

**AMENDMENT TO H.R. 51, AS REPORTED**  
**OFFERED BY MR. JOHNSON OF SOUTH DAKOTA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “District of Columbia-  
3 Maryland Reunion Act”.

**4 SEC. 2. FINDINGS.**

5       Congress finds the following:

6           (1) Article I, section 2, clause 1 of the United  
7 States Constitution states that the “House of Rep-  
8 resentatives shall be composed of members chosen  
9 every second year by the people of the several  
10 states.”.

11           (2) The Founding Fathers did not consider the  
12 proposed district that would become Washington,  
13 D.C. a State under the Constitution, as evidenced  
14 when Alexander Hamilton offered an amendment to  
15 the Constitution during the New York ratification to  
16 provide full congressional representation to Wash-  
17 ington, D.C., but the convention rejected the amend-  
18 ment on July 22, 1788.

1           (3) Chief Justice Marshall held in *Hepburn v.*  
2           *Ellzey* in 1805 that the term “states” in Article I,  
3           section 2, clause 1 of the Constitution does not in-  
4           clude Washington, D.C. for representation purposes.

5           (4) Seven Supreme Court Justices affirmed  
6           Chief Justice Marshall’s *Hepburn* reasoning in *Na-*  
7           *tional Mut. Ins. Co. of Dist. of Col. v. Tidewater*  
8           *Transfer Co.* in 1949.

9           (5) A Democrat-controlled Congress in 1978 at-  
10          tempted to amend the Constitution to provide Wash-  
11          ington, D.C. with full congressional representation.  
12          The Committee on the Judiciary of the House of  
13          Representatives reported the resolution and stated  
14          that granting congressional representation to the  
15          District of Columbia as it is presently constituted  
16          would require a constitutional amendment, because  
17          “statutory action alone will not suffice”.

18          (6) Amending the Constitution requires two-  
19          thirds approval by each house of Congress and rati-  
20          fication by three-fourths of the States. In 1978,  
21          there was success in obtaining a favorable vote from  
22          two-thirds of both the House and the Senate on a  
23          constitutional amendment to provide Washington,  
24          D.C. with full congressional representation, but the

1 requirement for ratification by three-fourths of the  
2 States could not be obtained.

3 (7) An alternative to a potentially lengthy and  
4 difficult constitutional amendment process is ceding  
5 Washington, D.C. back to Maryland, just as an area  
6 of 31 square miles that was originally ceded by Vir-  
7 ginia was returned to that State by Federal legisla-  
8 tion in 1847, thereby ensuring that the portion of  
9 Washington, D.C. in Virginia would have Senate and  
10 House representation.

11 (8) In 1847, there was a desire to allow the  
12 District of Columbia land on the west side of the Po-  
13 tomac River that was not being used by the federal  
14 government to have its own proper representation in  
15 Congress.

16 (9) Obtaining the desired representation for  
17 this portion of Washington, D.C. would have re-  
18 quired a constitutional amendment unless the land  
19 were given back to Virginia.

20 (10) Instead of trying to pass a constitutional  
21 amendment, Congress in 1847 legislatively ceded  
22 back to Virginia from the District of Columbia the  
23 non-Federal land composed of 31 square miles on  
24 the west side of the Potomac River.

1           (11) Accordingly, the District of Columbia  
2           would clearly and constitutionally have 2 Senators  
3           and a Representative with full voting rights by  
4           ceding the District of Columbia to Maryland after  
5           Maryland's acceptance of such retrocession, while  
6           maintaining the exclusive legislative authority and  
7           control of Congress over the National Capital Serv-  
8           ice Area in the District of Columbia.

9   **SEC. 3. RETROCESSION OF DISTRICT OF COLUMBIA TO**  
10                                   **MARYLAND.**

11           (a) IN GENERAL.—Upon the issuance of a proclama-  
12           tion by the President under section 8 and except as pro-  
13           vided in subsection (b), the territory ceded to Congress  
14           by the State of Maryland to serve as the District consti-  
15           tuting the permanent seat of the Government of the  
16           United States is ceded and relinquished to the State of  
17           Maryland.

18           (b) CONTINUATION OF FEDERAL CONTROL OVER  
19           NATIONAL CAPITAL SERVICE AREA.—Notwithstanding  
20           subsection (a), the National Capital Service Area de-  
21           scribed in section 5 shall not be ceded and relinquished  
22           to the State of Maryland and shall continue to serve as  
23           the permanent seat of the Government of the United  
24           States, and Congress shall continue to exercise exclusive  
25           legislative authority and control over such Area.

1 **SEC. 4. EFFECT ON JUDICIAL PROCEEDINGS IN DISTRICT**  
2 **OF COLUMBIA.**

3 (a) CONTINUATION OF SUITS.—No writ, action, in-  
4 dictment, cause, or proceeding pending in any court of the  
5 District of Columbia on the effective date of this Act shall  
6 abate as a result of the enactment of this Act, but shall  
7 be transferred and shall proceed within such appropriate  
8 court of the State of Maryland as established under the  
9 laws or constitution of the State of Maryland.

10 (b) APPEALS.—An order or decision of any court of  
11 the District of Columbia for which no appeal has been filed  
12 as of the effective date of this Act shall be considered an  
13 order or decision of a court of the State of Maryland for  
14 purposes of appeal from and appellate review of such order  
15 or decision in an appropriate court of the State of Mary-  
16 land.

17 **SEC. 5. NATIONAL CAPITAL SERVICE AREA DESCRIBED.**

18 (a) IN GENERAL.—Subject to subsections (c), (d),  
19 and (e), upon the retrocession under section 3(a), the Na-  
20 tional Capital Service Area referred to in section 3(b) is  
21 comprised of the principal Federal monuments, the White  
22 House, the United States Capitol, the United States Su-  
23 preme Court Building, and the Federal executive, legisla-  
24 tive, and judicial office buildings located adjacent to the  
25 Mall and the United States Capitol (but shall not include  
26 the District Building), and is more particularly described

1 as the territory located within the boundaries described  
2 in subsection (b).

3 (b) GENERAL DESCRIPTION.—The boundaries of the  
4 National Capital Service Area shall be as follows: Begin-  
5 ning at the intersection of the southern right-of-way of  
6 F Street NE and the eastern right-of-way of 2nd Street  
7 NE;

8 (1) thence south along said eastern right-of-way  
9 of 2nd Street NE to its intersection with the north-  
10 eastern right-of-way of Maryland Avenue NE;

11 (2) thence southwest along said northeastern  
12 right-of-way of Maryland Avenue NE to its intersec-  
13 tion with the northern right-of-way of Constitution  
14 Avenue NE;

15 (3) thence west along said northern right-of-  
16 way of Constitution Avenue NE to its intersection  
17 with the eastern right-of-way of 1st Street NE;

18 (4) thence south along said eastern right-of-way  
19 of 1st Street NE to its intersection with the south-  
20 eastern right-of-way of Maryland Avenue NE;

21 (5) thence northeast along said southeastern  
22 right-of-way of Maryland Avenue NE to its intersec-  
23 tion with the eastern right-of-way of 2nd Street SE;

1           (6) thence south along said eastern right-of-way  
2 of 2nd Street SE to the eastern right-of-way of 2nd  
3 Street SE;

4           (7) thence south along said eastern right-of-way  
5 of 2nd Street SE to its intersection with the north-  
6 ern property boundary of the property designated as  
7 Square 760 Lot 803;

8           (8) thence east along said northern property  
9 boundary of Square 760 Lot 803 to its intersection  
10 with the western right-of-way of 3rd Street SE;

11          (9) thence south along said western right-of-  
12 way of 3rd Street SE to its intersection with the  
13 northern right-of-way of Independence Avenue SE;

14          (10) thence west along said northern right-of-  
15 way of Independence Avenue SE to its intersection  
16 with the northwestern right-of-way of Pennsylvania  
17 Avenue SE;

18          (11) thence northwest along said northwestern  
19 right-of-way of Pennsylvania Avenue SE to its inter-  
20 section with the eastern right-of-way of 2nd Street  
21 SE;

22          (12) thence south along said eastern right-of-  
23 way of 2nd Street SE to its intersection with the  
24 southern right-of-way of C Street SE;

1           (13) thence west along said southern right-of-  
2           way of C Street SE to its intersection with the east-  
3           ern right-of-way of 1st Street SE;

4           (14) thence south along said eastern right-of-  
5           way of 1st Street SE to its intersection with the  
6           southern right-of-way of D Street SE;

7           (15) thence west along said southern right-of-  
8           way of D Street SE to its intersection with the east-  
9           ern right-of-way of South Capitol Street;

10          (16) thence south along said eastern right-of-  
11          way of South Capitol Street to its intersection with  
12          the northwestern right-of-way of Canal Street SE;

13          (17) thence southeast along said northwestern  
14          right-of-way of Canal Street SE to its intersection  
15          with the southern right-of-way of E Street SE;

16          (18) thence east along said southern right-of-  
17          way of said E Street SE to its intersection with the  
18          western right-of-way of 1st Street SE;

19          (19) thence south along said western right-of-  
20          way of 1st Street SE to its intersection with the  
21          southernmost corner of the property designated as  
22          Square 736S Lot 801;

23          (20) thence west along a line extended due west  
24          from said corner of said property designated as  
25          Square 736S Lot 801 to its intersection with the



1 southwestern right-of-way of New Jersey Avenue  
2 SE;

3 (21) thence southeast along said southwestern  
4 right-of-way of New Jersey Avenue SE to its inter-  
5 section with the northwestern right-of-way of Vir-  
6 ginia Avenue SE;

7 (22) thence northwest along said northwestern  
8 right-of-way of Virginia Avenue SE to its intersec-  
9 tion with the western right-of-way of South Capitol  
10 Street;

11 (23) thence north along said western right-of-  
12 way of South Capitol Street to its intersection with  
13 the southern right-of-way of E Street SW;

14 (24) thence west along said southern right-of-  
15 way of E Street SW to its end;

16 (25) thence west along a line extending said  
17 southern right-of-way of E Street SW westward to  
18 its intersection with the eastern right-of-way of 2nd  
19 Street SW;

20 (26) thence north along said eastern right-of-  
21 way of 2nd Street SW to its intersection with the  
22 southwestern right-of-way of Virginia Avenue SW;

23 (27) thence northwest along said southwestern  
24 right-of-way of Virginia Avenue SW to its intersec-  
25 tion with the western right-of-way of 3rd Street SW;

1           (28) thence north along said western right-of-  
2           way of 3rd Street SW to its intersection with the  
3           northern right-of-way of D Street SW;

4           (29) thence west along said northern right-of-  
5           way of D Street SW to its intersection with the east-  
6           ern right-of-way of 4th Street SW;

7           (30) thence north along said eastern right-of-  
8           way of 4th Street SW to its intersection with the  
9           northern right-of-way of C Street SW;

10          (31) thence west along said northern right-of-  
11          way of C Street SW to its intersection with the east-  
12          ern right-of-way of 6th Street SW;

13          (32) thence north along said eastern right-of-  
14          way of 6th Street SW to its intersection with the  
15          northern right-of-way of Independence Avenue SW;

16          (33) thence west along said northern right-of-  
17          way of Independence Avenue SW to its intersection  
18          with the western right-of-way of 12th Street SW;

19          (34) thence south along said western right-of-  
20          way of 12th Street SW to its intersection with the  
21          northern right-of-way of D Street SW;

22          (35) thence west along said northern right-of-  
23          way of D Street SW to its intersection with the east-  
24          ern right-of-way of 14th Street SW;

1           (36) thence south along said eastern right-of-  
2           way of 14th Street SW to its intersection with the  
3           northeastern boundary of the Consolidated Rail Cor-  
4           poration railroad easement;

5           (37) thence southwest along said northeastern  
6           boundary of the Consolidated Rail Corporation rail-  
7           road easement to its intersection with the eastern  
8           shore of the Potomac River;

9           (38) thence generally northwest along said east-  
10          ern shore of the Potomac River to its intersection  
11          with a line extending westward the northern bound-  
12          ary of the property designated as Square 12 Lot  
13          806;

14          (39) thence east along said line extending west-  
15          ward the northern boundary of the property des-  
16          ignated as Square 12 Lot 806 to the northern prop-  
17          erty boundary of the property designated as Square  
18          12 Lot 806, and continuing east along said northern  
19          boundary of said property designated as Square 12  
20          Lot 806 to its northeast corner;

21          (40) thence east along a line extending east  
22          from said northeast corner of the property des-  
23          ignated as Square 12 Lot 806 to its intersection  
24          with the western boundary of the property des-  
25          ignated as Square 33 Lot 87;

1           (41) thence south along said western boundary  
2           of the property designated as Square 33 Lot 87 to  
3           its intersection with the northwest corner of the  
4           property designated as Square 33 Lot 88;

5           (42) thence counter-clockwise around the  
6           boundary of said property designated as Square 33  
7           Lot 88 to its southeast corner, which is along the  
8           northern right-of-way of E Street NW;

9           (43) thence east along said northern right-of-  
10          way of E Street NW to its intersection with the  
11          western right-of-way of 18th Street NW;

12          (44) thence south along said western right-of-  
13          way of 18th Street NW to its intersection with the  
14          southwestern right-of-way of Virginia Avenue NW;

15          (45) thence southeast along said southwestern  
16          right-of-way of Virginia Avenue NW to its intersec-  
17          tion with the northern right-of-way of Constitution  
18          Avenue NW;

19          (46) thence east along said northern right-of-  
20          way of Constitution Avenue NW to its intersection  
21          with the eastern right-of-way of 17th Street NW;

22          (47) thence north along said eastern right-of-  
23          way of 17th Street NW to its intersection with the  
24          southern right-of-way of H Street NW;

1           (48) thence east along said southern right-of-  
2           way of H Street NW to its intersection with the  
3           northwest corner of the property designated as  
4           Square 221 Lot 35;

5           (49) thence counter-clockwise around the  
6           boundary of said property designated as Square 221  
7           Lot 35 to its southeast corner, which is along the  
8           boundary of the property designated as Square 221  
9           Lot 37;

10          (50) thence counter-clockwise around the  
11          boundary of said property designated as Square 221  
12          Lot 37 to its southwest corner, which it shares with  
13          the property designated as Square 221 Lot 818;

14          (51) thence south along the boundary of said  
15          property designated as Square 221 Lot 818 to its  
16          southwest corner, which it shares with the property  
17          designated as Square 221 Lot 40;

18          (52) thence south along the boundary of said  
19          property designated as Square 221 Lot 40 to its  
20          southwest corner;

21          (53) thence east along the southern border of  
22          said property designated as Square 221 Lot 40 to  
23          its intersection with the northwest corner of the  
24          property designated as Square 221 Lot 820;

1           (54) thence south along the western boundary  
2 of said property designated as Square 221 Lot 820  
3 to its southwest corner, which it shares with the  
4 property designated as Square 221 Lot 39;

5           (55) thence south along the western boundary  
6 of said property designated as Square 221 Lot 39  
7 to its southwest corner, which is along the northern  
8 right-of-way of Pennsylvania Avenue NW;

9           (56) thence east along said northern right-of-  
10 way of Pennsylvania Avenue NW to its intersection  
11 with the western right-of-way of 15th Street NW;

12           (57) thence south along said western right-of-  
13 way of 15th Street NW to its intersection with a line  
14 extending northwest from the southern right-of-way  
15 of the portion of Pennsylvania Avenue NW north of  
16 Pershing Square;

17           (58) thence southeast along said line extending  
18 the southern right-of-way of Pennsylvania Avenue  
19 NW to the southern right-of-way of Pennsylvania  
20 Avenue NW, and continuing southeast along said  
21 southern right-of-way of Pennsylvania Avenue NW  
22 to its intersection with the western right-of-way of  
23 14th Street NW;

24           (59) thence south along said western right-of-  
25 way of 14th Street NW to its intersection with a line

1 extending west from the southern right-of-way of D  
2 Street NW;

3 (60) thence east along said line extending west  
4 from the southern right-of-way of D Street NW to  
5 the southern right-of-way of D Street NW, and con-  
6 tinuing east along said southern right-of-way of D  
7 Street NW to its intersection with the eastern right-  
8 of-way of 13½ Street NW;

9 (61) thence north along said eastern right-of-  
10 way of 13½ Street NW to its intersection with the  
11 southern right-of-way of Pennsylvania Avenue NW;

12 (62) thence east and southeast along said  
13 southern right-of-way of Pennsylvania Avenue NW  
14 to its intersection with the western right-of-way of  
15 12th Street NW;

16 (63) thence south along said western right-of-  
17 way of 12th Street NW to its intersection with a line  
18 extending to the west the southern boundary of the  
19 property designated as Square 324 Lot 809;

20 (64) thence east along said line to the south-  
21 west corner of said property designated as Square  
22 324 Lot 809, and continuing northeast along the  
23 southern boundary of said property designated as  
24 Square 324 Lot 809 to its eastern corner, which it

1 shares with the property designated as Square 323  
2 Lot 802;

3 (65) thence east along the southern boundary  
4 of said property designated as Square 323 Lot 802  
5 to its southeast corner, which it shares with the  
6 property designated as Square 324 Lot 808;

7 (66) thence counter-clockwise around the  
8 boundary of said property designated as Square 324  
9 Lot 808 to its northeastern corner, which is along  
10 the southern right-of-way of Pennsylvania Avenue  
11 NW;

12 (67) thence southeast along said southern right-  
13 of-way of Pennsylvania Avenue NW to its intersec-  
14 tion with the eastern right-of-way of 4th Street NW;

15 (68) thence north along a line extending north  
16 from said eastern right-of-way of 4th Street NW to  
17 its intersection with the southern right-of-way of C  
18 Street NW;

19 (69) thence east along said southern right-of-  
20 way of C Street NW to its intersection with the east-  
21 ern right-of-way of 3rd Street NW;

22 (70) thence north along said eastern right-of-  
23 way of 3rd Street NW to its intersection with the  
24 southern right-of-way of D Street NW;



1           (71) thence east along said southern right-of-  
2           way of D Street NW to its intersection with the  
3           western right-of-way of 1st Street NW;

4           (72) thence south along said western right-of-  
5           way of 1st Street NW to its intersection with the  
6           northern right-of-way of C Street NW;

7           (73) thence west along said northern right-of-  
8           way of C Street NW to its intersection with the  
9           western right-of-way of 2nd Street NW;

10          (74) thence south along said western right-of-  
11          way of 2nd Street NW to its intersection with the  
12          northern right-of-way of Constitution Avenue NW;

13          (75) thence east along said northern right-of-  
14          way of Constitution Avenue NW to its intersection  
15          with the northeastern right-of-way of Louisiana Ave-  
16          nue NW;

17          (76) thence northeast along said northeastern  
18          right-of-way of Louisiana Avenue NW to its inter-  
19          section with the southwestern right-of-way of New  
20          Jersey Avenue NW;

21          (77) thence northwest along said southwestern  
22          right-of-way of New Jersey Avenue NW to its inter-  
23          section with the northern right-of-way of D Street  
24          NW;

1           (78) thence east along said northern right-of-  
2           way of D Street NW to its intersection with the  
3           northeastern right-of-way of Louisiana Avenue NW;

4           (79) thence northeast along said northwestern  
5           right-of-way of Louisiana Avenue NW to its inter-  
6           section with the western right-of-way of North Cap-  
7           itol Street;

8           (80) thence north along said western right-of-  
9           way of North Capitol Street to its intersection with  
10          the southwestern right-of-way of Massachusetts Ave-  
11          nue NW;

12          (81) thence southeast along said southwestern  
13          right-of-way of Massachusetts Avenue NW to the  
14          southwestern right-of-way of Massachusetts Avenue  
15          NE;

16          (82) thence southeast along said southwestern  
17          right-of-way of Massachusetts Avenue NE to the  
18          southern right-of-way of Columbus Circle NE;

19          (83) thence counter-clockwise along said south-  
20          ern right-of-way of Columbus Circle NE to its inter-  
21          section with the southern right-of way of F Street  
22          NE; and

23          (84) thence east along said southern right-of-  
24          way of F Street NE to the point of beginning.

1 (c) STREETS AND SIDEWALKS.—The Federal Dis-  
2 trict shall include any street (and sidewalk thereof) that  
3 bounds the area described in subsection (b).

4 (d) METES AND BOUNDS SURVEY.—Not later than  
5 180 days after the date of the enactment of this Act, the  
6 President (in consultation with the Chair of the National  
7 Capital Planning Commission) shall conduct a metes and  
8 bounds survey of the National Capital Service Area, as  
9 described in subsection (b).

10 (e) CLARIFICATION OF TREATMENT OF FRANCES  
11 PERKINS BUILDING.—The entirety of the Frances Per-  
12 kins Building, including any portion of the Building which  
13 is north of D Street Northwest, shall be included in the  
14 National Capital Service Area.

15 **SEC. 6. TRANSITION PROVISIONS RELATING TO HOUSE OF**  
16 **REPRESENTATIVES.**

17 (a) TEMPORARY INCREASE IN APPORTIONMENT.—

18 (1) IN GENERAL.—Until the taking effect of the  
19 first reapportionment occurring after the effective  
20 date of this Act—

21 (A) the individual serving as the Delegate  
22 to the House of Representatives from the Dis-  
23 trict of Columbia shall serve as a member of  
24 the House of Representatives from the State of  
25 Maryland;

1 (B) the State of Maryland shall be entitled  
2 to 1 additional Representative until the taking  
3 effect of such reapportionment; and

4 (C) such Representative shall be in addi-  
5 tion to the membership of the House of Rep-  
6 resentatives as now prescribed by law.

7 (2) INCREASE NOT COUNTED AGAINST TOTAL  
8 NUMBER OF MEMBERS.—The temporary increase in  
9 the membership of the House of Representatives  
10 provided under paragraph (1) shall not operate to ei-  
11 ther increase or decrease the permanent membership  
12 of the House of Representatives as prescribed in the  
13 Act of August 8, 1911 (37 Stat. 13; 2 U.S.C. 2),  
14 nor shall such temporary increase affect the basis of  
15 reapportionment established by the Act of November  
16 15, 1941 (55 Stat. 761; 2 U.S.C. 2a), for the 82nd  
17 Congress and each Congress thereafter.

18 (b) REPEAL OF LAWS PROVIDING FOR DELEGATE  
19 FROM THE DISTRICT OF COLUMBIA.—

20 (1) IN GENERAL.—Sections 202 and 204 of the  
21 District of Columbia Delegate Act (Public Law 91–  
22 405; sections 1–401 and 1–402, D.C. Official Code)  
23 are repealed, and the provisions of law amended or  
24 repealed by such sections are restored or revived as  
25 if such sections had not been enacted.



1           (1) IN GENERAL.—The Director of the Con-  
2           gressional Budget Office shall prepare a report ana-  
3           lyzing the anticipated economic impact on the State  
4           of Maryland of the State’s acceptance of the ret-  
5           rocession described in section 3(a), including the an-  
6           ticipated effect on the budgets of the State govern-  
7           ment and local governments, and shall submit the  
8           report to Congress and the governor of Maryland.

9           (2) DELAY IN ENACTMENT OF LEGISLATION.—  
10          The State of Maryland may not enact legislation ac-  
11          cepting the retrocession described in section 3(a)  
12          until the expiration of the 1-year period which be-  
13          gins on the date the Director of the Congressional  
14          Budget Office submits the report prepared under  
15          paragraph (1) to the governor of Maryland.

16 **SEC. 9. EFFECTIVE DATE.**

17          The provisions of this Act and the amendments made  
18          by this Act shall take effect on the date the President  
19          issues a proclamation under section 8 or the date of the  
20          ratification of an amendment to the Constitution of the  
21          United States repealing the 23rd article of amendment to  
22          the Constitution, whichever comes later.

        Amend the title so as to read: “A bill to reduce the  
size of the seat of the Government of the United States  
to the area comprised of the principal Federal monu-  
ments, the White House, the United States Capitol, the

United States Supreme Court Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the United States Capitol, to provide for the retrocession of the remaining area of the District of Columbia to the State of Maryland, and for other purposes.”.

