote to report the bill for council consideration.¹¹ The bill is then reported to the Committee of the Whole in the council, where it is reviewed and prepared for regular session.¹²

In order to be enrolled and transmitted to the mayor, the council must consider a measure on two separate occasions. During the first reading of a bill, the council may consider amendments and pass the bill by majority vote. After at least 13 intervening days from the first reading, the council must consider the bill a second time, typically without substantial amendments.¹³

Mayor

If passed by the council upon second reading, a bill is transmitted to the mayor for a 10-day review period. As the head of the District's executive branch, the mayor reviews and can approve or disapprove local legislation. The bill is considered approved if signed by the mayor, or if the mayor takes no action on it within the 10-day period following transmission.¹⁴ The mayor may disapprove legislation by veto, which the council can override with a two-thirds supermajority vote.¹⁵

Congress

Upon local approval, a bill becomes an act and is transmitted to Congress for review. This transmission may occur when the law is enacted or at a later point. The act will take effect upon the expiration of a specified review or layover period following the date it was transmitted to Congress, unless it is first overturned by the enactment of a joint resolution of disapproval.¹⁶

The length of the congressional layover period for District acts differs based on the subject of the act, which determines where it is codified. Laws codified in Title 22 (Criminal Offenses and Penalties), 23 (Criminal Procedure), or 24 (Prisoners and Their Treatment) of the District of Columbia Code must “lie over” for 60 calendar days before going into force.¹⁷ Other District laws become effective upon the expiration of a layover period of 30 calendar days or upon the date prescribed by the act itself, whichever is later. In calculating the layover period, Saturdays,

⁸ The District of Columbia Uniform Law Commission is codified in the Code of the District of Columbia, §§3–1431 et seq., <https://code.dccouncil.gov/us/dc/council/code/titles/3/chapters/14A>.

⁹ Council of the District of Columbia, *Rules of Organization and Procedure for the Council of District of Columbia*, Council Period 25, January 3, 2023, pp. 61–72, <https://lms.dccouncil.gov/downloads/LIMS/51944/Meeting1/Enrollment/PR25-0001-Enrollment5.pdf>.

¹⁰ *Ibid.*, p. 63.

¹¹ Council of the District of Columbia, *How a Bill Becomes a Law*, <https://dccouncil.gov/how-a-bill-becomes-a-law/>.

¹² *Ibid.*

¹³ Code of the District of Columbia, §1–204.12, <https://code.dccouncil.gov/us/dc/council/code/sections/1-204.12>.

¹⁴ Council of the District of Columbia, *How a Bill Becomes a Law*, <https://dccouncil.gov/how-a-bill-becomes-a-law/>.

¹⁵ 87 Stat. 787.

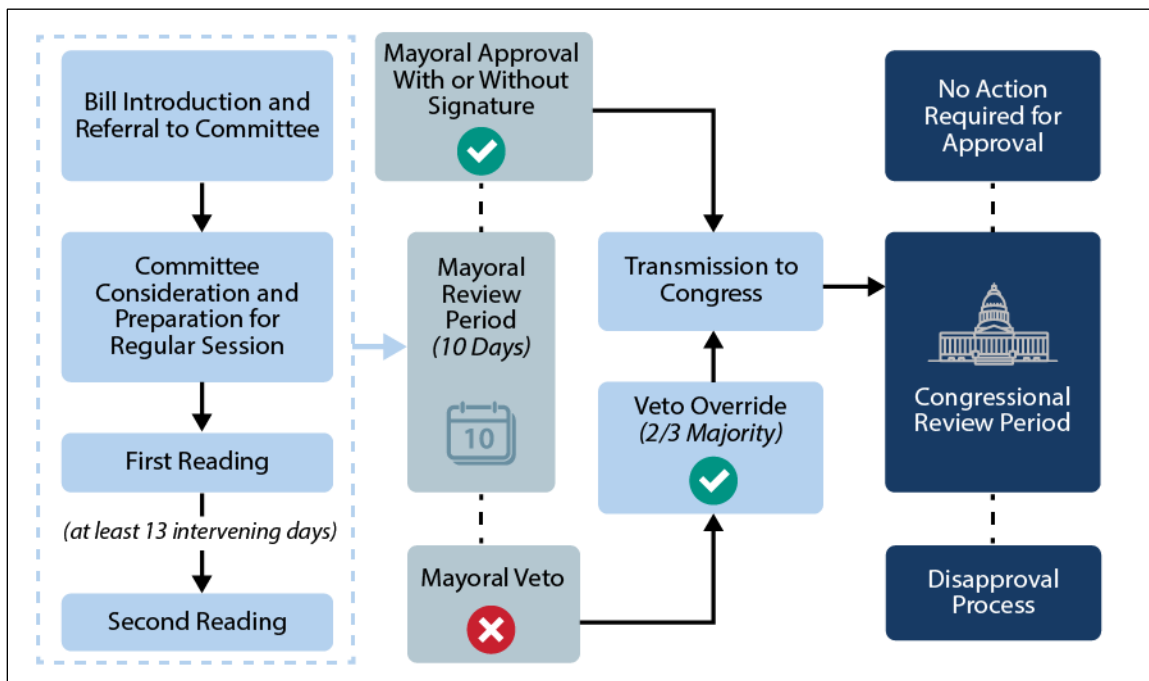
¹⁶ For more information on this process, see “Congressional Disapproval Process,” in this report.

¹⁷ See Council of the District of Columbia, *Code of the District of Columbia*, <https://code.dccouncil.gov/us/dc/council/code>.

Sundays, federal holidays, and days on which *neither* the House nor the Senate is in session because of an adjournment *sine die* or pursuant to an adjournment resolution are excluded.¹⁸

Figure 1 provides an overview of the development and approval process for most permanent forms of local legislation in the District.

Figure 1. District of Columbia Regular Local Lawmaking Process



Source: CRS Graphic adapted from Council of the District of Columbia, *How a Bill Becomes a Law*, <https://dccouncil.gov/how-a-bill-becomes-a-law/>; Code of the District of Columbia, §1–204.12; and the District of Columbia Self-Government and Governmental Reorganization Act of 1973, as amended.

Notes: Preparation for regular session includes a review by the Committee of the Whole in the District Council. A joint resolution of disapproval would invalidate a District law if the resolution were adopted by both chambers of Congress and signed by the President, enacted over his veto, or with no action taken by the President, within the specified congressional review period.

Special Legislation

Some special forms of local District legislative measures are approved through different processes.

The Home Rule Act enables the council to enact emergency legislation, which may remain in effect for up to 90 days, pertaining to time-sensitive matters.¹⁹ Emergency legislation goes through an abbreviated period of consideration by the council that includes one reading, and mayoral review. For example, in 2023, the council enacted emergency legislation allowing the

¹⁸ 87 Stat. 814; for background on adjournment *sine die*, see CRS Report R42977, *Sessions, Adjournments, and Recesses of Congress*, by Valerie Heitshusen.

¹⁹ 87 Stat. 788.

Commission on the Arts and Humanities to appoint an acting executive director when the position was vacant.²⁰

Council rules also allow for the adoption of “temporary legislation,” substantially similar to an emergency act, which may remain in effect for up to 225 days.²¹ These laws provide additional time for the council to carry out the process of enacting regular “permanent legislation,” which can take more than the 90 days that emergency legislation affords.²² Like emergency legislation, temporary legislation does not require review by committee or the Committee of the Whole in the council. The process for adopting temporary legislation does, however, require two readings, mayoral review, and congressional review. In a recent example in 2023, the council enacted temporary legislation to resolve an issue with local funding for improvements to parks and trails on federal land in the Buzzard Point neighborhood.²³

Resolutions, which do not become law, may be adopted upon agreement by the council. For example, in 2023, the council adopted a ceremonial resolution to “recognize and honor the Mount Zion-Female Union Band Society Cemeteries as sacred sites of national significance as they celebrate their 215th anniversary.”²⁴

Congressional Disapproval Process²⁵

The Home Rule Act includes provisions that establish a special parliamentary mechanism by which Congress can disapprove laws enacted by the District government during the respective layover periods described above.²⁶ Specifically, Section 604 of the Home Rule Act establishes “fast track” procedures that the House and Senate may use to consider a joint resolution disapproving a District law.²⁷ These provisions of the Home Rule Act are considered rules of the House and Senate, respectively.²⁸

²⁰ Council of the District of Columbia, *Legislation Detail: B25-0157—Commission on the Arts and Humanities Acting Executive Director Emergency Amendment Act of 2023*, Legislative Information Management System, <https://lims.dccouncil.gov/Legislation/B25-0157>.

²¹ Council of the District of Columbia, *Rules of Organization and Procedure for the Council of District of Columbia*, Council Period 25, January 3, 2023, p. 67, <https://lims.dccouncil.gov/downloads/LIMS/51944/Meeting1/Enrollment/PR25-0001-Enrollment5.pdf>.

²² Council of the District of Columbia, *How a Bill Becomes a Law*, <https://dccouncil.gov/how-a-bill-becomes-a-law/>.

²³ Council of the District of Columbia, *Legislation Detail: B25-0453—Buzzard Point Park and Trails National Park Service Grant Temporary Amendment Act of 2023*, December 18, 2023, <https://lims.dccouncil.gov/Legislation/B25-0453>.

²⁴ Council of the District of Columbia, *Legislation Detail: CER25-0011 - The Mount Zion-Female Union Band Cemeteries Ceremonial Resolution of 2023*, Legislative Information Management System, February 7, 2023, <https://lims.dccouncil.gov/Legislation/CER25-0011>.

²⁵ For additional CRS analysis on the congressional disapproval process, see CRS Insight IN12119, *Congressional Disapproval of District of Columbia Laws Under the Home Rule Act*, by Christopher M. Davis; and CRS Insight IN12122, *Congressional Disapproval of District of Columbia Acts: Overview of Selected Resolutions*, by Joseph V. Jaroscak, Ben Leubsdorf, and Christopher M. Davis.

²⁶ The Home Rule Act establishes a similar (but not identical) disapproval mechanism that might be used to invalidate amendments to the District of Columbia Charter.

²⁷ Code of the District of Columbia, §1-206.04, <https://code.dccouncil.gov/us/dc/council/code/sections/1-206.04>.

²⁸ U.S. Congress, Senate, *Senate Manual*, 117th Cong., 1st sess., S.Doc. 117-1 (Washington: GPO, 2022), §426, p. 523; U.S. Congress, House, *Constitution, Jefferson’s Manual, and Rules of the House of Representatives*, 117th Cong., 2nd sess., H.Doc. 117-161 (Washington: GPO, 2023), §1130(5), p. 1169 [hereinafter *House Manual*]; See also CRS Report RL30599, *Expedited Procedures in the House: Variations Enacted into Law*, by Christopher M. Davis.

Under Section 602(c) of the Home Rule Act, as amended, with few exceptions (e.g., emergency legislation), the chair of the council must transmit a copy of each act passed by the council and signed by the mayor to the Speaker of the House of Representatives and the President of the Senate.²⁹ This requirement also applies to enactments resulting from ballot initiatives or referenda.

Introduction and Referral of a Joint Resolution of Disapproval

Under the Home Rule Act, any Member of the House or Senate may introduce a joint resolution disapproving a District law at any time after the law has been submitted to Congress and before the expiration of the layover periods described above.³⁰ There is no limit on the number of resolutions that may be introduced. Section 604(b) stipulates that a qualifying joint resolution must state the following after its resolving clause:

‘That the _____ approves/disapproves of the action of the District of Columbia Council described as follows: ____.’, the blank spaces therein being appropriately filled, and either approval or disapproval being appropriately indicated; but does not include a resolution which specifies more than one action.³¹

These joint resolutions, when introduced, are referred to the Committee on Oversight and Accountability in the House or the Committee on Homeland Security and Governmental Affairs in the Senate pursuant to Section 604(c).³²

Committee Report or Discharge

Once a joint disapproval resolution is referred, a committee may, but is not required to, hold a markup meeting. However, during this meeting, committees do not consider amendments to the resolution.³³

A committee that is referred a joint resolution aimed at District criminal laws (Titles 22, 23, and 24 of District of Columbia Code) may be subject to a discharge mechanism. If the committee does not report the joint resolution within 20 calendar days after its introduction, a privileged motion to discharge the committee from further consideration of it or any joint resolution targeting the same District law is in order.

The motion to discharge is debatable for one hour, equally divided between proponents and opponents, and can be made only by an individual favoring the legislation. The motion to discharge cannot be repeated once disposed of and is no longer available after the committee has reported a disapproval resolution with respect to the same District act.³⁴ The privileged motion to discharge is not available for joint resolutions aimed at non-criminal code District enactments.

²⁹ Code of the District of Columbia, §1-206.02, <https://code.dccouncil.gov/us/dc/council/code/sections/1-206.02>.

³⁰ While the Home Rule Act states that the periods for congressional review begin on the day on which an act has been “transmitted” to Congress, in practice, the House and Senate appear to consider the review periods to commence only after a District enactment has been received and referred to committee, and notice of each chamber’s referral has appeared in the *Congressional Record*.

³¹ Code of the District of Columbia, §1-206.04, <https://code.dccouncil.gov/us/dc/council/code/sections/1-206.04>.

³² Ibid.

³³ The text of the Home Rule Act procedure does not explicitly bar the offering of amendments in legislative committee markup. Because the consideration of amendments is explicitly barred on the House and Senate floors, however, any amendments reported by a committee would presumably likewise be ineligible for floor consideration.

³⁴ Code of the District of Columbia, §1-206.04, <https://code.dccouncil.gov/us/dc/council/code/sections/1-206.04>.

Presumably, such joint resolutions would have to be reported by the committee to qualify for the privileged floor procedures of the Home Rule Act.

Calling Up the Joint Resolution

In both the House and Senate, once a committee has reported or (within the limits described above) been discharged from further consideration of a joint resolution, a nondebatable motion to proceed to consider the measure is in order and may be made by any Member. This motion to proceed may be made even if a previous motion to the same effect has been defeated. The motion to proceed may not be amended, nor may a vote on it be reconsidered.³⁵ Adopting the motion to proceed in either chamber requires a majority vote.

Considering the Joint Resolution

Should the House or Senate agree to consider the joint resolution of disapproval, the measure would be pending before the respective chamber and debatable for up to 10 hours, equally divided between supporters and opponents. A nondebatable motion to limit debate below 10 hours is in order. The joint disapproval resolution may not be amended or recommitted (sent back) to committee, and a vote thereon may not be reconsidered. All appeals from decisions of the chair made during consideration of the joint resolution are to be decided without debate. Adoption of a joint resolution occurs by majority vote.³⁶

The passage of a joint resolution of disapproval and its presentment to the President must occur, it appears, before the expiration of the congressional review period in order to successfully invalidate that District law. The fast-track parliamentary procedures, however, may remain available in the Senate even after the expiration of the congressional review period.³⁷

Subsequent Parliamentary Action

The Home Rule Act mechanism was originally structured to permit either a one- or two-chamber legislative veto. Thus, it does not include separate parliamentary provisions addressing the legislative process in the second chamber after the joint resolution's adoption in its chamber of origin.

Following the U.S. Supreme Court's 1983 ruling that single-chamber legislative vetoes were unconstitutional,³⁸ Congress amended the Home Rule Act to adopt the current form of a joint resolution. Although the act still contains no explicit parliamentary provisions governing second chamber action, in practice, the second-acting chamber has chosen to afford privileged status to a properly submitted joint resolution adopted and sent to it by the other body.

When the House and Senate adopt a joint resolution of approval or disapproval, it is then submitted to the President. If vetoed, any attempt to override the veto takes place under normal House and Senate procedures. In the Senate, veto messages are privileged for consideration (as

³⁵ Ibid.

³⁶ *House Manual*, §1130(5).

³⁷ U.S. Congress, Senate, *Riddick's Senate Procedure: Precedents and Practices*, 101st Cong., 2nd sess., S.Doc. 101-28, p. 500.

³⁸ *INS v. Chadha*, 462 U.S. 919 (1983).

they are in the House) but are fully debatable and thus potentially subject to a filibuster and a time-consuming cloture process.³⁹

The Home Rule Act disapproval procedure has been used infrequently. Congress has used the special parliamentary disapproval mechanisms of the Home Rule Act to block four local acts since the act was enacted in 1973. A total of 11 joint resolutions of disapproval have received floor consideration under this procedure. See **Table 1** for an accounting of congressional resolutions to disapprove District of Columbia enactments that received floor consideration in the House, Senate, or both chambers.

Table 1. Disapproval Resolutions of District Acts Receiving Floor Consideration
Through Home Rule Act Disapproval Process

Resolution Number	Congress	Resolution Title	Latest Action
H.J.Res. 24	118 th Congress (2023-2024)	Disapproving the action of the District of Columbia Council in approving the Local Resident Voting Rights Amendment Act of 2022	Agreed to in House
H.J.Res. 26	118 th Congress (2023-2024)	Disapproving the action of the District of Columbia Council in approving the Revised Criminal Code Act of 2022	Enacted into law, nullifying the District of Columbia act
H.J.Res. 42	118 th Congress (2023-2024)	Disapproving the action of the District of Columbia Council in approving the Comprehensive Policing and Justice Reform Amendment Act of 2022	Failed to pass over presidential veto
H.J.Res. 43	114 th Congress (2015-2016)	Disapproving the action of the District of Columbia Council in approving the Reproductive Health Non-Discrimination Amendment Act of 2014	Agreed to in House
S.J.Res. 84	102 nd Congress (1991-1992)	A joint resolution disapproving the action of the District of Columbia Council in approving the Schedule of Heights Amendment Act of 1990	Enacted into law, nullifying the District of Columbia act
H.J.Res. 158	102 nd Congress (1991-1992)	Disapproving the action of the District of Columbia Council in approving the Schedule of Heights Amendment Act of 1990	Agreed to in House

³⁹ For more information, see CRS Report 98-425, *Invoking Cloture in the Senate*, by Christopher M. Davis.

Resolution Number	Congress	Resolution Title	Latest Action
H.J.Res. 341	100 th Congress (1987-1988)	A joint resolution disapproving the action of the District of Columbia Council in approving the Prison Overcrowding Emergency Powers Act of 1987	Motion to discharge from committee tabled in House
H.Res. 208	97 th Congress (1981-1982)	A resolution disapproving the action of the District of Columbia Council in approving the District of Columbia Sexual Assault Reform Act of 1981	Adopted, nullifying the District of Columbia act
S.Con.Res. 63	96 th Congress (1979-1980)	A concurrent resolution to disapprove the Location of Chanceries Amendment Act of 1979 passed by the City Council of the District of Columbia	Adopted, nullifying the District of Columbia act
H.Con.Res. 228	96 th Congress (1979-1980)	A bill to disapprove the Location of Chanceries Amendment Act of 1979 passed by the Council of the District of Columbia	Agreed to in House
S.Con.Res. 78	94 th Congress (1975-1976)	Concurrent resolution disapproving proposed bond issue by the Government of the District of Columbia	Agreed to in Senate

Source: Congress.gov.

Notes: H.Res. 208 and S.Con.Res. 63 were adopted as legislative vetoes prior to the U.S. Supreme Court’s 1983 ruling that single-chamber legislative vetoes were unconstitutional. S.J.Res. 84 was adopted in lieu of H.J.Res. 158 and was enacted, invalidating the Schedule of Heights Amendment Act of 1990. S.Con.Res. 63 was agreed to in lieu of H.Con.Res. 228, invalidating the Location of Chanceries Amendment Act of 1979.

The Home Rule Act disapproval procedure is one parliamentary method that Congress might use to invalidate a proposed District law. It is not, however, the only way Congress might influence actions of the District’s government. Congress has also done so through the regular lawmaking process, including appropriations.

Authorizing Legislation

Pursuant to Section 601 of the Home Rule Act, Congress retains its constitutional authority to enact “legislation for the District on any subject, whether within or without the scope of legislative power granted to the Council by this Act.”⁴⁰ The Home Rule Act further clarifies that the congressional authority over District legislation includes the repeal of, or amendment to, “any law in force in the District prior to or after enactment of this Act and any act passed by the

⁴⁰ 87 Stat. 813.

Council.”⁴¹ Congress has used this authority in the regular lawmaking process through the introduction of authorizing acts as stand-alone measures or attached to other legislation.

District of Columbia Government Administration

Some enacted laws have amended the Home Rule Act by expanding, limiting, prohibiting, or otherwise modifying District of Columbia government authorities and/or processes.

For example, the District of Columbia Water and Sewer Authority Act of 1996 (P.L. 104-184) amended the Home Rule Act by enabling the council to authorize revenue bond issuance for certain water and sewer facilities. Title I of the 2005 District of Columbia Omnibus Authorization Act (P.L. 109-356) included various provisions related to District of Columbia governance. One provision amended the Home Rule Act to allow an increase of local funds in the District budget under certain conditions. The act also prohibited the use of such an increase to fund any District agencies “operating under court-ordered receivership.”⁴²

Other acts have modified Home Rule Act requirements for a range of local government-related activities, including congressional oversight report submission deadlines (P.L. 106-449) and the timing of District of Columbia special elections (P.L. 112-145).

Congress also enacted measures to address a fiscal and management crisis facing the District of Columbia in the 1990s.⁴³ Enacted in 1995, the District of Columbia Financial Responsibility and Management Assistance Act (P.L. 104-8) created a financial control board and the Office of the Chief Financial Officer (OCFO) and charged them with returning the District to financial solvency. The National Capital Revitalization and Self-Government Act of 1997 (Title XI of P.L. 105-33) continued congressional efforts to improve the District’s finances by transferring a number of state-related functions to the federal government, including prisons, court operations, and offender services.

District of Columbia Public Policy Issues

In some cases, Congress has enacted legislation on District policy issues of a distinctly local nature. For example, Congress enacted legislation in 2014 to amend building height restrictions in the District of Columbia Code (P.L. 113-103). For another example, Title I of the 2005 District of Columbia Omnibus Authorization Act (P.L. 109-356) included a provision mandating that licensed taxicabs in the District utilize a fare meter system, unless exempted by executive order of the mayor.⁴⁴

Congress has also enacted legislation on issues related to broader national policy debates. For example, regarding education reform, the District of Columbia School Reform Act of 1995 established the District of Columbia Public School Charter Board and authorized a public charter school petition process.⁴⁵

⁴¹ Ibid.

⁴² P.L. 109-356, Title I, Section 101.

⁴³ For background information on the District of Columbia fiscal crisis, see U.S. Government Accountability Office, *District of Columbia Financial Crisis*, GAO/T-AIMD-95-88, February 22, 1995, <https://www.gao.gov/assets/t-aimd-95-88.pdf>; and U.S. Government Accountability Office, *District of Columbia Fiscal Structural Balance Issues*, GAO-02-1001, September 2002, <https://www.gao.gov/assets/gao-02-1001.pdf>.

⁴⁴ P.L. 109-356, Title I, Section 105.

⁴⁵ P.L. 104-134, Title II.

General Provisions in Appropriations Acts

Congress has also exercised its legislative authority over the District through the annual appropriations process. In addition to providing federal payments for a variety of programs and services in the District, appropriations acts typically include general policy provisions—known as limitations or riders—to prevent the District government from expending funds on certain activities.⁴⁶

These provisions can be grouped into several distinct but overlapping categories, with the most predominant being related to fiscal and budgetary directives and controls. Other provisions include administrative directives and controls, limitations on lobbying, congressional oversight, and/or congressionally imposed restrictions and prohibitions related to social policy. Some previously enacted provisions have restricted or prohibited the use of federal and/or local funds for particular local social policy initiatives in the District, such as

- abortion services;
- lobbying for voting representation in Congress, or statehood for the District;
- needle exchange programs; and
- legalization of Schedule I substances such as marijuana.⁴⁷

For example, local voters in 1998 approved an initiative allowing the medical use of marijuana, with 69% casting ballots in favor.⁴⁸ However, ahead of Election Day, Congress barred the District from spending any money to conduct the initiative in Section 171 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (P.L. 105-277).⁴⁹ In 1999, after a federal judge allowed the vote count to be released,⁵⁰ Section 167 of the Consolidated Appropriations Act, 2000 (P.L. 106-113) overturned the initiative by stating that it “shall not take effect.” In December 2009, Congress lifted the rider, and the city enacted a medical-marijuana law in 2010.⁵¹

Selected Issues in the 118th Congress

Disapproval Resolutions

During the 118th Congress, three joint resolutions disapproving District laws have received floor consideration in at least one chamber; one such resolution was enacted.

- On February 9, 2023, the U.S. House of Representatives adopted H.J.Res. 24, Disapproving the action of the District of Columbia Council in approving the

⁴⁶ For more information on general policy provisions in appropriations acts, see CRS Report R41634, *Limitations in Appropriations Measures: An Overview of Procedural Issues*, by James V. Saturno.

⁴⁷ For examples of general policy provisions for the District of Columbia, see P.L. 117-328, Division E, Title VIII.

⁴⁸ District of Columbia Board of Elections, *Election Year 1998—November 13 General Election—Initiative Measure #59*, <https://dcboe.org/elections/election-results-archives/november-13-general-election/initiative-measure-59>.

⁴⁹ For additional historical context, see CRS Report RL33211, *Medical Marijuana: Review and Analysis of Federal and State Policies*, by Mark Eddy.

⁵⁰ Bill Miller and Spencer S. Hsu, “Results Are Out: Marijuana Initiative Passes,” *Washington Post*, September 21, 1999, p. A1, <https://www.washingtonpost.com/wp-srv/local/daily/sept99/marijuana21.htm>.

⁵¹ Ashley Southall, “Washington, D.C., Approves Medical Use of Marijuana,” *New York Times*, May 4, 2010, <https://www.nytimes.com/2010/05/05/us/05marijuana.html>.

Local Resident Voting Rights Amendment Act of 2022. H.J.Res. 24 did not receive floor consideration in the Senate.

- On March 20, 2023, President Biden signed into law H.J.Res. 26, Disapproving the action of the District of Columbia Council in approving the Revised Criminal Code Act of 2022.
- On June 13, 2023, the House failed to override a presidential veto of H.J.Res. 42, Disapproving the action of the District of Columbia Council in approving the Comprehensive Policing and Justice Reform Amendment Act of 2022.

Home Rule and Political Status

Several Members of Congress have also sought in the 118th Congress to modify the home rule structure as it pertains to legislative authority for local matters in the District. For example, the District of Columbia Legislative Home Rule Act, H.R. 268, would amend the Home Rule Act by eliminating the congressional review and disapproval process for acts of the District council. The District of Columbia Home Rule Improvement Act, H.R. 2375, would amend the Home Rule Act by establishing “a uniform 60-day period for Congress to review laws of the District of Columbia before such laws may take effect.” The Seat of Government Act, H.R. 5195, would repeal the Home Rule Act entirely.⁵²

Other proposed legislation related to the District’s political status would also change the role of Congress in local legislation and policy decisions. For example, the Washington, D.C. Admission Act, H.R. 51, would provide for the admission of parts of the District into the Union as a state. Another bill, the Washington, D.C. Residents Voting Act, H.R. 980, would retrocede parts of the District to the State of Maryland.⁵³

⁵² For past examples of District of Columbia government structures, see CRS In Focus IF12577, *Governing the District of Columbia: Overview and Timeline*, by Joseph V. Jaroscak and Ben Leubsdorf.

⁵³ For related CRS legal analysis, see CRS Report R47101, *DC Statehood: Constitutional Considerations for Proposed Legislation*, by Mainon A. Schwartz.

Author Information

Joseph V. Jaroscak, Coordinator
Analyst in Economic Development Policy

Ben Leubsdorf
Research Librarian

Christopher M. Davis
Analyst on Congress and the Legislative Process

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.