



512 10th Street, NW Washington, DC 20004-1401  
(202) 626-8800 FAX: (202) 737-9189 Website: www.nrlc.org

(202) 626-8820

May 24, 2016

RE: In support of H.R. 5233 (congressional oversight of the District of Columbia)

Dear Member of Congress:

The National Right to Life Committee (NRLC), the nationwide federation of state right-to-life organizations, urges you to vote in favor of H.R. 5233, the “Clarifying Congressional Intent in Providing for DC Home Rule Act of 2016,” sponsored by Mr. Meadows. **NRLC reserves the right to include the roll call on passage of H.R. 5233 in our scorecard of key pro-life votes of the 114th Congress.**

Article I of the U.S. Constitution provides that Congress shall “exercise exclusive legislation in all cases whatsoever” with respect to the seat of government, the federal District. Therefore, all legislative authority exercised by the District Council is authority *delegated* by Congress. It follows that members of Congress are responsible for, and accountable for, abuses of that delegated legal authority – which includes, in our view, both the “Local Budget Autonomy Amendment Act of 2012” and the “Reproductive Health Nondiscrimination Act of 2014.”

In delegating certain limited authority to local officials in the Home Rule Act, Congress retained the requirement that all public funds spent by the District’s local government must be appropriated by Congress. Yet, through adoption of the local law proclaiming so-called “budget autonomy,” District officials are attempting to hijack approximately \$8 billion annually in funds that the Constitution and the Home Rule Act place under congressional authority. In 2013, the District’s attorney general wrote that because federal law does not allow District officials to expend funds without congressional appropriations, “a court could find that District employees are subject to federal prosecution or civil liability under the Anti-Deficiency Act for spending money in the course of their regular duties.” The GAO reached similar conclusions in a 2014 memorandum, writing that “portions of the Budget Autonomy Act irreconcilably conflict with two laws that are not restricted in their application exclusively in or to the District: the Antideficiency Act and the Budget and Accounting Act. These conflicts render the Budget Autonomy Act impermissible under the Home Rule Act and, therefore, the District Government acted beyond the scope of its authority when it attempted to enact the Budget Autonomy Act.”

Most importantly, the only federal district judge to consider the issue on its merits, Judge Emmet G. Sullivan, held in 2014 that the “Budget Autonomy Act” violated multiple provisions of the federal law. (“Because the Council cannot amend the District Charter to exempt the local portion of the District’s budget from the Anti-Deficiency Act pursuant to the limitations in [the Home

Rule Act] . . . the Budget Autonomy Act is unlawful by its terms and as an exercise of the Council’s amendment authority.” *Council of the District of Columbia v. Vincent C. Gray*, Civ. Action No. 14-655, May 19, 2014.) Judge Sullivan’s ruling was never overturned on the merits, but the current mayor was able to moot the case by asserting that there was no longer a justiciable “case or controversy” regarding the autonomy law. That litigation manipulation by District officials does not, however, make ongoing efforts by District officials to expend public funds without appropriation by Congress any less illegal under federal law.

**If the local authorities are permitted to illegally seize control of the \$8 billion, it is predictable that they will soon pay for abortion on demand, as they have done whenever Congress did not constrain such payments. But it won’t stop there.** If Congress fails to assert its constitutional responsibility over the seat of government, we can expect more assaults by District authorities against pro-life and other conservative groups that are based in the District, such as the so-called “Reproductive Health Nondiscrimination Act,” a local law enacted by the District Council in 2014. As we have explained in previous communications to Congress, this local law places groups such as National Right to Life in legal jeopardy simply for making hiring or firing decisions based on adherence to core pro-life principles.

Organizations such as National Right to Life are based in the District *only* because it is the seat of the federal government and the home of the Congress. As the seat of government, Washington, D.C., was intended to serve as the capital city of the American people as a whole, not a local fiefdom.

We urge you to vote for H.R. 5233, and thereby to reaffirm the constitutional authority of Congress over the seat of government, including appropriations power over all public funds expended by the local governing apparatus to which Congress has delegated limited legislative authority. A vote *against* H.R. 5233 is, in effect, a vote to empower District officials to step up their assaults on pro-life and conservative organizations – and on the unborn.

Thank you for your consideration of NRLC’s position on this important legislation.

Respectfully,



Douglas D. Johnson  
Legislative Director