

PROTECTING OUR NATION'S CAPITAL EMERGENCY ACT  
OF 2024

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DECEMBER 18, 2024.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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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.R. 5798]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Accountability, to whom was referred the bill (H.R. 5798) to restore the right to negotiate matters pertaining to the discipline of law enforcement officers of the District of Columbia through collective bargaining, to restore the statute of limitations for bringing disciplinary cases against members or civilian employees of the Metropolitan Police Department of the District of Columbia, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

CONTENTS

	Page
Summary and Purpose of Legislation .....	2
Background and Need for Legislation .....	2
Section-by-Section Analysis .....	3
Legislative History .....	4
Committee Consideration .....	4
Roll Call Votes .....	4
Explanation of Amendments .....	6
List of Related Committee Hearings .....	6
Statement of Oversight Findings and Recommendations of the Committee .....	6
Statement of General Performance Goals and Objectives .....	6
Application of Law to the Legislative Branch .....	6
Duplication of Federal Programs .....	6

Federal Advisory Committee Act Statement .....	7
Unfunded Mandates Reform Act Statement .....	7
Earmark Identification .....	7
Committee Cost Estimate .....	7
New Budget Authority and Congressional Budget Office Cost Estimate .....	7
Changes in Existing Law Made by the Bill, as Reported .....	7
Minority Views .....	10

The amendment is as follows:  
 Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Protecting Our Nation’s Capital Emergency Act of 2024”.

**SEC. 2. RESTORATION OF EQUITABLE AND FAIR TREATMENT OF LAW ENFORCEMENT PERSONNEL OF DISTRICT OF COLUMBIA.**

(a) RESTORATION OF RIGHT TO NEGOTIATE MATTERS PERTAINING TO DISCIPLINE OF DISTRICT OF COLUMBIA LAW ENFORCEMENT OFFICERS THROUGH COLLECTIVE BARGAINING.—Section 1708 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–617.08, D.C. Official Code), as amended by section 116(b) of the Comprehensive Policing and Justice Reform Amendment Act of 2022 (D.C. Law 24–345), is amended by striking subsection (c).

(b) RESTORATION OF STATUTE OF LIMITATIONS FOR CLAIMS AGAINST MEMBERS OR CIVILIAN EMPLOYEES OF METROPOLITAN POLICE DEPARTMENT.—Subtitle M of title I of the Comprehensive Policing and Justice Reform Amendment Act of 2022 (D.C. Law 24–345) is repealed, and any provision of law amended or repealed by such subtitle is restored or revived as if such subtitle had not been enacted into law.

**SUMMARY AND PURPOSE OF LEGISLATION**

H.R. 5798 amends the D.C. Government Comprehensive Merit Personnel Act of 1978 to repeal two amendments recently made by the Comprehensive Policing and Justice Reform Amendment Act of 2022 (D.C. Law 24–345), including the ability of the Metro Police Department (MPD) officer union to bargain on matters of officer discipline, a strict timeline under which such discipline must be carried out for alleged wrongdoing, and the creation of a public website announcing the schedule of adverse action hearings for officers.

**BACKGROUND AND NEED FOR LEGISLATION**

H.R. 5798 would overturn certain provisions in the Comprehensive Policing and Justice Reform Amendment Act of 2022, which was passed by the D.C. Council on January 4, 2023. In response to the Comprehensive Policing and Justice Reform Amendment Act of 2022, the Congress voted in a bipartisan fashion to pass H.J. Res. 42, a resolution of disapproval of the Comprehensive Policing and Justice Reform Amendment Act. H.J. Res. 42 was then vetoed by the President.

However, despite the President’s rebuke of Congress’s views, D.C. crime is only getting worse. Crime in D.C. has increased 26 percent in 2023 over the previous year.<sup>1</sup> In 2023, homicides were up 35 percent compared to 2022, and homicides have doubled since 2012.<sup>2</sup> Robberies are also up 67 percent.<sup>3</sup> Violent crime in D.C. has

<sup>1</sup>*District Crime Data at a Glance*, DC.GOV (Feb. 5, 2024), <https://mpdc.dc.gov/page/district-crime-data-glance>.

<sup>2</sup>*Id.*

<sup>3</sup>*Id.*

increased by 39 percent from 2022 to 2023.<sup>4</sup> Motor vehicle thefts have increased by 107 percent in 2023 compared to 2022.<sup>5</sup>

Local D.C. residents are aware of this and have held community meetings to discuss crime, particularly carjackings.<sup>6</sup> Crime is also occurring right outside of Federal government buildings.<sup>7</sup> At the end of January of 2024, a man was shot on the 900 block of K Street NW—just north of the White House.<sup>8</sup> D.C.’s businesses recognize the seriousness of the rising crime and have responded by either closing their doors or relocating to safer regions. In 2023, 52 restaurants in D.C. closed in response to the surge in violent crime.<sup>9</sup>

Meanwhile, the D.C. Council has chosen to attack their own police force, singling out the Metropolitan Police Department (MPD) as the only major police union with restrictions on its ability to bargain on disciplinary matters. H.R. 5798 would restore D.C. police officers’ prior collective bargaining abilities by restoring their ability to negotiate matters pertaining to officer discipline through the collective bargaining process. Next, it would restore the requirement for claims against MPD members or civilian employees of MPD be timely, as prolonged investigations can represent its own form of additional punishment to officers. Finally, it would remove the requirement for D.C. to publicly disclose the time and location of officers’ adverse actions hearings.

D.C. cannot afford to lose any more officers while combatting rising crime and keeping D.C. residents safe. It is the Committee’s position that these policies must be reinstated in D.C. Code in order to preserve the MPD’s ability to recruit and retain officers.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

The short title is the “Protecting Our Nation’s Capital Emergency Act of 2023”.

##### *Section 2. Restoration of equitable and fair treatment of law enforcement personnel of District of Columbia*

Subsection (a) restores the D.C. law enforcement officers’ right to collectively bargain on matters pertaining to discipline. Subsection (b) restores the requirement for timely disciplinary actions regarding claims against members or civilian employees of MPD. The subsection also removes the requirement for a public website to provide the time and place for adverse action hearings against officers.

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<sup>4</sup>*Id.*

<sup>5</sup>*Id.*

<sup>6</sup>Sierra Fox, *Community demands accountability for juvenile crimes at carjacking panel in Southeast*, FOX 5 (Jan. 31, 2024), <https://www.fox5dc.com/news/community-demands-accountability-for-juvenile-crimes-at-carjacking-panel-in-southeast>.

<sup>7</sup>*MPD Investigating Man’s Overnight Crime Spree, Leaving 1 Dead and 1 with Critical Injuries*, DC.GOV (Jan. 30, 2024), <https://mpdc.dc.gov/release/mpd-investigating-man%E2%80%99s-overnight-crime-spree-leaving-1-dead-and-1-critical-injuries>.

<sup>8</sup>*Id.*

<sup>9</sup>Nikolas Lanum, *DC business owner warns of ‘out of control’ prices and crime after 52 restaurants shut down*, FOX NEWS (Dec. 29, 2023), <https://www.foxnews.com/media/dc-business-owner-control-prices-crime-52-restaurants-shut-down>.

## LEGISLATIVE HISTORY

H.R. 5798, the Protecting Our Nation's Capital Emergency Act of 2023, was introduced on September 28, 2023, by Representative Andrew Garbarino. The following Representatives are cosponsors of the bill: Anthony D'Esposito (R-NY), John Rutherford (R-FL), Andy Biggs (R-AZ), Daniel Meuser (R-PA), Wiley Nickel (D-NC), Henry Cuellar (D-TX), Pete Stauber (R-MN), Max Miller (R-OH), Beth Van Duyne (R-TX), Mike Kelly (R-PA), Thomas Kean (R-NJ), and Donald Davis (D-NC). The bill was referred to the Committee on Oversight and Accountability. The Committee on Oversight and Accountability held a legislative hearing on March 29, 2023. The Committee considered H.R. 5798 at a business meeting on February 6, 2024, and ordered the bill as amended favorably reported by a recorded vote.

## COMMITTEE CONSIDERATION

On February 6, the Committee met in open session and ordered the bill, H.R. 5798, favorably reported with an amendment in the nature of a substitute, by a roll call vote of 22-19, a quorum being present.

## ROLL CALL VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the following roll call vote occurred during the Committee's consideration of H.R. 5798:

The roll call vote was on favorably reporting H.R. 5798. The bill was agreed to in a recorded vote of 22-19.

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

Vote on: Final Passage – H.R. 5798, Protecting Our Nation's Capital Emergency Act  
Date: 2-6-2024

VOTE #: 2

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)				MS. NORTON (DC)		X	
MR. TURNER (OH)	X			MR. LYNCH (MA)			
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. CLOUD (TX)	X			MR. MFUME (MD)		X	
MR. PALMER (AL)	X			MS. OCASIO-CORTEZ (NY)			
MR. HIGGINS (LA)	X			MS. PORTER (CA)		X	
MR. SESSIONS (TX)	X			MS. BUSH (MO)		X	
MR. BIGGS (AZ)	X			MR. GOMEZ (CA)		X	
MS. MACE (SC)	X			MS. BROWN (OH)		X	
MR. LATURNER (KS)	X			MS. STANSBURY (NM)		X	
MR. FALLON (TX)	X			MR. GARCIA (CA)		X	
MR. DONALDS (FL)	X			MR. FROST (FL)		X	
MR. PERRY (PA)	X			MS. LEE of PENNSYLVANIA (PA)		X	
MR. TIMMONS (SC)	X			MR. CASAR (TX)		X	
MR. BURCHETT (TN)	X			MS. CROCKETT (TX)		X	
MS. GREENE OF GEORGIA (GA)				MR. GOLDMAN (NY)		X	
MRS. MCCLAIN (MI)	X			MR. MOSKOWITZ (FL)		X	
MRS. BOEBERT (CO)	X			MS. TLAIB (MI)		X	
MR. FRY (SC)							
MRS. LUNA (FL)	X						
MR. LANGWORTHY (NY)							
MR. BURLISON (MO)	X						
MR. WALTZ (FL)	X						

Roll Call Totals: Ayes: 22 Nays: 19 Present: \_\_\_\_\_  
Passed:   X   Failed: \_\_\_\_\_

## EXPLANATION OF AMENDMENTS

During Committee consideration of the bill, Representative James Comer (R–KY), Chairman of the Committee, offered an amendment in the nature of a substitute that would make certain technical changes to the bill. The amendment in the nature of a substitute passed by voice vote.

## 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.R. 5798:

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

## 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 and objectives of this bill are to restore the ability of the Metropolitan Police Department (MPD) to negotiate matters pertaining to the discipline of law enforcement officers of the District of Columbia, to restore the statute of limitations for bringing disciplinary cases against members or civilian employees of the MPD, and for other purposes.

## 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 bill 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 bill 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.

## FEDERAL ADVISORY COMMITTEE ACT STATEMENT

The Committee finds that this legislation 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 REFORM ACT 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

This bill 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 COST 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 bill 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)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause 3(c)(3) of rule XIII of the Rules 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:

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**SECTION 1-617.08. OF THE DISTRICT OF COLUMBIA  
OFFICIAL CODE**

**§ 1-617.08. Management rights; matters subject to collective bargaining.**

(a) The respective personnel authorities (management) shall retain the sole right, in accordance with applicable laws and rules and regulations:

(1) To direct employees of the agencies;

(2) To hire, promote, transfer, assign, and retain employees in positions within the agency and to suspend, demote, discharge, or take other disciplinary action against employees for cause;

(3) To relieve employees of duties because of lack of work or other legitimate reasons;

(4) To maintain the efficiency of the District government operations entrusted to them;

(5) To determine:

(A) The mission of the agency, its budget, its organization, the number of employees, and to establish the tour of duty;

(B) The number, types, and grades of positions of employees assigned to an agency's organizational unit, work project, or tour of duty;

(C) The technology of performing the agency's work; and

(D) The agency's internal security practices; and

(6) To take whatever actions may be necessary to carry out the mission of the District government in emergency situations.

(a-1) An act, exercise, or agreement of the respective personnel authorities (management) shall not be interpreted in any manner as a waiver of the sole management rights contained in subsection (a) of this section.

(b) All matters shall be deemed negotiable except those that are proscribed by this subchapter. Negotiations concerning compensation are authorized to the extent provided in § 1-617.16.

[(c)(1) All matters pertaining to the discipline of sworn law enforcement personnel shall be retained by management and not be negotiable through bargaining, including substantive or impacts-and-effects bargaining.

[(2) This subsection shall apply to any collective bargaining agreements entered into with the Fraternal Order of Police/Metropolitan Police Department Labor Committee after September 30,

2020, and to any collective bargaining agreements automatically renewed on or after September 30, 2020.】

**SUBTITLE M OF TITLE I OF THE COMPREHENSIVE POLICING AND JUSTICE REFORM AMENDMENT ACT OF 2022**

**【SUBTITLE M—OFFICER DISCIPLINE REFORMS**

**【SEC. 117.** Section 502 of the Omnibus Public Safety Agency Reform Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-1031), is amended as follows:

**【(a)** Subsection (a-1) is repealed.

**【(b)** Subsection (b) is amended to read as follows:

**【“(b) If the act or occurrence allegedly constituting cause is the subject of a criminal investigation by the Metropolitan Police Department or any law enforcement or prosecuting agency with jurisdiction within the United States, the Office of the United States Attorney for the District of Columbia, or the Office of the Attorney General, or is the subject of an investigation by the Office of the Inspector General or the Office of the District of Columbia Auditor, the 90-day period for commencing a corrective or adverse action under subsection (a) of this section shall be tolled until the conclusion of the investigation.”.**

**【(c)** A new subsection (c) is added to read as follows:

**【“(c)(1) MPD shall publish, on a publicly accessible website, a schedule of adverse action hearings for cases in which the proposed discipline is termination.**

**【(2) The schedule shall include:**

**【(A) The date, time, and location of the hearing;**

**【(B) The name and badge number of the subject officer; and**

**【(C) A summary of the alleged misconduct or charges against the subject officer.”.**

**【SEC. 118.** Section 6-A1001.5 of Chapter 10 of Title 6 of the District of Columbia Municipal Regulations is amended by striking the phrase “reduce the penalty” and inserting the phrase “reduce or increase the penalty” in its place.】

## MINORITY VIEWS

We strongly oppose H.R. 5798 because we support home rule for the District of Columbia and because we oppose making it harder for the D.C. police department to discipline police officers for crimes and official misconduct.

### I. DEMOCRACY AND 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.”<sup>1</sup> 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.<sup>2</sup>

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 and seems to do so 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.<sup>3</sup> Indeed, Congress has established various forms of local government for D.C. since 1802.<sup>4</sup> 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.”<sup>5</sup>

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.<sup>6</sup> 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 “relieve Congress of the burden of legislating upon essentially local District matters.”<sup>7</sup> H.R. 5798, which would repeal disciplinary laws for D.C. police officers, clearly contravenes the intent of the Home Rule Act.

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<sup>1</sup>Merriam-Webster, *Definition of “Democracy”* (online at [www.merriam-webster.com/dictionary/democracy](http://www.merriam-webster.com/dictionary/democracy)) (accessed Feb. 6, 2024).

<sup>2</sup>U.S. Const. art. I, § 8, cl. 17.

<sup>3</sup> “[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).

<sup>4</sup> See House 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).

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

<sup>6</sup> Pub. L. No. 93–198 (1973).

<sup>7</sup> *Id.*

After extensive deliberation, the D.C. Council passed the Comprehensive Policing and Justice Reform Amendment Act of 2022 (CPJRAA) twice, as required by the Home Rule Act, by votes of 11 to 0 and 13 to 0.<sup>8</sup> D.C. Mayor Muriel Bowser and D.C. Council Chair Phil Mendelson urged Congress to oppose a disapproval resolution on the CPJRAA.<sup>9</sup> Twelve of 13 D.C. Councilmembers urged the Committee to oppose H.R. 5798.<sup>10</sup>

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 interfering in local D.C. matters, Congress should finally pass the D.C. statehood bill, H.R. 51, the Washington, D.C. Admission Act.

## II. POLICE ACCOUNTABILITY AND TRANSPARENCY

The merits of H.R. 5798 are beside the point, because we believe in home rule for D.C., but we will address them nonetheless. H.R. 5798 would harm public safety, undermine accountability, transparency, and trust, and hurt the morale of the D.C. police department.

H.R. 5798 has one purpose: making it harder for the D.C. police department to discipline police officers for crimes and official misconduct, contrary to the longstanding support of D.C. police chiefs to make it easier to do so. The Committee considered H.R. 5798 for one reason: the D.C. police union demanded it.

The D.C. police department has been forced to rehire a significant number of police officers it had fired for crimes and official misconduct, primarily because of decisions by arbitrators.<sup>11</sup> Former D.C. police Chief Charles Ramsey said such reinstatements are “demoralizing to the rank and file who really don’t want to have those kinds of people in their ranks[.] It causes a tremendous amount of anxiety in the public. Our credibility is shot whenever these things happen.”<sup>12</sup>

Police misconduct not only undermines public trust and police officer morale, it costs taxpayers. D.C. has paid millions of dollars in back pay to police officers it was forced to rehire, and D.C. paid \$91 million to resolve claims alleging police officer misconduct over a recent ten-year period.<sup>13</sup>

<sup>8</sup>D.C. Act 24–781 (online at [https://lms.dccouncil.gov/downloads/LIMS/47448/Signed\\_Act/B24-0320-Signed\\_Act.pdf](https://lms.dccouncil.gov/downloads/LIMS/47448/Signed_Act/B24-0320-Signed_Act.pdf)).

<sup>9</sup>Letter 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).

<sup>10</sup>Letter from members of the Council of the District of Columbia to Chairman James Comer and Ranking Member Jamie Raskin, Committee on Oversight and Accountability (Feb. 5, 2024).

<sup>11</sup>Office of the District of Columbia Auditor, *36 Fired MPD Officers Reinstated; Receive \$14 Million in Back Pay* (Oct. 6, 2022) (online at <https://dcauditor.org/report/mpd-personnel-settlement-report/>).

<sup>12</sup>*Fired/Rehired: Police Chiefs Are Often Forced to Put Officers Fired for Misconduct Back on the Streets*, Washington Post (Aug. 3, 2017) (online at [www.washingtonpost.com/graphics/2017/investigations/police-fired-rehired/](https://www.washingtonpost.com/graphics/2017/investigations/police-fired-rehired/)).

<sup>13</sup>Office of the District of Columbia Auditor, *36 Fired MPD Officers Reinstated; Receive \$14 Million in Back Pay* (Oct. 6, 2022) (online at <https://dcauditor.org/report/mpd-personnel-settlement-report/>); *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/](https://www.washingtonpost.com/investigations/interactive/2022/police-misconduct-repeated-settlements/)).

H.R. 5798 would repeal four provisions in the CPJRAA. It would (1) repeal the prohibition on collective bargaining over police officer discipline; (2) reinstate the statute of limitations for the police department to commence corrective or adverse action against a police officer or civilian employee; (3) repeal the authority of the police chief to increase the proposed disciplinary penalty for a police officer; and (4) repeal the requirement that the police department publish on a public website a schedule of police officer disciplinary hearings in which the proposed discipline for a police officer is termination, including the date, time, and location of the hearing, the name and badge number of the officer, and a summary of the alleged misconduct or charges.

Several states, including states represented by Republican Members of the Committee, prohibit collective bargaining by public employees.<sup>14</sup> The CPJRAA maintains collective bargaining by police officers, except over discipline, and maintains the civil service protections and due process rights of police officers.

Collective bargaining by police officers has been widely criticized for protecting officers from discipline for crimes and official misconduct. A Republican staff report for the Joint Economic Committee said that “[c]ollective bargaining plays a significant role in shielding police officers from the consequences of their misconduct, exacerbating mistrust in the police.”<sup>15</sup> A law review article conducted an empirical examination of police union contracts, concluding, “This [a]rticle’s findings are consistent with the hypothesis that police union contracts sometimes establish problematic internal disciplinary procedures that serve as barriers to accountability.”<sup>16</sup>

The CPJRAA repealed the 90-day statute of limitations for the police department to commence disciplinary actions against police officers. The CPJRAA did so because 90 days was not enough time in some cases to commence disciplinary actions against police officers, adjudicators had overturned disciplinary penalties because the police department had exceeded 90 days to commence disciplinary actions against police officers, and there was no statute of limitations for commencing disciplinary actions against most other D.C. government employees.<sup>17</sup> The home state of Rep. Andrew Garbarino, the sponsor of H.R. 5798, has an 18-month statute of limitations on commencing disciplinary actions against police officers.<sup>18</sup>

H.R. 5798 would repeal the provision in the CPJRAA that gave the police chief the authority to increase the disciplinary penalty proposed by a police trial board, which consists of police officers. Before the CPJRAA, the police chief could only impose or reduce the proposed penalty or order a new trial. The CPJRAA increased

<sup>14</sup>See National Council on Teacher Quality, *Collective Bargaining Laws* (online at [www.nctq.org/contract-database/collectiveBargaining](http://www.nctq.org/contract-database/collectiveBargaining)) (accessed Feb. 7, 2024).

<sup>15</sup>Joint Economic Committee, *Accountability for Bad Apples: Police Reforms to Restore Faith in Institutions* (Mar. 21, 2021) (online at [www.jec.senate.gov/public/\\_cache/files/e54f6c37-017c-49c2-ad0b-de12bcc48978/3-21-police-reform.pdf](http://www.jec.senate.gov/public/_cache/files/e54f6c37-017c-49c2-ad0b-de12bcc48978/3-21-police-reform.pdf)).

<sup>16</sup>Stephen Rushin, *Police Union Contracts*, 66 Duke L.J. 1191, 1239 (2017) (online at <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=3890&context=dlj>).

<sup>17</sup>Council of the District of Columbia Committee on the Judiciary and Public Safety, *Report on Bill 24-0320, the Comprehensive Policing and Justice Reform Amendment Act of 2022* (Nov. 30, 2022) (online at [https://lms.dccouncil.gov/downloads/LIMS/47448/Committee\\_Report/B24-0320-Committee\\_Report1.pdf](https://lms.dccouncil.gov/downloads/LIMS/47448/Committee_Report/B24-0320-Committee_Report1.pdf)).

<sup>18</sup>N.Y. Civil Service Law § 75(4) (online at [www.nysenate.gov/legislation/laws/CVS/75](http://www.nysenate.gov/legislation/laws/CVS/75)).

the power of the police chief for discipline and reduced the power of the police officers on the police trial board, who may be more inclined to protect their fellow officers from discipline.<sup>19</sup>

Adding insult to injury, H.R. 5798 would repeal the requirement that the police department publish on a public website a schedule of police disciplinary hearings, like the House of Representatives requires of its hearings, so that people can exercise their right to attend these public hearings.

The Majority tries to draw a causal link between the CPJRAA and the difficulty the police department is having recruiting and retaining police officers. However, law enforcement agencies across the country are having difficulty with recruitment and retention, and this difficulty 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.”<sup>20</sup> 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.”<sup>21</sup>

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 was higher than the murder rate in the 25 states that voted for President Biden.<sup>22</sup> If the Majority wants to combat crime—in both red and blue jurisdictions—they should work with us to pass gun violence prevention legislation, such as requiring universal background checks for gun transfers and banning assault weapons and large-capacity magazines.

### III. 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.R. 5798 and any other effort to undermine the will of D.C. voters and their elected representatives. The American citizens who live

<sup>19</sup>See *D.C. Police Tried to Fire 24 Current Officers For ‘Criminal Offenses.’ A Powerful Panel Blocked Nearly Every One, Documents Show*, DCist (Dec. 18, 2021) (online at [www.dcist.com/story/21/12/18/dc-police-panel-blocked-mpd-firings/](http://www.dcist.com/story/21/12/18/dc-police-panel-blocked-mpd-firings/)).

<sup>20</sup>International Association of Chiefs of Police, *The State of Recruitment: A Crisis for Law Enforcement* (online at [www.theiacp.org/sites/default/files/239416\\_IACP\\_RecruitmentBR\\_HR\\_0.pdf](http://www.theiacp.org/sites/default/files/239416_IACP_RecruitmentBR_HR_0.pdf)) (accessed Feb. 7, 2024).

<sup>21</sup>*Id.*

<sup>22</sup>Third Way, *The Two-Decade Red State Murder Problem* (Jan. 27, 2023) (online at <https://thirdway.org/report/the-two-decade-red-state-murder-problem>).

in D.C. want statehood for D.C., and Congress should heed their calls.

JAMIE RASKIN,  
*Ranking Member.*

