

**COMMITTEE ON OVERSIGHT AND REFORM
U.S. HOUSE OF REPRESENTATIVES**

REPORT ON COMMITTEE PASSAGE OF WASHINGTON, D.C. ADMISSION ACT

The Committee on Oversight and Reform, to which was referred the bill (H.R. 5803) to provide for the admission of the State of Washington, Douglass Commonwealth into the Union, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

SUMMARY AND PURPOSE OF LEGISLATION

The Washington, D.C. Admission Act would admit the State of Washington, Douglass Commonwealth into the Union and reduce the geographical size of the federal district.

BACKGROUND AND NEED FOR LEGISLATION

The Merriam-Webster dictionary defines democracy as “government by the people” and “a government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usually involving periodically held free elections.”¹ By definition, the United States is a democracy, but its capital is not.

The United States is the only democratic country that denies both voting representation in its national legislature and full local self-government to the residents of its capital.² That is wrong. As President Dwight D. Eisenhower said in his 1954 State of the Union address:

In the District of Columbia the time is long overdue for granting national suffrage to its citizens and also applying the principle of local self-government to the Nation’s Capital. I urge the Congress to move promptly in this direction.³

We agree. The status of the District of Columbia violates our nation’s founding principles. The principles of no taxation without representation and consent of the governed helped launch the American Revolution and are enshrined in the Declaration of Independence, but District residents are taxed without representation and governed without consent. District residents pay federal taxes, but they have no voting representation in Congress and cannot

¹ Merriam-Webster, *Definition of “Democracy”* (online at www.merriam-webster.com/dictionary/democracy) (accessed Feb. 24, 2020).

² Committee on the Judiciary, *District of Columbia House Voting Rights Act of 2009*, 111th Cong. (2009) (H. Rep. 111-22); George Washington Institute of Public Policy, *Capital Cities and their National Governments: Washington, D.C. in Comparative Perspective* (June 11, 2007) (online at gwipp.gwu.edu/sites/g/files/zaxdzs2181/f/downloads/Working_Paper_030_CapitalCities.pdf); Congressional Research Service, *Washington, D.C., and 10 Other National Capitals: Selected Aspects of Governmental Structure* (Mar. 29, 2002).

³ Dwight D. Eisenhower, *Annual Message to the Congress on the State of the Union* (Jan. 7, 1954) (online at www.presidency.ucsb.edu/documents/annual-message-the-congress-the-state-the-union-13).

consent to the federal laws that govern them. District residents have voting representation in their local legislature, but they cannot give final consent to the local laws that govern them because Congress has plenary authority over the District.

Vice President Michael R. Pence, as a Member of the House of Representatives in 2007, highlighted the inconsistency between the nation's founding principles and treatment of the District:

The fact that more than half a million Americans living in the District of Columbia are denied a single voting representative in Congress is clearly a historic wrong. The single overarching principle of the American founding was that laws should be based upon the consent of the governed. The first generation of Americans threw tea in Boston Harbor because they were denied a voting representative in the national legislature in England. Given their commitment to representative democracy, it is inconceivable to me that our Founders would have been willing to accept the denial of representation to so great a throng of Americans in perpetuity.⁴

We agree. The Supreme Court has repeatedly held that the right to vote is a fundamental right and preservative of other rights. In *Wesberry v. Sanders*, the Court explained:

No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.⁵

In *Yick Wo v. Hopkins*, the Court described “the political franchise of voting” as a “fundamental political right” because it is “preservative of all rights.”⁶ In *Reynolds v. Sims*, the Court said, “Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society,” and “the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights.”⁷

The District has been denied voting representation in Congress and full local self-government for more than 200 years. Congress can choose differently. H.R. 5803 would give the District voting representation in Congress and full local self-government.

Constitutional Authority

The Constitution gives Congress the authority to admit new states and to reduce the geographical size of the federal district.

⁴ U.S. House of Representatives, Debate on H.R. 1905 (Apr. 19, 2007) (online at www.congress.gov/congressional-record/2007/04/19/house-section/article/H3577-2).

⁵ *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964).

⁶ *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886).

⁷ *Reynolds v. Sims*, 377 U.S. 533, 561–562 (1964).

Admission

The Admissions Clause of the Constitution gives Congress the authority to admit new states.⁸ Congress has admitted all 37 new states by simple legislation.⁹ No new state has been admitted by constitutional amendment. The Constitution imposes limitations on the authority of Congress to admit new states, but none would be violated by H.R. 5803.

The Admissions Clause prohibits Congress from admitting a new state formed from part of an existing state without the consent of the existing state. No consent would be required to admit the State of Washington, Douglass Commonwealth. The State would consist of territory ceded by the federal government that is outside the jurisdiction of any existing state. The District consists of land ceded by Maryland to the federal government. The land is not Maryland land, and Maryland has no reversionary interest in the land. The Maryland statute that ceded the land to the federal government provided that Maryland “forever ceded and relinquished [the land] to the Congress and government of the United States, in full and absolute right, and exclusive jurisdiction.”¹⁰ This unconditional cession extinguished any interest Maryland had in the land, including the right to give or withhold consent to the admission of the State.¹¹

The Guarantee Clause of the Constitution guarantees each state “a Republican Form of Government.”¹² H.R. 5803 would declare that the State constitution “always be republican in form.”

The equal footing doctrine requires new states to be admitted on an equal footing with the other states. The Supreme Court has held that the doctrine prohibits Congress from imposing conditions on new states that it could not impose on existing states. H.R. 5803 would declare the State “admitted into the Union on an equal footing with the other States in all respects whatever.” H.R. 5803 would not impose conditions on the State that violate the doctrine.¹³

⁸ U.S. Const. art. IV, § 3, cl. 1.

⁹ Luis R. Davila-Colon, *Equal Citizenship, Self-Determination, and the U.S. Statehood Process: A Constitutional and Historical Analysis*, Volume 13, Case Western Reserve Journal of International Law, 315, 317 (1981) (online at <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=1860&context=jil>).

¹⁰ 1791 Md. Acts ch. 45, § 2.

¹¹ Peter Raven-Hansen, *The Constitutionality of D.C. Statehood*, 60 George Washington Law Review 160, 180 (1991).

¹² U.S. Const. art. IV, § 4.

¹³ See Luis R. Davila-Colon, *Equal Citizenship, Self-Determination, and the U.S. Statehood Process: A Constitutional and Historical Analysis*, Volume 13, Case Western Reserve Journal of International Law 315, 326-351 (1981) (online at <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1860&context=jil>).

District Clause

The District Clause of the Constitution gives Congress plenary authority over the federal district.¹⁴ Under the clause, Congress may reduce the geographical size of the federal district. Both the text of the clause and historical evidence support this authority.

The text of the clause establishes a maximum geographical size of the federal district, but not a minimum geographical size, or even a location. As the Congressional Research Service (CRS) explained in testimony submitted to the Committee:

That the Constitution provided Congress flexibility to choose not only the location, but also the size of the seat of government, suggests that the Founding Fathers intended to allow Congress to determine the appropriate size and place of the District of Columbia.¹⁵

Moreover, the Property and Federal Enclave clauses of the Constitution give Congress the authority to acquire and dispose of land, and Congress has “like Authority” over the federal district and federal enclaves.¹⁶

H.R. 5803 would reduce the geographical size of the federal district by approximately 66 square miles. Congress previously has changed the boundaries of the federal district. In 1791, the First Congress amended the southern boundary of the federal district.¹⁷ The Supreme Court has held that an act of the First Congress “is contemporaneous and weighty evidence of [the Constitution’s] true meaning.”¹⁸ In 1846, Congress reduced the geographical size of the federal district by approximately 32 square miles.¹⁹

The Framers included the District Clause in the Constitution because they did not want the federal government to be dependent on a host state and because they did not want a host state to have more power than the other states.²⁰ Some argue that H.R. 5803 would violate the District Clause by reducing the geographical size of the federal district to a size that would make it dependent on states for services and protection.²¹ This claim not only ignores the text of the District Clause, which does not establish a minimum geographical size of the federal district, but it also ignores the historical and current practice of the federal district.

¹⁴ U.S. Const. art. I, § 8, cl. 17.

¹⁵ Committee on Oversight and Reform, Testimony of Kenneth R. Thomas, *Hearing on H.R. 51: Making D.C. the 51st State* (Sept. 19, 2019) (online at <https://oversight.house.gov/legislation/hearings/hr-51-making-dc-the-51st-state>).

¹⁶ U.S. Const. art. IV, § 3, cl. 2; U.S. Const. art. I, § 8, cl. 17.

¹⁷ Act of March 3, 1791, ch. 17, 1 Stat. 214 (1791).

¹⁸ *Wisconsin v. Pelican Insurance Company*, 127 U.S. 265, 297 (1888).

¹⁹ Act of July 9, 1846, ch. 35, 9 Stat. 35 (1846).

²⁰ The Federalist No. 43 (James Madison).

²¹ *E.g.*, Committee on Oversight and Reform, Testimony of Roger Pilon, Ph.D., *Hearing on H.R. 51: Making D.C. the 51st State* (Sept. 19, 2019) (online at <https://oversight.house.gov/legislation/hearings/hr-51-making-dc-the-51st-state>).

The federal district has long been dependent on states for services, and the federal government has long protected the federal district. First, the federal district consumes many services, such as electricity, that are produced elsewhere. Second, the federal government itself has the experience and capability to administer and protect the reduced federal district. In fact, the federal government previously has exercised day-to-day control over the federal district. For example, from 1874 to 1967, the federal government directly administered the federal district under a presidentially appointed government of three commissioners.²²

The federal government employs law enforcement officers, firefighters, and emergency medical services providers throughout the country, including more than 130,000 full-time law enforcement officers.²³ In the District today, there are at least 30 federal law enforcement agencies.²⁴ The federal law enforcement agencies that protect the three most important institutions in the reduced federal district—the Capitol, the White House, and the Supreme Court—together employ approximately 3,700 officers.²⁵ By comparison, the District police department, which protects the entire District today, has a similar number of officers.²⁶

The bill would provide a National Guard entity for the reduced federal district, which would be an exclusively federal entity. In addition, the President may use military forces to protect federal property and functions.²⁷ Finally, many federal departments and agencies are headquartered or have offices outside of the District, and the federal government procures services for and protects these departments and agencies outside of the District. Indeed, most federal employees work outside of the District.²⁸

23rd Amendment

The 23rd Amendment to the Constitution allows the federal district to participate in the Electoral College as if it were a state, except that it may not have more electors than the least

²² Committee on the District of Columbia, *Governance of the Nation's Capital: A Summary History of the Forms and Powers of Local Government for the District of Columbia, 1790 to 1973*, 101st Cong. (Nov. 1990).

²³ Department of Justice, Bureau of Justice Statistics, *Federal Law Enforcement Officers, 2016—Statistical Tables* (Oct. 2019) (online at www.bjs.gov/content/pub/pdf/fleo16st.pdf).

²⁴ Metropolitan Police Department, *Cooperative Agreements* (online at mpdc.dc.gov/page/cooperative-agreements) (accessed Feb. 24, 2020).

²⁵ See Department of Homeland Security, *U.S. Secret Service: Budget Overview: Fiscal Year 2020 Congressional Justification* (online at www.dhs.gov/sites/default/files/publications/19_0318_MGMT_CBJ-Secret-Service_0.pdf) (accessed Feb. 24, 2020); Committee on Appropriations, Subcommittee on Legislative Branch, Testimony of United States Capitol Police Chief of Police Matthew R. Verderosa, *Hearing on United States Capitol Police Budget Request for FY 2020* (Mar. 12, 2019); Department of Justice, Bureau of Justice Statistics, *Federal Law Enforcement Officers, 2016—Statistical Tables* (Oct. 2019) (online at www.bjs.gov/content/pub/pdf/fleo16st.pdf).

²⁶ Metropolitan Police Department, *Brief History of the Metropolitan Police Department* (online at mpdc.dc.gov/page/brief-history-mpdc) (accessed Feb. 24, 2020).

²⁷ Congressional Research Service, *The Posse Comitatus Act and Related Matters: The Use of the Military to Execute Civilian Law* (Nov. 6, 2018) (online at <https://fas.org/sgp/crs/natsec/R42659.pdf>).

²⁸ Office of Personnel Management, *Federal Civilian Employment* (Sept. 2017) (online at www.opm.gov/policy-data-oversight/data-analysis-documentation/federal-employment-reports/reports-publications/federal-civilian-employment/).

populous state.²⁹ H.R. 5803 would not violate the amendment. The intent of the amendment was to allow the hundreds of thousands of residents of the District to participate in the Electoral College, not the handful of residents likely living in the reduced federal district. However, the text of the amendment does not establish a minimum population size of the federal district, and a reduction in the population size of the federal district does not alter the text of the amendment.

In addition, some have argued that the 23rd Amendment would be nullified under H.R. 5803, either because the amendment is not self-executing and the bill would repeal the enabling statute for the amendment, or because the bill would lead to the unreasonable result of giving electoral votes to the handful of residents likely living in the reduced federal district.³⁰ H.R. 5803 would not violate the text of the amendment. Upon the enactment of H.R. 5803, Congress and the states likely would quickly ratify an amendment repealing the 23rd Amendment to avoid giving the handful of residents of the reduced federal district electoral votes.

Prerequisites, Procedures, and Transition Assistance

The Constitution does not prescribe the prerequisites or procedures new states must meet or follow for admission. According to the Government Accountability Office (GAO), “the Constitution permits the Congress great flexibility in admitting new States.” GAO has found that, “While statehood deliberations have resulted in some trends, the Congress’ broad authority, combined with each State’s unique characteristics, has led to many variations in admission procedures... [and] prerequisite conditions.”³¹

According to CRS, Congress generally has considered three factors in evaluating new states: commitment to democracy; support for statehood; and resources and population. As CRS has explained, “In most instances, States were admitted into the Union without any great difficulty, regardless of the procedure used.”³²

The State complies with each of the three factors.

District residents have been petitioning for voting representation in Congress and local self-government for more than 200 years.³³ Most recently, on November 8, 2016, District

²⁹ U.S. Const. amend. XXIII, § 1.

³⁰ Peter Raven-Hansen, *The Constitutionality of D.C. Statehood*, 60 *George Washington Law Review*, 160, 184 (1991); Philip G. Schrag, *The Future of District of Columbia Home Rule*, Volume 39, *Catholic University Law Review*, 311, 348 (1990) (online at <https://scholarship.law.edu/lawreview/vol39/iss2/3/>).

³¹ Government Accountability Office, *Experiences of Past Territories Can Assist Puerto Rico Status Deliberations* (Mar. 7, 1980) (online at www.gao.gov/assets/ggd-80-26.pdf).

³² Congressional Research Service, *Admission of States into the Union After the Original Thirteen: A Brief History and Analysis of the Statehood Process* (Apr. 2, 1985) (online at <http://li.proquest.com/elhpdf/histcontext/CRS-1985-GOV-0026.pdf>).

³³ Committee on the District of Columbia, *New Columbia Admission Act*, 102nd Cong. (1992) (H. Rept. 102-909).

residents approved a referendum advising the District Council to petition Congress for statehood. The referendum passed by a vote of 244,134 to 40,779.³⁴

The District has a population larger than two states.³⁵ The Internal Revenue Service's gross collections from the District are larger than from 22 states and more per capita than from any state.³⁶ The District has a higher per capita personal income and gross domestic product than any state.³⁷ The District has a larger budget than 12 states.³⁸ District general obligation bonds have the highest rating from Moody's Investors Service, a rating higher than 35 states.³⁹ According to Moody's, the "rating reflects the District's strong economy, finances and overall credit profile."⁴⁰ Moody's assesses the rating outlook as "stable, reflecting the District's strong economic and demographic growth, strong financial position, its notably strong pension and other post-retirement benefits position, and low liquidity risk."⁴¹

Historically, Congress has provided transition assistance to new states to support public services and promote economic development.⁴² According to GAO, "each State's diverse characteristics contributed to the varying amount and types of assistance provided."⁴³ The types of assistance have included: direct and indirect monetary aid; services; land grants; partial

³⁴ District of Columbia Board of Elections, *General Election 2016—Certified Results* (Nov. 8, 2016) (online at electionresults.dcboe.org/election_results/2016-General-Election).

³⁵ Census Bureau, *State Population Totals and Components of Change: 2010-2019* (online at www.census.gov/data/tables/time-series/demo/popest/2010s-state-total.html) (accessed Feb. 24, 2020).

³⁶ Internal Revenue Service, *Internal Revenue Service Data Book, 2018* (online at www.irs.gov/pub/irs-pdf/p55b.pdf) (accessed Feb. 24, 2020).

³⁷ Federal Reserve Bank of St. Louis, *Release Tables: Per Capita Personal Income by State, Annual* (online at fred.stlouisfed.org/release/tables?rid=151&eid=257197#snid=257206) (accessed Feb. 24, 2020); Bureau of Economic Analysis, *Regional Economic Accounts: GDP and Personal Income* (online at apps.bea.gov/iTable/drilldown.cfm?reqid=70&stepnum=40&Major_Area=3&State=0&Area=XX&TableId=513&Statistic=1&Year=2018&YearBegin=-1&Year_End=-1&Unit_Of_Measure=Levels&Rank=1&Drill=1&nRange=5) (accessed Feb. 24, 2020).

³⁸ National Association of State Budget Officers, *2019 State Expenditure Report: Fiscal Years 2017-2019*, (online at higherlogicdownload.s3.amazonaws.com/NASBO/9d2d2db1-c943-4f1b-b750-0fca152d64c2/UploadedImages/SER%20Archive/2019_State_Expenditure_Report-S.pdf) (accessed Feb. 24, 2020).

³⁹ Committee on Oversight and Reform, Testimony of Jeffrey S. DeWitt, *Hearing on H.R. 51: Making D.C. the 51st State* (Sept. 19, 2019) (online at <https://oversight.house.gov/legislation/hearings/hr-51-making-dc-the-51st-state>).

⁴⁰ *Moody's Investors Service, Rating Action: Moody's Assigns Aaa to DC General Obligation Bonds Series 2019A*, Moody's Investors Service (Feb. 6, 2019) (online at www.moody.com/research/Moodys-assigns-Aaa-to-DC-general-obligation-bonds-Series-2019A--PR_905703617).

⁴¹ *Id.*

⁴² See Grupo de Investigadores Puertorriqueños, *Breakthrough from Colonialism: An Interdisciplinary Study of Statehood* (1984).

⁴³ Government Accountability Office, *Experiences of Past Territories Can Assist Puerto Rico Status Deliberations* (Mar. 7, 1980) (online at www.gao.gov/assets/ggd-80-26.pdf).

exemption from federal taxes; and special statutory treatment.⁴⁴ One statehood study concluded that “financial matters and the pressing needs and problems of many statehood aspiring peoples have been seriously considered by Congress, not to deny admission, but to determine the need for transitional measures so as to bolster the economic and social development of the new State at a pace comparable to the rest of the States.”⁴⁵

H.R. 5803 also would establish a transition commission to advise on an orderly transition to statehood and a reduced federal district. Congress has provided transition assistance both upon and after the admission of new states.⁴⁶

Opposition

Although there are opposing legal opinions on the constitutionality of H.R. 5803, the Committee believes the bill is clearly constitutional.

The minority has offered two baseless arguments against the bill.

Their first argument is that District residents should be denied statehood because the State would be too corrupt to govern itself. They cite corruption by a few former District officials and impute the corruption to the entire District. At the same time, they fail to mention criminal convictions of corrupt officials in their own states.⁴⁷

Their second argument is more ominous. They would rather deny voting representation in Congress and full local self-government for hundreds of thousands of American citizens than consider the possibility that the new Members of Congress could be Democrats. As President Donald J. Trump said about D.C. statehood:

They want to do that so they pick up two automatic Democrat—you know it’s 100 percent Democrat, basically—so why would the Republicans ever do that? That’ll never happen unless we have some very, very stupid Republicans around that I don’t think you do. You understand that, right?

Why don’t you just take two senators and put them in there? No, it’s not gonna happen. And how many House seats is it? Like four, three or four? Whatever it is. You’d have

⁴⁴ See Grupo de Investigadores Puertorriqueños, *Breakthrough from Colonialism: An Interdisciplinary Study of Statehood* (1984); Government Accountability Office, *Experiences of Past Territories Can Assist Puerto Rico Status Deliberations* (Mar. 7, 1980) (online at www.gao.gov/assets/ggd-80-26.pdf).

⁴⁵ Grupo de Investigadores Puertorriqueños, *Breakthrough from Colonialism: An Interdisciplinary Study of Statehood* (1984).

⁴⁶ Government Accountability Office, *Experiences of Past Territories Can Assist Puerto Rico Status Deliberations* (Mar. 7, 1980) (online at www.gao.gov/assets/ggd-80-26.pdf).

⁴⁷ Department of Justice, *Report to Congress on the Activities and Operations of the Public Integrity Section for 2017* (online at www.justice.gov/criminal/file/1096306/download) (accessed Feb. 24, 2020).

three or four more congressmen and two more senators, every single day of every single year. And it would never change. No, the Republicans would never do that.⁴⁸

The right of American citizens to have voting representation in Congress should not be dependent on the political parties of those citizens. The possibility that new Members of Congress might be from a different political party is not a valid legal or constitutional basis to deny statehood.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title; Table of Contents.

(1)(a). Short Title—This section sets forth the short title of this bill as the “Washington, D.C. Admission Act.”

(1)(b). Table of Contents—This section sets forth the table of contents of this bill.

TITLE I—STATE OF WASHINGTON, D.C.

Subtitle A—Procedures for Admission.

Section 101. Admission Into the Union.

101(a). In General—This section declares that the State of Washington, Douglass Commonwealth (State) is admitted as a state on an equal footing, subject to the provisions of this bill.

101(b). Constitution of State—This section declares that the State constitution always be republican in form and not repugnant to the U.S. Constitution or the principles of the Declaration of Independence.

101(c). Nonseverability—This section declares that, if any provision of Section 101, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of and any amendments made by this bill are invalid.

Section 102. Election of Senators and Representative.

102(a). Issuance of Proclamation—This section requires the Mayor of the District of Columbia (District), after receiving certification of the enactment of this bill, to issue a proclamation for the first elections for two Senators and one Representative in Congress. It also declares that the two Senate offices be separately identified and designated, that no person may be a candidate for both offices, and that the identification or designation does not refer to the

⁴⁸ *Trump Says Washington, DC, Will Never Be a State—Because of All the Democrats*, New York Post (May 5, 2020) (online at <https://nypost.com/2020/05/05/trump-says-washington-dc-will-never-be-a-state-because-of-all-the-democrats/>).

terms of such offices or impair the privilege of the Senate to determine the class of each of the Senators.

102(b). Rules for Conducting Elections—This section requires that such proclamation provide for primary and general elections, that the officers are chosen by qualified District voters, and that the election results are certified, including by the District Mayor to the President.

102(c). Assumption of Duties—This section declares that, upon the admission of the State, the Senators and Representative are entitled to seats in Congress and to the rights and privileges of the other Senators and Representatives.

102(d). Effect of Admission on House of Representatives Membership—This section declares that, effective for the Congress during which the State is admitted and each succeeding Congress, the House of Representatives is composed of 436 Members. It also declares that, until the taking effect of the first apportionment of Members after admission, the State is entitled to one Representative. It also amends section 22(a) of “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress,” approved June 18, 1929, to provide that the size of the House of Representatives is 436 Representatives. This section declares that this amendment applies to the first and each subsequent regular decennial census conducted after admission.

Section 103. Issuance of Presidential Proclamation.

103(a). In General—This section requires the President, after receiving certification of the election results, to issue a proclamation announcing such results.

103(b). Admission of State Upon Issuance of Proclamation—This section declares that, upon the issuance of such proclamation, the State is admitted.

Subtitle B—Seat of Government of the United States.

Section 111. Territory and Boundaries.

111(a). In General—This section declares that the State consists of all of the territory of the District, except as provided in Section 111(b).

111(b). Exclusion of Portion Remaining as Seat of Government of United States—This section declares that the State does not include the area described in Section 112, which serves as the seat of the U.S. government and is known as the “Capital.”

111(c). Metes and Bounds Survey—This section requires the President (in consultation with the Chair of the National Capital Planning Commission) to conduct a metes and bounds survey of the Capital.

Section 112. Description of Capital.

112(a). In General—This section declares that, upon the admission of the State, the Capital consists of the property described in Section 112(b) and includes the principal federal monuments, the White House, the U.S. Capitol Building, the U.S. Supreme Court Building, and the federal executive, legislative, and judicial office buildings adjacent to the Mall and the U.S. Capitol Building.

112(b). General Description—This section sets forth the boundaries of the Capital.

112(c). Exclusion of Building Serving as State Capitol—This section declares that the Capital does not include the John A. Wilson Building, which serves as the State capitol.

Section 113. Retention of Title to Property.

113(a). Retention of Federal Title—This section declares that the United States retains title to or jurisdiction over all property it holds before the admission of the State.

113(b). Retention of State Title—This section declares that the State retains title to or jurisdiction over all property the District holds before the admission of the State.

Section 114. Effect of Admission on Current Laws of Seat of Government of United States.

This section declares that District laws apply in the Capital and are deemed federal laws in the Capital.

Section 115. Capital National Guard.

115(a). Establishment—This section amends title 32 of the U.S. Code to rename the District of Columbia National Guard as the “Capital National Guard.” The Capital National Guard is the National Guard for the Capital and is an exclusively federal entity.

115(b). Conforming Amendments—This section amends titles 10 and 32 of the U.S. Code to make conforming changes.

Section 116. Termination of Legal Status of Seat of Government of United States as Municipal Corporation.

This section declares that the Capital is neither a government nor a body corporate for municipal purposes.

Subtitle C—General Provisions Relating to Laws of State.

Section 121. Effect of Admission on Current Laws.

121(a). Legislative Power—This section declares that State legislative power extends to all rightful subjects.

121(b). Continuation of Authority and Duties of Members of Executive, Legislative, and Judicial Offices—This section deems members of District executive, legislative, and judicial offices members of the respective State offices.

121(c). Treatment of Federal Laws—This section declares that federal laws that apply to the states generally apply to the State.

121(d). No Effect on Existing Contracts—This section declares that the admission of the State does not affect District or U.S. contracts.

121(e). Succession in Interstate Compacts—This section deems that the State is the successor to the District for interstate compacts.

121(f). Continuation of Service of Federal Members on Boards and Commissions—This section declares that federal representatives on District boards and commissions may serve on the respective State boards and commissions.

121(g). Special Rule Regarding Enforcement Authority of United States Capitol Police, United States Park Police, and United States Secret Service Uniformed Division—This section clarifies that the U.S. Capitol Police, the U.S. Park Police, and the U.S. Secret Service Uniformed Division may not enforce State laws, except as authorized by the State.

Section 122. Pending Actions and Proceedings.

122(a). State as Legal Successor to District of Columbia—This section declares that the State is the legal successor to the District.

122(b). No Effect on Pending Proceedings—This section declares that all existing legal proceedings and rights are unaffected by the admission of the State.

Section 123. Limitation on Authority to Tax Federal Property.

This section prohibits the State from taxing federal property.

Section 124. United States Nationality.

This section declares that this bill does not affect nationality.

TITLE II—INTERESTS OF FEDERAL GOVERNMENT

Subtitle A—Federal Property.

Section 201. Treatment of Military Lands.

201(a). Reservation of Federal Authority—This section reserves in Congress exclusive legislation over federally controlled or owned land in the State that was held for defense or Coast Guard purposes before the admission of the State, so long as such land is held for such purposes.

201(b). Authority of State—This section declares that such reservation does not exclude such land from the State or prevent the State from exercising, concurrently with the United States, jurisdiction that it otherwise would have and that is consistent with federal laws hereafter enacted. It also declares that the State may serve process in such land in matters in the State but outside of such land.

Section 202. Waiver of Claims to Federal Property.

202(a). In General—This section declares that the State disclaims all right and title to federally controlled or owned property.

202(b). Effect on Claims Against United States—This section declares that this bill does not affect claims against the United States and that federal law governs any such claim. It also clarifies that this bill does not constitute a finding by Congress of the validity of any such claim.

Subtitle B—Federal Courts.

Section 211. Residency Requirements for Certain Federal Officials.

211(a). Circuit Judges—This section amends 28 U.S.C. § 44(c) to clarify that circuit judges for the judicial circuit comprising the Capital and the State reside in the circuit. It also requires that judges for the Federal judicial circuit reside in 50 miles of the Capital.

211(b). District Judges—This section amends section 134(b) of such title to clarify that district court judges for the judicial district comprising the Capital and the State reside in the district.

211(c). United States Attorneys—This section amends section 545(a) of such title to clarify that the U.S. attorney for the judicial district comprising the Capital and the State resides in the district.

211(d). United States Marshals—This section amends section 561(e)(1) of such title to clarify that the U.S. marshal for the judicial district comprising the Capital and the State resides in the district.

211(e). Clerks of District Courts—This section amends section 751(c) of such title to clarify that the clerk for the judicial district comprising the Capital and the State resides in the district.

211(f). Effective Date—This section declares that the amendments made by Section 211 apply only to individuals appointed after the admission of the State.

Section 212. Renaming of Federal Courts.

212(a). Renaming—This section amends 28 U.S.C. § 41 to rename the District judicial circuit the “Capital” circuit, which consists of the Capital and the State. It also amends section 88 of such title to rename the District judicial district the “Washington, Douglass Commonwealth and the Capital” district and to declare that the court of such district is held in the Capital. It also makes a conforming change in the table of sections of such title.

212(b). Conforming Amendments Relating to Court of Appeals—This section amends various sections of such title to make conforming changes to the name of the judicial circuit. It also amends section 48(a) of such title to designate the Capital the place for the Capital and Federal circuits to hold regular sessions.

212(c). Conforming Amendments Relating to District Court—This section amends various sections of such title to make conforming changes to the name of the judicial district.

212(d). Conforming Amendments Relating to Other Courts—This section amends section 152(a)(2) of such title to make a conforming change to the name of the judicial district. It also amends section 173 of such title to make the principal office of the U.S. Court of Federal Claims the Capital. It also amends section 175 of such title to make the official duty station of the judges of the U.S. Court of Federal Claims the Capital and to require the judges to reside in 50 miles of the Capital. It also amends section 456(b) of such title to make the official duty station of the U.S. Chief Justice, the U.S. Supreme Court Justices, and the judges for the Federal circuit the Capital. The judges for the Capital circuit and for the Washington, Douglass Commonwealth and the Capital district are treated in the same manner as other circuit and district court judges for purposes of duty station. It also amends section 462(d) of such title to make permanent accommodations for the Federal circuit and for the U.S. Court of Federal Claims the Capital. It also amends section 798(a) of such title to authorize the U.S. Court of Federal Claims to use facilities and hold court in the Capital and to use facilities of the federal courts and other federal facilities for trials and other proceedings outside of the Capital.

212(e). Other Conforming Amendments—This section amends section 1608(a)(4) of such title to make service of process made upon a foreign state available in certain circumstances through the U.S. Secretary of State in the Capital. It also amends section 2410(b) of such title to declare that, in actions in state courts affecting property on which the United States has or claims a lien, service of process upon the United States requires sending copies to the U.S. Attorney General in the Capital.

212(f). Definition—This section amends section 451 of such title to add the defined term “Capital,” as such term is used in this bill.

212(g). References in Other Laws—This section deems that references in federal law to the District judicial district and circuit refer to the Washington, Douglass Commonwealth and the Capital district and the Capital circuit, respectively.

212(h). Effective Date—This section declares that Section 212 and the amendments made by Section 212 take effect upon admission of the State.

Section 213. Conforming Amendments Relating to Department of Justice.

213(a). Appointment of United States Trustees—This section amends 28 U.S.C. § 581(a)(4) to make a conforming change to the composition of the judicial district.

213(b). Independent Counsels—This section amends section 594(c) of such title to make a conforming change to the name of the U.S. attorney for the judicial district and to make the State the basis of a pay adjustment. It also amends section 596(a)(3) of such title to make a conforming change to the name of the judicial district.

213(c). Effective Date—This section declares that the amendments made by Section 213 take effect upon the admission of the State.

Section 214. Treatment of Pretrial Services in United States District Court.

This section amends 18 U.S.C. § 3152 to provide that the District Pretrial Services Agency provides pretrial services for the judicial district until the State certifies it has in effect laws providing for it to provide pretrial services.

Subtitle C—Federal Elections.

Section 221. Permitting Individuals Residing in Capital to Vote in Federal Elections in State of Most Recent Domicile.

221(a). Requirement for States to Permit Individuals to Vote by Absentee Ballot—This section requires states to permit absent Capital voters to use absentee registration procedures and to vote by absentee ballot in federal elections and to accept any otherwise valid voter registration application from such voter, if the application is received by the State not less than 30 days before such election. It also defines “absent Capital voter” as a resident of the Capital who is qualified to vote in the state, including the State (or who would be qualified to vote in the state but for residing in the Capital), but only if the state is the last place the Capital resident was domiciled before residing in the Capital.

221(b). Recommendations to States to Maximize Access to Polls by Absent Capital Voters—This section expresses the sense of Congress that states should afford maximum access to the polls by such voters.

221(c). Enforcement—This section declares that the U.S. Attorney General may seek relief in federal court to carry out Section 221.

221(d). Effect on Certain Other Laws—This section declares that registration or voting by such voter does not affect the residence or domicile of such voter for tax purposes.

221(e). Effective Date—This section declares that Section 221 applies to elections taking place on or after the admission of the State.

Section 222. Repeal of Office of District of Columbia Delegate.

222(a). In General—This section repeals sections 202 and 204 of the District Delegate Act to abolish the office of Delegate to the House of Representatives from the District.

222(b). Conforming Amendments to District of Columbia Elections Code of 1955—This section amends the District Elections Code of 1955 to make conforming changes.

222(c). Effective Date—This section declares that the amendments made by Section 222 take effect upon the admission of the State.

Section 223. Repeal of Law Providing for Participation of Seat of Government in Election of President and Vice-President.

223(a). In General—This section amends chapter 1 of title 3 of the U.S. Code by repealing section 21, which defines the District as a state, and making a conforming change in the table of sections.

223(b). Effective Date—This section declares that the amendments made by Section 223 apply to elections taking place on or after the admission of the State.

Section 224. Expedited Procedures for Consideration of Constitutional Amendment Repealing 23rd Amendment.

224(a). Joint Resolution Described—This section defines “joint resolution” as a joint resolution to repeal the 23rd Amendment.

224(b). Expedited Consideration in House of Representatives—This section provides for expedited consideration of the joint resolution in the House of Representatives.

224(c). Expedited Consideration in Senate—This section provides for expedited consideration of the joint resolution in the Senate.

224(d). Rules Relating to Senate and House of Representatives—This section describes the treatment by one chamber of the joint resolution received from the other chamber.

224(e). Rules of House of Representatives and Senate—This section declares that Section 224 is an exercise of the rulemaking power of the House of Representatives and Senate.

TITLE III—CONTINUATION OF CERTAIN AUTHORITIES AND RESPONSIBILITIES

Subtitle A—Employee Benefits.

Section 301. Federal Benefit Payments Under Certain Retirement Programs.

301(a). Continuation of Entitlement to Payments—This section declares that any individual who, before the admission of the State, is entitled to a “Federal benefit payment” under the District Retirement Protection Act of 1997 (Retirement Act) is entitled to such a payment after admission.

301(b). Obligations of Federal Government—This section declares that any obligation of the federal government under the Retirement Act to any individual or to the District before the admission of the State is a federal obligation to such an individual and to the State after admission. It also declares that any obligation of the federal government under the Retirement Act to the “D.C. Federal Pension Fund” before admission is a federal obligation after admission.

301(c). Obligations of State—This section declares that any obligation of the District under the Retirement Act to any individual or to the federal government before the admission of the State is a State obligation after admission.

Section 302. Continuation of Federal Civil Service Benefits for Employees First Employed Prior to Establishment of District of Columbia Merit Personnel System.

302(a). Obligations of Federal Government—This section declares that any obligation of the federal government under title 5 of the U.S. Code to an individual described in Section 302(c) or to the District before the admission of the State is a federal obligation to such individual and to the State after admission.

302(b). Obligations of State—This section declares that any obligation of the District under such title to an individual described in Section 302(c) or to the federal government before the admission of the State is a State obligation after admission.

302(c). Individuals Described—An individual described in Section 302 is an individual first employed by the District before October 1, 1987.

Section 303. Obligations of Federal Government Under Judges’ Retirement Program.

303(a). Continuation of Obligations—This section declares that any obligation of the federal government under subchapter III of chapter 15 of title 11 of the District Code to any individual and the District for service accrued before the admission of the State is a federal obligation to such an individual and to the State after admission. It also declares that any obligation of the federal government under such subchapter that exists to any individual and the State for service accrued after admission exists as such obligation existed to individuals and the District as of the date of admission, but only for service accrued before the termination date described in Section 303(b).

303(b). Termination Date—This section declares that the termination date is the date the State certifies that it has in effect laws requiring it to appropriate and make available funds for the retirement of its judges.

Subtitle B—Agencies

Section 311. Public Defender Service.

311(a). Continuation of Operations and Funding—This section declares that title III of the District Court Reform and Criminal Procedure Act of 1970 (Court Act) applies to the State and its public defender service after the admission of the State as such title applied to the District and the District Public Defender Service before admission. It also declares that the federal government is treated as the employing agency for the benefits provided to a State public defender service employee who, pursuant to the Court Act, is treated as a federal employee for purposes of receiving benefits under any chapter of subpart G of part III of title 5 of the U.S. Code.

311(b). Renaming of Service—This section declares that, upon the admission of the State, the State may rename its public defender service.

311(c). Continuation of Federal Benefits for Employees—This section declares that any employee of the State public defender service before the date described in Section 311(d) who, pursuant to the Court Act, is treated as a federal employee for purposes of receiving benefits under any chapter of subpart G of part III of title 5 of the U.S. Code continues to be treated as such, notwithstanding the termination of the provisions of Section 311(a) under Section 311(d). It also declares that, beginning on the date described in Section 311(d), the State is treated as the employing agency for such employees.

311(d). Termination—This section declares that Section 311(a) terminates upon certification by the State that it has in effect laws requiring it to appropriate and make available funds for the operation of the State public defender service.

Section 312. Prosecutions.

312(a). Assignment of Assistant United States Attorneys—This section requires, in accordance with subchapter VI of chapter 33 of title 5 of the U.S. Code, the U.S. Attorney General, with the concurrence of the District or the State (as the case may be), to assign assistant U.S. attorneys to the State to carry out the functions described in Section 312(b). It also declares that, in accordance with section 3373 of such title, such an attorney is deemed under subsection (a) of such section on detail to a regular work assignment in the Department of Justice and that the assignment is made without reimbursement by the State.

312(b). Functions Described—This section provides that the functions are criminal prosecutions conducted in the name of the State that would have been conducted in the name of the United States but for the admission of the State, as provided under section 23-101(c) of the District Code.

312(c). Minimum Number Assigned—This section declares that the number of attorneys may not be less than the number who prosecuted in the name of the United States under such section before the admission of the State.

312(d). Termination—This section declares that the obligation to assign attorneys terminates upon certification by the State that it has appointed attorneys for such prosecutions.

312(e). Clarification Regarding Clemency Authority—This section declares that, upon the admission of the State, the authority to grant clemency for offenses against the District or the State is exercised by the State. This section also defines clemency.

Section 313. Service of United States Marshals.

313(a). Provision of Services for Courts of State—This section requires the U.S. Marshals Service to provide such services to the State courts and court system as it provided to the District courts and court system before the admission of the State, except that the President may not appoint a U.S. Marshal under section 561 of title 28 of the U.S. Code for any State court.

313(b). Termination—This section declares that the obligation to provide such services terminates upon certification by the State that it has appointed personnel to provide such services.

Section 314. Designation of Felons to Facilities of Bureau of Prisons.

314(a). Continuation of Designation—This section declares that chapter 1 of subtitle C of title XI of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Revitalization Act) and the amendments made by such chapter apply to individuals convicted of offenses under District law before the admission of the State. It also declares that such chapter applies to individuals convicted of offenses under State law after admission as such chapter and amendments applied before admission.

314(b). Termination—This section declares that the provisions of Section 314 terminate upon certification by the State that it has in effect laws for housing such individuals in correctional facilities.

Section 315. Parole and Supervision.

315(a). United States Parole Commission—This section requires the U.S. Parole Commission (Parole Commission) to exercise the authority over felons imprisoned under District law before the admission of the State, as provided under section 11231 of the Revitalization Act, and to exercise the same authority over felons imprisoned under State law after admission. It declares that these requirements terminate upon certification by the State that it has in effect laws providing for it to exercise such authority. It also requires the Parole Commission to exercise the authority over offenders of the District released before admission, as provided under section 11233(c)(2) of the Revitalization Act, and to exercise the same authority over offenders of the State released after admission. It also declares that these requirements terminate upon certification by the State that it has in effect laws providing for it to exercise such authority. It also declares that any Parole Commission employee as of the later of the day before the termination dates described above who, on or after such date, is an employee of the State office that exercises such authority continues to be treated as a federal employee for purposes of

receiving benefits under any chapter of subpart G of part III of title 5 of the U.S. Code. It also declares that, beginning on the later of the termination dates described above, the State is treated as the employing agency for such employees.

315(b). Court Services and Offender Supervision Agency—This section, upon the admission of the State, renames the District offender and pretrial agencies. It also requires these agencies to provide such services after admission that they provided before admission, as provided under section 11233 of the Revitalization Act. It also declares that these requirements terminate upon certification by the State that it has in effect laws providing for it to provide such services. It also declares that an employee of either agency before the termination date described above who, on or after such date, is an employee of the State office that provides such services continues to be treated as a federal employee for purposes of receiving benefits under any chapter of subpart G of part III of title 5 of the U.S. Code. It also declares that, beginning on the termination date described above, the State is treated as the employing agency for such employees.

Section 316. Courts.

316(a). Continuation of Operations—This section declares that title 11 of the District Code as in effect before the admission of the State applies to the State courts and court system as such title applied to the District courts and court system before admission. It also declares that the federal government is treated as the employing agency for benefits provided under such title to an employee of the State courts and court system who, pursuant to such title, is treated as a federal employee for purposes of receiving benefits under any chapter of subpart G of part III of title 5 of the U.S. Code. It also declares that the State selects judges for any vacancy on the State courts, and clarifies that this authority does not affect the service of any sitting judge before admission or require the State to select such a judge for a vacancy or waive any of the other requirements regarding the appointment and service of judges of the State courts. It also declares that the State may rename the State courts and court system.

316(b). Continuation of Federal Benefits for Employees—This section declares that any employee of the State courts or court system before the date described in Section 316(e) who, pursuant to title 11 of the District Code, is treated as a federal employee for purposes of receiving benefits under any chapter of subpart G of part III of title 5 of the U.S. Code continues to be treated as a federal employee for such purposes, notwithstanding the termination of the provisions of Section 316 under Section 316(e). It also declares that, beginning on the date described in Section 316(e), the State is treated as the employing agency for such employees.

316(c). Continuation of Funding—This section declares that section 11241 of the Revitalization Act applies to the State courts and court system after the admission of the State as such section applied to the District courts and court system before admission.

316(d). Treatment of Court Receipts—This section declares that all money received by the State courts and court system be deposited in the U.S. Treasury, except that section 16 of the Victims of Violent Crime Compensation Act of 1996 applies to the State courts and court system as such section applied to the District courts and court system before the admission of the State.

316(e). Termination—This section declares that the provisions of Section 316 terminate upon certification by the State that it has in effect laws requiring it to appropriate and make available funds for the operation of the State courts and court system, except with respect to the State’s authority to select judges and rename the courts and court system and as provided under Section 316(b).

Subtitle C—Other Programs and Authorities.

Section 321. Application of the College Access Act.

321(a). Continuation—This section declares that the District College Access Act of 1999 (College Access Act) applies to the State and the public institution of higher education designated by the State as the successor to the University of the District after the admission of the State as the College Access Act applied to the District and the university before admission.

321(b). Termination—This section declares that the provisions of Section 321, other than with respect to the successor public institution of higher education, terminate upon certification by the State that it has in effect laws requiring it to provide assistance substantially similar to the assistance provided under the College Access Act.

Section 322. Application of the Scholarships for Opportunity and Results Act.

322(a). Continuation—This section declares that the Scholarships for Opportunity and Results Act (SOAR Act) applies to the State after the admission of the State as the SOAR Act applied to the District before admission.

322(b). Termination—This section declares that the provisions of Section 322 terminate upon certification by the State that it has in effect laws requiring the State to provide tuition assistance substantially similar to the assistance provided under the SOAR Act and to provide supplemental funds to the State public schools and public charter schools in the amounts provided in the most recent fiscal year for public schools and public charter schools of the State or District (as the case may be) under the SOAR Act.

Section 323. Medicaid Federal Medical Assistance Percentage.

323(a). Continuation—This section declares that, notwithstanding section 1905(b) of the Social Security Act, the federal medical assistance percentage for the State under title XIX of the Social Security Act after the admission of the State is the federal medical assistance percentage for the District under such title before admission.

323(b). Termination—This section declares that Section 323 terminates upon certification by the State that, during each of the first five fiscal years beginning after certification, estimated State revenues are sufficient to cover any reduction in revenues that may result from the termination of the provisions of Section 323.

Section 324. Federal Planning Commissions.

324(a). National Capital Planning Commission—This section declares that, upon the admission of the State, chapter 87 of title 40 of the U.S. Code applies to the Capital as such chapter applied to the District before admission and applies to the State as such chapter applied to Maryland and Virginia before admission. It also declares that the number of members appointed by the President to the National Capital Planning Commission is increased by one and that one such appointee is a State resident. It also amends section 8702 of such title to make conforming changes to the defined terms “environs,” “National Capital,” and “National Capital region.”

324(b). Commission of Fine Arts—This section amends section 9102(a)(1) of such title by striking “the District of Columbia” and inserting “the Capital” with respect to the authority of the U.S. Commission of Fine Arts. It also adds the defined term “Capital,” as such term is used in this bill, in section 9102 of such title. It also makes a conforming change to section 9101(d) of such title.

324(c). Commemorative Works Act—This section amends section 8902 of such title by adding a new subsection that declares that this chapter applies only to commemorative works in the Capital and its environs. It also amends paragraph (2) of section 8902(a) of such title by adding the defined term “Capital and its environs.” It also makes conforming changes to other sections of such title.

324(d). Effective Date—This section declares that Section 324 and the amendments made by such section take effect upon admission of the State.

Section 325. Role of Army Corps of Engineers in Supplying Water.

325(a). Continuation of Role—This section amends chapter 95 of title 40 of the U.S. Code to add a new section that declares that any reference in such chapter to the District is deemed to refer to the Capital or the State, as the case may be. It also adds the defined term “Capital,” as such term is used in this bill.

325(b). Clerical Amendment—This section makes a conforming change in the table of sections of such chapter.

Section 326. Requirements to be Located in District of Columbia.

This section declares that the location of any person in the Capital or State after the admission of the State is deemed to satisfy any requirement under any law before admission that the person be located in the District.

TITLE IV—GENERAL PROVISIONS

Section 401. General Definitions.

This section defines terms used throughout this bill.

Section 402. Statehood Transition Commission.

402(a). Establishment—This section establishes the Statehood Transition Commission (Statehood Commission).

402(b). Composition—This section declares that the Statehood Commission is composed of 18 members. Seventeen of the members are appointed by the President, the bipartisan leadership of the House of Representatives and Senate, and the District, and one member is the District Chief Financial Officer. It also declares that the appointments are made not later than 90 days after the enactment of this bill, that the authority to make such appointments expires if not made by such date, and that the number of members is reduced by the number equal to the number of appointments so not made. It also declares that members serve for the life of the Statehood Commission, that vacancies be filled in the same manner as the original appointment, that members serve without pay but receive travel expenses, including per diem in lieu of subsistence, and that the chair and vice chair are elected from among members appointed by the federal government and the District, respectively.

402(c). Staff—This section declares that there is a director, who is appointed by the chair, that the director may appoint and fix the pay of additional staff, that the director and staff are exempt from certain civil service laws, and that the Statehood Commission may procure temporary and intermittent services of experts and consultants.

402(d). Duties—This section declares that the Statehood Commission advises the President, Congress, the District Mayor or the State chief executive officer (as the case may be), and the District Council or the State legislature (as the case may be) concerning an orderly transition to statehood for the District or the State (as the case may be) and to a reduced geographical size of the federal district.

402(e). Powers—This section declares that the Statehood Commission may hold hearings, take testimony, receive evidence, obtain information from federal departments and agencies, use the U.S. mails in the same manner as other federal departments and agencies, and receive administrative support services from the Administrator of General Services.

402(f). Meetings—This section declares that the Statehood Commission meets at the call of the chair and holds its first meeting not later than the earlier of 30 days after all members are appointed or, if the number of members is reduced, 90 days after the enactment of this bill. It also declares that a majority of members constitute a quorum, but a lesser number may hold hearings.

402(g). Reports—This section declares that reports are submitted as the Statehood Commission considers appropriate or as may be requested by the President, Congress, the District, or the State.

402(h). Termination—This section declares that the Statehood Commission ceases to exist two years after the admission of the State.

Section 403. Certification of Enactment by President.

This section requires the President to certify the enactment of this bill to the District Mayor.

Section 404. Severability.

This section declares that, except as provided in Section 101(c), if any provision of or amendment made by this bill, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of and any amendments made by this bill are not affected by the holding.

LEGISLATIVE HISTORY

On February 7, 2020, Congresswoman Eleanor Holmes Norton (D-DC) introduced H.R. 5803, and the bill was referred to the Committee on Oversight and Reform, the Committee on Rules, the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Energy and Commerce.

On September 19, 2019, the Committee held a hearing to examine a prior version of the Washington, D.C. Admission Act (H.R. 51). The Committee heard testimony from: Muriel Bowser, Mayor, District of Columbia; Phil Mendelson, Chairman, Council, District of Columbia; Jeffrey S. DeWitt, Chief Financial Officer, District of Columbia; Kenneth R. Thomas, Legislative Attorney, Congressional Research Service; Kerwin E. Miller, resident, District of Columbia; and Roger Pilon, B. Kenneth Simon Chair in Constitutional Studies, Cato Institute. On December 19, 2019, the Committee continued its hearing on H.R. 51 pursuant to clause (2)(j)(1) of Rule XI of the Rules of the House of Representatives. The Committee did not hear testimony from any witnesses on December 19.

COMMITTEE CONSIDERATION

On February 11, 2020, the Committee met in open session and, with a quorum being present, ordered the bill favorably reported, as amended, by a roll call vote of 21-16.

ROLL CALL VOTES

In compliance with clause 3(b) of Rule XIII of the Rules of the House of Representatives, the Committee advises that the following roll call votes occurred during the Committee's consideration of H.R. 5803:

EXPLANATION OF AMENDMENTS

During Committee consideration of the bill, Representative Carolyn B. Maloney (D-NY), the Chairwoman of the Committee, offered an Amendment in the Nature of a Substitute to make a technical correction to the bill. The Maloney amendment was adopted by voice vote.

Representative Jody B. Hice (R-GA) offered an amendment to the Amendment in the Nature of a Substitute that would require a constitutional amendment to grant statehood to the District. The Hice amendment failed by a roll call vote of 15-20.

Representative Jody B. Hice (R-GA) offered an amendment to the Amendment in the Nature of a Substitute that would require elections for the first chief executive officer and members of the legislature of the State. The Hice amendment failed by a roll call vote of 15-20.

Representative Carol D. Miller (R-WV) offered an amendment to the Amendment in the Nature of a Substitute that would require the State constitution to require a health practitioner to exercise a certain degree of care for a nonviable pregnancy. The Miller amendment failed by a roll call vote of 16-21.

Representative Carol D. Miller (R-WV) offered an amendment to the Amendment in the Nature of a Substitute that would exclude any law of the District that prohibits an individual from owning or carrying a firearm from applying in the Capital. The Miller amendment failed by a roll call vote of 16-21.

Representative Thomas Massie (R-KY) offered an amendment to the Amendment in the Nature of a Substitute that would declare that the Capital includes any property of the federal government that is contiguous to the boundaries of the Capital. The Massie amendment failed by a roll call vote of 16-21.

Representative Thomas Massie (R-KY) offered an amendment to the Amendment in the Nature of a Substitute that would require the State constitution to prohibit a fee or assessment in order to vote or to carry a concealed firearm. The Massie amendment failed by a roll call vote of 15-21.

Representative Clay Higgins (R-LA) offered an amendment to the Amendment in the Nature of a Substitute that would change the termination date of the transition assistance relating to the Bureau of Prisons and require repayment of such assistance. The Higgins amendment failed by a roll call vote of 15-21.

Representative Clay Higgins (R-LA) offered an amendment to the Amendment in the Nature of a Substitute that would add a rule of construction relating to cross-jurisdictional agreements involving the enforcement of law in the Capital by the U.S. Capitol Police, the U.S. Park Police, and the U.S. Secret Service Uniformed Division. The Higgins amendment failed by a roll call vote of 15-21.

Representative Jody B. Hice (R-GA) offered an amendment to the Amendment in the Nature of a Substitute that would require the State constitution to prohibit the State from prohibiting or restricting the State from cooperating with another government on certain immigration matters. The Hice amendment failed by a roll call vote of 15-21.

Representative Ralph Norman (R-SC) offered an amendment to the Amendment in the Nature of a Substitute that would require the State constitution to prohibit the State from

authorizing an agreement requiring membership in a labor organization as a condition of employment. The Norman amendment failed by a roll call vote of 15-21.

Representative Virginia Foxx (R-NC) offered an amendment to the Amendment in the Nature of a Substitute that would declare the federal government the legal successor to the District in matters pertaining to certain violations of sections 201 and 666 of title 18 of the U.S. Code. The Foxx amendment failed by a roll call vote of 15-21.

Representative Ralph Norman (R-SC) offered an amendment to the Amendment in the Nature of a Substitute that would change the termination date of the transition assistance relating to the State public defender service and require repayment of such assistance. The Norman amendment failed by a roll call vote of 16-21.

Representative James Comer (R-KY) offered an amendment to the Amendment in the Nature of a Substitute that would change the termination date of the transition assistance relating to the State courts and court system and require repayment of such assistance. The Comer amendment failed by a roll call vote of 16-21.

Representative Fred Keller (R-PA) offered an amendment to the Amendment in the Nature of a Substitute that would exclude any law of the District that prohibits or restricts cooperating with another government on certain immigration matters from applying in the Capital. The Keller amendment failed by a roll call vote of 16-21.

Representative Fred Keller (R-PA) offered an amendment to the Amendment in the Nature of a Substitute that would declare that any obligation under the District of Columbia Retirement Protection Act of 1997 is a State obligation. The Keller amendment failed by a roll call vote of 16-21.

LIST OF RELATED COMMITTEE HEARINGS

In accordance with section 103(i) of H.Res. 6, the Committee held a hearing on a prior version of the Washington, D.C. Admission Act (H.R. 51) on September 19, 2019. On December 19, 2019, the Committee continued its hearing on H.R. 51 pursuant to clause (2)(j)(1) of Rule XI of the Rules of the House of Representatives.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of Rule XIII and clause (2)(b)(1) of Rule X of the Rules of the House of Representatives, the Committee finds that the political status of the District of Columbia violates core democratic principles, such that the Committee recommends the adoption of the bill (H.R. 5803) to admit the State of Washington, Douglass Commonwealth.