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District of Columbia Voting Representation in Congress: Overview of Proposals

The U.S. Constitution provides for the creation of a district to serve as the permanent seat of the federal government. Article I, Section 8, Clause 17 also grants Congress plenary legislative authority over that district. Since the establishment of the District of Columbia (DC) as the federal district, federal representation for DC residents has been a perennial issue for Congress.

This In Focus discusses the political status of DC, describes proposed models that would provide voting representation in Congress for DC residents, and discusses selected legislation in the 118th Congress. It does not provide legal or constitutional analysis on DC statehood or voting representation. For analysis of related constitutional considerations, see CRS Report R47101, *DC Statehood: Constitutional Considerations for Proposed Legislation*, by Mainon A. Schwartz. This product also excludes territorial statehood issues. For analysis on statehood efforts in U.S. Territories, please see CRS In Focus IF11792, *Statehood Process and Political Status of U.S. Territories: Brief Policy Background*, by R. Sam Garrett.

District of Columbia: Current Political Status

DC is home to approximately 700,000 residents who pay federal taxes, much like residents of the 50 states. Unlike in states, however, Congress exercises complete legislative authority over DC's affairs. Throughout DC's existence, Congress has delegated some authority on certain aspects of the district's government to local entities. For a historical overview of DC governing structures, see CRS In Focus IF12577, *Governing the District of Columbia: Overview and Timeline*, by Joseph V. Jaroscak and Ben Leubsdorf. Currently, most laws passed by the DC government are subject to congressional review. For more information on congressional authority over DC laws, see CRS Report R47927, *District of Columbia Local Lawmaking and Congressional Authority: In Brief*, coordinated by Joseph V. Jaroscak.

DC residents may vote in federal elections for presidential electors (under the 23rd Amendment) and for one nonvoting delegate in the House of Representatives. DC does not have a representative in the Senate. The DC delegate can introduce legislation and possesses the same powers as Representatives in House committees. However, delegates may not vote in, or preside over, the House. For more information, see CRS Report R40555, *Delegates to the U.S. Congress: History and Current Status*, by Jane A. Hudiburg, and CRS Report R40170, *Parliamentary Rights of the Delegates and Resident Commissioner from Puerto Rico*, by Jane A. Hudiburg.

DC Voting Representation in Congress

Proponents of DC voting representation in Congress have sought to achieve their goals through various legislative proposals. Some Members of Congress have opposed these legislative efforts and recommended maintaining the status quo. The most common proposals to provide voting representation in Congress for DC residents fall into one of the following categories:

1. statehood,
2. virtual statehood or congressional district status,
3. retrocession, or
4. semi-retrocession.

Legislative proposals that would establish one of these models have, at times, been introduced as statutory provisions or constitutional amendments. As described below, the manner and degree of proposed congressional representation in each of these models has varied.

All of these proposals involve congressional actions with limited or no clear precedent, and would likely be subject to legal challenge if enacted. The legal and constitutional implications of these proposals are beyond the scope of this In Focus.

Statehood

Legislative proposals for DC statehood would reduce the size of the federal district to a core area, and admit the rest as a state in the Union. This model would provide DC residents in the new state with at least one Representative in the House and two Senators.

In the 117th Congress (H.R. 51) and the 116th Congress (H.R. 51), the House considered and passed bills that would have admitted parts of DC as a state. Neither bill was enacted. Prior to the 116th Congress, neither the House nor the Senate had passed a DC statehood bill. The 116th Congress also marked the first time in 27 years a DC statehood bill was considered on the House floor. For information on DC statehood legislation in the 118th Congress, see "Selected Legislation in the 118th Congress" below.

Virtual Statehood or Congressional District Status

Some Members have proposed granting full or partial voting representation in Congress for DC residents, but without officially admitting DC as a state. In effect, proposals under this model would treat DC as a state or congressional district for the purposes of providing full or

partial voting representation in Congress for residents, while maintaining DC's official status as the federal district.

Some bills, such as the District of Columbia Equal Representation Act of 2013 (H.R. 362, 113th Congress), would have increased House membership and included DC in the congressional apportionment process for representation in the House of Representatives and provided for two Senators from DC (i.e., full voting representation in Congress). Other bills, such as the District of Columbia House Voting Rights Act of 2013 (H.R. 363, 113th Congress), would have increased House membership and provided voting representation for DC residents in the House (i.e., partial voting representation in Congress). In 1978, Congress approved a constitutional amendment that would have treated DC as a state for the purposes of voting representation in Congress (H.J.Res. 554, 95th Congress), but it failed to be ratified by a sufficient number of states.

Retrocession

Contemporary DC retrocession proposals (e.g., Compact Federal District Act, H.R. 2614, 117th Congress), typically propose relinquishing all but a portion of DC's land area to Maryland, the state that originally ceded it to Congress. This approach would provide voting representation for DC residents living outside a new, smaller federal district. Retrocession could increase Maryland's congressional delegation by one or more seats in the House and provide DC residents in the newly retroceded area with voting representation in the Senate, but could be seen as diluting the voting power of current Maryland residents.

Semi-Retrocession

Short of retroceding all or a portion of DC to Maryland, another proposal would treat DC residents as citizens of Maryland for the purpose of voting and eligibility in federal elections (e.g., District of Columbia Voting Rights Restoration Act of 2013, H.R. 299, 113th Congress). For instance, a semi-retrocession arrangement might propose giving DC residents a right to vote as residents of Maryland in elections for the House, and to have their votes counted in the election of Maryland's two Senators. DC residents could also be considered residents of Maryland for the purposes of eligibility to hold congressional office. Such an arrangement, however, would not change Congress's plenary legislative authority over the affairs of DC, and, like retrocession, could be seen as negatively impacting current Maryland voters.

This model is reminiscent of the period between the placement of, and formal relocation to, DC as the national capital (1790 to 1800), during which eligible residents on each side of the Potomac River could vote in national elections in Maryland and Virginia, respectively.

Selected Legislation in the 118th Congress

Since the 113th Congress, statehood and retrocession have been the most commonly proposed models introduced in legislation. This section provides an overview of two such bills introduced in the 118th Congress.

Washington, D.C. Admission Act

On January 9, 2023, 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 Accountability; Rules; Armed Services; the Judiciary; and Energy and Commerce. On January 24, 2023, Senator Thomas Carper of Delaware introduced S. 51, a companion bill to H.R. 51, which 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 within DC's current jurisdiction. The bill excludes from the state "principal Federal monuments," the U.S. Capitol, White House, U.S. Supreme Court building, and federal office buildings adjacent to the National Mall and the Capitol. The legislation names this resulting federal enclave "the Capital," and establishes it as "the seat of the Government of the United States."

If this bill were enacted, residents of Washington, Douglass Commonwealth, would initially elect two Senators and one of 436 Representative in the House. State laws would not be subject to congressional review.

The bill would also establish procedures to expedite congressional consideration of a joint resolution to repeal the 23rd Amendment, which provides the federal district with representation in the Electoral College equivalent to the number of Senators and Representatives in Congress to which it would be entitled if it were a state, without exceeding the number 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, among other provisions.

Washington, D.C. Residents Voting Act

On February 10, 2023, Representative Morgan H. Griffith introduced the Washington, D.C. Residents Voting Act, H.R. 980. The bill was referred to the House Committees on the Judiciary; Oversight and Accountability; and Armed Services.

If enacted and accepted by the State of Maryland, the bill would decrease the size of the federal district to include "principal Federal monuments, the White House, the Capitol Building, the United States Supreme Court Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building." Other land within the current DC boundaries would be retroceded to Maryland.

The bill would terminate municipal government for the remaining federal district. The new federal district would be subject to Maryland criminal and traffic laws, similar to the arrangement in the 1790s.

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