

**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.

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.

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.**—

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19 D.C. Official Code) is repealed.

20 (2) **CLERICAL AMENDMENT.**—The table of con-
21 tents is amended by striking the item relating to sec-
22 tion 604.

23 (3) **EXERCISE OF RULEMAKING POWER.**—This
24 subsection and the amendments made by this sub-
25 section are enacted by Congress—

1 (A) as an exercise of the rulemaking power
2 of the House of Representatives and the Sen-
3 ate, respectively, and as such they shall be con-
4 sidered as a part of the rules of each House, re-
5 spectively, or of that House to which they spe-
6 cifically apply, and such rules shall supersede
7 other rules only to the extent that they are in-
8 consistent therewith; and

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

15 (c) CONFORMING AMENDMENTS.—

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

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

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

21 (ii) by striking subsection (b) and redesign-
22 ating subsections (c) and (d) as subsections
23 (b) and (c).

24 (B) Section 404 (sec. 1–204.04, D.C. Official
25 Code) is amended by striking “subject to the provi-

1 sions of section 602(c)” each place it appears in sub-
2 sections (e) and (f).

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

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

7 (ii) in paragraph (1) of subsection (e), by
8 striking “and such act has been transmitted by
9 the Chairman to the Congress and has com-
10 pleted the review process under section
11 602(c)(3)”.

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

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

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

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

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

1 (2) OTHER LAWS.—(A) Section 2(b)(1) of
2 Amendment No. 1 (relating to initiative and ref-
3 erendum) to title IV (the District Charter) (sec. 1–
4 204.102(b)(1), D.C. Official Code) is amended by
5 striking “the appropriate custodian” and all that fol-
6 lows through “portion of such act to”.

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

12 **SEC. 103. EFFECTIVE DATE.**

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

15 (1) passed by the Council of the District of Co-
16 lumbia and signed by the Mayor of the District of
17 Columbia;

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

20 (3) passed by the Council and allowed to be-
21 come effective by the Mayor without the Mayor’s sig-
22 nature; or

23 (4) in the case of initiated acts and acts subject
24 to referendum, ratified by a majority of the reg-

1 istered qualified electors voting on the initiative or
2 referendum,
3 on or after the first day of the One Hundred Eighteenth
4 Congress.

5 **TITLE II—CRIMINAL JUSTICE**
6 **HOME RULE**

7 **Subtitle A—Prosecutor Home Rule**

8 **SEC. 201. SHORT TITLE.**

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

11 **SEC. 202. RESPONSIBILITY OF LOCAL PROSECUTOR’S OF-**
12 **FICE FOR CONDUCT OF ALL DISTRICT OF CO-**
13 **LUMBIA PROSECUTIONS.**

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

17 “(a) Prosecutions for violations of all police or munic-
18 ipal ordinances or regulations of the District of Columbia
19 and for violations of all penal statutes of the District of
20 Columbia in the nature of police or municipal regulations
21 shall be conducted in the name of the District of Columbia
22 by the head of the local prosecutor’s office or the assist-
23 ants of the head of such office, except as may otherwise
24 be provided in any such ordinance, regulation, or statute
25 of the District of Columbia.

1 “(b) In this section, the ‘local prosecutor’s office’ is
2 the office designated under local law of the District of Co-
3 lumbia as the office responsible for conducting prosecu-
4 tions under this section.

5 “(c) Nothing in this section shall affect the authority
6 of the Attorney General of the United States or the United
7 States Attorney for the District of Columbia to exercise
8 jurisdiction concerning violations of the laws of the United
9 States.”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall apply with respect to violations of Dis-
12 trict of Columbia ordinances, regulations, and statutes
13 which occur after the expiration of the 1-year period which
14 begins on the date on which a local law of the District
15 of Columbia which designates the local prosecutor’s office
16 for purposes of section 23–101(b), D.C. Official Code (as
17 amended by subsection (a)), takes effect.

18 (c) RETENTION OF FEDERAL BENEFITS BY CON-
19 TINUING EMPLOYEES.—With respect to any individual
20 who is an employee of the United States Attorney for the
21 District of Columbia as of the day before the date de-
22 scribed in subsection (b) and continues to be employed by
23 the local prosecutor’s office designated for purposes of sec-
24 tion 23–101(b), D.C. Official Code (as amended by sub-
25 section (a))—

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

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

9 **Subtitle B—Clemency Home Rule**

10 **SEC. 211. SHORT TITLE.**

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

13 **SEC. 212. AUTHORITY TO GRANT CLEMENCY FOR CRIMES** 14 **UNDER LAWS OF THE DISTRICT OF COLUM-** 15 **BIA.**

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

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

23 (1) to affect any authority exercised by the
24 President or the Mayor of the District of Columbia
25 prior to the effective date of any law enacted by the

1 District of Columbia pursuant to this Act with re-
2 spect to the authority to grant clemency for crimes
3 under the laws of the District of Columbia; or

4 (2) to limit the authority described in sub-
5 section (a) from being exercised with respect to
6 crimes committed before, on, or after the date of the
7 enactment of this Act.

8 (c) CLEMENCY DEFINED.—In this subtitle, the term
9 “clemency” means a pardon, reprieve, or commutation of
10 sentence, or a remission of a fine or other financial pen-
11 alty.

