



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
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WASHINGTON, D.C. 20004

**TESTIMONY OF CHAIRMAN PHIL MENDELSON**  
**COUNCIL OF THE DISTRICT OF COLUMBIA**

UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON FINANCIAL SERVICES AND GENERAL GOVERNMENT

DECEMBER 10, 2024

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Thank you, Chairman Joyce, Ranking Member Hoyer, and members of the Subcommittee. I am Phil Mendelson, Chairman of the Council of the District of Columbia (Council). I am pleased to testify today. Thank you for the invitation.

I want to thank this Subcommittee for its interest in District government operations and the public policy issues currently under debate in our city. My thanks, as well, for the funding provided in your fiscal year 2025 bill for the security costs and other obligations the Metropolitan Police Department (MPD) and its partner agencies are taking on as we prepare to host the 2025 presidential inauguration. It is crucial that the spending bill Congress will take up before it adjourns for the year includes full funding for this work, not just to guarantee a safe and successful inauguration, but to preserve MPD's ability to effectively carry out its day-to-day role in keeping District residents and visitors safe.

The Constitution gives Congress a unique role in overseeing the District government and the laws the Council passes. This hearing comes at the end of a two-year Congress during which members of the House and Senate proposed and enacted an unprecedented, damaging level of federal interference in our local affairs. Congress, of course, has the right to legislate our local affairs. My colleagues and I are generally not very pleased when that happens, but we recognize our role, your role, and your constitutional obligation to oversee and, at times, question our actions.

I plan to use my testimony to highlight areas where congressional action on District affairs has been harmful, and also suggest areas where we could work together to enhance the effectiveness of the District government and improve public safety, among other goals. But first I want to highlight the success of our Home Rule government to dispel misunderstandings.

*GOVERNANCE IN THE DISTRICT: A MODEL FOR OTHER JURISDICTIONS*

Since Congress granted the District of Columbia Home Rule in 1973,<sup>1</sup> the District has had both successes and challenges. In recent years, successes have significantly outnumbered the challenges. In fact, I think our successes would be the envy of policymakers in states and big cities around the country if they were more widely known.

When former Mayor Anthony Williams took office just over 25 years ago, the District government was operating under a federal control board following years of fiscal mismanagement. When the National Capital Revitalization and Self-Government Improvement Act of 1997 was adopted by Congress, the District was under 17 Consent Decrees, six of which involved receiverships. Now, only one of those consent decrees remains, and it is nearing conclusion. No new consent decrees have been entered since passage of the Revitalization Act. Indeed, the District is thriving and financially strong. The District's fiscal year 2025 budget adopted earlier this year is the District's twenty-ninth consecutive balanced budget and the ninth considered under local budget autonomy.<sup>2</sup> Consistent with our approach in recent years, this budget prioritizes principles of fiscal responsibility, efficient use of public resources, and a focus on long-term fiscal health and stability. Our obligations related to employee pensions and other post-employment benefits are fully funded, using conservative actuarial assumptions. Under federal law, the District is required to maintain reserves equal to about 22 days of operating expenditures, but at the end of fiscal year 2023 our financial reserves were equal to 51 days.

Our excellent fiscal condition is made possible by guardrails included in local law that prevent irresponsible budgeting. For example, the District employs an independent Chief Financial Officer (CFO), who the Subcommittee will hear from shortly. This is a unique feature of our government that differs from the approach taken in the states and by other municipalities where financial management professionals serve at the pleasure of elected, partisan officials whose goals may not always align with the fiscal health of the jurisdiction. District law also requires that the Mayor present the Council with a budget each year that the CFO has determined is balanced, and which includes a four-year financial plan that also is balanced. We have even taken it upon ourselves to borrow less and spend less than Congress allows.

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<sup>1</sup> Home Rule Act *supra* note 4.

<sup>2</sup> See the Local Budget Autonomy Act of 2012, effective July 25, 2013 (D.C. Law 19-321; 60 DCR 12135).

Under federal law, the District may borrow up to 17 percent of total expenditures in a given year. Local law limits us to borrowing only 12 percent of total expenditures. Congress requires that we maintain two reserve funds to facilitate sound financial management throughout the year. We added two additional reserve funds and adopted a plan to increase our reserves to 66 days and exceed the two-month minimum recommended by the Government Finance Officers Association. The Council has also taken the lead in recent years in reducing borrowing and increasing our reliance on annual pay-as-you-go revenue for capital spending.

I am also proud of our record in the District in making the city a better place to work and do business. Between 2015 and 2018, the District lowered its business income tax rate from 9.975% to 8.25%, where it remains today, creating the kind of stable tax system that is a priority for anyone looking to start and grow their business.<sup>3</sup> More recent legislation lowers business licensing fees across the board, making it easier to start and continue small businesses in the District and paving the way for the strong recovery underway today.<sup>4</sup> We have also been able to lower real property tax rates for small business retailers beginning this fiscal year.

The District is also investing in its workforce. In recent years, the Council has made critical investments in the University of the District of Columbia, its community college, and vocational training to better prepare District residents for the jobs of the future in sectors like information technology and healthcare. We are also making improvements in elementary and secondary education. Today, the District of Columbia public schools are among the fastest improving among large urban school districts around the country.<sup>5</sup> And today, our students are attending class in facilities that have been modernized over the last decade. In all the District has modernized or rebuilt 60% of its DCPS school buildings. In addition to DCPS, the District has a thriving public charter school sector—one of the largest, if not the largest, in the country—serving almost 50 percent of our public school students.<sup>6</sup>

We also recognize that a vibrant economy depends on paying workers in the District enough to support their needs. In 2014, I worked with neighboring jurisdictions to raise our minimum wage to \$15 per hour by 2020—ensuring that we all stay competitive regionally. And it is indexed to inflation. In 2017, the Council also adopted the most generous paid family leave law in the United States ensuring that our businesses have a locally funded benefit program to offer to potential

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<sup>3</sup> D.C. Official Code § 47-1807.02(a)(5)-(8). The District's current corporate tax rate of 8.25% is the same as the corporate tax rate in Maryland and lower than corporate tax rates in 10 other states. See, Federation of Tax Administrators, Range of State Corporate Income Tax Rates, February 2022 ([https://taxadmin.memberclicks.net/assets/docs/Research/Rates/corp\\_inc.pdf](https://taxadmin.memberclicks.net/assets/docs/Research/Rates/corp_inc.pdf)).

<sup>4</sup> D.C. Law 24-333, Business and Entrepreneurship Support to Thrive Amendment Act of 2022.

<sup>5</sup> District of Columbia Public Schools, *2022 NAEP Results*, October 2022 ([2022 DCPS NAEP-TUDA Results.pdf](https://www.dcps.dc.gov/naep)).

<sup>6</sup> See Education Forward D.C., *The D.C. Schools Landscape: By the Numbers* (<https://edforwarddc.org/the-dc-schools-landscape-by-the-numbers/>).

employees. This has ensured that employees in the District have up to 12 weeks of paid leave to bond with a new child, to care for a family member, or to care for themselves when they are sick. Here again, we are making the District a good place to work.

We are also making substantial investments in housing and transportation to support a strong and growing population. We have one of the most robust sets of affordable housing policies in the country, with the largest per capita housing trust fund of any city. We are also leading the way on transportation. The District was the first in the region to step up to the plate with the dedicated funding the Washington Metropolitan Area Transit Authority needed to get Metrorail back to a state of good repair. And we continue to be a leader in the region, working with our suburban colleagues to find adequate revenue to continue to maintain and even expand the public transit system.

The District continues to be a world-class tourist destination as the U.S. tourism industry continues its recovery from COVID-19. More than 25 million people visited the District in 2023, up from 13.3 million in 2020, when pandemic-related closures ground tourism to a halt.<sup>7</sup> As we sit here this morning, the District is preparing to host tourists from around the world for major events such as President-elect Trump's inauguration and WorldPride 2025. The National Mall, Downtown, and our neighborhoods are host once again to families, school groups, and others seeking to take advantage of the Smithsonian and countless other attractions our city hosts.

But there's more to visiting the District than spending time on the National Mall. We are a world class theater town boasting more theater seats than any other city other than New York. Further, the District invests more funds per capita in our creative economy than any other jurisdiction in the United States. We have nearly 60 local museums off the Mall like the African American Civil War Museum in Shaw, the International Spy Museum at L'Enfant Plaza, and the Building Museum at Judiciary Square.<sup>8</sup> We also boast a thriving restaurant scene with unique, independent restaurants throughout our neighborhoods and commercial corridors. In fact, our restaurants join those in New York, Chicago, and parts of California as the only eateries in the country deemed worthy of Michelin ratings.

Because of the successes I mentioned and more, the District is growing again. After some population loss during the COVID-19 pandemic, we added almost 10,000 residents in recent years.<sup>9</sup> Since the heart of the pandemic, revenues and GDP have

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<sup>7</sup> Destination DC, Washington, DC Visitor Statistics, ([Washington, DC Visitor Statistics | Washington DC](#))

<sup>8</sup> There are roughly 74 museums in D.C. Of those 74, approximately 17 are part of the Smithsonian Institution.

<sup>9</sup> District of Columbia Office of the Chief Financial Officer, *Economic and Revenue Trend Reports*, October 2024, ([Economic and Revenue Trend Reports, October 2024 | ora-cfo](#))

both grown by almost 20 percent.

But the Mayor and Council are not just celebrating our successes. We continue to work day in and day out to grow the District. For example, the Council worked hand-in-hand with the Mayor to reverse the decision by Monumental Sports and Entertainment to move the Washington Wizards and Washington Capitals out of the city. Today, we are all working together with Monumental to make Capitol One Arena the kind of state-of-the-art facility that will be an anchor for a revitalized Downtown for decades to come, until at least the 2050s. The Council has also taken the initiative to make similar improvements to Nationals Park, which has sparked significant residential and business development in the formerly industrial Navy Yard neighborhood just south of Capitol Hill and Downtown. Our fiscal year 2025 budget also makes strategic investments to attract residents, business activity, arts, and vibrancy to downtown.

The Council and the Mayor are also working effectively together to address public safety, an issue that drew significant bipartisan attention from the House and Senate last year. Due in part to the enactment of the Secure DC Omnibus Amendment Act earlier this year, violent crime is down 35 percent compared to last year. As it is in every major city, crime is still a challenge in the District but, as I sit here today, homicide, robbery, and violent assault rates are all down by between 29 percent and 39 percent compared to 2023.<sup>10</sup> To help continue this progress, our fiscal year 2025 budget includes more than \$5 million for hiring bonuses for new MPD recruits and conversion bonuses for MPD cadets to support the hiring of 216 additional sworn officers. In addition, the Council continues to make progress on legislation to address longstanding resident concerns about issues such as reckless driving and excessive street noise.

#### *THE COST OF CONGRESSIONAL INTERFERENCE*

The District has been able to prosper in so many ways despite unnecessary and counterproductive congressional interference in our local affairs. Every year we watch as members of Congress with no connection to the District introduce legislation or insert appropriation riders that detrimentally impact the functions of our government. These legislative efforts are often motivated by a desire to score political points on hot topics in national politics without any regard for the effect on broader policies or the reasons why we enact the laws that we enact. As a result, the initiatives put forward by our Council and our Mayor are at the mercy of whichever party is in control of Congress. As a District policymaker, I can tell you that this hurts our ability to manage the affairs of our government.

The 30-day congressional review of legislation approved by the Council is

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<sup>10</sup>Metropolitan Police Department, District Crime Data at a Glance, December 2024, ([District Crime Data at a Glance | mpdc](#))

unnecessary. It is unnecessary because Congress has plenary authority over the District's laws. But the congressional review layover has a significant impact on the operations of the Council. Realistically, congressional review takes about two months. But because of Congress's schedule and frequent recesses, the delay in our legislation taking effect can be as long as four months. Of the thousands and thousands of bills transmitted since Home Rule, only four have been disapproved. However, because of the congressional review period, the Council must adopt some laws on an emergency and temporary basis to get them into effect more quickly. That has necessitated around 180 emergency and temporary bills so far during the current Council Period to get our laws enacted in a predictable manner, not to mention the nearly 100 emergency gap filling measures we needed to pass because Congressional review took so long. These bills include public safety measures, noise abatement efforts, traffic enforcement improvements, even alley closings and street namings. As the Council's former General Counsel correctly noted years ago "Congress may not legislate with the District in mind very often, but we always legislate with Congress in mind."<sup>11</sup>

However, the District's success, even in the face of these hurdles that no other jurisdiction must endure, demonstrates that, in addition to our being entitled to full and fair representation, the District can manage its own affairs just like any other jurisdiction. We are proud of our record of responsible governing and would put our record up against that of any other jurisdiction.

An example of the District's sound governing practice is the District's management of its budget after the Council approved, and the voters by referendum ratified, the Local Budget Autonomy Act of 2012.<sup>12</sup> Removing the uncertainty over the District's budget authority has ensured that its budget is not being inefficiently spent on unnecessary borrowing costs or paying a premium for services. Under budget autonomy, the District has met the immediate needs of a thriving city. The flexibility of budget autonomy has allowed the District to address the urgent service and programmatic needs of the city and ensured that services are delivered efficiently.

Another advantage to budget autonomy: it has guaranteed that the delivery of services – to residents, to visitors, and even to the federal government – is not disrupted due to federal budget battles which have no relation to the District or its budget. As former U.S. Representative Tom Davis noted in 2003: while Congress's involvement in the District's budget stems from a desire to ensure the financial well-being of the nation's capital, "the unfortunate reality is that the city's local budget can get tied up in political stalemates over congressional appropriations that rarely

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<sup>11</sup> *Pathways to Statehood, From Voting Rights to Full Self-Determination: Political and Constitutional Considerations: Public Hearing before the Council of the District of Columbia Special Committee on Statehood and Self-Determination*, June 1, 2009 (written testimony of Brian Flowers, General Counsel of the Council of District of Columbia, at 6).

<sup>12</sup> *Supra* note 14.

have anything to do with the District's budget."<sup>13</sup> The District has proven that it can manage its business similar to a state and can function without congressional oversight.

As for oversight, the Council conducts rigorous oversight over all of the District agencies that report directly to the Mayor, as well as numerous independent and regional agencies and bodies, such as DC Water, the Metropolitan Washington Council of Governments, and the Washington Metropolitan Airports Authority.

The Council, through its eleven committees, holds performance and budget oversight hearings on every District agency. During these hearings the committees can scrutinize the past and present performance and the budgetary needs of each agency and get input from members of the public. The Council also holds numerous public oversight hearings on specific subject-matter areas. Indeed, the Council holds hearings on legislation and resolutions throughout the year since the Council is a full-time legislature. In fact, under our rules, every permanent bill must have a public hearing where residents and the Mayor can weigh in before the legislation can be adopted.

During the current Council Period (January 2, 2023 to January 1, 2025), the Council and its various committees have held hundreds of meetings, hearings, and roundtables. The Council has held 35 Legislative Meetings. The Committee of the Whole has held 41 meetings to consider legislation and reports within the Committee as well as reports on legislation from other committees. The Council employs over 300 professional staff amongst the 13 Councilmembers, 11 Committees, and four Central Offices. Thousands of hours of analysis, legislative drafting, and budget formulation occur every year in the Council. I would put our record of thoughtful and professional legislative work up against any other legislature in the United States.

#### *CONGRESSIONAL INTERFERENCE AND PUBLIC SAFETY*

In recent years, congressional interference in local District affairs has had a significantly negative impact on the Council's efforts to address crime and public safety in our city. For example, District residents overwhelmingly approved Initiative 71 in 2014 to provide for the legalization of possession of minimal amounts of cannabis for personal use.<sup>14</sup> As we have seen, this is a trend among the 50 states. But Congress has prohibited the District from adopting any law to regulate this industry. The Council was even challenged on whether having a public hearing on the taxation and regulation of marijuana was a violation of the Anti-Deficiency Act.<sup>15</sup>

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<sup>13</sup> *Budget Autonomy for the District of Columbia: Restoring Trust in Our Nation's Capital, Hearing Before the H. Comm. On Government Reform, 108th Cong., Serial No. 108-36, at 2 (statement of U.S. Representative Tom Davis).*

<sup>14</sup> See the Legalization of Possession of Minimal Amounts of Marijuana Personal Use Initiative of 2014, effective February 26, 2015 (D.C. Law 20-153; 62 DCR 880).

<sup>15</sup> See 31 U.S.C. § 1341.

Because the District is congressionally prohibited from regulating the sale or distribution of recreational cannabis, we now have a black market estimated at over \$600 million annually. The answer to this problem is not to “shut it down,” as that would continue the failed prohibitionist approach toward cannabis that created the black market to begin with. Rather, the answer is to allow the District to regulate the sale and distribution of recreational cannabis, so we can create a legal market that competes with and puts the black market out of business. This is an urgent matter, since as time goes by, not only will it be more difficult to displace these illegal businesses when the day comes that we can regulate, but in the meantime the illegal “gifting” stores attract violent crime due to their cash-only nature and the illegality of their activity. So our police do try to shut down the illegal stores. And the U.S. Attorney—the individual responsible for prosecuting these crimes—declines to prosecute. The situation is out of control. Congress’s interference in this matter has had a negative impact on public safety.<sup>16</sup>

The disapproval of the Council’s Revised Criminal Code Act (RCCA) is the most recent and consequential example of congressional interference in District affairs. With the RCCA blocked, the District remains stuck with a criminal code written by a long-ago Congress in 1901. In 2000, legal scholars ranked criminal codes across the country on a variety of dimensions, including communicating rules of conduct, the comprehensive and accessibility of the principles of adjudication, and accuracy in imposing liability. Out of the 52 codes analyzed by these experts, the District’s was ranked number 45.<sup>17</sup> Additionally, as the Executive Director of the Criminal Code Reform Commission and other experts have pointed out, the District’s current criminal code contains poorly defined legal terms, contributing to costly litigation and difficulty in prosecuting criminals. In its haste to reject the Council’s work on the RCCA, Congress has jettisoned much needed provisions to enhance penalties for offenses such as attempted murder, possession of dangerous ghost guns, and assault on a law enforcement officer. Congress even rejected our efforts to address sexual assault, forcing us to leave in place an antiquated provision in law that classifies non-consensual sexual intercourse as a misdemeanor.

### *THE FUTURE OF HOME RULE AND THE CASE FOR STATEHOOD*

Today, despite the poor results over the years, Congress had indicated a desire

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<sup>16</sup> Kenneth V. Cummins, Sarah Payne, and Andrew Lightman, “Does Gray-Market Cannabis Breed Robberies?” *The Hill Rag*, Feb. 7, 2023 (<https://www.hillrag.com/2023/02/07/does-gray-market-cannabis-breed-robberies/>). This is consistent with research from other jurisdictions which shows that unlicensed cannabis businesses have a negative impact on crime. See, for instance, Los Angeles County Department of Public Health, “Health Equity Implications of Retail Cannabis Regulation in Los Angeles County: Health Impact Assessment” ([http://publichealth.lacounty.gov/chie/reports/CannabisHIAWebinar\\_FinalSlideDeck.pdf](http://publichealth.lacounty.gov/chie/reports/CannabisHIAWebinar_FinalSlideDeck.pdf)).

<sup>17</sup> Robinson, P. H., Cahill, M. T., & Mohammad, U. (2000). *The five worst (and five best) American criminal codes*. *Nw. UL Rev.*, 95, 1.



to deepen its involvement in District governance. For example, this Subcommittee's fiscal year 2025 bill includes much-needed funding for the inauguration and other areas where the District and federal government have partnered over the years. But it also unfortunately includes more than a dozen policy riders touching on hot-button issues like abortion and guns but also on more mundane topics like whether drivers should be able to turn right at red lights. No other jurisdiction in the country must worry about Congress meddling in their affairs to this degree. On top of this, District residents must also concern themselves with calls from Congress to end our ability to govern ourselves altogether. The District has been celebrating 50 years of Home Rule throughout 2024. But a few members of the House and the Senate have proposed repealing the Home Rule Act—the law that, among other things, established the elected Council and the Mayor—and replacing it with some undetermined new governance scheme that will presumably lessen the role District residents play in their local government.

To those in Congress seeking to do away with Home Rule, I respectfully suggest that you do not know what it is you are suggesting. Management of the District is enormously complicated. Congress did not give us Home Rule solely for altruistic pro-democracy reasons. Rather, our government was not well run before 1973. Those were not golden years we could or should attempt to return to with the stroke of a pen. Public safety was so problematic that we had a 5,000-officer police force, a level we've not required ever since. Our population was shrinking as middle-income residents left the District by the tens of thousands. The District government was unable to issue audited financial statements. We had a grossly underfunded pension system for our police, firefighters, and teachers. And we required an annual federal payment to balance our budget at first equal to about 24% of our budget, reaching \$660 million before it was discontinued after 1997. Running a \$21.2 billion government with state, county, city, and school board functions is incredibly complicated. Congress returning to two governing committees would not be sustainable. Putting aside the fact that every free-world nation grants its national capital Home Rule, the idea of cancelling our Home Rule would be a serious step backward for managing the District.

As I have testified before, when the District of Columbia was established in the 1790s, its citizens had voting rights and self-governance. This was not immediately taken away. I find it instructive that nowhere in the Federalist Papers or James Madison's notes will you find a discussion that it was a goal of the Founding Fathers to take our citizenship away. They wanted control of the seat of the federal government. That was their only focus.

It has been over 200 years since Congress rescinded voting rights from the last group of Washington residents who had previously voted in Maryland and Virginia. To add to this injury, it is Congress that has plenary authority over all matters in the

District.<sup>18</sup> It is taxation without representation.

Numerous efforts have been made to correct this injustice, some of which were successful. In 1960, the 23<sup>rd</sup> Amendment was adopted, granting the District the same number of presidential electors as the smallest state.<sup>19</sup> In 1970, the District of Columbia Delegate Act<sup>20</sup> was enacted to give the District a representative in the House of Representatives. But, as you know, that position is non-voting – the same status as that of members from the U.S. territories. In 1973, Congress adopted the Home Rule Act, a major reform for District governance, but that act is silent as to congressional representation.<sup>21</sup> In 1978, the District’s non-voting delegate in the House of Representatives, Walter Fauntroy, introduced a constitutional amendment that would have given the District two senators, a representative, and an unrestricted vote for President.<sup>22</sup> While Congress approved the amendment, the states failed to ratify it.

In 2007, Senators Lieberman and Collins reported bipartisan legislation to add two additional seats in the House of Representatives: a full voting member for the District and one for Utah.<sup>23</sup> This approach relied on Congress’s authority to legislate on matters for the District as well as to create and adjust the number of congressional seats in the House of Representatives.<sup>24</sup> Unfortunately, a Senate cloture vote to simply proceed on the measure fell short by three votes.

The idea of the Washington D.C. Admission Act was first proposed in 1971.<sup>25</sup> It would carve out the geographic core of the city to remain a federal enclave, while establishing the remainder of the city as the state of Washington, D.C. This approach is consistent with long standing practice, having already been employed 37 times. Congress granted statehood to several territories that were in existence for less than 10 years. On the other hand, the last three states admitted to the Union – Hawaii, Alaska, and Arizona – were territories for 61, 47, and 49 years, respectively. The District has been a “territory” for more than 200 years.

Statehood is the only practical way that our citizens can participate in a fully democratic government. It is the only way to ensure that our local government will never be subject to a shutdown because of quibbling over purely federal matters, and our local services not suspended because of partisan disagreements. It is the only way to give our residents locally elected representatives to enact purely local laws that

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<sup>18</sup> District of Columbia Organic Act, 6<sup>th</sup> Congress, 2<sup>nd</sup> Sess., ch. 15, 2 Stat. 103.

<sup>19</sup> U.S. Const. amend. XIII § 1.

<sup>20</sup> District of Columbia Delegate Act, Pub. L. No. 91-405, § 201, 84 Stat. 848 (1970).

<sup>21</sup> District of Columbia Home Rule Act, Pub. L. No. 93-198, 87 Stat. 774, D.C. OFFICIAL CODE § 1-201.01 *et seq.* (1973) [hereinafter Home Rule Act].

<sup>22</sup> H.R.J. Res. 554, 95<sup>th</sup> Cong. (1978).

<sup>23</sup> See District of Columbia House Voting Rights Act, S. 1257, 110<sup>th</sup> Cong. (2007).

<sup>24</sup> S. Rep. No. 110-12, at 3 (2007).

<sup>25</sup> <sup>31</sup> *City and State: D.C. State Bill*, Washington Post, July 7, 1971, at C4.

would not be subject to national debates over divisive social issues. It is the only way to ensure a judicial system that is representative of our community values. Statehood is the only way to give residents a full, guaranteed, and irrevocable voice in Congress. The same voice enjoyed by our peers across the country.

Statehood is the most practical solution to right the historical wrong of denying voting rights to citizens of the District and to guarantee the right to local self-governance. The District of Columbia has a proven track record of prudent fiscal management spanning two and a half decades. The State of Washington, D.C. would enter the Union as a 51<sup>st</sup> state with an economy envied by other jurisdictions. Politics must be set aside, and all the excuses used to justify denial of our inalienable rights must be shelved. Our limited home-rule power delegated by Congress is appreciated, but too tenuous and too often a bargaining chip in political battles. Limited home-rule cannot make up for all the other rights withheld by Congress that we could have only with statehood.

To that end, in April of 2016, the New Columbia Statehood Commission (Commission) announced that the District of Columbia would pursue statehood through an approach modelled on the Tennessee Plan. This would entail the creation of a contemporary constitution and boundaries for the state of Washington, Douglass Commonwealth. The Commission set out to convene a series of town hall meetings, culminating with a three-day District-wide constitutional convention. The Commission then adopted a draft Constitution and state boundaries.

The draft Constitution and boundaries were then sent to District residents for ratification. Over 85 percent of District residents who voted in our 2016 general election approved a referendum to grant authority to the Council to petition Congress to enact a statehood admission act and to approve the District's Constitution.<sup>26</sup> Passage of the referendum established that the citizens of the District: (1) agree that the District should be admitted to the union as a state; (2) approve a Constitution of the state of Washington, Douglass Commonwealth, as adopted by the Commission; (3) approve the boundaries for the state; and (4) agree that the state of Washington, Douglass Commonwealth shall guarantee an elected representative form of government.

In light of this action, Congress needs to respect the will of the District residents. District residents want and deserve fair and equal representation—representation equivalent to that enjoyed by all other U.S. citizens. Continuing to ignore District residents' request for statehood is to ignore democratic values. Until this is done the residents of the District will continue to feel left out of the democratic process which is not what was envisioned when this country was founded.

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<sup>26</sup> See Advisory Referendum on the State of New Columbia Admission Act Resolution of 2016, effective July 12, 2016 (Res. 21-570; 63 DCR 9627).

## *OPPORTUNITIES FOR CONGRESS AND THE DISTRICT TO WORK TOGETHER*

I concede regretfully that congressional action to admit the District as a state is unlikely during the remainder of this Congress or during the next. That said, there are a number of ways this Subcommittee and the committees with responsibility for the District in the House and Senate can work together to improve Home Rule and enhance District Government operations:

1. Re-open federal government offices and reduce telework by the federal workforce. Every U.S. city with a federal presence is suffering: retail space is vacant, commercial property values have dropped, and cities, including the District, are struggling with reduced sales and property tax revenues because federal workers are staying home. To the extent that a full return to the office is not feasible or desirable, Congress and the new administration should work with the District to make more efficient use of underutilized federal property.
2. Adequately resource the United States Attorney's Office for the District of Columbia. To reduce crime, arrests must be prosecuted. The U.S. Attorney for the District is responsible for the prosecution of all felonies. Yet they decline to prosecute a large percentage of cases, suggesting they do not have the resources necessary to prosecute all cases.<sup>33</sup> In addition to fully funding the U.S. Attorney's office to increase prosecution rates, Congress should also explore providing additional authority and resources to the District's Office of Attorney General so that they can pursue cases the U.S. Attorney cannot or will not prosecute.
3. Adequately staff and fund the District of Columbia's courts. These courts are federal entities with judges nominated by the President and confirmed by the Senate. Court funding comes through federal appropriations. There are currently nine vacancies on the Superior Court and two on the Court of Appeals, one of which has been vacant since 2013. In addition, lack of resources has slowed court capital improvements and prevented the acquisition of sufficient translation services and the latest courtroom technology. Taken together, judicial vacancies and underfunding have contributed to a slowdown in case closures.
4. Eliminate the marijuana rider in the Subcommittee's annual bill. For reasons explained earlier, this rider is endangering public safety in the District.
5. Amend federal gun control laws to enable the Bureau of Alcohol, Tobacco, Firearms, and Explosives to share more data about interstate gun trafficking on a proactive basis with local law enforcement agencies. This

will enhance public safety in the District.

6. Authorize our Mayor to be able to call out the National Guard. Our ability to protect the public from riots and disorder is hampered by the current process, whereby the Mayor must make a request of the President. The delay in calling out the National Guard to protect Congress on January 6, 2021, illustrates the need for this change.
7. Streamline congressional review of D.C. laws. District communications to the House and Senate today must be delivered in person to the Capitol, a labor-intensive process that is often hindered by holidays, congressional recesses, and security requirements. This arrangement also provides no guarantee that materials are delivered to and reviewed by the intended individuals. Technology has evolved sufficiently since Home Rule to facilitate electronic transmission of bills and other materials from the Council. Congress should also reduce or eliminate the congressional review period for District laws. Congress has the ability to legislate, without this review process, on all matters concerning the District. As explained earlier, the review period is often disruptive and counterproductive.
8. Respect Budget Autonomy. Under the Home Rule Act the Council has the authority to adopt the District's budget in the same manner as all other D.C. laws, but Congress insists on still adopting an appropriations act. The constant uncertainty of the congressional appropriation process is considered, explicitly, to be a negative factor by the Wall Street ratings agencies.
9. Give the District the same authority other jurisdictions have to levy taxes. Federal law currently prohibits us from applying sales tax to businesses operating on federal property, such as cafeterias and museum gift shops, even when those businesses compete directly with nearby businesses that are subject to the District sales tax. Federal law also prevents the District from taxing income generated by non-District residents. This allows individuals doing business here—including well-compensated individuals like professional athletes and partners in entities like law firms—to avoid local income here. Meanwhile, an athlete or law partner who lives in the District and pays income taxes in a nearby jurisdiction can deduct out-of-state income taxes from their District income taxes.
10. Re-invest in public housing. The District, and cities across the nation, are struggling with an affordable housing crisis because of the federal government's disinvestment in public housing.

I appreciate the Committee's attention and this opportunity to testify, which I

am doing voluntarily and without waiving any of the privileges and immunities available to me as the Chairman of the Council. I look forward to answering any questions you might have.