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ENTITLEMENTS

Congress of the United States  
House of Representatives  
Washington, DC 20515-1501

Statement of Congresswoman Eleanor Holmes Norton  
Committee on Oversight and Government Reform  
Markup of H.R. 5233

“Clarifying Congressional Intent in Providing for DC Home Rule Act of 2016”  
May 17, 2016

Mr. Chairman, this bill is the most significant abuse of congressional authority over the District of Columbia since passage of the Home Rule Act in 1973. The bill would repeal a referendum approved by 83 percent of voters, overturn a court ruling and permanently take away the authority of the almost 700,000 American citizens who live in the nation's capital and their locally elected officials to amend their local budget process. Not only is the bill profoundly undemocratic, it would harm the finances and operations of the District.

Nevertheless, the committee's action on the bill is all for show. The Subcommittee on Government Operations held a hearing last Thursday on the validity of the Local Budget Autonomy Amendment Act of 2012 (BAA) even though the committee had already drafted the bill and indicated it would mark it up, regardless of what the hearing revealed. While the committee and the House will likely pass the bill on a party-line vote, the Senate does not have the votes to pass it, and even if it did, President Barack Obama, who has consistently supported budget autonomy in his budgets, almost certainly would veto it. The action is designed to satisfy the demands of some Republicans for regular order, right until the moment the House inevitably abandons regular order and tries to attach the bill to an appropriations bill. Indeed, according to press reports, Republicans acknowledged as much last Thursday. The machinations on the bill should not be surprising. The same process was used just last month on the D.C. private school voucher bill.

Reasonable lawyers and judges have differed about the validity of the BAA. What is not in dispute, though, is that the BAA is the law of the land. The only court ruling in effect upheld the BAA, and the court ordered District officials to implement it. It is, therefore, laughable that Republicans on the committee have invoked the threat of jail for D.C. officials who implement the BAA, marking the second time this Congress they have tried to bully D.C. officials with the threat of jail. The first time was for the District's implementation of its marijuana legalization initiative.

Today, we will test whether Republicans support or oppose budget autonomy for D.C. I will offer an amendment to the bill to grant budget autonomy by an act of Congress.

Instead of marking up the bill, the committee should be continuing the work of its last two Republican chairmen, Tom Davis and Darrell Issa, who fought for budget autonomy. As an

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amicus brief filed by Mr. Davis in a BAA case noted: “The benefits of budget autonomy for the District are numerous, real, and much needed. There is no drawback.” One of the other signatories on the brief was Alice Rivlin, the founding director of the Congressional Budget Office, a former director of the White House Office of Management and Budget and a chair of the D.C. financial control board. Indeed, at last week’s hearing, even the Republicans’ witnesses who took a position on the policy of budget autonomy supported it.

Control over the dollars raised by local taxpayers is central to local control, is central to the American conception of government and is a much-cited principle of congressional Republicans. Beyond this core principle, budget autonomy has practical benefits for both the District and federal governments. For the District government, it means what every other local government already enjoys: lower borrowing costs; more accurate revenue and expenditure forecasts; improved agency operations; and, in D.C.’s case, the removal of the threat of federal government shutdowns. For Congress, it means avoiding wasting valuable subcommittee, committee and floor time on budget line items it never amends. For the federal government generally, it means that the municipal services it relies on to function will not cease during a federal shutdown.

To its credit, Congress has begun to recognize the hardships caused by the lack of budget autonomy, especially after the 2013 federal government shutdown. Since then, for the first time, Congress has annually exempted D.C. from federal shutdowns. The leading bond rating agencies have called the shutdown exemption credit positive.

Congress loses nothing under budget autonomy. Under the U.S. Constitution, Congress has the authority to legislate on any District matter, including its local budget, at any time, notwithstanding the BAA. Moreover, even under the BAA, the federal financial mandates on the District remain in place. These include an independent Chief Financial Officer, a borrowing cap, emergency and contingency reserve accounts and the dormant financial control board.

The budget released this year by the Republican-led House Budget Committee made both the principled and practical case for budget autonomy: “[T]his budget would give our states and local municipalities the freedom and flexibility to pursue a reform movement that meets the unique needs and challenges of their communities. We are humble enough to admit that the federal government does not have all the answers. The American people ought to be trusted to make the right decisions for themselves, their families, and their enterprises. Putting our faith in the people will respect and restore the principle of federalism in America.”