Public Hearing on S.132, "The New Columbia Admission Act"

Testimony of

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Mayor

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
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Honorable Thomas Carper, Chairman

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Committee on Homeland Security & Governmental Affairs

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Good afternoon Chairman Carper, Ranking Member Coburn, and members and staff of the Committee on Homeland Security and Governmental Affairs. My name is Vincent C. Gray and I am the Mayor of the District of Columbia. I am grateful to you, Mr. Chairman, for holding this hearing and for introducing S. 132, the New Columbia Admission Act. If enacted, this bill would both grant the long-awaited status of statehood to much of the District of Columbia, while also preserving a federal district with all the principal monuments and significant federal buildings to serve as the seat of the national government – thus conserving federally controlled space in our capital city. The District of Columbia is the only place in the United States of America where Americans serve in the military, fight and die in wars, serve on juries, and are taxed, without voting representation in either house of Congress. That is wrong. The proposed bill is an important step forward in righting that injustice and achieving political equality for the 660,000 residents of our nation's capital. I urge you to give it favorable consideration.

As a native Washingtonian, I love the District of Columbia. It is a place of strong community and a place of American pride. It is home to more than 660,000 Americans – more than the populations of several States.

The District of Columbia is home to hard working families. Some Americans do not know that people actually live in D.C. The District of Columbia is often viewed only as the home of the federal government and federal monuments. We are much more than just the federal government. The District of Columbia has a substantial local economy and a decade and a half track record of passing balanced budgets, as well as a strong current fiscal status. We have a developed state apparatus -- for example, a Medicaid administering agency, a state school board, a state homeland security agency, a state-level Attorney General's office, and a state-level National Guard. We have a body of laws that are already accorded state-level status by courts as well as the federal government for many purposes. Our residents are, however, the only residents of a major capital city in *any* country who have no voting voice in the national legislature. Statehood is a matter of full civil rights and this bill is a path forward.

Though Congress has, since the 1973 Home Rule Act, provided for partial home rule by the District, the District has for the last forty years been forced to function with a political structure that cannot determine a local budget without affirmative congressional approval. We must also constantly be wary of a Congress that could at any time overturn any local enacted law. These barriers to full autonomy present numerous practical problems for the District's elected leadership, government workers, and residents. The District of Columbia annually raises more than $6 billion dollars from its own locally generated tax dollars, but is prohibited by federal law from spending these local dollars without congressional

approval. With respect, I note that the impact of this is demonstrated by the fact that Congress has not approved a budget for the District of Columbia on time in more than sixteen years. Despite the fact that the District followed the budget process required of it by federal law, and passed a balanced budget annually for the past sixteen years, the District has been forced to operate under continuing resolutions passed by Congress each year, often for months after the beginning of the fiscal year. By congressional mandate, the District of Columbia is forced to send every piece of legislation passed and signed by me as Mayor to Congress for review. This delays implementation of our laws by weeks, and sometimes months, because of the vagaries of the congressional calendar, and creates costly and inefficient uncertainties for the agencies, residents, and businesses that have to plan their affairs under the District's laws.

This forced dependence on congressional approval can potentially paralyze the core functions of the District of Columbia. The numerous threats of federal shutdown directly impact DC government because we are treated as a federal agency rather than a municipality or state government. With the exception of this year, the District of Columbia government must perform emergency operations to prepare for a federal shutdown. As you can imagine, this extreme budgetary uncertainty wreaks havoc with planning and ends up costing the District millions in unnecessary emergency planning and overtime costs. In 2011 alone, the District spent over $1 million planning for threatened shutdowns that fortunately never happened.

This fiscal year, however, I made the decision to keep the District government open during the federal shutdown, and refused to participate in the fiction that the District of Columbia government did not have money to continue operations, meet its financial obligations or provide key services to our residents. We were casualties of national politics. I am just as concerned with the national debt and its effect on our country as any other American, but I see no reason why a debate over such an important issue should have an impact on whether the children in the District of Columbia get to go to school tomorrow or if trash is picked up. These are clearly local issues and we ought to have the ability to serve our residents' needs. Congress has many important issues to address. Requiring District residents and our needs to be continually pushed to the back burner by the stagnated legislative process in Congress is unfair, unjust and undemocratic.

Mr. Chairman, the District of Columbia has adopted the motto "Taxation Without Representation," which motivated the creation of an independent America in the first place, because we believe the treatment the District of Columbia receives is patently un-American. Citizens who pay taxes for the upkeep of their government should have a voice in that government's decision making.

Why does being a State matter?

Early in 2011, I testified before the U.S. House Committee on Oversight's Subcommittee on Health Care, District of Columbia, Census and the National Archives about the District's FY2012 budget. During that hearing, I noted that the District was unfairly subject to the political whims of Congress because of their control over our budget. Full Committee Chairman Darrell Issa of California and Subcommittee Chairman Trey Gowdy of South Carolina both noted their surprise in learning of the extent that the federal budget process interfered with the District government's ability to operate efficiently.

Over the course of the past few years, the District worked with Chairman Issa on developing broad principles on which we could agree that would provide the District with the autonomy to do what every state does in its budget process: develop a budget based on the priorities set by the Executive and Legislature, pass that budget according to the laws of that state, and sign that budget into law. Chairman Issa, in concert with Congresswoman Norton, developed a bill that would move the District significantly forward in terms of budget autonomy. Unfortunately, because many Members of Congress fail to recognize or acknowledge that autonomy for the District is not and should not be a partisan political issue, that bill did not advance.

The New Columbia Admission Act would ensure that the District's local budget would not be subject to the political whims of Congress. And with the admission of New Columbia, our residents, like their neighbors in

Virginia and Maryland, would have full voting representation in both the House and Senate, and our local laws would take effect without Congressional review.

Constitutional concerns

Lawyers in and out of the District government have reviewed the bill and agree it is carefully designed to be fully consistent with the Constitution and, in particular, with the authority of Congress to admit new states to the Union and to shape the physical boundaries of the federal district. I am aware that there are those who believe a constitutional amendment would be necessary to achieve statehood for the District, but they are wrong. As you know, Mr. Chairman, Article IV, Section 3, Clause 1 of the Constitution gives Congress full authority over statehood. Historical precedent gives us numerous examples of territories becoming full states, including the most recent example of Hawaii. The New Columbia Admission Act relies on that enumerated power of Congress and, as a result, does not require a constitutional amendment. The bill also preserves a federal district with all the principal monuments and significant federal buildings that will serve as the seat of the national government – thus preserving the constitutional requirement for a federal enclave within the capital city.

The District of Columbia is a growing city, home to proud and dedicated Americans; we pay billions in federal taxes and participate actively in the nation's political life. Justice, fairness and the core values that led to the formation of our nation compel the conclusion that the District must be a

state and our citizens must enjoy the full benefits of United States citizenship.

Mr. Chairman, thank you again for this opportunity to testify. I am happy to answer any questions that you or your colleagues have.