Congressional Research Service
Informing the legislative debate since 1914

INSIGHT

Congressional Disapproval of District of Columbia Acts: Overview of Selected Resolutions

March 6, 2023

The U.S. Constitution provides Congress with plenary legislative authority over the District of Columbia (DC) as the federal capital. With the passage of the District of Columbia Self-Government and Governmental Reorganization Act of 1973 (P.L. 93-198, hereinafter the Home Rule Act), Congress granted limited home rule authority to DC, and empowered DC residents to elect a mayor and city council. Pursuant to Section 601 of the Home Rule Act, Congress "reserves the right, at any time, to exercise its constitutional authority as legislature for the District." The act also established a process by which Congress may review and disapprove of most laws enacted by DC before they take effect.

On February 9, 2023, the U.S. House of Representatives exercised its disapproval authority by adopting two measures (H.J.Res. 24 and H.J.Res. 26). If enacted within their specified review periods, these resolutions would nullify two separate acts passed by the DC government (A24-0640 and A24-0789).

Disapproval Process

Most forms of local DC law are transmitted to Congress for a specified review or "layover" period. The length of the layover period differs based on the type of law the District has enacted (60 days for criminal legislation and 30 days for other acts). The layover period excludes Saturdays, Sundays, federal holidays, and days on which neither the House nor the Senate is in session because of an adjournment *sine die* or pursuant to an adjournment resolution. In practice, the start and end date of the review period is subject to the interpretation of the House or Senate Parliamentarian.

Under the Home Rule Act, any Member of the House or Senate may introduce a qualifying joint resolution disapproving a DC law at any time after the law has been submitted to Congress and before the expiration of the layover periods described above. There is no limit on the number of resolutions that may be introduced. The act in question will take effect upon the expiration of the layover period, unless it is first overturned by a joint resolution of disapproval adopted by both chambers of Congress and signed by the President, enacted over his veto, or with no action taken by the President.

Congressional Research Service
https://crsreports.congress.gov
IN12122

For a more detailed overview of this process, see CRS Insight IN12119, *Congressional Disapproval of District of Columbia Laws Under the Home Rule Act*, by Christopher M. Davis.

Selected Disapproval Resolutions

Since enactment of the Home Rule Act in 1973, three resolutions disapproving DC acts have resulted in the nullification of DC laws, as listed in **Table 1**.

Table 1. Disapproval Resolutions of DC Acts Agreed to in Congress

Through Home Rule Act Disapproval Process

Resolution Number	Congress	Resolution Title
S.J.Res. 84	102nd Congress	A joint resolution disapproving the action of the District of Columbia Council in approving the Schedule of Heights Amendment Act of 1990.
H.Res. 208	97th Congress	A resolution disapproving the action of the District of Columbia Council in approving the District of Columbia Sexual Assault Reform Act of 1981.
S.Con.Res. 63	96th Congress	A concurrent resolution to disapprove the Location of Chanceries Amendment Act of 1979 passed by the City Council of the District of Columbia.

Source: Congress.gov.

Notes: H.Res. 208 and S.Con.Res. 63 were adopted as legislative vetoes, prior to the U.S Supreme Court's 1983 ruling that struck down legislative vetoes.

Including the two resolutions adopted in the House in the 118th Congress, there have been seven additional disapproval resolutions that have received floor consideration in at least one chamber of Congress since enactment of the Home Rule Act, as listed in **Table 2**.

Table 2. Disapproval Resolutions of DC Acts Receiving Floor Consideration

Through Home Rule Act Disapproval Process

Resolution Number	Congress	Resolution Title
H.J.Res. 26	118th Congress	Disapproving the action of the District of Columbia Council in approving the Revised Criminal Code Act of 2022.
H.J.Res. 24	118th Congress	Disapproving the action of the District of Columbia Council in approving the Local Resident Voting Rights Amendment Act of 2022.

Resolution Number	Congress	Resolution Title
H.J.Res. 43	114th Congress	Disapproving the action of the District of Columbia Council in approving the Reproductive Health Non-Discrimination Amendment Act of 2014.
H.J.Res. 158	102nd Congress	Disapproving the action of the District of Columbia Council in approving the Schedule of Heights Amendment Act of 1990.
H.J.Res. 341	100th Congress	A joint resolution disapproving the action of the District of Columbia Council in approving the Prison Overcrowding Emergency Powers Act of 1987.
H.Con.Res. 228	96th Congress	A bill to disapprove the Location of Chanceries Amendment Act of 1979 passed by the Council of the District of Columbia.
S.Con.Res. 78	94th Congress	Concurrent resolution disapproving proposed bond issue by the Government of the District of Columbia.

Source: Congress.gov.

Notes: S.J.Res. 84 was adopted in lieu of H.J.Res. 158 and was enacted, invalidating the Schedule of Heights Amendment Act of 1990. S.Con.Res. 63 was agreed to in lieu of H.Con.Res. 228, invalidating the Location of Chanceries Amendment Act of 1979.

Discussion

The Home Rule Act disapproval procedure is one expedited parliamentary method that Congress might use to invalidate a DC law. It is not, however, the only way Congress might undertake such disapproval. Although Congress has successfully used the disapproval mechanism of the Home Rule Act on three occasions, it has far more frequently influenced actions of the DC government through the regular lawmaking process, including the appropriations process. For example, Congress often includes general policy provisions known as *limitations* or *riders* in appropriations laws to prevent the DC government from expending funds on certain activities, programs, or projects.

Author Information

Joseph V. Jaroscak
Analyst in Economic Development Policy

Christopher M. Davis
Analyst on Congress and the Legislative Process

Ben Leubsdorf
Research Librarian

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.