

HR 5968 IH
111th CONGRESS
2d Session

H. R. 5968

To establish the charter for the government of the District of Columbia.

IN THE HOUSE OF REPRESENTATIVES

July 29, 2010

Ms. NORTON introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the charter for the government of the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may cited as the `District of Columbia Full Self-Government Act'.

TITLE I--STATUS OF THE DISTRICT OF COLUMBIA

SEC. 101. STATUS OF THE DISTRICT.

(a) In General- All of the territory constituting the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia. The District of Columbia shall remain and continue a body corporate, as provided in section 2 of the Revised Statutes relating to the District (sec. 1-102, D.C. Official Code).

(b) No Effect on Existing Laws- No law or regulation which is in force on the effective date of this Act shall be deemed amended or repealed by this Act except to the extent specifically provided herein or to the extent that such law or regulation is inconsistent with this Act, but any such law or regulation may be

amended or repealed by act or resolution as authorized in this Act, or by Act of Congress.

(c) No Effect on Boundary Line- Nothing contained in this section shall affect the boundary line between the District of Columbia and the Commonwealth of Virginia as the same was established or may be subsequently established under the provisions of title I of the Act of October 31, 1945 (59 Stat. 552).

SEC. 102. LEGISLATIVE POWER OF DISTRICT OF COLUMBIA.

Except as provided in section 202, the legislative power of the District of Columbia shall extend to all rightful subjects of legislation within the District consistent with the Constitution of the United States and the provisions of this Act subject to all the restrictions and limitations imposed upon the States by the tenth section of the first article of the Constitution of the United States.

TITLE II--LEGISLATIVE BRANCH

SEC. 201. ESTABLISHMENT OF THE COUNCIL.

(a) Establishment- There is established a Council of the District of Columbia (hereafter in this Act referred to as the `Council'), and the members of the Council shall be elected by the registered qualified electors of the District.

(b) Powers, Organization, and Procedure- The powers, organization, and procedure of the Council shall be set forth under such laws as may be enacted by the District of Columbia consistent with the provisions of this Act.

SEC. 202. LIMITATIONS ON AUTHORITY.

The Council shall have no authority to pass any act contrary to the provisions of this Act except as specifically provided in this Act, or to--

(1) impose any tax on property of the United States or any of the several States;

(2) lend the public credit for support of any private undertaking;

(3) enact any act, or enact any act to amend or repeal any Act of Congress, which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District of Columbia;

(4) enact any act, resolution, or rule with respect to any provision of title 11 of the District of Columbia Official Code (relating to organization and jurisdiction of the District of Columbia courts);

(5) impose any tax on the whole or any portion of the personal income, either directly or at the source thereof, of any individual not a resident of the District (the terms `individual' and `resident' in this paragraph to have the meaning given such terms in section 47-1801.04, D.C. Official Code);

(6) enact any act, resolution, or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in section 5 of the Act of June 1, 1910 (sec. 5-405, D.C. Official Code), and in effect on the effective date of this Act;

(7) enact any act, resolution, or regulation with respect to the Commission of Mental Health;

(8) enact any act or regulation relating to the United States District Court for the District of Columbia or any other court of the United States in the District other than the District courts, or relating to the duties or powers of the United States attorney or the United States Marshal for the District of Columbia; or

(9) enact any act, resolution, or rule with respect to the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

TITLE III--EXECUTIVE BRANCH

SEC. 301. OFFICE OF THE MAYOR.

(a) Establishment- There is established the Office of the Mayor of the District of Columbia, and the Mayor shall be elected by the registered qualified electors of the District.

(b) Powers and Duties- The powers and duties of the Mayor of the District of Columbia, and the organization of the Office of the Mayor of the District of Columbia, shall be set forth under such laws as may be enacted by the District of Columbia consistent with the provisions of this Act.

SEC. 302. TREATMENT OF EMPLOYEES FORMERLY COVERED BY FEDERAL CIVIL SERVICE SYSTEM.

In the case of persons employed by the District government immediately preceding the effective date of the personnel system established by the District government pursuant to section 422(3) of the District of Columbia Home Rule Act, the personnel system of the District government may provide for continued participation in all or part of the Federal Civil Service System and shall provide for benefits, including but not limited to pay, tenure, leave, residence, retirement, health and life insurance, and employee disability and death benefits, all at least equal to those provided by legislation enacted by Congress, or regulation adopted pursuant thereto, and applicable to such officers and employees immediately prior to such date, except that nothing in this Act shall prohibit the District from separating an officer or employee subject to such system in the implementation of a financial plan and budget for the District government approved under subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

SEC. 303. RESTRICTIONS ON CERTAIN MUNICIPAL PLANNING ACTIVITIES.

The Mayor's planning responsibility shall not extend to Federal and international projects and developments in the District, as determined by the National Capital Planning Commission, or to the United States Capitol buildings and grounds as defined in chapter 51 of title 40, United States Code, or to any extension thereof or addition thereto, or to buildings and grounds under the care of the Architect of the Capitol.

SEC. 304. EMERGENCY CONTROL OF METROPOLITAN POLICE DEPARTMENT.

(a) Authority of President To Exercise Control in Emergencies-

(1) AUTHORITY- Notwithstanding any other provision of law, whenever the President of the United States determines that special conditions of an emergency nature exist which require the use of the Metropolitan Police force for Federal purposes, he may direct the Mayor to provide him, and the Mayor shall provide, such services of the Metropolitan Police force as the President may deem necessary and appropriate.

(2) LIMITATION OF DURATION OF AUTHORITY- In no case shall services made available pursuant to any direction of the President under this subsection extend--

(A) for a period in excess of 48 hours unless the President has, prior to the expiration of such period, notified the chairman and ranking minority member of the Committee on Oversight and Government Reform of the House of Representatives and the chairman and ranking minority member of the

Committee on Homeland Security and Governmental Affairs of the Senate, in writing, as to the reason for such direction and the period of time during which the need for such services is likely to continue; or

(B) for any period in excess of 30 days, unless the Senate and the House of Representatives enact into law a joint resolution authorizing such an extension.

(b) Termination-

(1) IN GENERAL- Subject to paragraph (2), the services made available in accordance with subsection (a) shall terminate upon the end of such emergency, the expiration of a period of 30 days following the date on which such services are first made available, or the enactment into law of a joint resolution by the Congress providing for such termination, whichever first occurs.

(2) SPECIAL RULE IN CASE OF ADJOURNMENT OF CONGRESS SINE DIE- Notwithstanding paragraph (1), in any case in which services are made available in accordance with subsection (a) during any period of an adjournment of the Congress sine die, such services shall terminate upon the end of the emergency, the expiration of the 30-day period following the date on which Congress first convenes following such adjournment, or the enactment into law of a joint resolution by the Congress providing for such termination, whichever first occurs.

TITLE IV--JUDICIAL BRANCH

SEC. 401. JUDICIAL BRANCH.

The judicial powers of the District of Columbia, and the provisions of the charter of the District of Columbia government which are applicable to the judges and courts of the District of Columbia, shall be those set forth in part C of title IV of the District of Columbia Home Rule Act (sec. 1-204.31 et seq., D.C. Official Code), as in effect on the effective date of this Act.

TITLE V--BUDGET AND FINANCIAL MANAGEMENT

SEC. 501. APPLICATION OF LAWS ESTABLISHED BY DISTRICT OF COLUMBIA.

(a) Budget and Financial Management- Subject to this Act, the process by which the District of Columbia develops and enacts the budget for the District government for a fiscal year, and the activities carried out with respect to the

financial management of the District government for a fiscal year, shall be established under such laws as may be enacted by the District.

(b) Borrowing- Subject to this Act, the process and rules by which the District of Columbia issues bonds or otherwise borrows money shall be established under such laws as may be enacted by the District.

SEC. 502. FULL FAITH AND CREDIT OF UNITED STATES NOT PLEDGED.

The full faith and credit of the United States is not pledged for the payment of any principal of or interest on any bond, note, or other obligation issued by the District of Columbia, and the United States is not responsible or liable for the payment of any principal of or interest on any bond, note, or other obligation issued by the District.

SEC. 503. FEDERAL TAX EXEMPTION.

Bonds and notes issued by the District of Columbia and the interest thereon shall be exempt from all Federal taxation except estate, inheritance, and gift taxes.

SEC. 504. LEGAL INVESTMENT IN BONDS AND NOTES ISSUED BY DISTRICT OF COLUMBIA.

Notwithstanding any restriction on the investment of funds by fiduciaries contained in any other law, all domestic insurance companies, domestic insurance associations, executors, administrators, guardians, trustees, and other fiduciaries within the District of Columbia may legally invest any sinking funds, moneys, trust funds, or other funds belonging to them or under or within their control in any bonds issued by the District of Columbia. National banking associations are authorized to deal in, underwrite, purchase and sell, for their own accounts or for the accounts of customers, bonds and notes issued by the District to the same extent as national banking associations are authorized by paragraph seven of section 5136 of the Revised Statutes (12 U.S.C. 24), to deal in, underwrite, purchase and sell obligations of the United States, States, or political subdivision thereof. All Federal building and loan associations and Federal savings and loan associations, and banks, trust companies, building and loan associations, and savings and loan associations, domiciled in the District may purchase, sell, underwrite, and deal in, for their own account or for the account of others, all bonds or notes issued by the District of Columbia. Nothing contained in this section shall be construed as relieving any person, firm, association, or corporation from any duty of exercising due and reasonable care in selecting securities for purchase or investment.

TITLE VI--RETENTION OF FEDERAL AUTHORITIES

SEC. 601. RETENTION OF CONGRESSIONAL AUTHORITY.

Notwithstanding any other provision of this Act, Congress reserves the right, at any time, to exercise its constitutional authority as legislature for the District of Columbia, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the Council by this Act, including legislation to amend or repeal any law in force in the District prior to or after the effective date of this Act and any act passed by the Council.

SEC. 602. LIMITATION ON AUTHORITY OF DISTRICT OVER CERTAIN AGENCIES.

Nothing in this Act shall be construed as vesting in the District of Columbia government any greater authority over the National Zoological Park, the National Guard of the District of Columbia, the Washington Aqueduct, the National Capital Planning Commission, or over any Federal agency, than was vested in the Commissioner of the District of Columbia established under Reorganization Plan Numbered 3 of 1967 prior to January 2, 1975.

TITLE VII--TERMINATION OF EXISTING CHARTER; TRANSITION

SEC. 701. TERMINATION OF EXISTING CHARTER.

(a) In General- Except as provided in section 401 and subsection (b), the District of Columbia Home Rule Act (sec. 1-201.01 et seq., D.C. Official Code) is repealed.

(b) No Effect on Amendatory Provisions- Nothing in subsection (a) shall be construed to affect any provision of law which is amended or repealed by the District of Columbia Home Rule Act.

SEC. 702. NO EFFECT ON EXISTING OBLIGATIONS.

(a) Budgets- Nothing in this Act or in the amendment made by section 701 may be construed to relieve the District of Columbia of any contractual or other financial obligations incurred by the District under a budget enacted for a fiscal year prior to the effective date of this Act.

(b) Borrowing- Nothing in this Act or in the amendment made by section 701 may be construed--

(1) to relieve the District of Columbia of any obligation incurred with respect to bonds or other forms of borrowing issued prior to the effective date of this Act; or

(2) to waive the application to the District of Columbia of any other Federal law governing the borrowing of funds by States or units of local government, including the Internal Revenue Code of 1986.

SEC. 703. NO EFFECT ON INDIVIDUALS HOLDING POSITIONS WITHIN DISTRICT GOVERNMENT.

Nothing in this Act or in the amendment made by section 701 may be construed to affect the status of any individual who holds elective or appointed office in, or is an officer or employee of, the government of the District of Columbia as of the effective date of this Act.

SEC. 704. NO EFFECT ON PENDING ACTIONS OR PROCEEDINGS.

No suit, action, or other judicial proceeding lawfully commenced by or against any officer or agency in his or its official capacity or in relation to the exercise of his or its official functions, and no administrative action or proceeding lawfully commenced, shall abate by reason of this Act or the amendment made by section 701.

TITLE VIII--EFFECTIVE DATE

SEC. 801. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the effective date of legislation enacted by the District of Columbia after the date of the enactment of this Act which establishes--

(1) the powers, organization, and procedure of the Council of the District of Columbia; and

(2) the powers and duties of the Mayor of the District of Columbia, and the organization of the Office of the Mayor of the District of Columbia.

END