and kind of crazy. Those are their words, not mine, but I don't disagree, so don't get me wrong.

After 54 days of the House of Representatives being shut down, all you guys really seem to have time to do is run bills like this?

What I find particularly offensive is that in a week that we should be working to address the healthcare crisis in a bipartisan manner, you are trying to pass bills today that would undo local police reforms that our Nation's Capital put into place after George Floyd's murder to ensure that the people of this city are safe and that the justice system is fair for them.

If it is not clear, I am a hard ''no'' on these bills, not just because I believe they represent congressional overreach and abuse of power, but because they will harm the people of our Nation's Capital.

Also, and I think this is where the conversation needs to be had, if we actually want to address public safety and help communities across this country that elected us to do this work, we need to be addressing real solutions. We need to be addressing the addiction crisis; investing in behavioral health and addiction recovery programs; investing in diversion and community-based programs that help people who are hurting and living on the edge get back on their feet; investing in our children and pipelines for young people to have lives that they can only dream of; fixing a broken system that makes it difficult for people who are living on the edge to survive; raising wages; lowering the costs of housing, food, energy, and healthcare; and, yes, fixing the broken healthcare system that you all said you were going to come back to address.

These are the systems that are broken and that are hurting our people, especially in New Mexico. It is not just the cost of healthcare that is going up, but our hospitals, clinics, and providers who are struggling to make sure that they can stay afloat, especially after the big, ugly bill gutted and promised to take $1.5 trillion out of the public healthcare system.

It is why I have been working to champion bipartisan healthcare and health solutions, like bills to invest in urban, rural, and Tribal healthcare; to invest congressional funds into building clinics; to sponsor legislation to address the fentanyl crisis; to recruit and train more nurses and healthcare professionals; to recruit more counselors to fix the Medicaid and Medicare system; to expand telehealth and broadband; and, yes, to finally put this country on a track to universal healthcare.

I believe that healthcare is a human right. I believe that access to food, water, shelter, and safety is a human right. I believe that justice, freedom, and access to the criminal justice system are human rights. I believe that basic dignity is a human right. That is why I implore my colleagues to stop with these divisive political tactics every day and these bills attacking our communities and focus on the issues that matter and that the American people are asking us to do. That is why we were elected.

Real lives are on the line, so let's get back to work on real issues. Stop attacking Washington, D.C. Stop attacking our public lands. Stop attacking the basic dignity and human decency of our communities.

The SPEAKER pro tempore (Mr. BABIN). Members are reminded to direct their comments to the Chair and not to individuals.

Mr. COMER. Mr. Speaker, I remind the gentlewoman that we believe on this side of the aisle that lowering the crime rate is a big issue. It is a priority for the American people.

The gentlewoman from New Mexico mentioned the government shutdown. I would like to remind the gentlewoman from New Mexico that she voted to shut the government down. Then, she had an opportunity 43 days later to reopen the government, and she voted against reopening the government. That is something that I think she must have mistakenly omitted from her remarks.

Again, we support every measure that can be done to reduce crime and to get criminals that have committed crimes and keep them in jail. They deserve due process, but we can't continue this trend in these cities, especially the Capital City, of letting violent criminals out back on the streets.

Mr. Speaker, I reserve the balance of my time.

□ 1420

Mr. GARCIA of California. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I, once again, urge our colleagues to oppose this bill. D.C. has a right and its residents have a right to govern themselves and elect mayors and council members that choose to pass laws to support the District. Congress should not be undermining local laws.

Mr. Speaker, Republicans want to make it easier to lock up poor defendants pretrial, undermining the fundamental American principle of innocent until proven guilty, all while stripping 700,000 residents of self-rule. Congress should not dictate local judicial policy.

Mr. Speaker, we should oppose these bills, and I yield back the balance of my time.

Mr. COMER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, H.R. 5214 will ensure that violent offenders remain off of the streets of D.C. while awaiting their trial and that those charged with public safety or order offenses will face further deterrence from committing such crimes through the reinstatement of required cash bail and bail bonds.

Overall, D.C. residents, workers, and visitors to our Nation's Capital should feel safe, and it remains the constitutional duty of Congress to reform Washington, D.C.'s laws when necessary to do so.

Mr. Speaker, I urge my colleagues to support this commonsense legislation to bring law and order to D.C. by ensuring that dangerous criminals will not re-offend before their trial date.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 879, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GARCIA of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

COMMON-SENSE LAW ENFORCEMENT AND ACCOUNTABILITY NOW IN DC ACT OF 2025

Mr. COMER. Mr. Speaker, pursuant to House Resolution 879, I call up the bill (H.R. 5107) to repeal the Comprehensive Policing and Justice Reform Amendment Act of 2022 enacted by the District of Columbia Council, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 879, the amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform, printed in the bill, is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 5107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Common-Sense Law Enforcement and Accountability Now in DC Act of 2025'' or the ''CLEAN DC Act of 2025''.

SEC. 2. REPEAL OF CERTAIN PROVISIONS OF COMPREHENSIVE POLICING AND JUSTICE REFORM AMENDMENT ACT OF 2022.

(a) IN GENERAL.—Except as provided in subsection (b), the Comprehensive Policing and Justice Reform Amendment Act of 2022 (D.C. Law 24–345) 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.

(b) EXCEPTION.—The repeal under subsection (a) shall not apply with respect to—

(1) subtitle S of title I of such Act (sec. 5–365.01 et seq., D.C. Official Code); and

(2) subtitle A of title I of such Act (sec. 5–125.01 et seq. and sec. 5–302, D.C. Official Code).

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform or their respective designees.

The gentleman from Kentucky (Mr. COMER) and the gentleman from California (Mr. GARCIA) each will control 30 minutes.

The Chair now recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. COMER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. COMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the CLEAN DC Act, which repeals the majority of D.C.'s so-called Comprehensive Policing and Justice Reform Act of 2022.

By repealing this antipolice law, we will make our Nation's Capital safer. We will also restore the integrity of and faith in the law enforcement of the District of Columbia.

For instance, this law stripped law enforcement officers of many tools needed to execute their duties safely and without fear of retribution, as well as limited their options in situations of life or death.

It also created new opportunities for antipolice activists to harass law enforcement officers and added many undue burdens and requirements to officers in the D.C. Metropolitan Police Department.

In 2023, both the House and Senate sought to nullify this law by passing a joint resolution of disapproval. Unfortunately, this resolution was vetoed by then-President Biden.

The CLEAN DC Act would largely repeal D.C.'s antipolice law and ensure that law enforcement officers have the tools to keep visitors and residents safe. D.C. law enforcement officers, who put their lives on the line every day for our community, must have the capabilities to do their jobs as they are trained to do.

By addressing the retention and recruitment crisis gripping D.C.'s Metropolitan Police Department, Congress can do its part in helping to boost the number of crime fighters this city desperately needs to keep violent criminals off of the streets.

I thank the gentleman from Georgia (Mr. CLYDE) for leading this effort in this Congress, and I encourage my colleagues to join me in supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GARCIA of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I stand tonight to strongly oppose this bill, which repeals commonsense criminal justice reforms that were passed by D.C.'s elected representatives in the wake of George Floyd and the Black Lives Matter movement.

Mr. Speaker, we know that cities and communities all over the country passed similar reforms to increase trust, accountability, and safety. In D.C., these measures increased accountability for bad apples with independent civilian oversight, clean disciplinary process, and mandatory reporting for overuse of force incidents.

It prohibited the hiring of officers with prior misconduct, and it prohibited choke holds. They improved training for officers. The Mayor, the D.C. City Council, and the community all worked together to pass a series of reforms and laws, work they were proud of. They empower the chief of police to lead the police department and do it the right way.

This bill repeals all of that. It would damage the trust between D.C. police and the communities they protect and serve.

We know communities are safer when residents feel safe calling on 911 and when they feel safe working with the police. We know policies like de-escalation, expanding body-worn cameras, and improving safety should not move backwards.

This bill is opposed by D.C. residents. It is opposed by the Mayor of D.C. It is opposed by the D.C. City Council, and it is opposed by D.C.'s Member of Congress. This is part of my Republican colleagues' continued obsession with acting as a super city council for the District of Columbia.

Mr. Speaker, D.C., again, has more residents than two States. D.C. taxpayers pay Federal taxes. D.C., as a whole, contributes more Federal taxes than 26 other States. D.C.'s government should be allowed to govern themselves, to hold local leaders accountable, to elect their own leadership, and to solve problems without Congress consistently interfering.

We should always continue to support D.C. and their ability to govern themselves. Congress should focus on national issues and let the residents of D.C. and their local representatives govern the District.

Mr. Speaker, I urge my colleagues to oppose this bill, and I reserve the balance of my time.

Mr. COMER. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. CLYDE), the sponsor of this bill.

Mr. CLYDE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of my legislation, H.R. 5107, the Common-Sense Law Enforcement and Accountability Now in DC Act, or affectionately known as the CLEAN DC Act for short because that is what it is intended to do, and that is to clean up the city of Washington, D.C.

My legislation, co-led with Senator TED CRUZ, repeals the antipolice provisions of the D.C. City Council's so-called Comprehensive Policing and Justice Reform Emergency Amendment Act of 2022. If there is one thing that act doesn't do, it is create more justice. It creates injustice.

The CLEAN DC Act is essential to restoring public safety in our Nation's Capital. For far too long, Washington, D.C., a city meant to embody freedom and prosperity, has been overwhelmed by violent crime. As millions of people visit D.C. every year, it is imperative that our Nation's Capital is safe for all residents and visitors. Yet, in recent years, this simply has not been the case.

□ 1430

In 2024, D.C.'s homicide rate exceeded 27 homicides per 100,000 residents, higher than that of any State and nearly three times that of Islamabad, Pakistan, and 18 times that of communist-run Havana, Cuba. That same year, the city recorded nearly 30,000 crimes, including thousands of violent offenses, robberies, and car thefts.

So far in 2025, D.C. has already seen over 2,200 violent crimes and more than 120 homicides, including the tragic killing of a 21-year-old Capitol Hill intern. That was an incredible tragedy. Of course, any homicide is an incredible tragedy, but that one really was.

Despite these alarming trends, the radical D.C. Council has chosen to undermine the very department responsible for protecting the city. Its antipolice law strips the Metropolitan Police Department officers of due process protections. It weakens collective bargaining. It restricts the use of nonlethal tools during civil unrest and has fueled a devastating staffing collapse.

Since the law took effect under emergency authority in 2020, the Metropolitan Police Department has lost over 2,000 officers, leaving the department critically understaffed and unable to adequately respond to this crisis.

One of my neighbors here where I reside in D.C. had a terrible, violent incident that happened to her with her child. When the incident was over, she had lost her pocketbook. She had lost her phone. When they called the MPD to come take a police report, the response was: You will have to come down to the station because unless you are actually hurt yourself, we don't have the officers to go out and actually go to you. You have to come to us. That is just not right. That is an example of a completely understaffed police department.

Thankfully, in August, President Trump initiated a Federal takeover of the Metropolitan Police Department and deployed the National Guard to confront this massive crime crisis. Since then, violent crime has dropped by 30 percent. Even D.C.'s Democrat Mayor Muriel Bowser has acknowledged fewer homicides and a sharp decline in carjackings since President Trump's intervention.

Repealing the antipolice policies enacted by the procriminal D.C. Council will further strengthen President Trump's efforts and restore common sense to law enforcement in Washington, D.C.

Last Congress in the 118th, I led a joint resolution of disapproval alongside then-Senator JD VANCE, now Vice President JD VANCE, to repeal this same misguided D.C. Council law. The resolution passed both the House and the Senate with bipartisan majorities, yet President Joe Biden foolishly vetoed our commonsense measure, underscoring just how little the previous administration cared about the American people's safety and law enforcement officers' well-being.

Thankfully, we now have new leadership in the White House, strong, forceful, America-first leadership, and I look forward to sending this commonsense legislation to President Trump's desk to restore law and order in our Nation's Capital and support our brave men and women in blue. Public safety should not be a partisan issue. It is just plain common sense.

Mr. Speaker, I urge all my colleagues to support H.R. 5107 so we can codify the progress we have made under the Trump administration and transform D.C. from a crime-ridden capital into a safe, free, and thriving city.

Mr. GARCIA of California. Mr. Speaker, I yield 7 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I strongly oppose this bill, which repeals the police accountability and transparency law that the District of Columbia enacted in 2023.

Last year, violent crime in D.C. was down 35 percent, reaching an over 30-year low. This year, violent crime in D.C. is down 28 percent compared to the same period last year.

D.C.'s Comprehensive Policing and Justice Reform Amendment Act, among other things, gave the police chief more authority to discipline officers for serious misconduct and crimes; strengthened civilian oversight of the police department; improved public access to body-worn camera video; and imposed limitations on the purchase of military weapons and the use of force. D.C. police chiefs have requested more authority to discipline officers for at least 25 years before enactment of this law. This bill would take away this authority from the police chief.

The difficulty D.C. has had recruiting and retaining police officers is not unique. It is a nationwide issue that predates the police accountability and transparency laws enacted across the country after the murder of George Floyd. In 2019, before the murder of George Floyd, the International Association of Chiefs of Police conducted a survey that found ''The challenge of recruiting law enforcement is widespread and affects agencies of all types, sizes, and locations across the United States.''

''The difficulty of 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.''

In 1973, Congress passed the D.C. Home Rule Act, which established locally elected chief executive officer and legislature. The purpose of the Home Rule Act is to ''grant to inhabitants of the District of Columbia powers of local government'' and ''relieve Congress of the burden of legislating upon essentially local District matters,'' yet the House today is denying D.C. residents local self-government and spending its time on local D.C. matters.

Mr. Speaker, I remind my Republican colleagues what Republican President Richard Nixon said when he signed the Home Rule Act: ''One of the major goals of this administration is to place responsibility for local functions under local control and to provide local governments with the authority and resources they need to serve their communities effectively. The measure I sign today represents a significant step in achieving this goal in the city of Washington. It will give the people of the District of Columbia the right to elect their own city officials and to govern themselves in local affairs.

''As the Nation approaches the 200th anniversary of its founding, it is particularly appropriate to assure those persons who live in our Capital City rights and privileges which have long been enjoyed by most of their countrymen.''

The over 700,000 D.C. residents, the majority of whom are Black and Brown, are capable and worthy of governing themselves.

Mr. Speaker, I include in the RECORD letters opposing this bill from the D.C. Mayor, from the D.C. Council, and the D.C. Attorney General, all of whom were elected by D.C. residents.

SEPTEMBER 10, 2025.

Hon. JAMES COMER,
Chairman, House Committee on Oversight and Government Reform,
Washington, DC.
Hon. ROBERT GARCIA,
Ranking Member, House Committee on Oversight and Government Reform,
Washington, DC.

DEAR CHAIRMAN COMER AND RANKING MEMBER GARCIA: As Mayor and Chief Executive Officer of the District of Columbia, I am proud of the work we have accomplished to invest in our people, strengthen our neighborhoods, and drive down crime. Building on this progress, my Administration established the Safe and Beautiful Emergency Operations Center to coordinate public safety and beautification efforts as the presidential emergency declaration ends. This structure ensures that DC will remain proactive—bringing together local and federal partners to sustain momentum on reducing crime and improving quality of life for every resident.

We have worked collaboratively with this Committee on shared priorities, including public safety, the federal Return to Work, implementing a DC budget Fiscal Year 2025 fix (which is still pending in the House) and revitalizing the RFK campus; but I write now to ask you to reject 13 of the DC bills before you today that encroach on DC's Home Rule:

Bills like H.R. 5183, the District of Columbia Home Rule Improvement Act, make the District less efficient, competitive, and responsive to the needs of a highly complex unique local government that serves local, county and state functions. Bogging down legislative and executive action only adds costs and uncertainty, making it more difficult to handle the economic headwinds and growth opportunities ahead.

Bills like H.R. 5214, the District of Columbia Cash Bail Reform Act, make DC less safe. Replacing our very effective pre-trial detention regime, which focuses on charged violent offenses and repeat violent offenders, not just on cash bail. I credit recent changes to our laws related to pre-trial detention for helping to drive down violent crime in the last two years.

And the bills to abolish the Judicial Nominations Commission and to convert the elected DC Attorney General to a Presidentially appointed legal officer for the District are both less democratic and untenable for District operations. The Judicial Nomination Commission, with seven members appointed by the Mayor, DC Council, President, US District Court for DC, and the DC Bar, works. As recently as last month, President Trump nominated three federal judicial nominees who were selected from the Commission's candidate pool—a process that demonstrates the value of maintaining local input. DC residents also voted to elect an Attorney General who represents the public interest. Changes to these charter agencies would significantly undercut the already thin ties to autonomy that limited home rule provides.

Finally, I urge you not to up end our three-pall education funding SOAR Act. I have long supported the program to expand opportunity for DC students. However, my support has always been contingent on parity among all three education sectors—public, private, and charter—and this approach is working. We will not support changes that tip the scales away from this core principle of fairness for DC families. As the fastest improving urban school system, DC has become a model for urban education. We outpace the national average on all tested subject areas. We boast free, full-day Pre-K access serving more than 13,200 young learners—an investment which supports our children and our workforce. DC ranked top of the nation in parental satisfaction regarding school choice. Mayoral control, council oversight, and deep, targeted investments in our students, teachers, and buildings made these remarkable achievements possible.

I look forward to continuing a productive partnership with the Committee—one that respects the will of DC residents and honors the principles of home rule. Together, we can build on our successes while protecting the autonomy that, as history reflects, has made our city stronger.

Sincerely,

MURIEL BOWSER,
Mayor.

COUNCIL OF THE DISTRICT OF COLUMBIA,
Washington, DC, September 8, 2025.

Hon. JAMES COMER,
Chair, House Committee on Oversight and Government Reform,
Washington, DC.
Hon. ROBERT GARCIA,
Ranking Member, House Committee on Oversight and Government Reform,
Washington, DC.

DEAR CHAIRMAN COMER AND RANKING MEMBER GARCIA: The Council of the District of Columbia is aware that the House Committee on Oversight and Government Reform

is planning to mark up more than a dozen proposed measures that would severely and negatively impact the operations, public safety, and autonomy of the District of Columbia. We ask that you oppose these measures in full, save one, H.R. 2693, District of Columbia Electronic Transmittal of Legislation Act. While we have not seen the final text of this legislation, the public summary of H.R. 2693 is consistent with the long held request by the District of Columbia to allow the ability to electronically transfer legislative acts to Congress, rather than only allowing physical copies be transferred. The challenge and barriers created by this current requirement were clearly exposed during both the recent COVID pandemic restrictions as well as the Capitol campus restrictions following the January 6, 2021 attacks on the Capitol.

The other 13 measures that have been shared with us would do direct and serious harm to the District of Columbia and we urge you to reject these measures completely. These bills represent an unprecedented attack on the autonomy and home rule of our local government and the more than 700,000 Americans that call it home. The breadth of these bills is remarkable, and if passed, would result in an erosion of accountability and public safety for the District of Columbia. They range from eliminating and replacing our elected and accountable Attorney General for the District of Columbia with a President's hand-picked and unaccountable associate requiring no confirmation by the U.S. Senate and no local ties, to a full repeal of multiple local DC laws that have been in place for many years, if not decades, that are tested, proven, and effective components of our public safety infrastructure and ecosystem. The effect of these Congressional repeals would put our legal and Court system into chaos and directly undermine successful tools that focus on serious accountability and effective rehabilitation when a crime occurs. As always, when revisions or amendments to DC laws are necessary, those changes should only take place within our local legislature which has the best capacity to provide effective oversight and accountable actions for the residents of the District of Columbia.

We respectfully request that all members of the Committee on Oversight and Government Reform, and all members of Congress, reject these harmful measures whether in committee mark up or before the full House of Representatives. Given the breadth of the multiple measures before you, we also request an opportunity to provide a more in-depth discussion of each bill before the Committee's mark-up, especially in light that the Committee will not hold public hearings on these measures.

Sincerely,

Chairman Phil Mendelson; Councilmember Kenyan McDuffie, At-Large; Councilmember Anita Bonds, At-Large; Councilmember Christina Henderson, At-Large; Councilmember Robert White, Jr., At-Large; Councilmember Brianne Nadeau, Ward 1; Councilmember Brooke Pinto, Ward 2; Councilmember Matthew Frumin, Ward 3; Councilmember Janeese Lewis George, Ward 4; Councilmember Zachary Parker, Ward 5; Councilmember Charles Allen, Ward 6; Councilmember Wendell Felder, Ward 7; Councilmember Trayon White, Sr, Ward 8.

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, September 9, 2025.

Hon. JAMES COMER,
Chairman, House Committee on Oversight and Government Reform,
Washington, DC.
Hon. ROBERT GARCIA,
Ranking Member, House Committee on Oversight and Government Reform,
Washington, DC.

DEAR CHAIRMAN COMER AND RANKING MEMBER GARCIA: The House Committee on Oversight and Government Reform is scheduled to markup fourteen bills tomorrow related to the operations of the District of Columbia. With the exception of H.R. 2693, the District of Columbia Electronic Transmittal Act, I write in strong opposition to these bills. They address inherently local issues and laws that were passed after careful consideration by the District's elected representatives, who are directly accountable to District residents. Members of this very Committee have long advocated for the principles of federalism on which this nation was founded. They have consistently condemned federal overreach and fought forcefully and convincingly for the uniquely American values of local control, freedom, and self-governance. These principles should apply to the more than 700,000 people who call Washington, DC home, just as they do for your constituents across the country.

I specifically want to call attention to the significant incursion on local self-governance reflected in two bills, the District of Columbia Attorney General Appointment Reform Act and the District of Columbia Judicial Nominations Reform Act. Both laws would displace the ability of District residents to have a voice in the selection of local leaders who wield significant power over local judicial matters: the judges on our local courts and the Attorney General for the District. The judges on the DC Court of Appeals and DC Superior Court rule on inherently local matters such as criminal prosecutions, landlord-tenant cases, probate proceedings, civil cases, and divorce proceedings, all of which have profoundly important impact on our community. For more than 50 years, the Judicial Nomination Commission (JNC) has successfully allowed DC residents to have a voice in judicial appointments, while also granting the President and Senate a role in confirming our judges. I urge the Committee not to overturn that well-established process.

The DC Attorney General, as the District's chief law officer, is also responsible for local legal issues, namely, protecting the District and its residents in a wide range of matters, such as enforcing child support laws, handling abuse and neglect proceedings in the child welfare system, enforcing our housing code, and defending District agencies and officers when they are sued. In no other place in the United States are such local issues determined by a federally appointed person with no local accountability. The proposed legislation would be especially undemocratic in light of the fact that, in 2010, an overwhelming majority of District voters (76%) exercised their right to amend the District Charter to make the DC Attorney General an independent, elected office, rather than a position appointed by and subordinate to the Mayor. With that vote, District residents clearly expressed their desire that the Attorney General should be independent and accountable to them. The pending bill would displace that choice in favor of installing an Attorney General accountable not to District residents, but to the President. Given that the U.S. Attorney for the District is already appointed by the President, if passed, this bill would concentrate all criminal and civil litigation authority in the President, divesting the District and its residents of any local control over these essential functions.

No one knows or cares more about keeping DC safe than DC residents who work, live and raise their families here. Our democratically elected officials work closely with local law enforcement, policy experts, and community leadership to pass laws that are in the best interests of all Washingtonians. Substituting the will of DC voters with the whim of federal politicians is un-democratic and un-American.

I urge you to reject these measures and uphold the values Congress sought to advance more than 50 years ago when it passed the District of Columbia Home Rule Act: that District residents should enjoy the ''powers of local self-government'' that all other Americans enjoy. See DC Code §1–201.02.

Respectfully submitted,

BRIAN L. SCHWALB,
Attorney General for the District of Columbia.

Ms. NORTON. Mr. Speaker, D.C. residents have all the obligations of American citizenship, including paying Federal taxes, serving on juries, and registering with the Selective Service, yet Congress denies them full local self-government and voting representation in Congress.

□ 1440

The only solution to this undemocratic treatment is to grant D.C. statehood.

I include in the RECORD a letter from leading constitutional scholars explaining why the D.C. statehood bill is constitutional.

MAY 22, 2021.

Re Washington, D.C. Admission Act, H.R. 51 and S. 51 (the ''D.C. Admission Act'').

Hon. NANCY P. PELOSI,
Speaker, House of Representatives,
Washington, DC.
Hon. CHARLES E. SCHUMER,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. KEVIN O. MCCARTHY,
Minority Leader, U.S. Senate,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR CONGRESSIONAL LEADERS: As scholars of the United States Constitution, we write to correct claims that the D.C. Admission Act is vulnerable to a constitutional challenge in the courts. For the reasons set forth below, there is no constitutional barrier to the State of Washington, Douglass Commonwealth (the ''Commonwealth'') entering the Union through a congressional joint resolution, pursuant to the Constitution's Admissions Clause, just like the 37 other states that have been admitted since the Constitution was adopted. Furthermore, Congress's exercise of its express constitutional authority to decide to admit a new state is a classic political question, which courts are highly unlikely to interfere with, let alone attempt to bar.

The D.C. Admission Act. The House passed the Act, as H.R. 51, on April 22, 2021, and as of this writing, the substantively identical companion bill (S. 51) is under consideration by the Senate. The Act provides for the issuance of a congressional joint resolution declaring the admittance as a State of most of the territory currently comprising the District of Columbia, while the seat of government (defined as the ''Capital'') will fall

outside of the boundaries of the new State and remain under federal jurisdiction. The Act also repeals the provision of federal law that establishes the current mechanism for District residents to participate in presidential elections, pursuant to Congress's authority under the Twenty-Third Amendment; and provides for expedited consideration of the repeal of that Amendment.

The Admissions Clause grants Congress constitutional authority to admit the Commonwealth into the Union. The starting point for a constitutional analysis of the Act is the Constitution's Admissions Clause (Art. IV, Sect. 3), which provides that ''New States may be admitted by the Congress into this Union.'' The Clause ''vests in Congress the essential and discretionary authority to admit new states into the Union by whatever means it considers appropriate as long as such means are framed within its vested powers.'' Every State admitted into the Union since the Constitution was adopted has been admitted by congressional action pursuant to this Clause; no State has been admitted pursuant to a constitutional amendment.

The Supreme Court has broadly construed Congress's assigned power to admit new states and has never interfered with Congress's admission of a state, even when potentially legitimate constitutional objections existed. For example, in 1863, Congress admitted into the Union West Virginia, which had been part of the State of Virginia, in potential violation of a provision of the Admissions Clause that bars the formation of a new State out of a portion of the territory of another State without the consent of the ceding State. The Supreme Court, however, did not bar West Virginia's admission; to the contrary, it later tacitly approved of it.

Some critics of the D.C. Admission Act have suggested that Maryland's consent might be required under the foregoing provision of the Admissions Clause. This objection mistakenly presupposes that Maryland retains a reversionary interest in the territory currently composing the District of Columbia, which Maryland ceded to the federal government when the District was established in 1791. In fact, Maryland expressly relinquished all sovereign authority over the territory at issue when the federal government accepted it. The express terms of the cession state that the territory was ''for ever ceded and relinquished to the congress and government of the United States, in full and absolute right, and exclusive jurisdiction . . . .'' As Viet D. Dinh, who served as an Assistant Attorney General during the presidency of George W. Bush, has explained, because Maryland's cession of the territory now constituting the District was full and complete, it severed D.C. residents' now far distant ''political link with'' Maryland. The current District is not part of Maryland, and Maryland has no claim on any portion of the District's territory. There is accordingly no basis to require Maryland's consent for the establishment of the new State.

The Constitution's District Clause poses no barrier to admitting the Commonwealth into the Union. The Constitution's District Clause grants Congress power to ''exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States.'' Based on this Clause, Congress established the current District of Columbia, which (as explained) was taken from territory ceded by Maryland, as well as Virginia.

The D.C. Admission Act complies with the District Clause because it provides that the Capital—which is defined in the Act to include (among other things) the White House, the Capitol Building, the United States Supreme Court Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall—will not become part of the new State and will remain under the sovereignty of the federal government.

Some critics have argued that the District Clause somehow mandates that the District of Columbia permanently retain all of its current territory, and that its size may neither be increased or reduced by Congress. The plain language of the District Clause says no such thing; it does not mandate that the District be any size or shape, except it limits the maximum size of the federal enclave to ten square miles.

Historical practice confirms that Congress can change the size of the District. In 1791, Congress altered the District's southern boundary to encompass portions of what are now Alexandria, Virginia and Anacostia. Then, in 1846, Congress retroceded Alexandria and its environs back to Virginia. As a result, the territory composing the District was reduced by a third.

At the time of the 1846 retrocession, the House's Committee on the District of Columbia considered, and rejected, the very argument that critics of the D.C. Admission Act are raising today, reasoning that the ''true construction of [the District Clause] would seem to be solely that Congress retain and exercise exclusive jurisdiction'' over territory comprising the ''seat of government.'' The language of the District Clause, the legislators observed, places no mandate on the size, or even the location, of that seat of government, other than preventing the government from ''hold[ing] more than ten miles for this purpose.'' The House's judgment was correct in 1846, and remains so today.

The Twenty-Third Amendment does not prevent Congress from granting the Commonwealth statehood. Opponents of statehood have suggested that the Twenty-Third Amendment bars Congress from exercising its constitutionally enumerated authority to grant statehood to the Commonwealth. In fact, the Amendment poses no barrier to the admission of the Commonwealth into the Union through an act of Congress, in accordance with the plain language of the Admissions Clause, just as Congress has done in connection with the admission of several other States, including most recently Alaska and Hawaii.

Section 1 of the Twenty-Third Amendment, which was ratified in 1961, provides:

The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct: A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State.

By its plain terms, the Amendment poses no barrier to Congress's admission of the Commonwealth into the Union. Indeed, it is entirely silent on the matter.

The only question raised by the existence of the Twenty-Third Amendment is a practical, not a constitutional one: How best to address the Twenty-Third Amendment's provision for the assignment of presidential electors to what will become a vestigial seat of government, with virtually no residents? The Act satisfactorily addresses this question by providing for the repeal of the provision of federal law that establishes the current mechanism for District residents to participate in presidential elections, pursuant to Congress's authority under the Twenty-Third Amendment, as well as by commencing the process for repealing the Amendment itself.

Initially, the Act provides for an expedited process for repeal of the Twenty-Third Amendment, a process that should move forward to ratification swiftly and successfully once the Commonwealth is admitted as a State. None of the other 50 States has reason to seek to retain three electors for a largely unoccupied seat of government.

But the Act also addresses the possibility that the Twenty-Third Amendment is not promptly repealed by mandating the immediate repeal of the provision of federal law that provides the current mechanism for District residents to participate in federal elections.

In 1961, following the adoption of the Twenty-Third Amendment, Congress exercised its enforcement authority by enacting legislation (codified at 3 U.S.C. §21), providing that the District residents may select presidential electors; the votes of the electors are currently awarded to the ticket prevailing in the District's presidential election.

The existing statutes fall within the broad authority granted to Congress by the Twenty-Third Amendment to define the terms of, and effectuate, the District's participation in presidential elections. The Amendment allows for the appointment of a number of Electors ''in such manner as the Congress may direct.'' The Amendment also allows Congress to select the number of Electors the District may receive, subject only to a maximum: The District may participate in the presidential Electoral College through the appointment of no more electors than those of the smallest State, i.e., three. And section 2 of the Amendment grants Congress the power to ''enforce'' the provision ''by appropriate legislation,'' as it did in 1961.

But once Congress acts again, pursuant to its express grant of constitutional authority, and repeals the legislation that creates the existing procedure for District residents to select presidential electors, that will remove the legislative provision providing for the District's participation in presidential elections. Without such a provision, there is no mechanism for identifying the Capital area's electors or allocating their votes.

Some scholars have questioned whether that approach is satisfactory. They contend that the Twenty-Third Amendment is self-enforcing, and effectively mandates the appointment of electors on behalf of the District of Columbia, regardless of whether such appointment is called for under a federal statute. Some of us disagree; indeed, the very existence of Section 2 of the Amendment makes clear that enabling legislation is required to effectuate the District's participation in the presidential election process. And Congress's 1961 enforcement legislation supports this interpretation.

Even if this self-enforcement argument were to be accepted, however, Congress could easily address it by replacing the current law mandating that the Capital area's electors vote in accordance with the outcome of the popular vote in the District with a new legislative mandate that the Capital area's electors vote in other ways. For example, Congress could require District electors to vote in favor of the presidential ticket that receives the most Electoral College votes (of the remaining 538 electors). Or, alternatively, Congress could require that District electors vote for the winner of the national popular vote winner.

A recent Supreme Court decision confirms that a legislative directive to the Capital

area's electors would be enforceable. The Twenty-Third Amendment provides that the District ''shall appoint'' electors ''in such manner as Congress may direct''; this language is a direct parallel to the Constitution's grant of broad authority to each of the States to appoint and instruct their respective electors. In its recent decision in Chiafalo v. Washington, the Supreme Court held that electors do not have discretion to decide how to cast their Electoral College votes, but rather are legally bound to follow the instructions given by their respective states.

As Columbia Law School Professors Jessica Bulman-Pozen and Olatunde Johnson have observed, it follows from the Court's holding in Chiafalo that Congress could legally bind any electors to vote in accordance with the overall vote of the Electoral College or the national popular vote, just as the existing enabling statute currently binds them to vote in the Electoral College in accordance with the outcome of the popular vote in the District.

In sum, none of the critics' constitutional objections to the D.C. Admission Act are meritorious; and the contention that a constitutional amendment is required to admit the Commonwealth into the Union is incorrect. The D.C. Admission Act calls for a proper exercise of Congress' express authority under the Constitution to admit new states, a power that it has exercised 37 other times since the Constitution was adopted.

Courts are unlikely to second-guess Congress's exercise of its constitutional authority to admit the Commonwealth into the Union. Apart from the fact that the legal objections to admission of the Commonwealth as a State are without merit, it is also unlikely that the courts will ever consider those objections. As Mr. Dinh has observed, the decision whether to admit a state into the Union is a paradigmatic political question that the Constitution expressly and exclusively assigns to Congress. The Supreme Court has long, and strenuously, avoided adjudicating disputes respecting matters that the Constitution makes the sole responsibility of the coordinate, elected branches.

The remaining objections to Statehood do not concern applicable constitutional law, but rather matters of policy.

For example, some have argued that the District should not be admitted to the Union because it is a single city and have instead proposed that most of the District's territory be retrocessioned to Maryland. There is, however, no constitutional barrier to a large, diverse city, with a population comparable to that of several existing States, joining the Union. Furthermore, the Maryland retrocession proposal is subject to many of the same supposed constitutional objections raised by those who object to statehood for the District. For example, retroceding the District to Maryland would decrease the size of the remaining federal enclave, which objectors to District Statehood have claimed is constitutionally impermissible. A forced merger of the District and Maryland would also do nothing to address the purported constitutional objection to leaving the residual seat of government with three potential electors, pursuant to the turns of the Twenty-Third Amendment, prior to the Amendment's repeal.

Opponents also argue that Congress should not grant the District statehood because it will lead to a lawsuit. But any court challenge will be without merit, and indeed likely will be dismissed as presenting a political question. We respectfully submit that Congress should not avoid exercising its express constitutional authority to admit the Commonwealth into the Union because of meritless threats of litigation.

Sincerely yours,

Caroline Fredrickson, Georgetown University Law Center; Erwin Chemerinsky, University of California, Berkeley School of Law; Stephen I. Vladeck, University of Texas Law School; Franita Tolson, University of Southern California, Gould School of Law; Jessica Bulman-Pozen, Columbia Law School; Leah Litman, University of Michigan Law School; Laurence H. Tribe, Harvard Law School; Paul Smith, Georgetown University Law Center; Geoffrey R. Stone, University of Chicago Law School; Peter Edelman, Georgetown University Law Center; Kermit Roosevelt, University of Pennsylvania Carey Law School; Eric Segall, Georgia State College of Law; Trevor Potter, Campaign Legal Center; Gregory P. Downs, University of California, Davis; Larry Sabato, University of Virginia; Aziz Huq, University of Chicago Law School; Jennifer Hochschild, Harvard University; Neil S. Siegel, Duke University School of Law; Beau Breslin, Skidmore College.

David C. Vladeck, Georgetown University Law Center; Sanford Levinson, University of Texas at Austin School of Law; Ira C. Lupu, George Washington University Law School; Peter M. Shane, Ohio State University Moritz College of Law; Ira P. Robbins, American University Washington College of Law; Michael Greenberger, University of Maryland Francis King Carey School of Law; David Pozen, Columbia Law School; Mark Tushnet, Harvard Law School; Michael C. Dorf, Cornell Law School; Miguel Schor, Drake University School of Law; David S. Schwartz, University of Wisconsin Law School; Caroline Mala Corbin, University of Miami School of Law; Jonathan Askin, Brooklyn Law School; Aziz Rana, Cornell Law School; John Mikhail, Georgetown University Law Center; Richard Ford, Stanford Law School; Richard Primus, University of Michigan Law School; Joseph Fishkin, University of Texas Law School; Kate Masur, Northwestern University; Chris Edelson, American University.

Ms. NORTON. Mr. Speaker, I urge my colleagues to vote ''no'' on H.R. 5107, an undemocratic and paternalistic bill. Free D.C.

Mr. COMER. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. GARCIA of California. Mr. Speaker, I yield myself the balance of my time.

Again, I strongly oppose this bill. As a reminder, it would eliminate commonsense criminal justice reforms that have been widely implemented by State and local governments across the country.

Local officials here in D.C. passed these laws. The voters made these decisions, and D.C. should have a right to govern itself.

This bill undermines trust between police and the community they serve and makes us all less safe.

It is undemocratic. It could very well make D.C. not just less safe but also lose trust between its elected government and the people. When the people come together and pass laws, Congress should not overturn those.

Mr. Speaker, again, I urge opposition, and I yield back the balance of my time.

Mr. COMER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, Congress has a constitutional duty to ensure the District of Columbia is safe and secure. I urge my colleagues to support this critical police reform bill that has the strong support of the National Fraternal Order of Police.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 879, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CLYDE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 42 minutes p.m.), the House stood in recess.

□ 2015

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TAYLOR) at 8 o'clock and 15 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Passage of H.R. 5214;

Passage of H.R. 5107; and

Motions to suspend the rules with respect to:

H.R. 4058; and

H.R. 6019.

The first electronic vote will be conducted as a 15-minute vote. Pursuant to clause 9 of rule XX, remaining electronic votes will be conducted as 5-minute votes.

DISTRICT OF COLUMBIA CASH BAIL REFORM ACT OF 2025

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on passage of the bill (H.R. 5214) to require mandatory pretrial and post conviction detention for crimes of violence and dangerous crimes and require mandatory