



District of Columbia Voting Representation Proposals in the 117th Congress

February 8, 2021

In the 117th Congress, several Members of Congress have introduced bills that would grant voting representation in Congress to residents of the District of Columbia (DC), by admitting DC to the Union as a state, or through retrocession of DC land to Maryland. In the past, some Members of Congress have opposed such proposals and recommended maintaining the status quo.

This Insight provides an overview of recent DC voting representation proposals and discusses potential policy considerations. It does not provide [legal or constitutional analysis](#) on DC statehood or voting representation, nor does it analyze [territorial statehood issues](#).

Proposals in the 117th Congress

Statehood

On January 4, 2021, DC Delegate [Eleanor Holmes Norton reintroduced](#) the Washington, D.C. Admission Act, [H.R. 51](#). The bill was referred to the House Committees on: Oversight and Reform; Rules; Armed Services; the Judiciary; and Energy and Commerce. On January 26, 2021, Senator Thomas Carper of Delaware introduced [S. 51](#), the companion bill to [H.R. 51](#). The bill was referred to the Senate Committee on Homeland Security and Governmental Affairs.

If enacted, [H.R. 51 would admit Washington, Douglass Commonwealth](#), as the 51st state of the United States, “on an equal footing with the other States in all respects whatever.” The new state would include most of the land in the current District of Columbia. The bill excludes “principal Federal monuments,” the U.S. Capitol Building, the White House, the U.S. Supreme Court Building, and federal office buildings adjacent to the National Mall and the U.S. Capitol. The legislation [names the resulting federal enclave](#) “the Capital,” and establishes it as “the seat of the Government of the United States.”

Under the legislation, Washington, Douglass Commonwealth, [would elect](#) two Senators and at least one Representative to the House. Legislative enactments by the new state would [no longer](#) be subject to [congressional disapproval](#). The bill would also establish procedures to [expedite congressional](#)

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consideration of a joint resolution to repeal the [Twenty-Third Amendment](#), which provides DC with representation in the Electoral College equivalent to the number of Senators and Representatives in Congress it would be entitled to if it were a state, without exceeding the amount granted to the least populous state. [H.R. 51](#) also sets out the process for transferring federal responsibilities to the new state and would establish a [statehood transition commission](#).

In the 116th Congress, on June 26, 2020, an identical version of the bill passed the House of Representatives by a vote of 232-180. This marked the first time in 27 years a DC statehood bill was considered on the floor of the House of Representatives, and the first time in the history of Congress such a bill was passed by either the House or the Senate.

Retrocession

On January 25, 2021, Representative Dustin “Dusty” Johnson of South Dakota introduced [H.R. 472](#), which would modify the boundaries of the seat of federal government and retrocede the majority of DC land to the State of Maryland. Under this bill, the seat of the federal government would consist of “principal federal monuments,” the White House, the U.S. Capitol Building, the U.S. Supreme Court Building, and the federal executive, legislative and judicial office buildings adjacent to the National Mall and the U.S. Capitol. The remaining land would be returned to the State of Maryland, through which current DC residents would then have voting representation in the state. Representative Johnson introduced a similar bill ([H.R. 8539](#)) in the 116th Congress. Also in the 116th Congress, another bill proposing retrocession of part of DC to Maryland ([H.R. 8516](#)) was introduced by Representative H. Morgan Griffith of Virginia.

Considerations for Congress

Statehood and retrocession are two of several types of [legislative proposals](#) that would grant the District some form of voting representation in the U.S. Congress. [Other previous proposals](#) have included a constitutional amendment granting congressional voting representation to DC residents, semi-retrocession (i.e., allowing qualified DC residents to vote in Maryland in federal elections for the Maryland congressional delegation to the House and Senate), and a statutory provision for representation in Congress (sometimes referred to as virtual statehood). As noted above, some Members of Congress have opposed these legislative efforts in favor of maintaining the status quo.

Article IV of the Constitution gives Congress the general power to admit new states into the Union. The Article does not prescribe the method, and the process has varied over time. Often, the following [principles have been considered](#):

- a demonstration by the residents of the proposed state of a belief in the principles of republican government;
- an expression of majority support for statehood among residents; and
- establishment of sufficient population and resources.

The idea of retrocession, in general, has not been fully [tested in the courts](#). Past precedent set by the retrocession of land to Virginia in 1846 suggests that the process may require not only the approval of Congress and the President, but also the approval of the State of Maryland and, perhaps, the voters of the retroceded area. Although the Supreme Court heard a case challenging the retrocession to Virginia in [Phillips v. Payne](#) in 1876, it did not rule on the merits of the constitutional arguments raised against retrocession.

Congress might consider maintaining the status quo, with or without additional legislation. Some past legislative proposals sought to ensure maintenance of the status quo, particularly regarding statehood. For

instance, a proposal in the 116th Congress (H.J.Res. 97), introduced by Representative Mark Walker of North Carolina, would have proposed a constitutional amendment to prevent expansion of the U.S. Senate's composition.

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