

111TH CONGRESS  
2D SESSION

# H. R. 5968

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

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2010

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

---

## A BILL

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

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may cited as the “District of Columbia Full  
5       Self-Government Act”.

# **TITLE I—STATUS OF THE DISTRICT OF COLUMBIA**

## **SEC. 101. STATUS OF THE DISTRICT.**

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

(b) NO EFFECT ON EXISTING LAWS.—No law or regulation which is in force on the effective date of this Act shall be deemed amended or repealed by this Act except to the extent specifically provided herein or to the extent that such law or regulation is inconsistent with this Act, but any such law or regulation may be amended or repealed by act or resolution as authorized in this Act, or by Act of Congress.

(c) NO EFFECT ON BOUNDARY LINE.—Nothing contained in this section shall affect the boundary line between the District of Columbia and the Commonwealth of Virginia as the same was established or may be subsequently established under the provisions of title I of the Act of October 31, 1945 (59 Stat. 552).

1 **SEC. 102. LEGISLATIVE POWER OF DISTRICT OF COLUMBIA.**

2 Except as provided in section 202, the legislative  
3 power of the District of Columbia shall extend to all right-  
4 ful subjects of legislation within the District consistent  
5 with the Constitution of the United States and the provi-  
6 sions of this Act subject to all the restrictions and limita-  
7 tions imposed upon the States by the tenth section of the  
8 first article of the Constitution of the United States.

9 **TITLE II—LEGISLATIVE BRANCH**

10 **SEC. 201. ESTABLISHMENT OF THE COUNCIL.**

11 (a) ESTABLISHMENT.—There is established a Council  
12 of the District of Columbia (hereafter in this Act referred  
13 to as the “Council”), and the members of the Council shall  
14 be elected by the registered qualified electors of the Dis-  
15 trict.

16 (b) POWERS, ORGANIZATION, AND PROCEDURE.—  
17 The powers, organization, and procedure of the Council  
18 shall be set forth under such laws as may be enacted by  
19 the District of Columbia consistent with the provisions of  
20 this Act.

21 **SEC. 202. LIMITATIONS ON AUTHORITY.**

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

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

1           (2) lend the public credit for support of any pri-  
2       vate undertaking;

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

8           (4) enact any act, resolution, or rule with re-  
9       spect to any provision of title 11 of the District of  
10      Columbia Official Code (relating to organization and  
11      jurisdiction of the District of Columbia courts);

12          (5) impose any tax on the whole or any portion  
13      of the personal income, either directly or at the  
14      source thereof, of any individual not a resident of  
15      the District (the terms “individual” and “resident”  
16      in this paragraph to have the meaning given such  
17      terms in section 47–1801.04, D.C. Official Code);

18          (6) enact any act, resolution, or rule which per-  
19      mits the building of any structure within the District  
20      of Columbia in excess of the height limitations con-  
21      tained in section 5 of the Act of June 1, 1910 (sec.  
22      5–405, D.C. Official Code), and in effect on the ef-  
23      fective date of this Act;

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

1           (8) enact any act or regulation relating to the  
2       United States District Court for the District of Co-  
3       lumbia or any other court of the United States in  
4       the District other than the District courts, or relat-  
5       ing to the duties or powers of the United States at-  
6       torney or the United States Marshal for the District  
7       of Columbia; or

8           (9) enact any act, resolution, or rule with re-  
9       spect to the District of Columbia Financial Respon-  
10      sibility and Management Assistance Authority estab-  
11      lished under section 101(a) of the District of Colum-  
12      bia Financial Responsibility and Management As-  
13      sistance Act of 1995.

## 14   **TITLE III—EXECUTIVE BRANCH**

### 15   **SEC. 301. OFFICE OF THE MAYOR.**

16       (a) ESTABLISHMENT.—There is established the Of-  
17      fice of the Mayor of the District of Columbia, and the  
18      Mayor shall be elected by the registered qualified electors  
19      of the District.

20       (b) POWERS AND DUTIES.—The powers and duties  
21      of the Mayor of the District of Columbia, and the organi-  
22      zation of the Office of the Mayor of the District of Colum-  
23      bia, shall be set forth under such laws as may be enacted  
24      by the District of Columbia consistent with the provisions  
25      of this Act.

1 **SEC. 302. TREATMENT OF EMPLOYEES FORMERLY COV-**  
2 **ERED BY FEDERAL CIVIL SERVICE SYSTEM.**

3 In the case of persons employed by the District gov-  
4 ernment immediately preceding the effective date of the  
5 personnel system established by the District government  
6 pursuant to section 422(3) of the District of Columbia  
7 Home Rule Act, the personnel system of the District gov-  
8 ernment may provide for continued participation in all or  
9 part of the Federal Civil Service System and shall provide  
10 for benefits, including but not limited to pay, tenure, leave,  
11 residence, retirement, health and life insurance, and em-  
12 ployee disability and death benefits, all at least equal to  
13 those provided by legislation enacted by Congress, or regu-  
14 lation adopted pursuant thereto, and applicable to such  
15 officers and employees immediately prior to such date, ex-  
16 cept that nothing in this Act shall prohibit the District  
17 from separating an officer or employee subject to such sys-  
18 tem in the implementation of a financial plan and budget  
19 for the District government approved under subtitle A of  
20 title II of the District of Columbia Financial Responsi-  
21 bility and Management Assistance Act of 1995.

22 **SEC. 303. RESTRICTIONS ON CERTAIN MUNICIPAL PLAN-**  
23 **NING ACTIVITIES.**

24 The Mayor's planning responsibility shall not extend  
25 to Federal and international projects and developments in  
26 the District, as determined by the National Capital Plan-

1 ning Commission, or to the United States Capitol build-  
 2 ings and grounds as defined in chapter 51 of title 40,  
 3 United States Code, or to any extension thereof or addi-  
 4 tion thereto, or to buildings and grounds under the care  
 5 of the Architect of the Capitol.

6 **SEC. 304. EMERGENCY CONTROL OF METROPOLITAN PO-**  
 7 **LICE DEPARTMENT.**

8 (a) **AUTHORITY OF PRESIDENT TO EXERCISE CON-**  
 9 **TROL IN EMERGENCIES.—**

10 (1) **AUTHORITY.**—Notwithstanding any other  
 11 provision of law, whenever the President of the  
 12 United States determines that special conditions of  
 13 an emergency nature exist which require the use of  
 14 the Metropolitan Police force for Federal purposes,  
 15 he may direct the Mayor to provide him, and the  
 16 Mayor shall provide, such services of the Metropoli-  
 17 tan Police force as the President may deem nec-  
 18 essary and appropriate.

19 (2) **LIMITATION OF DURATION OF AUTHOR-**  
 20 **ITY.**—In no case shall services made available pursu-  
 21 ant to any direction of the President under this sub-  
 22 section extend—

23 (A) for a period in excess of 48 hours un-  
 24 less the President has, prior to the expiration of  
 25 such period, notified the chairman and ranking

1 minority member of the Committee on Over-  
2 sight and Government Reform of the House of  
3 Representatives and the chairman and ranking  
4 minority member of the Committee on Home-  
5 land Security and Governmental Affairs of the  
6 Senate, in writing, as to the reason for such di-  
7 rection and the period of time during which the  
8 need for such services is likely to continue; or

9 (B) for any period in excess of 30 days,  
10 unless the Senate and the House of Representa-  
11 tives enact into law a joint resolution author-  
12 izing such an extension.

13 (b) TERMINATION.—

14 (1) IN GENERAL.—Subject to paragraph (2),  
15 the services made available in accordance with sub-  
16 section (a) shall terminate upon the end of such  
17 emergency, the expiration of a period of 30 days fol-  
18 lowing the date on which such services are first  
19 made available, or the enactment into law of a joint  
20 resolution by the Congress providing for such termi-  
21 nation, whichever first occurs.

22 (2) SPECIAL RULE IN CASE OF ADJOURNMENT  
23 OF CONGRESS SINE DIE.—Notwithstanding para-  
24 graph (1), in any case in which services are made  
25 available in accordance with subsection (a) during



1 any period of an adjournment of the Congress sine  
2 die, such services shall terminate upon the end of  
3 the emergency, the expiration of the 30-day period  
4 following the date on which Congress first convenes  
5 following such adjournment, or the enactment into  
6 law of a joint resolution by the Congress providing  
7 for such termination, whichever first occurs.

## 8 **TITLE IV—JUDICIAL BRANCH**

### 9 **SEC. 401. JUDICIAL BRANCH.**

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

## 17 **TITLE V—BUDGET AND** 18 **FINANCIAL MANAGEMENT**

### 19 **SEC. 501. APPLICATION OF LAWS ESTABLISHED BY DIS-** 20 **TRICT OF COLUMBIA.**

21 (a) BUDGET AND FINANCIAL MANAGEMENT.—Sub-  
22 ject to this Act, the process by which the District of Co-  
23 lumbia develops and enacts the budget for the District  
24 government for a fiscal year, and the activities carried out  
25 with respect to the financial management of the District

1 government for a fiscal year, shall be established under  
2 such laws as may be enacted by the District.

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

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

9 The full faith and credit of the United States is not  
10 pledged for the payment of any principal of or interest  
11 on any bond, note, or other obligation issued by the Dis-  
12 trict of Columbia, and the United States is not responsible  
13 or liable for the payment of any principal of or interest  
14 on any bond, note, or other obligation issued by the Dis-  
15 trict.

16 **SEC. 503. FEDERAL TAX EXEMPTION.**

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

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

22 Notwithstanding any restriction on the investment of  
23 funds by fiduciaries contained in any other law, all domes-  
24 tic insurance companies, domestic insurance associations,  
25 executors, administrators, guardians, trustees, and other

1 fiduciaries within the District of Columbia may legally in-  
2 vest any sinking funds, moneys, trust funds, or other  
3 funds belonging to them or under or within their control  
4 in any bonds issued by the District of Columbia. National  
5 banking associations are authorized to deal in, underwrite,  
6 purchase and sell, for their own accounts or for the ac-  
7 counts of customers, bonds and notes issued by the Dis-  
8 trict to the same extent as national banking associations  
9 are authorized by paragraph seven of section 5136 of the  
10 Revised Statutes (12 U.S.C. 24), to deal in, underwrite,  
11 purchase and sell obligations of the United States, States,  
12 or political subdivision thereof. All Federal building and  
13 loan associations and Federal savings and loan associa-  
14 tions, and banks, trust companies, building and loan asso-  
15 ciations, and savings and loan associations, domiciled in  
16 the District may purchase, sell, underwrite, and deal in,  
17 for their own account or for the account of others, all  
18 bonds or notes issued by the District of Columbia. Nothing  
19 contained in this section shall be construed as relieving  
20 any person, firm, association, or corporation from any  
21 duty of exercising due and reasonable care in selecting se-  
22 curities for purchase or investment.

1           **TITLE VI—RETENTION OF**  
2           **FEDERAL AUTHORITIES**

3   **SEC. 601. RETENTION OF CONGRESSIONAL AUTHORITY.**

4           Notwithstanding any other provision of this Act, Con-  
5 gress reserves the right, at any time, to exercise its con-  
6 stitutional authority as legislature for the District of Co-  
7 lumbia, by enacting legislation for the District on any sub-  
8 ject, whether within or without the scope of legislative  
9 power granted to the Council by this Act, including legisla-  
10 tion to amend or repeal any law in force in the District  
11 prior to or after the effective date of this Act and any  
12 act passed by the Council.

13   **SEC. 602. LIMITATION ON AUTHORITY OF DISTRICT OVER**  
14           **CERTAIN AGENCIES.**

15           Nothing in this Act shall be construed as vesting in  
16 the District of Columbia government any greater authority  
17 over the National Zoological Park, the National Guard of  
18 the District of Columbia, the Washington Aqueduct, the  
19 National Capital Planning Commission, or over any Fed-  
20 eral agency, than was vested in the Commissioner of the  
21 District of Columbia established under Reorganization  
22 Plan Numbered 3 of 1967 prior to January 2, 1975.

1 **TITLE VII—TERMINATION OF EX-**  
2 **ISTING CHARTER; TRANSI-**  
3 **TION**

4 **SEC. 701. TERMINATION OF EXISTING CHARTER.**

5 (a) IN GENERAL.—Except as provided in section 401  
6 and subsection (b), the District of Columbia Home Rule  
7 Act (sec. 1–201.01 et seq., D.C. Official Code) is repealed.

8 (b) NO EFFECT ON AMENDATORY PROVISIONS.—  
9 Nothing in subsection (a) shall be construed to affect any  
10 provision of law which is amended or repealed by the Dis-  
11 trict of Columbia Home Rule Act.

12 **SEC. 702. NO EFFECT ON EXISTING OBLIGATIONS.**

13 (a) BUDGETS.—Nothing in this Act or in the amend-  
14 ment made by section 701 may be construed to relieve the  
15 District of Columbia of any contractual or other financial  
16 obligations incurred by the District under a budget en-  
17 acted for a fiscal year prior to the effective date of this  
18 Act.

19 (b) BORROWING.—Nothing in this Act or in the  
20 amendment made by section 701 may be construed—

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

1           (2) to waive the application to the District of  
2       Columbia of any other Federal law governing the  
3       borrowing of funds by States or units of local gov-  
4       ernment, including the Internal Revenue Code of  
5       1986.

6 **SEC. 703. NO EFFECT ON INDIVIDUALS HOLDING POSI-**  
7                                   **TIONS WITHIN DISTRICT GOVERNMENT.**

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

13 **SEC. 704. NO EFFECT ON PENDING ACTIONS OR PRO-**  
14                                   **CEEDINGS.**

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

21           **TITLE VIII—EFFECTIVE DATE**

22 **SEC. 801. EFFECTIVE DATE.**

23      This Act and the amendments made by this Act shall  
24      take effect on the effective date of legislation enacted by

1 the District of Columbia after the date of the enactment  
2 of this Act which establishes—

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

5           (2) the powers and duties of the Mayor of the  
6 District of Columbia, and the organization of the Of-  
7 fice of the Mayor of the District of Columbia.

○