TESTIMONY OF

VINCENT GRAY

CHAIRMAN

COUNCIL OF THE DISTRICT OF COLUMBIA

BEFORE

THE SUBCOMMITTEE

ON

FEDERAL WORKFORCE, POSTAL SERVICE

AND THE

DISTRICT OF COLUMBIA

NOVEMBER 18, 2009
Introduction

Thank you Chairman Lynch for holding this hearing on two important pieces of legislation, H.R.1045, the “District of Columbia Budget Autonomy Act of 2009” and H.R. 960, the “District of Columbia Legislative Autonomy Act of 2009.” I also want to thank Congresswoman Eleanor Holmes Norton for introducing both of these bills on behalf of the District of Columbia. These two bills, along with the “District of Columbia House Voting Rights Act of 2009” currently pending in the House, would provide the first real advancement of home rule in the District since the congressional enactment of the limited Home Rule Act over 30 years ago. I will divide my testimony between the discussion of budget autonomy and legislative autonomy.

Budget Autonomy

The District must develop its budget in a timeframe that complies with the complicated and lengthy federal appropriations process. The federal appropriations process forces the District to develop its budget months in advance of the timeframe needed by the city. In fact, the District has had to adopt the federal fiscal year of October 1 - September 30, when another fiscal year may be more appropriate for the city. The congressional appropriations schedule prevents the District from using more current revenue estimates and expenditure needs that would lead to a budget based on better and more complete data.
In the last several years Congress has granted approval of the District’s local budget by the beginning of the fiscal year without approving federal appropriations. But that timely approval is not guaranteed for every year. The approval of H.R. 1045 would, however, provide that guarantee by removing the approval of the District’s local budget by the Congress. Under the proposed legislation Congress would still maintain its oversight authority as provided for in the Constitution.

It is a fact that half of our total budget is funded by local dollars. The local budget is funded by locally earned revenue, not federal dollars. This reason alone gives justification for why the District should be allowed to determine and approve its own budget. The programs and services provided by the city through its local budget also benefit the federal government. The federal appropriation is generally the smaller portion of our total budget. It supports certain programs and services that benefit the operation of the city and the federal government. It also, supports programs that the federal government is interested in having the city implement.

I believe the District has clearly demonstrated that we have earned the right to budget autonomy. We have come out from under the authority of the Financial Control Board, we have maintained a strong financial position with substantial cash reserves (including a fund balance of $1 billion) we have received clean audits for the last 14 years, the bond agencies have consistently increased our ratings and we have established internal financial controls that maintain balanced budgets.
Legislative Autonomy

After thirty-five years the process for enacting laws in the District needs to be revised. This process, once again, denies the citizens of the United States who happen to reside in the District of Columbia the basic right granted to all other U.S. citizens, the right to enact their own local laws. What is even more interesting is the fact that the four territories are allowed to enact their own laws without congressional review.

The current process involves a review period of thirty legislative days for civil laws and sixty legislative days for criminal laws. Because the actual legislative days depend on when Congress is in session and not calendar days, the enactment of many District laws is delayed well beyond the thirty or sixty days involved. This prevents the city from enacting laws in a timely manner that are important to addressing the continuous and often changing needs of the city. An example of this was the enactment by the Council of an update in terminology found in the D.C. Official Code which changed the word “handicap” to “disability.”

In order to address the needs of government, the Council must utilize a Byzantine process of passing laws on an emergency, temporary and permanent basis. A bill passed on an emergency basis is enacted for only 90 calendar days. Because many pieces of legislation passed by the Council do not complete their congressional review during the emergency enactment period, the Council must also pass temporary laws that are in effect for 225 days following the end of the emergency enactment period. In addition, the Council must pass
the permanent bill so that ultimately there is a final law that becomes part of the D.C. Code. In fact, from 1997 through 2008, emergency and temporary legislation have amounted to over 2/3rd of the bills enacted by the Council. That’s 465 emergency or temporary bills out of 600 laws approved. (See Exhibit 1 attached).

This process is also costly to the city. The delay in enactment may cause the city not to receive funding in a timely manner or increase implementation costs. Another cost is the amount of staff effort and time spent in the Council, the Mayor’s office and the Congress. In addition, to preparing the duplicative legislative measures, Council staff must spend time manually counting the actual legislative days. It must be done manually because all congressional adjournments, work periods and recess days cannot always be predicted in advance.

Enacting legislative autonomy for the District would relieve the Congress of the time and efforts associated with processing the review of the city’s laws and allow it to focus time and attention on federal issues for which the Congress is responsible. Congress does not lose its oversight authority because Article I, Section 8, of the Constitution gives Congress permanent, plenary authority over the District. The Congress will still be able to enact legislation addressing issues for the District or add amendments or provisions to other pieces of legislation on issues related to the District.

Conclusion
Now is the time to grant the District its right to self-determination – budget autonomy, legislative autonomy and the supreme right of voting representation. I ask you Chairman Lynch and the other members of this subcommittee to grant the District Government the self-determination that all other governments in our country have and move our residents toward the full citizenship provided to in our Constitution that they deserve.

I look forward to working with you on these two pieces of legislation.