EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

June 24, 2020
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H.R. 51 – Washington, D.C. Admission Act

(Reflecting the text of H.R. 5803 as reported by the Committee on Oversight and Reform)

(Del. Norton, D.C.)

The Administration strongly opposes House passage of H.R. 51, the Washington, D.C. Admission Act. This bill is unconstitutional because the retrocession of portions of the District of Columbia into a separate state would violate the 23rd Amendment. This Amendment, ratified in 1961, contemplates a District of the proportions then in effect as a basis for the allocation of presidential electors. If, as H.R. 51 proposes, the District were reduced to a small jurisdiction made up of essentially only Federal buildings, the 23rd Amendment would give the tiny population of individuals living within those borders the same voting power in the Electoral College as the smallest state in the country. The scheme proposed in H.R. 51 would likely also require Maryland to agree separately that a portion of the land it originally ceded to form the District could now become a separate State. Article IV, Section 3, of the Constitution requires a State's consent before a new State is formed from land within its borders.

In addition, H.R. 51 would create an opportunity for a new State of Washington, D.C. to dominate the capital and render those who meet there beholden to its interests, rather than the interests of the Nation as a whole. As outlined in Federalist 43, the Framers feared that the seat of government confined to the jurisdiction of a single State would not be sufficiently independent and might, therefore, prefer local instead of national interests. Even though H.R. 51 contemplates continued congressional authority over the technical seat of government, its reduction of that area to such a small size would impose serious practical limitations on that authority. Because the new State would entirely surround the reserved capital region of certain Federal buildings and monuments, a State of Washington, D.C. could achieve outsized authority in some respects as compared to the other 50 States. For example, given its small size, the Federal capital would depend entirely on the new State of Washington, D.C. for most, if not all, of the necessary modern services, which directly implicates a concern that troubled the Framers.

The constitutional vision of our Framers for our capital was sound. We should not seek to undermine that vision through unconstitutional means like H.R. 51.

If H.R. 51 were presented to the President, his advisors would recommend that he veto the bill.

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