

Congressional Disapproval of District of Columbia Laws Under the Home Rule Act

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The District of Columbia Self-Government and Governmental Reorganization Act, as amended (also known as the “[District of Columbia Home Rule Act](#)”), includes provisions establishing a special [parliamentary mechanism](#) by which Congress can disapprove laws enacted by the District of Columbia.

Under [Section 602\(c\) of the Home Rule Act](#), with few exceptions, the chair of the DC city council must transmit a copy of each act passed by the council and signed by the mayor, as well as enactments stemming from ballot initiatives or referenda, to the Speaker of the House and the President of the Senate. The law in question is to take effect upon the expiration of a specified “layover” period following the date the law was transmitted to Congress unless it is first overturned by a joint resolution of disapproval. The act establishes special “fast track” procedures that the Senate might use to consider such a disapproval resolution.

The length of the congressional layover period for DC laws differs based on the type of law enacted. Any law codified in Titles 22 (Criminal Offenses and Penalties), 23 (Criminal Procedure), or 24 (Prisoners and Their Treatment) of the DC Code must lie over for 60 days before going into force. All other DC laws become effective upon the expiration of a period of 30 calendar days or upon the date prescribed by the act itself, whichever is later. Calculations of these 30- and 60-calendar day layover periods exclude Saturdays, 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.

Under the act, any Member of the House or Senate may introduce a joint resolution disapproving a law of the District of Columbia at any time after the law has been submitted to Congress but before the expiration of the layover periods described above. The act stipulates the text of a disapproval resolution. All joint resolutions, when introduced, are referred to the Committee on Oversight and Accountability in the House and the Committee on Homeland Security and Governmental Affairs in the Senate.

Once a joint disapproval resolution is referred, a committee may choose to mark it up but may not report committee amendments to it. For those joint resolutions aimed at DC laws codified in the DC criminal code, a discharge mechanism is potentially available. For such acts, if a committee to which a disapproval resolution has been referred has not reported it by the expiration of a 20-calendar-day period after its introduction, a privileged motion to discharge the committee of it or any joint resolution aimed at the same DC law is in order. The motion to discharge is debatable for one hour, equally divided, and can be

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made only by an individual favoring the legislation. The motion is no longer available after the committee has reported a disapproval resolution with respect to the same DC law. For enactments not affecting the DC criminal code, there is no discharge motion available, and the committees would have to report a joint resolution for it to reach the calendar.

In both the House and Senate, once a committee has reported or been discharged from further consideration of a joint resolution, a non-debatable 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. A motion to postpone the motion to proceed is in order but is not debatable. Should the House or Senate agree to consider by simple majority vote, the joint resolution would be pending before the respective chamber and debatable for up to 10 hours, equally divided. A non-debatable motion to limit debate below 10 hours is in order. The joint disapproval resolution may not be amended or recommitted, 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. Passage of a joint resolution is by simple majority vote. It appears that passage and presentment of a joint resolution of disapproval to the President must occur before the expiration of the layover period in order to invalidate that DC law.

The Home Rule Act disapproval mechanism does not establish any parliamentary procedures governing consideration of a joint resolution of disapproval after its initial passage in its chamber of origin. In recent practice, House-passed disapproval resolutions have been referred to the Senate Committee on Homeland Security and Governmental Affairs upon receipt, and it appears the Senate views the fast-track procedures of the act (including the motion to discharge in the case of criminal code enactments) as applying to the received House measure.

Should a joint resolution of disapproval pass the House and Senate but be vetoed by the President, any attempt to override that veto would take place under normal House and Senate procedures.

The disapproval procedure has been used infrequently, and the chambers would likely have to interpret how some of its facets operate in practice—a decision each would potentially make in consultation with its Parliamentarian. The parliamentary provisions of the act are considered to be rules of the House and Senate, and each chamber is free to establish how a disapproval resolution is considered in that chamber by unanimous consent or by a special rule reported by the House Committee on Rules.

The Home Rule Act disapproval procedure is one method that Congress might use to invalidate a proposed District law. It is not, however, the only way Congress might undertake such disapproval. Although Congress has successfully used the parliamentary disapproval mechanisms of the Home Rule Act on [three occasions](#) since passage of the act in the early 1970s, it has far more frequently influenced actions of DC through the regular lawmaking process, including the [appropriations process](#).

Author Information

Christopher M. Davis
Analyst on Congress and the Legislative Process

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