

DISAPPROVING THE ACTION OF THE DISTRICT OF COLUMBIA COUNCIL IN
 APPROVING THE COMPREHENSIVE POLICING AND JUSTICE REFORM
 AMENDMENT ACT OF 2022

APRIL 6, 2023.—Referred to the House Calendar and ordered to be printed

Mr. COMER, from the Committee on Oversight and Accountability,
 submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.J. Res. 42]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Accountability, to whom was referred the joint resolution (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, having considered the same, reports favorably thereon without amendment and recommends that the resolution do pass.

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SUMMARY AND PURPOSE OF LEGISLATION

H.J. Res. 42 disapproves and nullifies the Comprehensive Policing and Justice Reform Amendment Act of 2022, enacted by the Council of the District of Columbia (DC). H.J. Res. 42, which follows statutorily required formatting as specified by the D.C. Home Rule Act, imposes untenable barriers that D.C. police officers must overcome and strips officers of their right to collectively bargain on disciplinary matters.¹

BACKGROUND AND NEED FOR LEGISLATION

The Comprehensive Policing and Justice Reform Emergency Amendment Act and the Comprehensive Policing and Justice Reform Temporary Amendment Act were initially passed by the D.C. Council on a temporary basis on June 8, 2020.² Since its initial passage, the Emergency Amendment Act has been re-authorized by the Council seven times and the Temporary Amendment Act has been re-authorized four times by the Council.³ On June 15, 2021, D.C. Councilmembers Allen, Nadeau, Henderson, T. White, George, Gray, Bonds, Pinto, Silverman, McDuffie, R. White, Cheh, and Chairman Mendelson introduced B24-0320, the Comprehensive Policing and Justice Reform Amendment Act of 2021.⁴ On December 20, 2022, the Council passed the bill 13-0, and the bill was sent for signature by D.C. Mayor Muriel Bowser, who declined to sign the legislation.⁵

Article 1, Section 8, Clause 18 of the Constitution grants Congress the exclusive authority to govern the District of Columbia.⁶ Congress has since delegated this authority, through the Home Rule Act of 1973, to the locally elected government in D.C. However, Congress retains the right to take action against legislation passed by the D.C. Council if it so chooses.⁷ Under the Home Rule Act, the DC Council chairman must transmit copies of any legislation passed by the Council and signed by the Mayor to the Speaker of the House and the President of the Senate for review.⁸ To invalidate a D.C. law through the Home Rule Act process, Congress's joint resolution of disapproval must receive a simple majority vote and presidential assent before a statutorily defined 30 day layover period (60 days for legislation amending D.C.'s criminal code) has lapsed.⁹

It is the view of the Committee that the D.C. Council's Comprehensive Policing and Justice Reform Amendment Act of 2022 creates undue burdens on D.C. police officers, unduly strips D.C. officers of their right to collectively bargain over disciplinary mat-

¹D.C. CODE §1-206.04.

²*Legislative Information Management System (LIMS)*, D.C. COUNCIL (last visited Mar. 30, 2023), <https://lms.dccouncil.gov/searchresult/documentSearch=false&searchString=policing%20and%20justice>.

³*Id.*

⁴*B24-0320—Comprehensive Policing and Justice Reform Amendment Act of 2021*, D.C. COUNCIL (last visited Mar. 30, 2023), https://lms.dccouncil.gov/Legislation/B24_0320.

⁵*Id.*

⁶U.S. CONST. art. 1, § 8, cl. 18.

⁷D.C. CODE §1-206.01.

⁸Christopher M. Davis, *Congressional Disapproval of District of Columbia Laws Under the Home Rule Act*, CONG. RSCH. SERV. (Feb. 27, 2023), <https://crsreports.congress.gov/product/pdf/IN/IN121119>.

⁹*Id.*

ters, and creates mechanisms for activists and anti-police groups to target individual officers through a public database.¹⁰ This legislation comes at a time when the Metropolitan Police Department (MPD) is seeing large numbers of officers lost to early resignations—often citing the Council’s restrictive laws as reasons for leaving.¹¹ In fact, according to the National Fraternal Order of Police, the MPD has seen approximately a third of its officers leave the force (approx. 1,190 officers)—with 40% representing resignations.¹² In a February 2023 oversight hearing before the D.C. Council, D.C. police Chief Robert Contee notes the MPD needs 800 additional officers to get to what he would consider to be full strength.¹³ The MPD currently maintains approximately 3,400 officers in its ranks.

It is the view of the Committee that the Council’s legislation would only increase the lack of retention currently seen at the MPD, which is unacceptable during a period of escalating crime in the city. Homicides are up 33 percent from 2022, motor vehicle thefts are up 109 percent from 2022, theft is up 20 percent from 2022, sexual abuse is up 83 percent, and total crime is up 24 percent from 2022.¹⁴ D.C. has 671,803 residents as of July 1, 2022, and welcomed 19.1 million visitors in 2021.¹⁵ As crime continues to challenge the District, its residents, and the millions of yearly visitors, the Committee does not believe that policing reform legislation that presents new challenges for the District’s officers is the answer.

On March 29, 2023, the House Committee on Oversight and Accountability held a hearing titled “Overdue Oversight of the Capital City: Part 1.”¹⁶ This hearing was held to conduct long overdue oversight of the D.C. Council and gain insights into the city’s crime crisis. The Committee was able to hear directly from D.C. Council Chairman Phil Mendelson, Councilmember Charles Allen, D.C. Police Union Chairman Gregory Pemberton, and D.C. Chief Financial Officer Glen Lee.¹⁷ During this hearing, the Committee discussed the troubling crime statistics and the Council’s lack of support to the various law enforcement agencies within the District.¹⁸

Functionally, the provisions of Comprehensive Policing and Justice Reform Amendment Act of 2022 serve to continue restricting officers from being able to safely and promptly carry out their law enforcement duties on behalf of the residents and visitors of Washington, D.C. Specifically, Subtitle B of the Act restricts officers from using their body camera footage in writing their reports,

¹⁰ *Comprehensive Policing and Justice Reform Act of 2022*, D.C. Council B24–0320, https://lims.dccouncil.gov/downloads/LIMS/47448/Signed_Act/B24-0320-Signed_Act.pdf.

¹¹ Megan Cloherty, *DC’s police chief says recruiting officers is harder due to new laws*, WTOP NEWS (Feb. 24, 2023), <https://wtop.com/dc/2023/02/dc-police-chief-blames-recruiting-struggles-on-new-laws/>.

¹² Letter from Patrick Yoes, National President, National Fraternal Order of Police, to Kevin McCarthy, Speaker of the House, Hakeem Jeffries, Minority Leader of the House, et. al. (Mar. 28, 2023), <https://fop.net/letter/h-j-res-42-a-resolution-disapproving-the-adoption-of-the-comprehensive-policing-and-justice-reform-amendment-act-cpjraa-by-the-washington-d-c-city-council/>.

¹³ *Id.*
¹⁴ *District Crime Data at a Glance*, METRO. POLICE DEPT D.C. (Apr. 4, 2023, 2:45 PM), <https://mpdc.dc.gov/page/district-crime-data-glance>.

¹⁵ United States Census, Quick Facts—District of Columbia (July 1, 2022), <https://www.census.gov/quickfacts/DC>; Lori Aratani, *D.C. sees a boost in visitors, but full recovery remains elusive*, THE WASHINGTON POST (August 31, 2022).

¹⁶ *Overdue Oversight of the Capital City: Part 1 Before the H. Comm. on Oversight & Accountability*, 118th Cong. (2023), <https://www.youtube.com/watch?v=IPRw94SSMxk>.

¹⁷ *Id.*
¹⁸ *Id.*

stripping them of an invaluable resource especially during public interactions that happen quickly. Subtitle L strips the D.C. Police Union of the right to collectively bargain over disciplinary matters, leaving the Mayor with discretion over discipline. And Subtitle X creates a mechanism for the disclosure of all disciplinary records or complaints against an officer, whether substantiated or not. These documents include personally identifiable information of officers and lacks protections for officer family members, which will likely lead to targeting and harassment of police officers.

Furthermore, the Act presents various reforms that will inhibit expeditious officer discipline. Subtitle C removes officers and police union representatives from the Office of Police Complaints Board, forgoing any opportunities for individuals with firsthand experience to provide their perspective during the disciplinary process. Subtitle M introduces troubling “Officer Discipline Reforms” including the removal of the requirement that the Department commence any disciplinary actions within a 90-day window. Removing this requirement to promptly investigate the facts of a complaint leaves the Department to await a full investigation by the Complaints Board—which under Subtitle C has had all officers and police union representatives removed—or an internal affairs division before disciplinary proceeding may be concluded. This means an officer’s career may be put on hold for an indefinite period while disciplinary matters are indefinitely investigated.

The Act also introduces barriers to the job of enforcing the law and combatting crime in the District. Subtitle N requires a jury to consider if an officer had consulted with mental health, behavioral health, or social workers before the use of deadly force. Deadly force is most often used during moments when quick decision-making is essential to protect the life of a member of the public and the officer; adding such considerations for juries during deliberation places increasingly undue burdens on officers. Subtitle P imposes approval hurdles for the use of riot gear and less-lethal projectiles which introduces the risk of placing officers in dangerous positions without the ability to don protective riot gear and utilize non-lethal tactics to avoid death or serious injury when responding to violent demonstrations.

In addition to endorsements from the D.C. Police Union and the U.S. Capitol Police Labor Committee, police organization across the nation have endorsed H.J. Res. 42, including the National Fraternal Order of Police (NFOP), the National Association of Police Organizations (NAPO), the California Coalition of Law Enforcement Associations, the Fullerton Police Officers’ Association, and the Las Vegas Police Protective Association.¹⁹ These endorsements of the disapproval resolution demonstrates how the D.C. Council’s police reform Act is viewed by police jurisdictions across the nation

¹⁹Letter from Gregg Pemberton and Gus Papathanasiou, United States Capitol Police Labor Committee, to the U.S. House of Representatives (on file with author); Letter from Patrick Yoes, National President, Fraternal Order of Police to House Speaker Kevin McCarthy (March 28, 2023) (on file with author); Letter from William J. Johnson, Executive Director of the National Association of Police Organizations to House Speaker Kevin McCarthy (March 30, 2023) (on file with author); Letter from Craig Lally, Juan Viramontes, and William Young, California Coalition of Law Enforcement Associations, to the California Delegation, U.S. House of Representatives (Date)(on file with author); Letter from Kevin Pedrosa, Fullerton Police Officers’ Association, to Rep. Lou Correa, U.S. House of Representatives (date)(on file with author); Letter from Jack Abel, Las Vegas Police Protective Association, to Senators Rosen and Cortez Masto, Representatives Titus, Lee, Horsford, and Amodei (March 20, 2023) (on file with author).

as a harmful legislative precedent for policing and law enforcement in America.

The Comprehensive Policing and Justice Reform Amendment Act of 2022 does not encourage police officers to work in the District, but rather would deter them. While restrictive requirements and increasing anti-police rhetoric and legislation are continuing to be presented by the Council, officers will look to neighboring jurisdictions and departments for employment. The residents of D.C. deserve to feel safe in their city, and the Comprehensive Policing and Justice Reform Amendment Act of 2022 does not provide the mechanisms to make that happen. H.J. Res. 42 nullifies this legislation and ensures the Council will listen to its constituents and stakeholders to provide common-sense reforms that do not undermine the safety and security of the District.

SECTION-BY-SECTION ANALYSIS

H.J. Resolution 42 resolves that Congress disapproves of the action of the District of Columbia Council described as The Comprehensive Policing and Justice Reform Amendment Act of 2022 enacted by the Council of the District of Columbia on January 19, 2023, and transmitted to Congress pursuant to section 602(c)(1) of the District of Columbia Home Rule Act on January 26, 2023.

LEGISLATIVE HISTORY

H.J. Resolution 42, Disapproving the action of the District of Columbia Council in approving the Comprehensive Policing and Justice Reform Amendment Act of 2022, was introduced on March 9, 2023, by Representative Clyde. The resolution was referred to the Committee on Oversight and Accountability.

COMMITTEE CONSIDERATION

On March 29, 2023, the Committee met in open session and, with a quorum being present, began consideration of H.J. Resolution 42 Disapproving the action of the District of Columbia Council in approving the Comprehensive Policing and Justice Reform Amendment Act of 2022. The resolution was ordered reported on March 29, 2023.

ROLL CALL VOTES

There was 1 roll call vote during consideration of H.J. Resolution 42. This roll call vote was on final passage of H.J. Resolution 42. The resolution was agreed to in a recorded vote of 21–17.

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY
 118TH CONGRESS
 RATIO 26-21
 ROLL CALL

Vote on: H.J.Res. 42.
 Date: 3/29/2023

VOTE #: 1

Republicans	Aye	No	Present	Democrats	Aye	No	Present
MR. COMER (KY) <i>(Chairman)</i>	X			MR. RASKIN (MD) <i>(Ranking Member)</i>		X	
MR. JORDAN (OH)	X			MS. NORTON (DC)		X	
MR. TURNER (OH)				MR. LYNCH (MA)		X	
MR. GOSAR (AZ)	X			MR. CONNOLLY (VA)		X	
MS. FOXX (NC)	X			MR. KRISHNAMOORTHY (IL)		X	
MR. GROTHMAN (WI)	X			MR. KHANNA (CA)		X	
MR. PALMER (AL)				MR. MFUME (MD)		X	
MR. HIGGINS (LA)	X			MS. OCASIO-CORTEZ (NY)			
MR. SESSIONS (TX)	X			MS. PORTER (CA)		X	
MR. BIGGS (AZ)	X			MS. BUSH (MO)			
MS. MACE (SC)	X			MS. BROWN (OH)		X	
MR. LATURNER (KS)	X			MR. GOMEZ (CA)		X	
MR. FALLON (TX)	X			MS. STANSBURY (NM)		X	
MR. DONALDS (FL)	X			MR. GARCIA (CA)		X	
MR. ARMSTRONG (ND)				MR. FROST (FL)		X	
MR. PERRY (PA)				MS. BALINT (VT)		X	
MR. TIMMONS (SC)	X			MS. LEE of PENNSYLVANIA (PA)		X	
MR. BURCHETT (TN)	X			MR. CASAR (TX)		X	
MS. GREENE OF GEORGIA (GA)				MS. CROCKETT (TX)			
MRS. MCCLAIN (MI)	X			MR. GOLDMAN (NY)		X	
MRS. BOEBERT (CO)	X			MR. MOSKOWITZ (FL)			
MR. FRY (SC)	X						
MRS. LUNA (FL)	X						
MR. EDWARDS (NC)	X						
MR. LANGWORTHY (NY)	X						
MR. BURLISON (MO)	X						

Roll Call Totals: Ayes: 21 Nays: 17 Present: _____
 Passed: X Failed: _____

EXPLANATION OF AMENDMENTS

During Committee consideration of the H.J. Resolution 42, no amendments were offered.

LIST OF RELATED COMMITTEE HEARINGS

In accordance with House rule XIII, clause 3(c)(6), (1) The following hearing was used to develop or consider H.J. Resolution 42:

On March 29, 2023, the Committee held a hearing titled “Overdue Oversight of the Capital City: Part 1” with Mr. Phil Mendelson, Chairman, D.C. Council; Mr. Charles Allen, Councilmember, D.C. Council; Mr. Glen Lee, Chief Financial Officer, Washington, D.C.; and Mr. Gregory Pemberton, Chairman, D.C. Police Union.

(2) The following related hearing was held:

On March 29, 2023, the Committee held a hearing titled “Overdue Oversight of the Capital City: Part 1” with Mr. Phil Mendelson, Chairman, D.C. Council; Mr. Charles Allen, Councilmember, D.C. Council; Mr. Glen Lee, Chief Financial Officer, Washington, D.C.; and Mr. Gregory Pemberton, Chairman, D.C. Police Union.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee’s oversight findings and recommendations are reflected in the Background and Need for Legislation section above.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee’s performance goals or objectives of this resolution are to disapprove the action of the District of Columbia Council in approving the Comprehensive Policing and Justice Reform Amendment Act of 2022.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This resolution does not relate to employment or access to public services and accommodations in the legislative branch.

DUPLICATION OF FEDERAL PROGRAMS

In accordance with clause 3(c)(5) of rule XIII no provision of this resolution establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

This resolution does not direct the completion of any specific rule makings within the meaning of section 551 of title 5, U.S.C.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that this resolution does not direct the establishment of advisory committees within the definition of Section 5(b) of the appendix to title 5, U.S.C.

UNFUNDED MANDATES STATEMENT

Pursuant to section 423 of the *Congressional Budget Act of 1974* the Committee has included a letter received from the Congressional Budget Office below.

EARMARK IDENTIFICATION

H.J. Resolution 42 does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the House of Representatives.

COMMITTEE ESTIMATE

Pursuant to clause 3(d) of rule XIII of the Rules of the House of Representatives, the Committee includes below a cost estimate of the resolution prepared by the Director of the Congressional Budget Office under section 402 of the *Congressional Budget Act of 1974*.

NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the House of Representatives, the cost estimate prepared by the Congressional Budget Office and submitted pursuant to section 402 of the *Congressional Budget Act of 1974* is as follows:

H.J. Res. 42, a joint resolution disapproving the action of the District of Columbia Council in approving the Comprehensive Policing and Justice Reform Amendment Act of 2022			
As ordered reported by the House Committee on Oversight and Accountability on March 29, 2023			
By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	0	0
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply? No	
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.J. Res. 42 would disapprove the District of Columbia Council's enactment of the Comprehensive Policing and Justice Reform

Amendment Act of 2022 (D.C. Act 24–781). That act made permanent changes to the District of Columbia’s police procedures that had been instituted on an emergency basis in 2020. Because the resolution would not affect the federal budget, CBO estimates that implementing H.J. Res. 42 would have no cost to the federal government.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

The requirements of clause 3(e) of rule XIII of the Rules of the House of Representatives do not apply to H.J. Res. 42.

MINORITY VIEWS

We strongly oppose H.J. Res. 42, which would nullify the District of Columbia's Comprehensive Policing and Justice Reform Amendment Act of 2022, because we support home rule for D.C., and because we support improving public safety and public trust in law enforcement at the federal, state, and local levels.

DEMOCRACY AND D.C. AUTONOMY

The Merriam-Webster dictionary defines democracy as “government by the people” and “a government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usually involving periodically held free elections.”¹ By definition, the United States is a democracy, but its capital is not.

The principles of no taxation without representation and consent of the governed helped launch the American Revolution and are enshrined in the Declaration of Independence. Yet, D.C. residents, who pay all federal taxes, have no voting representation in Congress, and Congress has plenary authority over D.C.²

The Majority claims Congress has a constitutional duty to legislate on local D.C. matters. That is false. The Majority chooses to legislate on local D.C. matters only when it thinks it can score political points.

Despite giving Congress plenary authority over D.C., the Framers expected Congress to establish a local government for D.C.³ Indeed, Congress has established various forms of local government for D.C. since 1802.⁴ The U.S. Supreme Court has held that “there is no constitutional barrier to the delegation by Congress to the District of Columbia of full legislative power.”⁵

In 1973, Congress passed the D.C. Home Rule Act, which established an elected chief executive (the D.C. Mayor) and an elected legislature (the D.C. Council) for D.C.⁶ The intent of the Home Rule Act is to, among other things, “grant to the inhabitants of the District of Columbia powers of local self-government” and to “relieve Congress of the burden of legislating upon essentially local District matters.”⁷ H.J. Res. 42 contravenes the intent of the Home Rule Act.

¹Merriam-Webster, Definition of “Democracy” (online at www.merriam-webster.com/dictionary/democracy) (accessed Mar. 30, 2023).

²U.S. Const. art. I, Sec. 8, cl. 17.

³ “[A] municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them.” The Federalist No. 43, at 240–241 (James Madison) (Clinton Rossiter ed., 1961).

⁴House Committee on the District of Columbia, *Governance of the Nation's Capital: A Summary History of the Forms and Powers of Local Government for the District of Columbia, 1790 to 1973*, 101st Cong. (1990).

⁵*District of Columbia v. John R. Thompson Co., Inc.*, 346 U.S. 100, 109 (1953).

⁶Pub. L. No. 93–198 (1973).

⁷*Id.*

The D.C. Council passed the Comprehensive Policing and Justice Reform Amendment Act of 2022 twice, as required by the Home Rule Act, by votes of 11 to 0 and 13 to 0.⁸ D.C. Mayor Muriel Bowser and D.C. Council Chair Phil Mendelson have urged Congress to oppose H.J. Res. 42.⁹ President Joe Biden has also expressed opposition to H.J. Res. 42. In a press statement, White House officials indicated that the President would veto H.J. Res. 42 if it came to his desk, noting that “Congress should respect D.C.’s right to pass measures that improve public safety and public trust.”¹⁰

The D.C. Council has 13 members, who are elected by, and accountable to, D.C. residents. Congress has 535 voting members, none of whom are elected by, or accountable to, D.C. residents. Congress should not act as a super-legislature for D.C.

Instead of undemocratically interfering in local D.C. matters, Congress should finally pass the D.C. statehood bill, H.R. 51, the Washington, D.C. Admission Act. The legislation would admit the State of Washington, Douglass Commonwealth into the Union and reduce the size of the District of Columbia, or the federal district.¹¹

The Admissions Clause of the Constitution gives Congress the authority to admit new states.¹² Congress has admitted all 37 new states by simple legislation. The District Clause of the Constitution gives Congress plenary authority over the federal district and establishes a maximum size of the federal district (100 square miles).¹³ Congress has the authority to reduce the size of the federal district, as it has previously done.

The Constitution does not establish any prerequisites for new states, but Congress has generally considered three criteria in evaluating new states: commitment to democracy; support for statehood; and population and resources.¹⁴ D.C. meets all three criteria.

D.C. residents have been petitioning for voting representation in Congress and local self-government for more than 200 years.¹⁵ Most recently, on November 8, 2016, D.C. residents approved a referendum advising D.C. to petition Congress for statehood by a vote of 244,134 to 40,779.¹⁶

D.C. has a larger population than two states.¹⁷ D.C. pays more federal taxes than 23 states and pays more per capita federal taxes

⁸D.C. Act 24–781 (online at https://lms.dccouncil.gov/downloads/LIMS/47448/Signed_Act/B24-0320-Signed_Act.pdf).

⁹Letter from District of Columbia Mayor Muriel Bowser and Council of the District of Columbia Chair Phil Mendelson to Senate Majority Leader Charles Schumer, Senate Minority Leader Mitch McConnell, Speaker of the House Kevin McCarthy, and House Minority Leader Hakeem Jeffries (Mar. 17, 2023).

¹⁰*Biden Would Veto Measure to Block D.C.’s Policing Bill, White House Says*, Washington Post (March 30, 2023) (online at www.washingtonpost.com/dc-md-va/2023/03/30/biden-veto-dc-policing-bill-congress/).

¹¹The State would consist of 66 of the 68 square miles of the current federal district, and the federal district would consist of two square miles, including the White House, the Capitol complex, the Supreme Court, the principal federal monuments, and the federal buildings adjacent to the National Mall.

¹²U.S. Const. art. IV, Sec. 3, cl. 1.

¹³U.S. Const. art. I, Sec. 8, cl. 17.

¹⁴Government Accountability Office, *Experiences of Past Territories Can Assist Puerto Rico Status Deliberations* (Mar. 7, 1980) (online at www.gao.gov/assets/130/128964.pdf).

¹⁵House Committee on the District of Columbia, *New Columbia Admission Act*, 102nd Cong. (1992) (H. Rept. 102–909).

¹⁶District of Columbia Board of Elections, *General Election 2016—Certified Results* (Nov. 8, 2016) (online at https://electionresults.dcooe.org/election_results/2016-General-Election).

¹⁷Census Bureau, *2020 Population and Housing State Data* (online at www.census.gov/library/visualizations/interactive/2020-population-and-housing-state-data.html) (accessed Mar. 17, 2023).

than any state.¹⁸ D.C. has a higher per capita personal income than any state.¹⁹ D.C. has a larger gross domestic product than 16 states and a higher per capita gross domestic product than any state.²⁰ D.C.'s general obligation bonds have the highest rating (Aaa) from Moody's Investors Service.²¹ Federal funds are a smaller percentage of D.C.'s revenue than federal funds are of total state revenue.²²

POLICE ACCOUNTABILITY AND TRANSPARENCY

D.C.'s Comprehensive Policing and Justice Reform Amendment Act of 2022 is beside the point, because we believe in home rule for D.C., but we will address the legislation. We support police officers, and we support accountability and transparency for police officers. Public trust in law enforcement increases public safety.

Since the police killing of George Floyd in 2020, dozens of states and D.C. have enacted police accountability and transparency reforms.²³ The D.C. Council passed several emergency and temporary measures focused on police accountability and transparency legislation beginning in 2020. The Comprehensive Policing and Justice Reform Amendment Act of 2022 is the permanent version of that emergency and temporary legislation and, therefore, includes many provisions that have been in effect for nearly three years.

D.C.'s Comprehensive Policing and Justice Reform Amendment Act of 2022 is consistent with House Democrats' police accountability and transparency legislation, the George Floyd Justice in Policing Act, which passed the House in the 116th and 117th Congresses.²⁴

D.C.'s Comprehensive Policing and Justice Reform Amendment Act of 2022 would improve public safety, accountability, and transparency by: prohibiting the use of chokeholds and asphyxiating restraints; requiring public release of the names and body-worn camera recordings of officers directly involved in an officer-involved death or serious use of force within five days after the incident; restricting dangerous vehicular pursuits by officers; requiring officers to exhaust all reasonable alternatives before using deadly force; strengthening civilian oversight of police; establishing a public database of sustained allegations of officer misconduct; making offi-

¹⁸ Internal Revenue Service, *Internal Revenue Service Data Book, 2021* (online at www.irs.gov/pub/irs-pdf/p55b.pdf) (accessed Mar. 17, 2023).

¹⁹ Federal Reserve Bank of St. Louis, *Release Tables: Per Capita Personal Income by State, Annual* (online at <https://fred.stlouisfed.org/release/tables?eid=257197&rid=110>) (accessed Mar. 17, 2023).

²⁰ Bureau of Economic Analysis, *Gross Domestic Product by State and Personal Income by State, 3rd Quarter 2022* (Dec. 23, 2022) (online at [www.https://bea.gov/sites/default/files/2022-12/stgdppi3q22.pdf](https://bea.gov/sites/default/files/2022-12/stgdppi3q22.pdf)).

²¹ District of Columbia, *Resilience: Annual Comprehensive Financial Report 2022* (Jan. 24, 2023) (online at <https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/FY%202022%20DC%20ACFR.pdf>).

²² The Pew Charitable Trusts, *Pandemic Drives Federal Share of State Revenue to Record High* (Nov. 4, 2022) (online at www.pewtrusts.org/en/research-and-analysis/articles/2022/10/18/pandemic-drives-federal-share-of-state-revenue-to-record-high); District of Columbia, *FY 2020 Approved Budget and Financial Plan* (July 25, 2019) (online at [https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/DC OCFO 2020 Budget Vol 1 0.pdf](https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/DC%20OCFO%202020%20Budget%20Vol%201%20.pdf)).

²³ Howard Center for Investigative Journalism, *States Approved Nearly 300 Bills Affecting Policing in Wake of George Floyd's Murder* (Oct. 28, 2022) (online at <https://cnsmaryland.org/2022/10/28/states-approved-nearly-300-bills-affecting-policing-in-wake-of-george-floyds-murder/>).

²⁴ U.S. House of Representatives, Roll Call Vote on Passage of H.R. 7120 (June 25, 2020) (yeas 236, nays 181); U.S. House of Representatives, Roll Call Vote on Passage of H.R. 1280 (Mar. 3, 2021) (yeas 220, nays 212).

cer disciplinary records subject to release under the D.C. Freedom of Information Act; and more.²⁵

D.C.'s Comprehensive Policing and Justice Reform Amendment Act of 2022 would also increase accountability by removing discipline from collective bargaining.²⁶ The D.C. police department has been forced to rehire a significant number of officers it fired for serious misconduct, primarily because of decisions by arbitrators.²⁷ Every D.C. police chief for the last 25 years has lamented having to rehire officers fired for serious misconduct.²⁸

Police misconduct not only undermines public trust, it harms taxpayers. D.C. has paid millions of dollars in backpay to officers it was ordered to rehire, and D.C. paid \$91 million to resolve claims alleging police misconduct over a recent 10-year period.²⁹

The Majority tries to draw a causal link between D.C.'s police accountability and transparency legislation and the difficulty D.C. is having recruiting and retaining officers. However, both public-sector employers and private-sector employers across the country have had difficulty recruiting and retaining employees in recent years.

In fact, the difficulty law enforcement agencies across the country have with recruitment and retention predates the police accountability and transparency legislation enacted in the aftermath of the killing of George Floyd. A survey conducted in 2019 by the International Association of Chiefs of Police found that “the challenge of recruiting law enforcement is widespread and affects agencies of all types, sizes, and locations across the United States.”³⁰ The survey also found that “the difficulty in recruiting law enforcement officers and employees is not due to one particular cause. Rather, multiple social, political, and economic forces are all simultaneously at play.”³¹

The Majority also seems to suggest that crime occurs only in D.C. and other blue cities and states. In fact, the murder rate is higher in red states than blue states. For each year from 2000 to 2020, the murder rate in the 25 states that voted for President Trump is higher than the murder rate in the 25 states that voted for President Biden. For each year since 2011, at least seven states that voted for President Trump in 2020 were among the ten states with the highest murder rates.³²

²⁵D.C. Act 24–781 (online at https://lms.dccouncil.gov/downloads/LIMS/47448/Signed_Act/B24-0320-Signed_Act.pdf).

²⁶*Id.*

²⁷Office of the District of Columbia Auditor, *36 Fired MPD Officers Reinstated; Receive \$14 Million in Back Pay* (Oct. 6, 2022) (online at <https://dauditor.wpenginepowered.com/wp-content/uploads/2022/10/MPD.Personnel.Settlements.Report.10.6.22.pdf>).

²⁸*Id.*; *D.C. Police Chief Faces Questions About Officer Integrity at Public Safety Committee's Hearing*, Washington Post (Jan. 24, 2014) (online at www.washingtonpost.com/local/crime/dc-police-chief-faces-questions-about-officer-integrity-at-public-safety-committees-hearing/2014/01/24/10c106d2-8504-11e3-8099-9181471f7aaf_story.html); District of Columbia Police Reform Commission, *Decentering Police to Improve Public Safety: A Report of the DC Police Reform Commission* (Apr. 1, 2021) (online at <https://dccouncil.gov/police-reform-commission-full-report/>).

²⁹*Id.*; *The Hidden Billion-Dollar Cost of Repeated Police Misconduct*, Washington Post (May 9, 2022) (online at www.washingtonpost.com/investigations/interactive/2022/police-misconduct-repeated-settlements/).

³⁰International Association of Chiefs of Police, *The State of Recruitment: A Crisis for Law Enforcement* (online at https://theiacp.org/sites/default/files/239416_IACP_RecruitmentBR_HR_0.pdf) (accessed Mar. 30, 2023).

³¹*Id.*

³²Third Way, *The Two-Decade Red State Murder Problem* (Jan. 27, 2023) (online at <https://thirdway.org/report/the-two-decade-red-state-murder-problem>).

CONCLUSION

All Americans are born equal; all of us have unalienable rights, including the rights to life, liberty, and the pursuit of happiness; government exists legitimately only resting on the consent of the governed; and no people should be governed or taxed without their own direct representation. For these reasons, we strongly oppose H.J. Res. 42 and any other effort to undermine the will of D.C. voters and their elected representatives. The American citizens who live in D.C. want statehood for D.C., and Congress should heed their calls.

JAMIE RASKIN,
*Ranking Member, Committee
on Oversight and Account-
ability.*

ELEANOR HOLMES NORTON,
Member.

