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Chapter 20
District of Columbia Business

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Research References

U.S. Const. art. I, § 8
4 Hinds §§ 3304–3311
7 Cannon §§ 872–880
Deschler Ch 21 § 5
Manual §§ 135, 894, 1130(5)

§ 1. In General; Constitutional Background

Generally

Under the Constitution, the Congress is empowered to ''exercise exclusive Legislation in all Cases whatsoever, over [the District of Columbia].'' U.S. Const. art. I, § 8. Although the Constitution gives ''exclusive'' jurisdiction to the Congress over such legislation, the Congress is not precluded from delegating its powers over the District to a local government. The Supreme Court has indicated that the ''exclusive'' jurisdiction granted was meant to exclude any question of power by adjoining States over the area and was not intended to prevent an appropriate delegation of legislative authority to the District. *District of Columbia* v. *John R. Thompson Company*, 346 U.S. 100 (1946); see also *Stoutengurgh* v. *Hennick*, 129 U.S. 141 (1889).

Home Rule

Pursuant to its authority under this constitutional provision, Congress provided in 1970 for the people of the District to be represented in the House by a Delegate and for a commission to report to the Congress on the organization of the government of the District. 2 USC § 25a. In 1973 Congress passed the District of Columbia Self-Government and Govern-

mental Reorganization Act, also known as the District of Columbia Home Rule Act. Pub. L. No. 93-198, 87 Stat. 774 (1973). It reorganized the governmental structure of the District, provided for a charter for local government, delegated certain legislative powers to the District, and implemented certain recommendations of the commission. That Act sets forth a procedure for congressional approval or disapproval of certain actions by the District of Columbia Council. *Manual* § 1130(5).

District of Columbia Appropriations

Section 446 of the District of Columbia Home Rule Act reserved to Congress the authority to appropriate by law all Federal and local funds for the District. As a result, general matters relating to the District of Columbia are most frequently considered in the context of the annual general appropriation bill for the District of Columbia, albeit often in the form of legislation in violation of rule XXI clause 2.

§ 2. Jurisdiction; When District Business is in Order

All measures relating to the municipal affairs of the District, with the exception of appropriation bills, fall within the jurisdiction of the Committee on Government Reform. Rule X clause 1(h).

Rule XV clause 4 sets apart the second and fourth Mondays in each month for the consideration of District business, if claimed by the committee, to be considered after the disposition of motions to discharge and referral business on the Speaker's table. District of Columbia business is in order on one of the designated Mondays after other more privileged business, such as a motion to suspend the rules, and the fact that the House has considered some District business before such a motion does not affect the eligibility of further such business after suspensions have been completed. *Manual* § 894.

District Day may be transferred to another day not specified in the controlling rule either by unanimous consent or by special order from the Committee on Rules. Deschler Ch 21 § 5.12.

§ 3. Privilege; Precedence

The consideration of District business on the specified days is of qualified privilege only. Deschler Ch 21 § 5. District business yields to:

- Questions as to the privilege of the House. Deschler Ch 21 § 5.3.
- Referral business on the Speaker's table. *Manual* § 894; Deschler Ch 21 § 5.
- Conference reports. 8 Cannon § 3292; Deschler Ch 21 § 5.

- A privileged resolution on the order of business from the Committee on Rules. Deschler Ch 21 § 5.4.
- Motions to suspend the rules (within the discretion of the Speaker). Deschler Ch 21 § 5.1.
- Motions to discharge. *Manual* § 894; 7 Cannon § 872.
- Motions to resolve into the Committee of the Whole for the consideration of appropriation bills. 6 Cannon §§ 716–718; 7 Cannon § 876; Deschler Ch 21 § 5.

On a District Day a motion to go into the Committee of the Whole to consider District business and a motion to go into the Committee to consider business generally privileged under a special order are of equal privilege, and recognition to move either is within the discretion of the Chair. 7 Cannon § 877.

§ 4. Consideration; Forms

Procedure

Business reported by committee relating to the District of Columbia is normally taken up for consideration in the House as in the Committee of the Whole. Deschler Ch 21 § 5.7. If such business is on the Union Calendar, it also may be considered in Committee of the Whole by motion (Deschler Ch 21 § 5.9), by unanimous consent (Deschler Ch 21 § 5.7), or by a special order (Deschler Ch 21 § 5.15).

The question of consideration may not be raised against District business generally, but may be raised against a particular bill when presented. 4 Hinds §§ 3308, 3309.

Private Bills

When reported, private bills relating to the District of Columbia may be called up for consideration on a District Monday. 4 Hinds § 3310; 7 Cannon § 873; Deschler Ch 21 § 5.10. A private bill also may be considered, by unanimous consent, in the House as in the Committee of the Whole. Deschler Ch 29 § 5.8.

Form

Union Calendar Bills

MEMBER IN CHARGE: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House [on the state of the Union] for the [further] consideration of District of Columbia business on the Calendar.

Note: The motion to go into the Committee of the Whole is not debatable, is not subject to amendment, and may

not be laid on the table or indefinitely postponed. See COMMITTEES OF THE WHOLE.

And pending that, I ask unanimous consent that general debate be limited to _____ hours, equally divided and controlled by myself and the gentleman from _____, Mr. _____.

Note: General debate in the Committee of the Whole may be limited and divided in the House by unanimous consent, but a motion to limit such debate is not in order until after general debate has begun and the Committee rises. See CONSIDERATION AND DEBATE.

In the House as in the Committee of the Whole

SPEAKER: This is District of Columbia day. The Chair recognizes the gentleman from _____, chairman of the Committee on Government Reform.

MEMBER: Mr. Speaker, by direction of the Committee on Government Reform, I call up the bill (H.R._____) to _____.

SPEAKER: The Clerk will report the title of the bill.

MEMBER (*after the reading*): I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

§ 5. — Debate

Members of the committee with jurisdiction over District of Columbia business have precedence in recognition for debate during consideration of District business. 7 Cannon § 875. General debate in the Committee of the Whole is under the hour rule unless otherwise provided by the House or the Committee. 7 Cannon § 874; Deschler Ch 21 § 5.7 (note). Such debate properly alternates between those favoring and those opposing the pending proposition. Debate is general debate and is not confined to the bill under consideration. 7 Cannon § 875. Where the bill is considered in the House as in the Committee of the Whole, as is usually the case by unanimous consent, there is no general debate. The bill is considered as read, and debate and amendments proceed immediately under the five-minute rule. See COMMITTEES OF THE WHOLE.

§ 6. Disposition of Unfinished Business

District business that is unfinished on a day assigned to the committee with jurisdiction normally goes over to the next eligible day for that committee. 4 Hinds § 3306. Accordingly, unless the previous question has been ordered, unfinished business on District Day does not come again before the House until the next District Day (Deschler Ch 21 § 5.13), at which time it must be affirmatively called up by the Member in charge (Deschler Ch

21 § 5.14). Unfinished business on one District Day does not come up on the next District Day unless called up by the committee. *Manual* § 894; 4 Hinds § 3307; 7 Cannon §§ 879, 880.

§ 7. Procedure Under Home Rule Act

Under the District of Columbia Home Rule Act, the Congress retains control over amendments to the District of Columbia Charter. An amendment to the District of Columbia Charter is deemed repealed if within 35 days a joint resolution disapproving such amendment is enacted. Likewise, the enactments of the District of Columbia Council, with certain exceptions, are deemed repealed if the Congress within a specified period enacts a joint resolution of disapproval thereof. In the House, such resolutions are referred to the Committee on Government Reform. A privileged motion to discharge that committee is authorized under certain circumstances where matters affecting the District of Columbia Criminal Code are involved. The motion is debatable under the hour rule. The motion is privileged if made after the 20-day period specified by the Home Rule Act. District of Columbia Home Rule Act, §§ 303, 602, 604; *Manual* § 1130(5).

The present Home Rule Act requires that congressional disapproval be expressed in a joint resolution (a concurrent resolution was formerly permitted). *Manual* § 1130(5). For a discussion of the validity and constitutionality of resolutions of disapproval, see CONGRESSIONAL DISAPPROVAL ACTIONS.

Disapproval resolutions are considered in the House unless the enactment in question affects the U.S. Treasury, in which case they are considered in the Committee of the Whole. *Manual* § 1130(5).

When the committee has reported the resolution, or has been discharged from its consideration, it is in order to move to consider the resolution. This motion is highly privileged and is not debatable or amendable. Debate on the resolution is limited to not more than 10 hours, to be equally divided. Motions to further limit debate are permitted but are themselves not debatable. The resolution is not subject to amendment or recommittal. Motions to postpone or to proceed to the consideration of other business are not debatable. *Manual* § 1130(5).