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April 19, 2021

(202) 626-8820

RE: In Opposition to D.C. Statehood (H.R. 51)

Dear Representative,

This week, the House will consider H.R. 51 which purports to grant statehood to the District of Columbia. **National Right to Life urges you to oppose the bill and reserves the right to include a House roll call on this measure in our scorecard of key pro-life votes of the 117th Congress.**

Article I of the U.S. Constitution says that Congress holds complete legislative authority over the District of Columbia (“exclusive legislation in all cases whatsoever”). That is why the entire budget for the District of Columbia (including revenues generated by local sources) is and has been appropriated by Congress through an annual appropriations bill.

The Dornan Amendment, or the “D.C. Hyde Amendment,” prohibits the use of government funds to pay for abortion in the Federal District (except to save the life of the mother, or in cases of rape or incest). For decades (with brief interruptions), this policy has been part of the annual appropriations bill that covers the District.

In 2009, Democrats succeeded in temporarily repealing the amendment for a period of 2 years. During that time, taxpayers were known to have paid for at least 300 abortions in Washington, D.C.

If H.R. 51 were to take effect, the predictable result will be tax funding of hundreds (if not more) of elective abortions in D.C. annually.

In general terms, the Hyde Amendment has long prohibited direct federal funding of abortion (with narrow exceptions) in the numerous federal programs, including Medicaid. However, a minority of states (15) use state dollars to fund elective abortion for Medicaid recipients. Should D.C. gain statehood, we would expect it to quickly join these states in paying for elective abortion.

Further, setting aside the abortion implications of H.R. 51, it is unlikely that Congress can make D.C. a state without a constitutional amendment. Justice Departments under both Democratic and Republican administrations have consistently (and nearly universally) agreed that statehood for D.C. cannot be accomplished by a simple majority vote in Congress. Congress has only those powers that are enumerated in the Constitution, mainly in Article I, section 8, and

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Congress has no power to create a fifty-first state from the present District of Columbia. Additionally, per Article IV, Section 3, it is likely that Maryland would need to agree separately that the land it originally ceded to create the District could now become a separate state.

Should you have any questions, please contact us via e-mail at jpopik@nrlc.org. Thank you for your consideration of NRLC's position on this matter.

Respectfully submitted,



Carol Tobias
President



David N. O'Steen, Ph.D.
Executive Director



Jennifer Popik, J.D.
Legislative Director