

**AMENDMENT TO H.R. 157, AS REPORTED  
OFFERED BY MR. GOHMERT OF TEXAS**

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  
19 provide full congressional representation to Wash-

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

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

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

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

24           (7) Proposals to grant Washington, D.C. con-  
25       gressional representation will inevitably be chal-

1       lenged in court, calling into question the validity of  
2       any narrowly-passed legislation that a Washington,  
3       D.C. member votes on and leaving Washington, D.C.  
4       residents in a continued state of flux over their sta-  
5       tus.

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

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

23          (10) In 1847, there was a desire to allow the  
24      District of Columbia land on the west side of the Po-  
25      tomac River that was not being used by the federal

1 government to have its own proper representation in  
2 Congress.

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

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

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

20 **SEC. 3. RETROCESSION OF DISTRICT OF COLUMBIA TO**  
21 **MARYLAND.**

22 (a) IN GENERAL.—Upon the issuance of a proclama-  
23 tion by the President under section 8 and except as pro-  
24 vided in subsection (b), the territory ceded to Congress  
25 by the State of Maryland to serve as the District consti-

1 tuting the permanent seat of the Government of the  
2 United States is ceded and relinquished to the State of  
3 Maryland.

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

12 **SEC. 4. EFFECT ON JUDICIAL PROCEEDINGS IN DISTRICT**  
13 **OF COLUMBIA.**

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

21 (b) APPEALS.—An order or decision of any court of  
22 the District of Columbia for which no appeal has been filed  
23 as of the effective date of this Act shall be considered an  
24 order or decision of a court of the State of Maryland for  
25 purposes of appeal from and appellate review of such order

1 or decision in an appropriate court of the State of Mary-  
2 land.

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

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

13 Beginning at the point on the present Virginia-District of  
14 Columbia boundary due west of the northernmost point  
15 of Theodore Roosevelt Island and running due east of the  
16 eastern shore of the Potomac River;

17 thence generally south along the shore at the  
18 mean high water mark to the northwest corner of  
19 the Kennedy Center;

20 thence east along the north side of the Kennedy  
21 Center to a point where it reaches the E Street Ex-  
22 pressway;

23 thence east on the expressway to E Street  
24 Northwest and thence east on E Street Northwest to  
25 Nineteenth Street Northwest;

1           thence north on Nineteenth Street Northwest to  
2       F Street Northwest;  
3           thence east on F Street Northwest to Eight-  
4       eenth Street Northwest;  
5           thence south on Eighteenth Street Northwest to  
6       Constitution Avenue Northwest;  
7           thence east on Constitution Avenue to Seven-  
8       teenth Street Northwest;  
9           thence north on Seventeenth Street Northwest  
10      to H Street Northwest;  
11          thence east on H Street Northwest to Madison  
12      Place Northwest;  
13          thence south on Madison Place Northwest to  
14      Pennsylvania Avenue Northwest;  
15          thence east on Pennsylvania Avenue Northwest  
16      to Fifteenth Street Northwest;  
17          thence south on Fifteenth Street Northwest to  
18      Pennsylvania Avenue Northwest;  
19          thence southeast on Pennsylvania Avenue  
20      Northwest to Tenth Street Northwest;  
21          thence north on Tenth Street Northwest to E  
22      Street Northwest;  
23          thence east on E Street Northwest to Ninth  
24      Street Northwest;

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

1           thence south on Second Street Northeast to D  
2           Street Northeast;  
3           thence west on D Street Northeast to First  
4           Street Northeast;  
5           thence south on First Street Northeast to C  
6           Street Northeast;  
7           thence east on C Street Northeast to Third  
8           Street Northeast;  
9           thence south on Third Street Northeast to  
10          Maryland Avenue Northeast;  
11          thence south and west on Maryland Avenue  
12          Northeast to Constitution Avenue Northeast;  
13          thence west on Constitution Avenue Northeast  
14          to First Street Northeast;  
15          thence south on First Street Northeast to  
16          Maryland Avenue Northeast;  
17          thence generally north and east on Maryland  
18          Avenue to Second Street Northeast;  
19          thence south on Second Street Northeast to  
20          East Capitol Street;  
21          thence east on East Capitol Street to Third  
22          Street Northeast;  
23          thence south on Third Street Northeast to  
24          Independence Avenue Southeast;

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

1           thence north on Seventh Street Southwest to  
2           Maryland Avenue Southwest;  
3           thence west on Maryland Avenue Southwest to  
4           Ninth Street Southwest;  
5           thence north on Ninth Street Southwest to  
6           Independence Avenue Southwest;  
7           thence west on Independence Avenue Southwest  
8           to Twelfth Street Southwest;  
9           thence south on Twelfth Street Southwest to D  
10          Street Southwest;  
11          thence west on D Street Southwest to Four-  
12          teenth Street Southwest;  
13          thence south on Fourteenth Street Southwest to  
14          the middle of the Washington Channel;  
15          thence generally south and east along the  
16          midchannel of the Washington Channel to a point  
17          due west of the northern boundary line of Fort Les-  
18          ley McNair;  
19          thence due east to the side of the Washington  
20          Channel;  
21          thence following generally south and east along  
22          the side of the Washington Channel at the mean  
23          high water mark, to the point of confluence with the  
24          Anacostia River, and along the northern shore at the

1 mean high water mark to the northernmost point of  
2 the Eleventh Street Bridge;

3 thence generally south and west along such  
4 shore at the mean high water mark to the point of  
5 confluence of the Anacostia and Potomac Rivers;

6 thence generally south and east along the  
7 northern side of the Eleventh Street Bridge to the  
8 eastern shore of the Anacostia River;

9 thence generally south along the eastern shore  
10 at the mean high water mark of the Potomac River  
11 to the point where it meets the present southeastern  
12 boundary line of the District of Columbia;

13 thence south and west along such southeastern  
14 boundary line to the point where it meets the  
15 present Virginia-District of Columbia boundary;

16 thence generally north and west up the Poto-  
17 mac River along the Virginia-District of Columbia  
18 boundary to the point of beginning.

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

22 (c) AFFRONTING OR ABUTTING FEDERAL REAL  
23 PROPERTY.—

24 (1) IN GENERAL.—The National Capital Serv-  
25 ice Area shall include any Federal real property af-

1 fronting or abutting such Area as of the effective  
2 date of this Act.

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

6 (A) shall include the Department of Hous-  
7 ing and Urban Development Building, the De-  
8 partment of Energy Building, Fort Lesley  
9 McNair, the Washington Navy Yard, the Ana-  
10 costia Naval Annex, the United States Naval  
11 Station, Bolling Air Force Base, and the Naval  
12 Research Laboratory; and

13 (B) shall not include any portion of Rock  
14 Creek Park, any portion of Anacostia Park east  
15 of the northern side of the Eleventh Street  
16 Bridge, or any territory not located in the Dis-  
17 trict of Columbia on the day before the date of  
18 the enactment of this Act.

19 **SEC. 6. TRANSITION PROVISIONS RELATING TO HOUSE OF**  
20 **REPRESENTATIVES.**

21 (a) TEMPORARY INCREASE IN APPORTIONMENT.—

22 (1) IN GENERAL.—Until the taking effect of the  
23 first reapportionment occurring after the effective  
24 date of this Act—

1 (A) the individual serving as the Delegate  
2 to the House of Representatives from the Dis-  
3 trict of Columbia shall serve as a member of  
4 the House of Representatives from the State of  
5 Maryland;

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

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

12 (2) INCREASE NOT COUNTED AGAINST TOTAL  
13 NUMBER OF MEMBERS.—The temporary increase in  
14 the membership of the House of Representatives  
15 provided under paragraph (1) shall not operate to ei-  
16 ther increase or decrease the permanent membership  
17 of the House of Representatives as prescribed in the  
18 Act of August 8, 1911 (37 Stat. 13; 2 U.S.C. 2),  
19 nor shall such temporary increase affect the basis of  
20 reapportionment established by the Act of November  
21 15, 1941 (55 Stat. 761; 2 U.S.C. 2a), for the 82nd  
22 Congress and each Congress thereafter.

23 (b) REPEAL OF LAWS PROVIDING FOR DELEGATE  
24 FROM THE DISTRICT OF COLUMBIA.—

1           (1) IN GENERAL.—Sections 202 and 204 of the  
2           District of Columbia Delegate Act (Public Law 91–  
3           405; sections 1–401 and 1–402, D.C. Official Code)  
4           are repealed, and the provisions of law amended or  
5           repealed by such sections are restored or revived as  
6           if such sections had not been enacted.

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

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

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

19 **SEC. 8. PROCLAMATION REGARDING ACCEPTANCE OF RET-**  
20 **ROCESSION BY MARYLAND.**

21          (a) PROCLAMATION BY STATE OF MARYLAND.—Not  
22          later than 30 days after the State of Maryland enacts leg-  
23          islation accepting the retrocession described in section  
24          3(a), the President shall issue a proclamation announcing  
25          such acceptance and declaring that the territory ceded to

1 Congress by the State of Maryland to serve as the District  
2 constituting the permanent seat of the Government of the  
3 United States has been ceded back to the State of Mary-  
4 land.

5 (b) REPORT BY CONGRESSIONAL BUDGET OFFICE  
6 ON ECONOMIC IMPACT.—

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

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

22 **SEC. 9. EFFECTIVE DATE.**

23 The provisions of this Act and the amendments made  
24 by this Act shall take effect on the date the President  
25 issues a proclamation under section 8 or the date of the

1 ratification of an amendment to the Constitution of the  
2 United States repealing the twenty-third article of amend-  
3 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."

