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IN FOCUS

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District of Columbia Statehood and Voting Representation

For the first time in 27 years, a District of Columbia (DC) statehood bill has moved out of committee and may be considered on the floor of the House of Representatives. The bill adds to the range of changes that Congress has considered since DC was established. In the past 30 years, more than 30 bills have been introduced in Congress that would provide voting representation for DC residents.

This In Focus discusses the status of DC, identifies concerns regarding DC representation, describes selected issues in the statehood process, and outlines some recent DC statehood or voting representation bills. It does not provide legal or constitutional analysis on issues or proposals related to DC statehood or voting representation. Furthermore, this In Focus does not address issues related to territorial statehood efforts. For information and analysis on these and other issues, please refer to the CRS products listed in the final section of this In Focus.

District of Columbia

When ratified in 1788, the U.S. Constitution called for the creation of a federal enclave to serve as the permanent seat of the new national government. The Constitution also granted Congress plenary legislative authority over that enclave. Concerns regarding a lack of federal representation for DC's residents emerged as early as 1801, shortly after DC became the formal seat of the federal government.

Currently, DC is home to more than 700,000 residents who pay federal taxes like all state residents. Unlike in states, however, Congress exercises plenary authority in DC, and laws passed by the DC government are generally implemented only after a congressional review period. These limitations on local representative government raise concerns for some DC residents and some Members of Congress. The Constitution does not provide DC residents formal representation in Congress, which some argue limits their ability to influence federal policy regarding DC.

DC participation in federal elections currently includes casting votes for presidential electors (under the Twenty-Third Amendment) and for one nonvoting delegate in the House of Representatives. DC does not have a formal representative in the Senate. The DC delegate, like other delegates, can introduce legislation and possesses the same powers as Representatives in House committees. However, delegates may not vote in, or preside over, the House. Although House rules for the 116th Congress allow delegates to vote in and preside over the Committee of the Whole, their votes may not be decisive in that forum.

District of Columbia Voting Representation

Proponents for DC voting representations have sought to achieve their goals through a variety of options. Proposals have included full statehood or more limited methods of providing DC residents the ability to vote in congressional elections. Some Members of Congress have opposed these legislative efforts and recommended maintaining the status quo. No full statehood legislation has ever been passed by the House or the Senate. Past legislative proposals have generally aligned with one of the following five options:

1. a constitutional amendment to give DC residents voting representation in Congress;
2. retrocession of the District of Columbia to Maryland;
3. semi-retrocession, i.e., allowing qualified DC residents to vote in Maryland in federal elections for the Maryland congressional delegation to the House and Senate;
4. statehood for the District of Columbia; and
5. a statutory provision for representation in the Congress (virtual statehood) or other statutory means for voting representation.

The particular voting representation provided for in these models has varied in the manner and degree of proposed representation. Some bills introduced in Congress have sought to provide a limited level of voting representation, such as granting one Representative in the House. Other options, such as retrocession and semi-retrocession, sought to provide representation to DC residents through participation in Maryland's federal elections. Past proposals for statehood and other similar models, like virtual statehood, likely would have granted DC residents at least one Representative in the House, and in some cases, two Senators.

Statehood and the Constitution

The Constitution gives Congress the authority to grant statehood and provides some limits on forming states out of existing states, but it does not outline conditions for achieving statehood or specify a process by which it occurs. In the past, several events have occurred prior to statehood admission. These events have typically included: (1) a demonstration by the residents of the proposed state of a belief in the principles of republican government; (2) an expression of majority support for statehood among residents; and (3) establishment of capacity of the proposed

state to pay its share of federal costs. Congress has granted statehood through a variety of legislative vehicles. The most common vehicle is for the House and Senate to pass a bill or joint resolution approving statehood, which is then signed by the President.

DC Statehood in the 116th Congress

On January 3, 2019, DC Delegate to Congress Eleanor Holmes Norton introduced H.R. 51, the Washington, D.C. Admission Act. The bill was referred to the House Committee on Oversight and Reform. On February 28, 2019, Senator Thomas Carper introduced, a companion bill to H.R. 51. The Senate bill was referred to the Committee on Homeland Security and Governmental Affairs. On September 19, 2019, the Committee on Oversight and Reform held a hearing on H.R. 51.

The House committee held a markup on February 11, 2020, on a separate statehood bill, H.R. 5803. Introduced by Delegate Holmes Norton on February 7, 2020, the bill is similar to H.R. 51, but provides more detail on the process for statehood transition in DC.

H.R. 5803 would admit Washington, Douglass Commonwealth, as the 51st state of the United States, on "equal footing with the other States in all respects whatever." The state would include most of the land in the District of Columbia. The legislation would create a smaller federal enclave named District of Columbia, which would remain as the Capital and would include "principal Federal monuments," the U.S. Capitol Building, the White House, the U.S. Supreme Court Building, and federal office buildings adjacent to the National Mall and the U.S. Capitol.

As a state, Washington, Douglass Commonwealth, would elect two Senators and at least one Representative in the House. Additionally, the state would gain full sovereignty over its legislative process. The bill would also establish procedures that expedite congressional consideration of a joint resolution to repeal the Twenty-Third Amendment, which provides at least three electoral college votes to the District. If enacted, H.R. 5803 would set the process for transferring federal responsibilities to the new state and establish a statehood transition commission.

During the February 2020 markup, the committee rejected several amendments, including some that would restrict the new state's ability to enact legislation dealing with gun control, immigration, and abortion. H.R. 5803 was ordered to be reported by a vote of 21-16. News reports have quoted House leaders as saying the bill will be scheduled for floor action prior to the summer district work period.

Selected Previous Proposals for District of Columbia Statehood

Since 1983, there has been a continuing effort by some to bring voting representation to DC. Some statehood bills from recent history include:

- H.R. 51, 100th Congress, introduced by DC Delegate to Congress Walter E. Fauntroy in 1987. The bill was reported by the House District of Columbia Committee on September 17, 1987, but received no further action.
- H.R. 51, 103rd Congress, introduced by Delegate Holmes Norton in 1993. The full House voted on the bill on November 21, 1993, but the bill failed by a 153-277 margin.
- S. 132, 113th Congress, introduced by Senator Carper in 2013. The Committee on Homeland Security and Governmental Affairs held a hearing on the bill, but it received no further action.

Other Recent Legislative Proposals

In recent histo S. 631ry, Congress has also considered legislative proposals to establish voting representation for DC in ways other than statehood. Some similarly designed bills recently sought to expand the number of seats in the House to 437 and to grant a DC voting representative in that chamber. Such bills included:

- H.R. 157, 111th Congress, introduced by Delegate Holmes Norton in 2009. The bill was reported by the House Committee on the Judiciary, but received no further action.
- S. 160, 111th Congress, introduced by Senator Joseph Lieberman in 2009. The Senate approved the bill by a vote of 61-37 on February 26, 2009. It was not taken up by the House.

Although S. 160 was similar to H.R. 157, it contained several unique provisions. One such provision in S. 160 would have limited DC to no more than one representative in the House and no Senators. It would also require the creation of a fourth congressional district in Utah. Another provision would have repealed most of the DC gun control law.

For More Information/CRS Reports

For more information on DC statehood and voting representation, please see the following resources:

CRS Testimony TE10039, *H.R. 51, the Washington, D.C. Admission Act*, by Kenneth R. Thomas

CRS Report RL33830, *District of Columbia Voting Representation in Congress: An Analysis of Legislative Proposals*

CRS Report R40555, *Delegates to the U.S. Congress: History and Current Status*, by Christopher M. Davis

For analysis on recent statehood efforts in Puerto Rico, please see the following report:

CRS Report R44721, *Political Status of Puerto Rico: Brief Background and Recent Developments for Congress*, by R. Sam Garrett

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