

AMENDMENT TO
RULES COMMITTEE PRINT 116-55
OFFERED BY MR. MURPHY OF NORTH CAROLINA

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) Residents of Washington, D.C. pay Federal
7 income tax, but do not have voting members in the
8 United States Congress.

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

14 (3) The Founding Fathers did not consider the
15 proposed district that would become Washington,
16 D.C. a State under the Constitution, as evidenced
17 when Alexander Hamilton offered an amendment to
18 the Constitution during the New York ratification to

1 provide full congressional representation to Wash-
2 ington, D.C., but the convention rejected the amend-
3 ment on July 22, 1788. Thomas Tredwell stated at
4 the same convention that the plan for Washington,
5 D.C. “departs from every principle of freedom” be-
6 cause it did not give residents full representation in
7 Congress.

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

12 (5) Seven Supreme Court Justices affirmed
13 Chief Justice Marshall’s *Hepburn* reasoning in *Na-*
14 *tional Mut. Ins. Co. of Dist. of Col. v. Tidewater*
15 *Transfer Co.* in 1949.

16 (6) A Democrat-controlled Congress in 1978 at-
17 tempted to amend the Constitution to provide Wash-
18 ington, D.C. with full congressional representation.
19 The Committee on the Judiciary of the House of
20 Representatives reported the resolution and stated
21 that granting congressional representation to the
22 District of Columbia as it is presently constituted
23 would require a constitutional amendment, because
24 “statutory action alone will not suffice”.

1 (7) Proposals to grant Washington, D.C. con-
2 gressional representation will inevitably be chal-
3 lenged in court, calling into question the validity of
4 any narrowly-passed legislation that a Washington,
5 D.C. member votes on and leaving Washington, D.C.
6 residents in a continued state of flux over their sta-
7 tus.

8 (8) Amending the Constitution requires two-
9 thirds approval by each house of Congress and rati-
10 fication by three-fourths of the States. In 1978,
11 there was success in obtaining a favorable vote from
12 two-thirds of both the House and the Senate on a
13 constitutional amendment to provide Washington,
14 D.C. with full congressional representation, but the
15 requirement for ratification by three-fourths of the
16 States could not be obtained.

17 (9) An alternative to a potentially lengthy and
18 difficult constitutional amendment process is ceding
19 Washington, D.C. back to Maryland, just as an area
20 of 31 square miles that was originally ceded by Vir-
21 ginia was returned to that State by Federal legisla-
22 tion in 1847, thereby ensuring that the portion of
23 Washington, D.C. in Virginia would have Senate and
24 House representation.

1 (10) In 1847, there was a desire to allow the
2 District of Columbia land on the west side of the Po-
3 tomac River that was not being used by the federal
4 government to have its own proper representation in
5 Congress.

6 (11) Obtaining the desired representation for
7 this portion of Washington, D.C. would have re-
8 quired a constitutional amendment unless the land
9 were given back to Virginia.

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

15 (13) Accordingly, the District of Columbia
16 would clearly and constitutionally have 2 Senators
17 and a Representative with full voting rights by
18 ceding the District of Columbia to Maryland after
19 Maryland's acceptance of such retrocession, while
20 maintaining the exclusive legislative authority and
21 control of Congress over the National Capital Serv-
22 ice Area in the District of Columbia.

1 **SEC. 3. RETROCESSION OF DISTRICT OF COLUMBIA TO**
2 **MARYLAND.**

3 (a) IN GENERAL.—Upon the issuance of a proclama-
4 tion by the President under section 8 and except as pro-
5 vided in subsection (b), the territory ceded to Congress
6 by the State of Maryland to serve as the District consti-
7 tuting the permanent seat of the Government of the
8 United States is ceded and relinquished to the State of
9 Maryland.

10 (b) CONTINUATION OF FEDERAL CONTROL OVER
11 NATIONAL CAPITAL SERVICE AREA.—Notwithstanding
12 subsection (a), the National Capital Service Area de-
13 scribed in section 5 shall not be ceded and relinquished
14 to the State of Maryland and shall continue to serve as
15 the permanent seat of the Government of the United
16 States, and Congress shall continue to exercise exclusive
17 legislative authority and control over such Area.

18 **SEC. 4. EFFECT ON JUDICIAL PROCEEDINGS IN DISTRICT**
19 **OF COLUMBIA.**

20 (a) CONTINUATION OF SUITS.—No writ, action, in-
21 dictment, cause, or proceeding pending in any court of the
22 District of Columbia on the effective date of this Act shall
23 abate as a result of the enactment of this Act, but shall
24 be transferred and shall proceed within such appropriate
25 court of the State of Maryland as established under the
26 laws or constitution of the State of Maryland.

1 (b) APPEALS.—An order or decision of any court of
2 the District of Columbia for which no appeal has been filed
3 as of the effective date of this Act shall be considered an
4 order or decision of a court of the State of Maryland for
5 purposes of appeal from and appellate review of such order
6 or decision in an appropriate court of the State of Mary-
7 land.

8 **SEC. 5. NATIONAL CAPITAL SERVICE AREA.**

9 (a) DESCRIPTION.—The National Capital Service
10 Area referred to in section 3(b) is comprised of the prin-
11 cipal Federal monuments, the White House, the United
12 States Capitol, the United States Supreme Court Build-
13 ing, and the Federal executive, legislative, and judicial of-
14 fice buildings located adjacent to the Mall and the United
15 States Capitol (but shall not include the District Build-
16 ing), and is more particularly described as the territory
17 located within the following boundaries:

18 Beginning at the point on the present Virginia-District of
19 Columbia boundary due west of the northernmost point
20 of Theodore Roosevelt Island and running due east of the
21 eastern shore of the Potomac River;

22 thence generally south along the shore at the
23 mean high water mark to the northwest corner of
24 the Kennedy Center;

1 thence east along the north side of the Kennedy
2 Center to a point where it reaches the E Street Ex-
3 pressway;

4 thence east on the expressway to E Street
5 Northwest and thence east on E Street Northwest to
6 Nineteenth Street Northwest;

7 thence north on Nineteenth Street Northwest to
8 F Street Northwest;

9 thence east on F Street Northwest to Eight-
10 eenth Street Northwest;

11 thence south on Eighteenth Street Northwest to
12 Constitution Avenue Northwest;

13 thence east on Constitution Avenue to Seven-
14 teenth Street Northwest;

15 thence north on Seventeenth Street Northwest
16 to H Street Northwest;

17 thence east on H Street Northwest to Madison
18 Place Northwest;

19 thence south on Madison Place Northwest to
20 Pennsylvania Avenue Northwest;

21 thence east on Pennsylvania Avenue Northwest
22 to Fifteenth Street Northwest;

23 thence south on Fifteenth Street Northwest to
24 Pennsylvania Avenue Northwest;

1 thence southeast on Pennsylvania Avenue
2 Northwest to Tenth Street Northwest;
3 thence north on Tenth Street Northwest to E
4 Street Northwest;
5 thence east on E Street Northwest to Ninth
6 Street Northwest;
7 thence south on Ninth Street Northwest to
8 Pennsylvania Avenue Northwest;
9 thence southeast on Pennsylvania Avenue
10 Northwest to John Marshall Place Northwest;
11 thence north on John Marshall Place Northwest
12 to C Street Northwest;
13 thence east on C Street Northwest to Third
14 Street Northwest;
15 thence north on Third Street Northwest to D
16 Street Northwest;
17 thence east on D Street Northwest to Second
18 Street Northwest;
19 thence south on Second Street Northwest to the
20 intersection of Constitution Avenue Northwest and
21 Louisiana Avenue Northwest;
22 thence northeast on Louisiana Avenue North-
23 west to North Capitol Street;
24 thence north on North Capitol Street to Massa-
25 chusetts Avenue Northwest;

1 thence southeast on Massachusetts Avenue
2 Northwest so as to encompass Union Square;
3 thence following Union Square to F Street
4 Northeast;
5 thence east on F Street Northeast to Second
6 Street Northeast;
7 thence south on Second Street Northeast to D
8 Street Northeast;
9 thence west on D Street Northeast to First
10 Street Northeast;
11 thence south on First Street Northeast to C
12 Street Northeast;
13 thence east on C Street Northeast to Third
14 Street Northeast;
15 thence south on Third Street Northeast to
16 Maryland Avenue Northeast;
17 thence south and west on Maryland Avenue
18 Northeast to Constitution Avenue Northeast;
19 thence west on Constitution Avenue Northeast
20 to First Street Northeast;
21 thence south on First Street Northeast to
22 Maryland Avenue Northeast;
23 thence generally north and east on Maryland
24 Avenue to Second Street Northeast;

1 thence south on Second Street Northeast to
2 East Capitol Street;
3 thence east on East Capitol Street to Third
4 Street Northeast;
5 thence south on Third Street Northeast to
6 Independence Avenue Southeast;
7 thence west on Independence Avenue Southeast
8 to Second Street Southeast;
9 thence south on Second Street Southeast to C
10 Street Southeast;
11 thence west on C Street Southeast to New Jer-
12 sey Avenue Southeast;
13 thence south on New Jersey Avenue Southeast
14 to D Street Southeast;
15 thence west on D Street Southeast to Wash-
16 ington Avenue Southwest;
17 thence north and west on Washington Avenue
18 Southwest to the intersection of Independence Ave-
19 nue Southwest and Second Street Southwest;
20 thence south on Second Street Southwest to
21 Virginia Avenue Southwest;
22 thence generally west on Virginia Avenue to
23 Third Street Southwest;
24 thence north on Third Street Southwest to C
25 Street Southwest;

1 thence west on C Street Southwest to Sixth
2 Street Southwest;

3 thence south on Sixth Street Southwest to E
4 Street Southwest;

5 thence west on E Street Southwest to Seventh
6 Street Southwest;

7 thence north on Seventh Street Southwest to
8 Maryland Avenue Southwest;

9 thence west on Maryland Avenue Southwest to
10 Ninth Street Southwest;

11 thence north on Ninth Street Southwest to
12 Independence Avenue Southwest;

13 thence west on Independence Avenue Southwest
14 to Twelfth Street Southwest;

15 thence south on Twelfth Street Southwest to D
16 Street Southwest;

17 thence west on D Street Southwest to Four-
18 teenth Street Southwest;

19 thence south on Fourteenth Street Southwest to
20 the middle of the Washington Channel;

21 thence generally south and east along the
22 midchannel of the Washington Channel to a point
23 due west of the northern boundary line of Fort Les-
24 ley McNair;

1 thence due east to the side of the Washington
2 Channel;

3 thence following generally south and east along
4 the side of the Washington Channel at the mean
5 high water mark, to the point of confluence with the
6 Anacostia River, and along the northern shore at the
7 mean high water mark to the northernmost point of
8 the Eleventh Street Bridge;

9 thence generally south and west along such
10 shore at the mean high water mark to the point of
11 confluence of the Anacostia and Potomac Rivers;

12 thence generally south and east along the
13 northern side of the Eleventh Street Bridge to the
14 eastern shore of the Anacostia River;

15 thence generally south along the eastern shore
16 at the mean high water mark of the Potomac River
17 to the point where it meets the present southeastern
18 boundary line of the District of Columbia;

19 thence south and west along such southeastern
20 boundary line to the point where it meets the
21 present Virginia-District of Columbia boundary;

22 thence generally north and west up the Poto-
23 mac River along the Virginia-District of Columbia
24 boundary to the point of beginning.

1 (b) STREETS AND SIDEWALKS.—The National Cap-
2 ital Service Area shall include any street (and sidewalk
3 thereof) that bounds such Area.

4 (c) AFFRONTING OR ABUTTING FEDERAL REAL
5 PROPERTY.—

6 (1) IN GENERAL.—The National Capital Serv-
7 ice Area shall include any Federal real property af-
8 fronting or abutting such Area as of the effective
9 date of this Act.

10 (2) PROPERTY INCLUDED.—For purposes of
11 paragraph (1), Federal real property affronting or
12 abutting the National Capital Service Area—

13 (A) shall include the Department of Hous-
14 ing and Urban Development Building, the De-
15 partment of Energy Building, Fort Lesley
16 McNair, the Washington Navy Yard, the Ana-
17 costia Naval Annex, the United States Naval
18 Station, Bolling Air Force Base, and the Naval
19 Research Laboratory; and

20 (B) shall not include any portion of Rock
21 Creek Park, any portion of Anacostia Park east
22 of the northern side of the Eleventh Street
23 Bridge, or any territory not located in the Dis-
24 trict of Columbia on the day before the date of
25 the enactment of this Act.

1 **SEC. 6. TRANSITION PROVISIONS RELATING TO HOUSE OF**
2 **REPRESENTATIVES.**

3 (a) TEMPORARY INCREASE IN APPORTIONMENT.—

4 (1) IN GENERAL.—Until the taking effect of the
5 first reapportionment occurring after the effective
6 date of this Act—

7 (A) the individual serving as the Delegate
8 to the House of Representatives from the Dis-
9 trict of Columbia shall serve as a member of
10 the House of Representatives from the State of
11 Maryland;

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

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

18 (2) INCREASE NOT COUNTED AGAINST TOTAL
19 NUMBER OF MEMBERS.—The temporary increase in
20 the membership of the House of Representatives
21 provided under paragraph (1) shall not operate to ei-
22 ther increase or decrease the permanent membership
23 of the House of Representatives as prescribed in the
24 Act of August 8, 1911 (37 Stat. 13; 2 U.S.C. 2),
25 nor shall such temporary increase affect the basis of
26 reapportionment established by the Act of November

1 15, 1941 (55 Stat. 761; 2 U.S.C. 2a), for the 82nd
2 Congress and each Congress thereafter.

3 (b) REPEAL OF LAWS PROVIDING FOR DELEGATE
4 FROM THE DISTRICT OF COLUMBIA.—

5 (1) IN GENERAL.—Sections 202 and 204 of the
6 District of Columbia Delegate Act (Public Law 91–
7 405; sections 1–401 and 1–402, D.C. Official Code)
8 are repealed, and the provisions of law amended or
9 repealed by such sections are restored or revived as
10 if such sections had not been enacted.

11 (2) EFFECTIVE DATE.—The amendments made
12 by this subsection shall take effect on the date on
13 which the individual serving as the Delegate to the
14 House of Representatives from the District of Co-
15 lumbia first serves as a member of the House of
16 Representatives from the State of Maryland.

17 **SEC. 7. EFFECT ON OTHER LAWS.**

18 No law or regulation which is in force on the effective
19 date of this Act shall be deemed amended or repealed by
20 this Act except to the extent specifically provided in this
21 Act, or to the extent that such law or regulation is incon-
22 sistent with this Act.

1 **SEC. 8. PROCLAMATION REGARDING ACCEPTANCE OF RET-**
2 **ROCESSION BY MARYLAND.**

3 (a) PROCLAMATION BY STATE OF MARYLAND.—Not
4 later than 30 days after the State of Maryland enacts leg-
5 islation accepting the retrocession described in section
6 3(a), the President shall issue a proclamation announcing
7 such acceptance and declaring that the territory ceded to
8 Congress by the State of Maryland to serve as the District
9 constituting the permanent seat of the Government of the
10 United States has been ceded back to the State of Mary-
11 land.

12 (b) REPORT BY CONGRESSIONAL BUDGET OFFICE
13 ON ECONOMIC IMPACT.—

14 (1) IN GENERAL.—The Director of the Con-
15 gressional Budget Office shall prepare a report ana-
16 lyzing the anticipated economic impact on the State
17 of Maryland of the State's acceptance of the ret-
18 rocession described in section 3(a), including the an-
19 ticipated effect on the budgets of the State govern-
20 ment and local governments, and shall submit the
21 report to Congress and the governor of Maryland.

22 (2) DELAY IN ENACTMENT OF LEGISLATION.—
23 The State of Maryland may not enact legislation ac-
24 cepting the retrocession described in section 3(a)
25 until the expiration of the 1-year period which be-
26 gins on the date the Director of the Congressional

1 Budget Office submits the report prepared under
2 paragraph (1) to the governor of Maryland.

3 **SEC. 9. EFFECTIVE DATE.**

4 The provisions of this Act and the amendments made
5 by this Act shall take effect on the date the President
6 issues a proclamation under section 8 or the date of the
7 ratification of an amendment to the Constitution of the
8 United States repealing the twenty-third article of amend-
9 ment to the Constitution, whichever comes later.

Amend the title so as to read: “A bill to provide for
the retrocession of the District of Columbia to Maryland,
and for other purposes.”.

