

117TH CONGRESS  
1ST SESSION

# H. R. 4778

To amend the District of Columbia Home Rule Act to provide for the automatic appointment of judges to the District of Columbia courts without the advice and consent of the Senate, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2021

Ms. NORTON introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committee on Rules, 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

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## A BILL

To amend the District of Columbia Home Rule Act to provide for the automatic appointment of judges to the District of Columbia courts without the advice and consent of the Senate, and for other purposes.

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 be cited as the “District of Columbia  
5 Courts Vacancy Reduction Act”.

1 **SEC. 2. AUTOMATIC APPOINTMENT OF JUDGES TO DIS-**  
2 **TRICT OF COLUMBIA COURTS.**

3 (a) APPOINTMENTS BY PRESIDENT.—

4 (1) IN GENERAL.—Section 433(a) of the Dis-  
5 trict of Columbia Home Rule Act (sec. 1–204.33(a),  
6 D.C. Official Code) is amended by striking “the  
7 President shall nominate” and all that follows and  
8 inserting the following: “from the list of persons rec-  
9 ommended by the District of Columbia Judicial  
10 Nomination Commission established under section  
11 434, the President shall appoint all judges of the  
12 District of Columbia courts.”.

13 (2) CONFORMING AMENDMENTS.—Section 433  
14 of such Act (sec. 1–204.33, D.C. Official Code) is  
15 further amended—

16 (A) in the heading, by striking “NOMINA-  
17 TION AND”;

18 (B) in subsection (b) in the matter pre-  
19 ceeding paragraph (1), by striking “nominated  
20 or”;

21 (C) in paragraph (2) of subsection (b), by  
22 striking “his nomination” and inserting “ap-  
23 pointment”;

24 (D) in paragraph (3) of subsection (b), by  
25 striking “his nomination” and inserting “ap-  
26 pointment”;

1           (E) in paragraph (4) of subsection (b), by  
2 striking “the President, for such nomination  
3 and appointment,” and inserting “the President  
4 for such appointment”;

5           (F) in paragraph (5) of subsection (b), by  
6 striking “his nomination” and inserting “ap-  
7 pointment”;

8           (G) in the fifth sentence of subsection (c),  
9 by striking “then the President may nominate”  
10 and all that follows and inserting “the Presi-  
11 dent may reappoint such candidate as judge.”;

12           (H) in the sixth sentence of subsection (c),  
13 by striking “not to so nominate such declaring  
14 candidate, he shall nominate another can-  
15 didate” and inserting “not to so reappoint such  
16 declaring candidate, the President shall appoint  
17 another candidate”; and

18           (I) in the seventh sentence of subsection  
19 (c), by striking “then the President shall not  
20 submit to the Senate for advice and consent the  
21 renomination of the declaring candidate as  
22 judge” and inserting “the President shall not  
23 reappoint the declaring candidate as judge”.

1           (3) CLERICAL AMENDMENT.—The table of con-  
2           tents of such Act is amended by amending the item  
3           relating to section 433 to read as follows:

“Sec. 433. Appointment of judges.”.

4           (b) APPOINTMENTS BY JUDICIAL NOMINATION COM-  
5           MISSION.—Section 434(d)(1) of such Act (sec. 1-  
6           204.34(d)(1), D.C. Official Code) is amended—

7           (1) in the first sentence, by striking “for pos-  
8           sible nomination and appointment” and inserting  
9           “for possible appointment”;

10          (2) in the second sentence, by striking “more  
11          than one nominee” and inserting “more than one  
12          person”;

13          (3) in the third sentence, by striking “of nomi-  
14          nees”; and

15          (4) in the fourth sentence—

16                (A) by striking “the President fails to  
17                nominate, for Senate confirmation,” and insert-  
18                ing “the President fails to appoint”; and

19                (B) by striking “the Commission shall  
20                nominate, and with the advice and consent of  
21                the Senate, appoint” and inserting “the Com-  
22                mission shall appoint”.

1 **SEC. 3. AUTHORIZING CONGRESS TO PREVENT APPOINT-**  
2 **MENT THROUGH RESOLUTION OF DIS-**  
3 **APPROVAL.**

4 (a) RESOLUTIONS OF DISAPPROVAL.—Part C of title  
5 IV of the District of Columbia Home Rule Act (sec. 1–  
6 204.31 et seq., D.C. Official Code) is amended by insert-  
7 ing after section 434 the following new section:

8 “AUTHORIZING CONGRESS TO PREVENT APPOINTMENT  
9 THROUGH RESOLUTION OF DISAPPROVAL

10 “SEC. 434A. (a) REQUIRING TRANSMISSION OF NO-  
11 TICE OF APPOINTMENT TO CONGRESS.—Notice of the ap-  
12 pointment of a judge of a District of Columbia court under  
13 this part shall be transmitted to the Speaker of the House  
14 of Representatives and the President pro tempore of the  
15 Senate by—

16 “(1) the President, in the case of an appoint-  
17 ment under section 433; or

18 “(2) the District of Columbia Judicial Nomina-  
19 tion Commission, in the case of an appointment  
20 under section 434(d)(1).

21 “(b) TIMING OF APPOINTMENT.—The appointment  
22 of a judge of the District of Columbia courts shall take  
23 effect upon the expiration of the 30-calendar-day period  
24 (excluding Saturdays, Sundays, and holidays, and any day  
25 on which neither House is in session because of an ad-  
26 journment sine die, a recess of more than three days, or

1 an adjournment of more than three days) beginning on  
 2 the date on which notice of the appointment is transmitted  
 3 to the Speaker of the House of Representatives and the  
 4 President pro tempore of the Senate under subsection (a),  
 5 unless during such 30-calendar-day period there has been  
 6 enacted into law a joint resolution disapproving of the ap-  
 7 pointment.

8 “(c) APPLICATION OF EXPEDITED PROCEDURES FOR  
 9 CONSIDERATION OF RESOLUTIONS OF DISAPPROVAL OF  
 10 COUNCIL ACTS TO CONSIDERATION OF RESOLUTIONS OF  
 11 DISAPPROVAL OF APPOINTMENT OF JUDGES.—

12 “(1) APPLICATION OF PROCEDURES.—The pro-  
 13 visions of section 604, except subsections (d), (e),  
 14 and (f) of such section, shall apply with respect to  
 15 a joint resolution described in paragraph (2) in the  
 16 same manner as such provisions apply to a joint res-  
 17 olution disapproving an act of the District of Colum-  
 18 bia Council which is described in section 604(b).

19 “(2) RESOLUTIONS DESCRIBED.—A resolution  
 20 described in this paragraph is a resolution, the mat-  
 21 ter after the resolving clause of which is as follows:  
 22 ‘That the \_\_\_\_\_ disapproves of the ap-  
 23 pointment of \_\_\_\_\_ as a judge of the  
 24 \_\_\_\_\_.’, with the first blank filled in  
 25 with the name of the House of Congress involved,

1 the second blank filled in with the name of the indi-  
2 vidual involved, and the third blank filled in with the  
3 name of the District of Columbia court involved, but  
4 does not include any resolution which specifies more  
5 than one action.”.

6 (b) CLERICAL AMENDMENT.—The table of contents  
7 of such Act is amended by inserting after the item relating  
8 to section 434 the following new item:

“Sec. 434A. Authorizing Congress to prevent appointment through resolution of  
disapproval.”.

9 **SEC. 4. EFFECTIVE DATE.**

10 (a) IN GENERAL.—The amendments made by this  
11 Act shall apply with respect to appointments of judges of  
12 the District of Columbia courts which are made on or after  
13 the date of the enactment of this Act.

14 (b) TRANSITION RULE FOR CURRENT NOMINEES.—  
15 Section 434A of the District of Columbia Home Rule Act  
16 (as added by section 3(a)) shall apply with respect to an  
17 individual whose nomination as a judge of the District of  
18 Columbia courts is pending as of the date of the enact-  
19 ment of this Act as follows:

20 (1) In the case of an individual nominated by  
21 the President under section 433 of such Act (as in  
22 effect prior to the effective date of this Act), the  
23 President shall be deemed to have transmitted notice  
24 of the appointment of the individual as a judge of

1 the District of Columbia courts to the Speaker of  
2 the House of Representatives and the President pro  
3 tempore of the Senate on the date of the enactment  
4 of this Act.

5 (2) In the case of an individual nominated by  
6 the District of Columbia Judicial Nomination Com-  
7 mission under section 434 of such Act (as in effect  
8 prior to the effective date of this Act), the Commis-  
9 sion shall be deemed to have transmitted notice of  
10 the appointment of the individual as a judge of the  
11 District of Columbia courts to the Speaker of the  
12 House of Representatives and the President pro  
13 tempore of the Senate on the date of the enactment  
14 of this Act.

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