

DISTRICT OF COLUMBIA ATTORNEY GENERAL
APPOINTMENT REFORM ACT OF 2025

SEPTEMBER 30, 2025.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

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

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 5179]

The Committee on Oversight and Government Reform, to whom
was referred the bill (H.R. 5179) to amend the District of Columbia
Home Rule Act to provide for the appointment of the Attorney Gen-
eral for the District of Columbia by the President, and for other
purpose, 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	3
Committee Consideration	3
Roll Call Votes	3
Explanation of Amendments	5
List of Related Committee Hearings	5
Statement of Oversight Findings and Recommendations of the Committee	5
Statement of General Performance Goals and Objectives	5
Application of Law to the Legislative Branch	5
Duplication of Federal Programs	6
Federal Advisory Committee Act Statement	6
Unfunded Mandates Reform Act Statement	6
Earmark Identification	6
Committee Cost Estimate	6
New Budget Authority and Congressional Budget Office Cost Estimate	6
Changes in Existing Law Made by the Bill, as Reported	6
Minority Views	9

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 “District of Columbia Attorney General Appointment Reform Act of 2025”.

SEC. 2. APPOINTMENT OF ATTORNEY GENERAL FOR DISTRICT OF COLUMBIA BY PRESIDENT.

(a) APPOINTMENT.—Part C–i of title IV of the District of Columbia Home Rule Act (sec. 1–204.35, D.C. Official Code) is amended to read as follows:

“PART C–i—ATTORNEY GENERAL

“SEC. 435. ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA.

“(a) APPOINTMENT.—The Attorney General for the District of Columbia shall be appointed by the President.

“(b) SERVICE.—The Attorney General for the District of Columbia shall serve at the pleasure of the President, and the appointment of the Attorney General for the District of Columbia does not require the advice and consent of the Senate.

“(c) TERM.—The term of office of the Attorney General for the District of Columbia shall coincide with the term of office of the President.

“(d) RULE OF CONSTRUCTION REGARDING TREATMENT OF EMPLOYEES.—Nothing in this section shall be construed to treat an employee of the Office of the Attorney General for the District of Columbia who is appointed by the Attorney General for the District of Columbia as a Federal employee for any purpose except as may be specified in law.”.

(b) TERMINATION OF SERVICE OF CURRENT ATTORNEY GENERAL.—The term of service of the individual serving as the Attorney General for the District of Columbia on the day before the date of the enactment of this Act shall terminate on the date of the enactment of this Act.

SUMMARY AND PURPOSE OF LEGISLATION

H.R. 5179 reforms the way the District of Columbia’s Attorney General is selected by making the D.C. Attorney General a Presidentially appointed position rather than an elected one. The new appointment process does not include Senate confirmation. The current D.C. Attorney General’s appointment shall terminate on the date of enactment.

BACKGROUND AND NEED FOR LEGISLATION

The Attorney General (AG) is elected on a partisan basis to a 4-year term, coinciding with the term of the office of the D.C. Mayor.¹ The current D.C. AG, Brian Schwalb, assumed office in January 2023, and his current term ends on January 2, 2027.² The D.C. AG is charged with prosecuting juvenile crime in the District of Columbia, which continues to rise. The AG and D.C. Council’s soft-on-crime policies have created an environment for truancy, chronic absenteeism, and violent crime to flourish. AG Schwalb has exhibited a concerning attitude towards juvenile crime having endorsed in 2013 the D.C.’s leniency on young adults.³ Mayor Muriel Bowser and AG Schwalb have been unable to come to a consensus on how to best move forward with tackling the juvenile crime crisis in the District.⁴ The District should have a unified approach to tackling crime. The D.C. Attorney general should be appointed by

¹D.C. Code § 1–204.35.

²*Brian Schwalb*, Ballotpedia (last visited Aug. 6, 2025), available at https://ballotpedia.org/Brian_Schwalb.

³The Top 3, *supra* note 11, at 0:44.

⁴Flynn, *supra* note 12.

the President in order to ensure appropriate executive accountability over crime in the District.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

The short title is the “District of Columbia Attorney General Appointment Reform Act.”

Section 2: Appointment of Attorney General for District of Columbia by President

Subsection (a) (Appointment) replaces the existing section of the D.C. Code related to the election of the Attorney General with a new section 435 (Attorney General for the District of Columbia.) stipulating the appointment of the position by the President of the United States. Stipulates that the Attorney General serves at the pleasure of the President, that the appointment does not requires the advice and consent of the U.S. Senate, and that the Attorney General’s term coincides with that of the President.

Subsection (b) (Termination of Service of Current Attorney General) provides for the termination of the current Attorney General on the date of enactment.

LEGISLATIVE HISTORY

H.R. 5179, the District of Columbia Attorney General Appointment Reform Act of 2025, was introduced on September 8, by Representative Pat Fallon (R–TX). The following Representative is a cosponsor of the bill: Clay Higgins (R–LA). The bill was referred to the Committee on Oversight and Government Reform. The Committee considered H.R. 5179 at a business meeting on September 10, 2025, and ordered the bill as amended favorably reported by a recorded vote.

COMMITTEE CONSIDERATION

On September 10, 2025, the Committee met in open session and ordered the bill, H.R. 5179, favorably reported with an amendment in the nature of a substitute, by a roll call vote of 25–20, 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. 5179:

The roll call vote was on favorably reporting H.R. 5179. The bill was agreed to in a recorded vote of 25–20.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

119TH CONGRESS

RATIO 26-21

ROLL CALL

Vote on: Final Passage – H.R. 5179, District of Columbia Attorney General Appointment Reform Act

Date: 9/10/2025

VOTE #: 18

Republicans	Aye	No	Present	Democrats	Aye	No	Present
MR. COMER (KY) <i>(Chairman)</i>	X			MR. GARCIA (CA) <i>(Ranking Member)</i>		X	
MR. JORDAN (OH)	X			MS. NORTON (DC)		X	
MR. TURNER (OH)	X			MR. LYNCH (MA)		X	
MR. GOSAR (AZ)	X			MR. KRISHNAMOORTHY (IL)		X	
MS. FOXX (NC)	X			MR. KHANNA (CA)		X	
MR. GROTHMAN (WI)	X			MR. MFUME (MD)		X	
MR. CLOUD (TX)	X			MS. BROWN (OH)		X	
MR. PALMER (AL)	X			MS. STANSBURY (NM)		X	
MR. HIGGINS (LA)	X			MR. FROST (FL)		X	
MR. SESSIONS (TX)	X			MS. LEE of PENNSYLVANIA (PA)		X	
MR. BIGGS (AZ)	X			MR. CASAR (TX)		X	
MS. MACE (SC)	X			MS. CROCKETT (TX)		X	
MR. FALLON (TX)	X			MS. RANDALL (WA)		X	
MR. DONALDS (FL)	X			MR. SUBRAMANYAM (VA)		X	
MR. PERRY (PA)	X			MS. ANSARI (AZ)		X	
MR. TIMMONS (SC)	X			MR. BELL (MO)		X	
MR. BURCHETT (TN)	X			MS. SIMON (CA)		X	
MS. GREENE OF GEORGIA (GA)	X			MR. MIN (CA)		X	
MS. BOEBERT (CO)	X			MS. PRESSLEY (MA)		X	
MRS. LUNA (FL)				MS. TLAIB (MI)		X	
MR. LANGWORTHY (NY)	X			VACANCY			
MR. BURLISON (MO)	X						
MR. CRANE (AZ)	X						
MR. JACK (GA)	X						
MR. MCGUIRE (VA)	X						
MR. GILL (TX)	X						

Roll Call Totals:

Ayes: 25

Nays: 20

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 made a certain technical change 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. 5179:

On March 11, 2025, the Committee on Oversight and Government Reform subcommittee on Federal Law Enforcement held a legislative hearing titled “Enhancing Federal, State, and Local Coordination in the Fight Against Criminal Illegal Aliens” with Joseph Humire, Executive Director, The Center for a Secure Free Society; the Honorable Bob Gaultieri, Sheriff, Pinellas County, Florida; and Kerry E. Doyle, Former Principal Legal Advisor, U.S. Immigration and Customs Enforcement.

(2) The following related hearing was held:

On March 11, 2025, the Committee on Oversight and Government Reform subcommittee on Federal Law Enforcement held a legislative hearing titled “Enhancing Federal, State, and Local Coordination in the Fight Against Criminal Illegal Aliens” with Joseph Humire, Executive Director, The Center for a Secure Free Society; the Honorable Bob Gaultieri, Sheriff, Pinellas County, Florida; and Kerry E. Doyle, Former Principal Legal Advisor, U.S. Immigration and Customs Enforcement.

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 bill are to amend the District of Columbia Home Rule Act to provide for the appointment of the Attorney General for the District of Columbia by the President, 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

Pursuant to section 5(b) of Public Law 92–463 (5 U.S.C. 1004(b)), the Federal Advisory Committee Act, the Committee finds that this Committee Print does not direct the establishment of an advisory committee.

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(d)(1) of House rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974*.

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 and new matter is printed in italics):

**PART C-I OF TITLE IV OF THE DISTRICT OF COLUMBIA
HOME RULE ACT**

* * * * *

[PART C-i—The Attorney General

【SEC. 435. (a) The Attorney General for the District of Columbia shall be elected on a partisan basis by the registered qualified electors of the District. Nothing in this section shall prevent a candidate for the position of Attorney General from belonging to a political party.

【(b)(1) If a vacancy in the position of Attorney General occurs as a consequence of resignation, permanent disability, death, or other reason, the Board of Elections shall hold a special election in the District on the Tuesday occurring at least 70 days and not more than 174 days after the date on which such vacancy occurs which the Board of Elections determines, based on a totality of the circumstances, taking into account, inter alia, cultural and religious holidays and the administrability of the election, will provide the opportunity for the greatest level of voter participation. The person elected Attorney General to fill a vacancy in the Office of the Attorney General shall take office on the day in which the Board of Elections and Ethics certifies his or her election, and shall serve as Attorney General only for the remainder of the term during which the vacancy occurred unless reelected.

【(2) When the position of Attorney General becomes vacant, the Chief Deputy Attorney General shall become the Acting Attorney General and shall serve from the date the vacancy occurs until the date on which the Board of Elections and Ethics certifies the election of the new Attorney General at which time he or she shall again become the Chief Deputy Attorney General. While the Chief Deputy Attorney General is Acting Attorney General, he or she shall receive the compensation regularly paid the Attorney General, and shall receive no compensation as Chief Deputy Attorney General.

【(c) The term of office for the Attorney General shall be 4 years and shall begin on noon on January 2nd of the year following his or her election. The term of office of the Attorney General shall coincide with the term of office of the Mayor.

【(d) Any candidate for the position of Attorney General shall meet the qualifications of section 103 of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, passed on 2nd reading on February 2, 2010 (Enrolled version of Bill 18-65), prior to the day on which the election for the Attorney General is to be held.

【(e) The first election for the position of Attorney General shall be after January 1, 2014.】

PART C-i—ATTORNEY GENERAL

SEC. 435. ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA.

(a) *APPOINTMENT.*—The Attorney General for the District of Columbia shall be appointed by the President.

(b) *SERVICE.*—*The Attorney General for the District of Columbia shall serve at the pleasure of the President, and the appointment of the Attorney General for the District of Columbia does not require the advice and consent of the Senate.*

(c) *TERM.*—*The term of office of the Attorney General for the District of Columbia shall coincide with the term of office of the President.*

(d) *RULE OF CONSTRUCTION REGARDING TREATMENT OF EMPLOYEES.*—*Nothing in this section shall be construed to treat an employee of the Office of the Attorney General for the District of Columbia who is appointed by the Attorney General for the District of Columbia as a Federal employee for any purpose except as may be specified in law.*

MINORITY VIEWS

The Minority strongly opposes this bill, which is an unprecedented attack on D.C. voters' right to self-governance and self-determination.

This bill would strip from the more than 700,000 D.C. residents the ability to elect their own attorney general (AG) and hand that power to the President without even requiring the Senate's consent. This is an authoritarian overreach disguised as legislation.

With a President's hand-picked D.C. AG, the president would be in charge of what crimes the office prosecutes in D.C.

No other state or U.S. territory's AG operates in this way. An overwhelming majority of states elect their AGs because the jurisdiction's voters choose who best represents their interests in a court of law. Even in the seven states where the AG is appointed, they are still chosen by that state's governor or legislature—officials that answer directly to their constituents. This bill would treat D.C. residents and local officials as second-class citizens of the United States.

This bill would immediately terminate the duly elected AG who was chosen by D.C.'s voters just three years ago. The AG would be replaced with the President's favorites and biggest supporters, politicizing the role.

This bill also eliminates Senate confirmation from this appointment, removing even Congress's check on executive branch. This means that Congress's oversight role of executive branch decision-making would be eliminated for this position.

With backing from Congressional Republicans, President Trump has tried to exert control over D.C.'s local police department and immigration policy. Now they're trying to take control of D.C.'s chief legal officer.

As D.C. AG Brian Schwalb stated, this bill would concentrate all criminal and civil litigation authority in the President, stripping the District and its residents of any local control over these essential functions.”¹

If enacted, this would set a dangerous precedent for America.

ROBERT GARCIA,
Ranking Member.

○

¹Letter from Attorney General Brian Schwalb, Government of the District of Columbia Office of the Attorney General, to Chairman James Comer, Committee on Oversight and Government Reform, and Ranking Member Robert Garcia, Committee on Oversight and Government Reform (Sept. 9, 2025).