

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074  
MINORITY (202) 225-5051

<http://oversight.house.gov>

### Opening Statement

**Congresswoman Eleanor Holmes Norton**

**Hearing of the Oversight Subcommittee on Government Operations: "D.C. Home Rule:  
Examining the Intent of Congress in the District of Columbia Home Rule Act of 1973"**

**May 12, 2016**

I would like to thank my good friend, Chairman Mark Meadows, for his well-known kindness and courtesy in allowing me an opening statement on a matter that affects only my district. This hearing, however, appears to be a fait accompli, similar to when the committee went through the motions last month marking up the District of Columbia school voucher bill a second time during this Congress. The committee knew that the Senate had tried but been unable to mark up the bill, and that the bill could only be enacted on an appropriations bill. Prior to the second markup, Chairman Jason Chaffetz requested that the Appropriations Committee do so. This hearing seems designed to lay the predicate for using the appropriations process to try to overturn, block or preempt the Local Budget Autonomy Act of 2012 (BAA), which was ratified by 83% of D.C. voters.

The evidence is transparent. Speaker Paul Ryan's spokesperson recently told the press that Republicans are considering "legislative options" to stop the BAA. The three top House Republican leaders—Speaker Ryan, Majority Leader Kevin McCarthy and Majority Whip Steve Scalise—all have said the BAA is invalid. The Bipartisan Legal Advisory Group of the U.S. House of Representatives (BLAG), which speaks for the House in litigation and is controlled by the Republican leadership, has submitted amicus briefs in each BAA court challenge expressing its view that the BAA is invalid. Indeed, the latest such brief called the BAA "a naked and unabashed effort to strip Congress of powers vested in it by Article I of the Constitution," as if voters in any district had such power. In 2013, the Republican-led House Appropriations Committee said in a report that the BAA is "an expression of the opinion of the residents, only, and without any authority to change or alter the existing relationship between Federal appropriations and the District."

By calling legal experts, the subcommittee seems to be trying a complicated legal matter in the court of public opinion. Only the courts, not a congressional hearing, can definitively determine the validity of the BAA. Indeed, the BAA has been litigated for the last two years, with courts, as well as the Government Accountability Office (GAO), reaching conflicting conclusions. Yet the BAA is the law of the land. Congress did not disapprove the BAA during the congressional review period, and the only court order in effect on the BAA upheld its validity and mandated that District officials implement it. No entity appealed the order, including BLAG.

What is within the committee's authority is to remove federal restrictions that harm the finances and operations of the D.C. government. Out of simple fairness in keeping with their own Republican local control principles, the last two Republican chairmen of the committee, Tom Davis and Darrell Issa, sought budget autonomy for the District during their chairmanships. As an amicus brief filed by Mr. Davis in a recent 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. I ask unanimous consent to include the brief in the record. Indeed, even the witnesses called by Republicans today who have taken a position on the merits of budget autonomy all agree D.C. should have it, though they disagree on the validity of the BAA.

Control over the dollars raised by local taxpayers is central to local control, one of the oldest principles of American government and 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 local government already has: 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 not 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.

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." I rest my case, Mr. Chairman.

---

Contact: Jennifer Werner, Communications Director, (202) 226-5181