



H.R. 5233: Clarifying Congressional Intent in Providing for D.C. Home Rule Act of 2016 (Meadows, R-NC)

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FLOOR SCHEDULE:

May 25, 2016 under [closed rule](#) that provides for one hour of debate.

TOPLINE SUMMARY:

[H.R. 5233](#) would repeal the Local Budget Autonomy Amendment Act of 2012 and clarify the District of Columbia has no authority to make any changes to the role of the federal government in the District's budgeting process.

COST:

The [Congressional Budget Office](#) (CBO) estimates that Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 5233 would not increase direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

[Article I, section 8, clause 17](#) of the Constitution explicitly gives Congress the power to “exercise exclusive Legislation in all Cases whatsoever, over . . . the Seat of the Government of the United States.” James Madison argued in *The Federalist* No. 43 the need for a “federal district” subject to Congress’ exclusive jurisdiction and separate from the authority of a single state. He saw this as necessary to protect each state government and to ensure the central government did not become too dependent on a state’s authority, therefore becoming subordinate to the state. This proved true in Philadelphia – the location of the Congress of the Confederation – in 1783 when an anti-government protest of almost 400 Continental Army soldiers demanded payment for their services during the Revolutionary War. The Congress requested protection from the Pennsylvania council; however, the state did not offer proper assurance that it could protect Congress, and therefore members left Philadelphia for New Jersey. This incident ultimately led to the creation of a federal district.

Congress is given exclusive legislative authority over the District of Columbia (the District) and must delegate power to the District for it to exercise any legislative power. In 1973, Congress passed the Home Rule Act that gave the District limited legislative powers targeted at strictly local matters. Within the [Home Rule Act](#), Congress required the District to transmit its budget to the president and Congress, and Congress would approve the budget through the appropriations process.

In 2012, the District's local government passed the Local Budget Autonomy Act (LBAA), which provided the District with the authority to pass a budget for its local funds, without completing the Congressional appropriation review process. This unilaterally changed the budget process. According to analysis by the [Government Accountability Office](#) (GAO), "provisions of the Budget Autonomy Act that attempt to change the federal government's role in the District's budget process have no legal effect." In addition, the GAO concluded the LBAA was in direct contravention with the intent of the Home Rule Act, the Antideficiency Act and the Budget and Accounting Act of 1921.

H.R. 5233 would repeal the LBAA in its entirety, effective retroactively to fiscal year 2013. The bill would also amend the Home Rule Act to clarify the General Fund is not interpreted as a continuing appropriation. Further, it specifies all funds provided to the District are appropriated on an annual fiscal basis through the federal appropriations process, and that the District is subject to all applicable laws including the Antideficiency Act and the Budget and Accounting Act of 1921. Finally, the bill would prohibit the District from making any changes to the role of the federal government in the District's budgeting process.

OUTSIDE GROUP SUPPORT:

- National Right to Life Committee

COMMITTEE ACTION:

This bill was introduced by Representative Meadows and referred to the House Committee on Oversight and Government Reform. The committee held a [mark-up](#) on May 17, 2016 and the bill was reported out by a vote of 22-14. Read the committee report, [here](#).

ADMINISTRATION POSITION:

The Administration strongly opposes House passage of H.R. 5233. The Administration strongly supports home rule for the District and the President has long called for authority allowing the District to spend its own local taxes and other non-Federal funds without congressional approval. If the President were presented with H.R. 5233, his senior advisors would recommend that he veto the bill.

CONSTITUTIONAL AUTHORITY:

According to the sponsor, Congress has the power to enact this legislation pursuant to the following: Pursuant to Article I, Section 8, Clause 17 of the Constitution, Congress has the authority "to exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Accpetance of Congress, become the Seat of the Government of the United States . . . "

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