

TO PROHIBIT THE DISTRICT OF COLUMBIA FROM REQUIRING TRIBUNALS
IN COURT OR ADMINISTRATIVE PROCEEDINGS IN THE DISTRICT OF CO-
LUMBIA TO DEFER TO THE MAYOR OF THE DISTRICT OF COLUMBIA'S
INTERPRETATION OF STATUTES AND REGULATIONS, AND FOR OTHER
PURPOSES

MAY 13, 2026.—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. 3766]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom
was referred the bill (H.R. 3766) to prohibit the District of Colum-
bia from requiring tribunals in court or administrative proceedings
in the District of Columbia to defer to the Mayor of the District of
Columbia’s interpretation of statutes and regulations, and for other
purposes, having considered the same, reports favorably thereon
with an amendment and recommends that the bill as amended do
pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. PROHIBITING THE DISTRICT OF COLUMBIA FROM REQUIRING TRIBUNALS TO DEFER TO MAYOR'S INTERPRETATION OF STATUTES AND REGULATIONS.

(a) PROHIBITION.—The District of Columbia may not require a reviewing tribunal—

(1) in reviewing an order or decision of the Mayor of the District of Columbia or an agency of the District of Columbia in any court or administrative proceeding in the District of Columbia, including judicial review proceedings, to defer to the Mayor's or agency's interpretation of a statute or regulation the Mayor or agency administers; or

(2) in reviewing a rule adopted by the Mayor or an agency, to defer to the Mayor's or agency's interpretation of a statute the Mayor or agency administers.

(b) REPEAL OF LEGISLATION.—The Review of Agency Action Clarification Amendment Act of 2025 (D.C. Law 26–37) is hereby repealed, and any provision of law amended or repealed by such Act is restored or revived as if such Act had not been enacted into law.

SUMMARY AND PURPOSE OF LEGISLATION

H.R. 3766 prohibits the District of Columbia (D.C.) from requiring tribunals in D.C. judicial or administrative proceedings to defer to the D.C. Mayor's or D.C. agencies' interpretations of statutes and regulations they administer. By doing so, the bill aligns the rules of statutory and regulatory interpretation in D.C. courts with those applicable in federal courts under the Supreme Court's recent decision in *Loper-Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024).

BACKGROUND AND NEED FOR LEGISLATION

Following the Supreme Court's decision in *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984), the federal courts for decades deferred to administrative agencies' interpretations of statutes and regulations they administer. This came to be called “*Chevron* deference” and was in dereliction of the courts' constitutional duty to “say what the law is.” *Marbury v. Madison*, 5 U.S. 137, 177 (1803).

In *Loper Bright*, the Supreme Court overturned the erroneous deference regime established under *Chevron*, requiring once again that courts, not agencies, definitively interpret the law in disputes before the federal courts. Twice since *Loper Bright*, however, the D.C. Council has passed legislation binding D.C. courts and administrative tribunals to grant *Chevron*-style deference to the D.C. Mayor's and D.C. agencies' interpretations of statutes and regulations.¹

The Council's actions have been out of step with sound jurisprudence and policy, represent overreach by the Council into the D.C. judicial branch, and require the D.C. courts to put a thumb on the scale in favor of the Mayor and agencies in litigation brought by D.C. residents and businesses. It should not be that litigants in

¹See D.C. Law 25–290, Review of Agency Action Clarification Temporary Amendment Act of 2024; D.C. Law 26–37, Review of Agency Action Clarification Amendment Act of 2025.

D.C. courts still have to confront the injustice of *Chevron* deference while litigants in federal courts nearby get the full benefit of the Supreme Court's *Loper Bright* decision. H.R. 3766 is necessary to avoid injustice against D.C. residents who judicially challenge overreaching actions by the D.C. Mayor and D.C. agencies.

SECTION-BY-SECTION ANALYSIS

Section 1. Prohibiting District of Columbia from requiring tribunals to defer to Mayor's Interpretation of Statutes and Regulations

Subsection (a) prohibits the District of Columbia from requiring D.C. courts and administrative tribunals reviewing any rule, order or decision of the D.C. Mayor or any D.C. agency to defer to the Mayor's or the agency's interpretation of any statute or regulation the Mayor or agency administers.

Subsection (b) repeals the D.C. Council's Agency Action Clarification Amendment Act of 2025 (D.C. Law 26–37) which requires D.C. courts to defer to the Mayor's or any D.C. agency's interpretation of any statute or regulation the Mayor or the agency administers when reviewing any rule, order or decision of the Mayor or the D.C. agency.

LEGISLATIVE HISTORY

H.R. 3766 was introduced on June 5, 2025, by Representative Harriet Hageman (R-WY). The following Representatives are cosponsors of the bill: Scott Fitzgerald (R-WI). The bill was referred to the Committee on Oversight and Government Reform. The Committee held a related hearing on September 18, 2025. The Committee considered H.R. 3766 at a business meeting on December 2, 2025, and ordered the bill as amended favorably reported by a recorded vote.

COMMITTEE CONSIDERATION

On December 2, 2025, the Committee met in open session and ordered the bill, H.R. 3766, favorably reported with an amendment in the nature of a substitute, by a roll call vote of 24–19, 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. 3766:

A roll call vote was held on favorably reporting H.R. 3766. The bill was agreed to in a recorded vote of 24–19, a quorum being present.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

119TH CONGRESS

RATIO 26-21

ROLL CALL

Vote on: Final Passage – H.R. 3766, to prohibit the District of Columbia from requiring tribunals in court or administrative proceedings in the District of Columbia to defer to the Mayor of the District of Columbia's interpretation of statutes and regulations, and for other purposes.

Date: 12/2/2025

VOTE #: 6

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)			
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)				MS. ANSARI (AZ)		X	
MR. TIMMONS (SC)	X			MR. BELL (MO)			
MR. BURCHETT (TN)	X			MS. SIMON (CA)		X	
MS. GREENE OF GEORGIA (GA)				MR. MIN (CA)		X	
MS. BOEBERT (CO)	X			MR. WALKINSHAW (VA)		X	
MRS. LUNA (FL)	X			MS. PRESSLEY (MA)		X	
MR. LANGWORTHY (NY)	X			MS. TLAIB (MI)		X	
MR. BURLISON (MO)	X						
MR. CRANE (AZ)	X						
MR. JACK (GA)	X						
MR. MCGUIRE (VA)	X						
MR. GILL (TX)	X						

Roll Call Totals:

Ayes: 24

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 made 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. 3766:

On September 18, 2025, the Committee held a hearing titled “Oversight of the District of Columbia” with the Honorable Muriel Bowser, Mayor, District of Columbia; Mr. Phil Mendelson, Chairman, D.C. City Council, District of Columbia; the Honorable Brian Schwalb, Attorney General, District of Columbia; Mr. Gregory Jackson, Jr., former Deputy Director, White House, Office of Gun Violence Prevention and Special Assistant to the President.

(2) The following related hearing was held:

On September 18, 2025, the Committee held a hearing titled “Oversight of the District of Columbia” with the Honorable Muriel Bowser, Mayor, District of Columbia; Mr. Phil Mendelson, Chairman, D.C. City Council, District of Columbia; the Honorable Brian Schwalb, Attorney General, District of Columbia; Mr. Gregory Jackson, Jr., former Deputy Director, White House, Office of Gun Violence Prevention and Special Assistant to the President.

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 ensure that D.C. courts interpret D.C. statutes and regulations without requirements to defer to the interpretations of the D.C. Mayor or D.C. agencies.

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 pro-

gram 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(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:

H.R. 3766, a bill to prohibit the District of Columbia from requiring tribunals in court or administrative proceedings in the District of Columbia to defer to the Mayor of the District of Columbia's interpretation of statutes and regulations, and for other purposes As ordered reported by the House Committee on Oversight and Government Reform on December 2, 2025			
By Fiscal Year, Millions of Dollars	2026	2026-2030	2026-2035
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 2036?	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 2036?	No	Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	No

H.R. 3766 would repeal the Review of Agency Action Clarification Amendment Act of 2025 (D.C. Law 26–37), which requires the District of Columbia courts and administrative proceedings to defer to legal interpretations of the mayor and city agencies in the District of Columbia. Because the bill would affect only the District of Columbia, CBO estimates that enacting H.R. 3766 would have no cost to the federal government.

H.R. 3766 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) by prohibiting the District of Columbia from requiring city tribunals to defer to the mayor's or a city agency's interpretation of a statute or regulation and by repealing D.C. Law 26–37. CBO estimates that the cost of the mandate would not exceed the annual intergovernmental threshold established in UMRA (\$103 million in 2025, adjusted annually for inflation).

The bill would impose no private-sector mandates as defined in UMRA.

The CBO staff contacts for this estimate are Matthew Pickford (for federal costs) and Andrew Laughlin (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In Compliance with clause 3(e) of rule XIII of the Rule 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 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):

**REVIEW OF AGENCY ACTION CLARIFICATION
AMENDMENT ACT OF 2025 (D.C. LAW 26-37)**

Be it enacted by the Council of the District of Columbia, [That this act may be cited as the “Review of Agency Action Clarification Amendment Act of 2025”.]

[SEC. 2. Section 110 of the District of Columbia administrative procedure act, approved October 21, 1968 (82 stat. 1209; D.C. Official Code § 2-510), is amended as follows:

[(a) Subsection (a)(1) is amended by striking the phrase “So far as necessary” and inserting the phrase “Subject to subsections (c), (d), and (e) of this section and so far as necessary” in its place.

[(b) New subsections (c), (d), and (e) are added to read as follows:

[(c) In reviewing an order or decision of an agency in any court or administrative proceeding, including proceedings under subsection (a) of this section, the reviewing tribunal shall defer to the agency’s reasonable interpretation of a statute or rule it administers, when the statute or rule is silent or ambiguous with respect to a specific issue; provided, that the interpretation is not plainly wrong or inconsistent with either the statute’s or rule’s language or the legislature’s or agency’s intent.

[(d) In reviewing a rule adopted by an agency, the reviewing tribunal shall defer to the agency’s reasonable interpretation of a statute it administers, when the statute is silent or ambiguous with respect to a specific issue; provided, that the interpretation is not plainly wrong or inconsistent with either the statute’s language or the legislature’s intent.

[(e) In determining whether an interpretation by an agency is reasonable under subsection (c) or (d) of this section, the reviewing tribunal may consider, among other factors:

[(1) Whether the interpretation provided by an agency has been consistent and longstanding;

[(2) Whether the specific issue is within the scope of the agency’s subject matter-expertise; and

[(3) The thoroughness and formality of the agency’s consideration.”.

[SEC. 3. FISCAL IMPACT STATEMENT.

[The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

[SEC. 4. EFFECTIVE DATE.

[This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto) and a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).]

MINORITY VIEWS

Committee Democrats strongly oppose H.R. 3766. The bill would prohibit the District of Columbia (D.C.) from requiring a reviewing tribunal to defer to the D.C. executive branch's interpretation of a statute or regulation. The bill would also repeal a D.C. law that codified the longstanding deference the local D.C. courts had given to the D.C. executive branch's reasonable interpretation of an ambiguous statute or regulation.¹ The bill is opposed by D.C. Mayor Muriel Bowser, D.C. Council Chairman Phil Mendelson, and D.C. Attorney General Brian Schwalb.²

In 2024, in *Loper Bright*, the right-wing United States Supreme Court held that federal courts may not defer to a federal agency's reasonable interpretation of an ambiguous statute and instead must exercise their independent judgment.³ While *Loper Bright* is not binding on the local D.C. courts, after *Loper Bright*, D.C. codified the longstanding deference the local D.C. courts had given to the D.C. executive branch's reasonable interpretation of an ambiguous statute or regulation.

The bill would violate D.C.'s right to self-government. Moreover, the bill would give the local D.C. courts authority to overrule the longstanding deference they had given to the D.C. executive branch's reasonable interpretation of an ambiguous statute or regulation. Such a ruling would disrupt D.C.'s legal system, substitute the judgment of the local D.C. courts for that of expert D.C. agencies, and transfer interpretative responsibility from D.C.'s political branches, which are accountable to D.C. residents, to local D.C. judges, who are appointed by the President, subject to Senate confirmation.

ROBERT GARCIA,
Ranking Member.



¹ Review of Agency Action Clarification Amendment Act of 2025, D.C. Law 26–37.

² Letter from District of Columbia Mayor Muriel Bowser, District of Columbia Council Chairman Phil Mendelson, and District of Columbia Attorney General Brian Schwalb to Chairman James Comer and Ranking Member Robert Garcia, House Committee on Oversight and Government Reform (Dec. 1, 2025) (online at <https://www.congress.gov/119/meeting/house/118712/documents/HMKP-119-GO00-20251202-SD017.pdf>).

³ *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024).