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Governing the District of Columbia: Overview and Timeline

The U.S. Constitution provides for the creation of a district to serve as the permanent seat of the federal government. Article I, Section 8, clause 17 also grants Congress plenary legislative authority over that district. Since the establishment of the District of Columbia, the appropriate form and method of local governance has been a perennial issue for Congress.

This In Focus discusses the congressional role in governing the District of Columbia and determining the structure of local government, and provides a historical timeline of local government structures.

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The Role of Congress

The Constitution provides Congress with plenary legislative authority over the federal district. In practice, Congress has historically delegated at least some of the day-to-day work of municipal government to local entities. The structure of District of Columbia governmental entities has varied. At different times, Congress has established or authorized: city governments with elected and/or appointed officials, a territorial form of government, and federally appointed commissions to carry out certain local government functions.

Regardless of the local government structure, Congress retains ultimate authority on local legislative and public policy matters in the District of Columbia. Congress has exercised this authority by conducting oversight and enacting legislation, including appropriations.

The House and Senate established standing committees specifically focused on the affairs of the District of Columbia in 1808 and 1816, respectively. The Senate abolished its standing Committee on the District of Columbia in 1977, and the House did so in 1995. Currently, the House Committee on Oversight and Accountability and the Senate Committee on Homeland Security and Governmental Affairs exercise primary jurisdiction over District of Columbia issues.

Congressional involvement in local matters has varied in degree and manner over time. Throughout the District of Columbia's existence, Congress has conducted hearings and enacted legislation on issues of a distinctly local nature (e.g., road improvements and building heights) as well as issues related to broader national policy debates (e.g., emancipation and desegregation). During the 19th century, Congress retained authority over the incorporation of local entities that carried out a range of public services. In 1870, the House began setting aside dedicated days for

considering District of Columbia business, and a similar rule remained in place until the 117th Congress.

Congress has varied its role in the budget and finances of the District of Columbia. Prior to 1878, Congress appropriated funds for certain projects and services on an ad hoc basis. From 1878 to 1924, the federal government and the District of Columbia split the responsibility for local costs on a proportional basis. Congress has also provided for local costs through federal lump-sum payments. Currently, Congress provides federal payments for specified purposes and reviews the local budget through the federal appropriations process. The House and Senate had dedicated appropriations subcommittees for the District of Columbia until 2005 and 2007, respectively.

Present Status

The local government operates under limited home rule, pursuant to the District of Columbia Self-Government and Governmental Reorganization Act of 1973 (**87 Stat. 774**; commonly referred to as the Home Rule Act). The Home Rule Act authorized the District of Columbia 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" as well as relevant Home Rule Act provisions limiting such local authority.

Under the Home Rule Act, residents of the District of Columbia elect a mayor and a 13-member council (one member for each of the eight wards and five at-large members, including the council chair).

The mayor serves as the chief executive officer of the District of Columbia government. In this role, the mayor oversees administrative affairs of the local executive branch, including the implementation of local laws and management of municipal agency personnel.

The council serves as the local legislative branch. The Home Rule Act authorizes the council to pass acts and resolutions on District of Columbia issues. Additionally, the act authorizes the council, its members, and its committees to investigate "any matter relating to the affairs of the District."

Pursuant to the Home Rule Act, Congress "reserves the right, at any time, to exercise its constitutional authority as legislature for the District." Congress, in appropriations bills, has often included provisions that prohibit or restrict the use of funds for various activities in DC. The Home Rule Act also established a process by which Congress may review and disapprove (i.e., block) most laws enacted by the District government before they take effect. Since enactment of the Home Rule Act in 1973, four resolutions

disapproving DC acts have resulted in the nullification of certain DC laws. Eight additional disapproval resolutions have received floor consideration in at least one chamber.

Historical Timeline

This section describes entities created by Congress to handle day-to-day government in the District of Columbia.

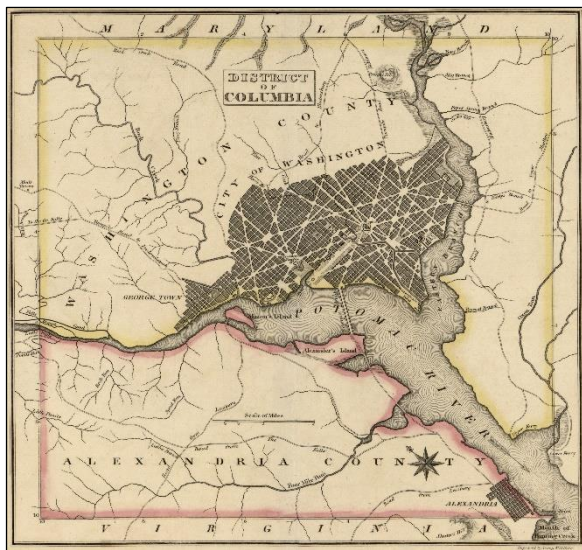
A New Capital: 1790-1801

The Residence Act of 1790 (**1 Stat. 130**) placed the “permanent seat of the government of the United States” on the Potomac River. Maryland and Virginia both ceded land for the capital district; Congress amended the law in 1791 so it could include the town of Alexandria, Virginia (**1 Stat. 214**).

President George Washington appointed three commissioners to survey and prepare the new capital city. In the meantime, the laws of Maryland remained in effect on the north side of the Potomac River, and the laws of Virginia remained in effect south of the river.

In 1800, Congress authorized President John Adams to move government offices from the temporary capital of Philadelphia (**2 Stat. 55**). The federal government relocated to the new district, which included two existing towns: Alexandria and, on the Maryland side of the river, Georgetown. The Sixth Congress assembled that fall inside the unfinished Capitol building to begin its second session.

Figure 1. Map (ca. 1827) of the District of Columbia
Alexandria, Alexandria County, Georgetown, Washington, and Washington County are visible.



Source: Library of Congress, LCNN 88694089.

Three Cities and Two Counties: 1801-1871

In the Organic Act of 1801 (**2 Stat. 103**), Congress formally organized the District of Columbia. It created Washington County east of the Potomac River and Alexandria County on the west side. The towns of Alexandria and Georgetown retained their separate municipal governments.

In 1802, Congress incorporated a new city of Washington within the district, with an elected city council and a

presidentially appointed mayor (**2 Stat. 195**). The 12-person, two-chamber council expanded to 18 members in 1804 (**2 Stat. 254**), then was replaced in 1812 by an eight-member board of aldermen and a 12-person board of common council (**2 Stat. 721**). The 1812 law also provided for the mayor to be appointed by a joint meeting of the two boards. In 1820, the mayor became popularly elected, and each ward was assigned two aldermen and three councilors (**3 Stat. 583**). In 1848, Congress added more elected offices: assessors, collector, register, and surveyor (**9 Stat. 223**).

Meanwhile, in 1846, Congress retroceded Alexandria—both the county and the town—to Virginia (**9 Stat. 35**). Georgetown and Washington remained separate cities for the time being, but Congress created a district-wide police department in 1861 (**12 Stat. 320**).

Territorial Government: 1871-1874

The Organic Act of 1871 consolidated Georgetown, Washington, and Washington County into a single government (**16 Stat. 419**). This new government used the form then common for territories: a presidentially appointed governor, an elected Delegate in Congress, and a two-chamber legislative assembly. In the legislature, the council’s 11 members were presidential appointees, while voters elected the 22 members of the house of delegates.

Appointed Commissioners: 1874-1967

The territorial-style government was short-lived. In 1874, Congress replaced it with a three-member commission appointed by the President (**18 Stat. 116**). In 1878, Congress earmarked one of the three seats for an officer from the U.S. Army Corps of Engineers (**20 Stat. 102**). This system remained in place for nearly a century.

Appointed Mayor and Council: 1967-1973

In 1967, President Lyndon B. Johnson reorganized the district government to create a nine-member council and a single commissioner—all appointed by the President (**81 Stat. 948**). In 1968, Congress created an elected school board (**82 Stat. 101**), and in 1970 reestablished the elected position of Delegate to the U.S. House (**84 Stat. 848**).

Elected Mayor and Council: 1973-Present

In 1973, Congress enacted the Home Rule Act (**87 Stat. 774**), creating the government that remains in place today.

In 1995, Congress created a control board, formally the District of Columbia Financial Responsibility and Management Assistance Authority, to oversee municipal finances and operations (**109 Stat. 97**). Two years later, the National Capital Revitalization and Self-Government Improvement Act of 1997 sought to help stabilize the city’s fiscal situation (**111 Stat. 712**). In 1999, Congress cleared the way for the elected government to regain power (**113 Stat. 3**); the control board suspended its operations in 2001.

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