

112TH CONGRESS
1ST SESSION

H. R. 3732

To provide for the retrocession of the District of Columbia to Maryland,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2011

Mr. GOHMERT introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the retrocession of the District of Columbia
to Maryland, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Residents of Washington, D.C. pay Federal
2 income tax, but do not have voting members in the
3 United States Congress.

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

9 (3) The Founding Fathers did not consider the
10 proposed district that would become Washington,
11 D.C. a State under the Constitution, as evidenced
12 when Alexander Hamilton offered an amendment to
13 the Constitution during the New York ratification to
14 provide full congressional representation to Wash-
15 ington, D.C., but the convention rejected the amend-
16 ment on July 22, 1788. Thomas Tredwell stated at
17 the same convention that the plan for Washington,
18 D.C. “departs from every principle of freedom” be-
19 cause it did not give residents full representation in
20 Congress.

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

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

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

14 (7) Proposals to grant Washington, D.C. con-
15 gressional representation will inevitably be chal-
16 lenged in court, calling into question the validity of
17 any narrowly passed legislation that a Washington,
18 D.C. member votes on and leaving Washington, D.C.
19 residents in a continued state of flux over their sta-
20 tus.

21 (8) Amending the Constitution requires two-
22 thirds approval by each house of Congress and rati-
23 fication by three-fourths of the States. In 1978,
24 there was success in obtaining a favorable vote from
25 two-thirds of both the House and the Senate on a

1 constitutional amendment to provide Washington,
2 D.C. with full congressional representation, but the
3 requirement for ratification by three-fourths of the
4 States could not be obtained.

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

13 (10) In 1847, there was a desire to allow the
14 District of Columbia land on the west side of the Po-
15 tomac River that was not being used by the Federal
16 Government to have its own proper representation in
17 Congress.

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

22 (12) Instead of trying to pass a constitutional
23 amendment, Congress in 1847 legislatively ceded
24 back to Virginia from the District of Columbia the

1 non-Federal land composed of 31 square miles on
2 the west side of the Potomac River.

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

11 **SEC. 3. RETROCESSION OF DISTRICT OF COLUMBIA TO**
12 **MARYLAND.**

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

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

1 States, and Congress shall continue to exercise exclusive
2 legislative authority and control over such Area.

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

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

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

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

20 (a) DESCRIPTION.—The National Capital Service
21 Area referred to in section 3(b) is comprised of the prin-
22 cipal Federal monuments, the White House, the United
23 States Capitol, the United States Supreme Court Build-
24 ing, and the Federal executive, legislative, and judicial of-
25 fice buildings located adjacent to the Mall and the United

1 States Capitol (but shall not include the District Build-
2 ing), and is more particularly described as the territory
3 located within the following boundaries:

4 Beginning at the point on the present Virginia-District of
5 Columbia boundary due west of the northernmost point
6 of Theodore Roosevelt Island and running due east of the
7 eastern shore of the Potomac River;

8 thence generally south along the shore at the
9 mean high water mark to the northwest corner of
10 the Kennedy Center;

11 thence east along the north side of the Kennedy
12 Center to a point where it reaches the E Street Ex-
13 pressway;

14 thence east on the expressway to E Street
15 Northwest and thence east on E Street Northwest to
16 Nineteenth Street Northwest;

17 thence north on Nineteenth Street Northwest to
18 F Street Northwest;

19 thence east on F Street Northwest to Eight-
20 eenth Street Northwest;

21 thence south on Eighteenth Street Northwest to
22 Constitution Avenue Northwest;

23 thence east on Constitution Avenue to Seven-
24 teenth Street Northwest;

1 thence north on Seventeenth Street Northwest
2 to H Street Northwest;
3 thence east on H Street Northwest to Madison
4 Place Northwest;
5 thence south on Madison Place Northwest to
6 Pennsylvania Avenue Northwest;
7 thence east on Pennsylvania Avenue Northwest
8 to Fifteenth Street Northwest;
9 thence south on Fifteenth Street Northwest to
10 Pennsylvania Avenue Northwest;
11 thence southeast on Pennsylvania Avenue
12 Northwest to Tenth Street Northwest;
13 thence north on Tenth Street Northwest to E
14 Street Northwest;
15 thence east on E Street Northwest to Ninth
16 Street Northwest;
17 thence south on Ninth Street Northwest to
18 Pennsylvania Avenue Northwest;
19 thence southeast on Pennsylvania Avenue
20 Northwest to John Marshall Place Northwest;
21 thence north on John Marshall Place Northwest
22 to C Street Northwest;
23 thence east on C Street Northwest to Third
24 Street Northwest;

1 thence north on Third Street Northwest to D
2 Street Northwest;

3 thence east on D Street Northwest to Second
4 Street Northwest;

5 thence south on Second Street Northwest to the
6 intersection of Constitution Avenue Northwest and
7 Louisiana Avenue Northwest;

8 thence northeast on Louisiana Avenue North-
9 west to North Capitol Street;

10 thence north on North Capitol Street to Massa-
11 chusetts Avenue Northwest;

12 thence southeast on Massachusetts Avenue
13 Northwest so as to encompass Union Square;

14 thence following Union Square to F Street
15 Northeast;

16 thence east on F Street Northeast to Second
17 Street Northeast;

18 thence south on Second Street Northeast to D
19 Street Northeast;

20 thence west on D Street Northeast to First
21 Street Northeast;

22 thence south on First Street Northeast to C
23 Street Northeast;

24 thence east on C Street Northeast to Third
25 Street Northeast;

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

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

1 thence south on Twelfth Street Southwest to D
2 Street Southwest;

3 thence west on D Street Southwest to Four-
4 teenth Street Southwest;

5 thence south on Fourteenth Street Southwest to
6 the middle of the Washington Channel;

7 thence generally south and east along the
8 midchannel of the Washington Channel to a point
9 due west of the northern boundary line of Fort Les-
10 ley McNair;

11 thence due east to the side of the Washington
12 Channel;

13 thence following generally south and east along
14 the side of the Washington Channel at the mean
15 high water mark, to the point of confluence with the
16 Anacostia River, and along the northern shore at the
17 mean high water mark to the northernmost point of
18 the Eleventh Street Bridge;

19 thence generally south and west along such
20 shore at the mean high water mark to the point of
21 confluence of the Anacostia and Potomac Rivers;

22 thence generally south and east along the
23 northern side of the Eleventh Street Bridge to the
24 eastern shore of the Anacostia River;

1 thence generally south along the eastern shore
2 at the mean high water mark of the Potomac River
3 to the point where it meets the present southeastern
4 boundary line of the District of Columbia;

5 thence south and west along such southeastern
6 boundary line to the point where it meets the
7 present Virginia-District of Columbia boundary;

8 thence generally north and west up the Poto-
9 mac River along the Virginia-District of Columbia
10 boundary to the point of beginning.

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

14 (c) AFFRONTING OR ABUTTING FEDERAL REAL
15 PROPERTY.—

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

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

23 (A) shall include the Department of Hous-
24 ing and Urban Development Building, the De-
25 partment of Energy Building, Fort Lesley

1 McNair, the Washington Navy Yard, the Ana-
2 costia Naval Annex, the United States Naval
3 Station, Bolling Air Force Base, and the Naval
4 Research Laboratory; and

5 (B) shall not include any portion of Rock
6 Creek Park, any portion of Anacostia Park east
7 of the northern side of the Eleventh Street
8 Bridge, or any territory not located in the Dis-
9 trict of Columbia on the day before the date of
10 the enactment of this Act.

11 **SEC. 6. TRANSITION PROVISIONS RELATING TO HOUSE OF**
12 **REPRESENTATIVES.**

13 (a) TEMPORARY INCREASE IN APPORTIONMENT.—

14 (1) IN GENERAL.—Until the taking effect of the
15 first reapportionment occurring after the effective
16 date of this Act—

17 (A) the individual serving as the Delegate
18 to the House of Representatives from the Dis-
19 trict of Columbia shall serve as a member of
20 the House of Representatives from the State of
21 Maryland;

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

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

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

15 (b) REPEAL OF LAWS PROVIDING FOR DELEGATE
16 FROM THE DISTRICT OF COLUMBIA.—

17 (1) IN GENERAL.—Sections 202 and 204 of the
18 District of Columbia Delegate Act (Public Law 91–
19 405; sections 1–401 and 1–402, D.C. Official Code)
20 are repealed, and the provisions of law amended or
21 repealed by such sections are restored or revived as
22 if such sections had not been enacted.

23 (2) EFFECTIVE DATE.—The amendments made
24 by this subsection shall take effect on the date on
25 which the individual serving as the Delegate to the

1 House of Representatives from the District of Co-
2 lumbia first serves as a member of the House of
3 Representatives from the State of Maryland.

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

5 No law or regulation which is in force on the effective
6 date of this Act shall be deemed amended or repealed by
7 this Act except to the extent specifically provided in this
8 Act, or to the extent that such law or regulation is incon-
9 sistent with this Act.

10 **SEC. 8. PROCLAMATION REGARDING ACCEPTANCE OF RET-**
11 **ROCESSION BY MARYLAND.**

12 (a) PROCLAMATION BY STATE OF MARYLAND.—Not
13 later than 30 days after the State of Maryland enacts leg-
14 islation accepting the retrocession described in section
15 3(a), the President shall issue a proclamation announcing
16 such acceptance and declaring that the territory ceded to
17 Congress by the State of Maryland to serve as the District
18 constituting the permanent seat of the Government of the
19 United States has been ceded back to the State of Mary-
20 land.

21 (b) REPORT BY CONGRESSIONAL BUDGET OFFICE
22 ON ECONOMIC IMPACT.—

23 (1) IN GENERAL.—The Director of the Con-
24 gressional Budget Office shall prepare a report ana-
25 lyzing the anticipated economic impact on the State

1 of Maryland of the State's acceptance of the ret-
2 rocession described in section 3(a), including the an-
3 ticipated effect on the budgets of the State govern-
4 ment and local governments, and shall submit the
5 report to Congress and the governor of Maryland.

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

13 **SEC. 9. EFFECTIVE DATE.**

14 The provisions of this Act and the amendments made
15 by this Act shall take effect on the date the President
16 issues a proclamation under section 8 or the date of the
17 ratification of an amendment to the Constitution of the
18 United States repealing the twenty-third article of amend-
19 ment to the Constitution, whichever comes later.

○