

111TH CONGRESS  
1ST SESSION

# S. 160

To provide the District of Columbia a voting seat and the State of Utah  
an additional seat in the House of Representatives.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2009

Mr. LIEBERMAN (for himself, Mr. HATCH, Mr. LEAHY, Mr. KENNEDY, Mrs. CLINTON, Mr. DODD, Mr. SANDERS, Mr. KERRY, Mr. DURBIN, and Mr. FEINGOLD) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To provide the District of Columbia a voting seat and the  
State of Utah an additional seat in the House of Rep-  
resentatives.

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 House Voting Rights Act of 2009”.

6       **SEC. 2. TREATMENT OF DISTRICT OF COLUMBIA AS CON-**  
7       **GRESSIONAL DISTRICT.**

8       (a) CONGRESSIONAL DISTRICT AND NO SENATE  
9 REPRESENTATION.—

1           (1) IN GENERAL.—Notwithstanding any other  
2           provision of law, the District of Columbia shall be  
3           considered a Congressional district for purposes of  
4           representation in the House of Representatives.

5           (2) NO REPRESENTATION PROVIDED IN SEN-  
6           ATE.—The District of Columbia shall not be consid-  
7           ered a State for purposes of representation in the  
8           United States Senate.

9           (b) CONFORMING AMENDMENTS RELATING TO AP-  
10          PORTIONMENT OF MEMBERS OF HOUSE OF REPRESENTA-  
11          TIVES.—

12           (1) INCLUSION OF SINGLE DISTRICT OF COLUM-  
13          BIA MEMBER IN REAPPORTIONMENT OF MEMBERS  
14          AMONG STATES.—Section 22 of the Act entitled “An  
15          Act to provide for the fifteenth and subsequent de-  
16          cennial censuses and to provide for apportionment of  
17          Representatives in Congress”, approved June 28,  
18          1929 (2 U.S.C. 2a), is amended by adding at the  
19          end the following new subsection:

20          “(d) This section shall apply with respect to the Dis-  
21          trict of Columbia in the same manner as this section ap-  
22          plies to a State, except that the District of Columbia may  
23          not receive more than one Member under any reapportion-  
24          ment of Members.”.

1           (2) CLARIFICATION OF DETERMINATION OF  
2           NUMBER OF PRESIDENTIAL ELECTORS ON BASIS OF  
3           23RD AMENDMENT.—Section 3 of title 3, United  
4           States Code, is amended by striking “come into of-  
5           fice;” and inserting the following: “come into office  
6           (subject to the twenty-third article of amendment to  
7           the Constitution of the United States in the case of  
8           the District of Columbia);”.

9   **SEC. 3. INCREASE IN MEMBERSHIP OF HOUSE OF REP-**  
10                                   **RESENTATIVES.**

11           (a) PERMANENT INCREASE IN NUMBER OF MEM-  
12           BERS.—Effective with respect to the 112th Congress and  
13           each succeeding Congress, the House of Representatives  
14           shall be composed of 437 Members, including the Member  
15           representing the District of Columbia pursuant to section  
16           2(a).

17           (b) REAPPORTIONMENT OF MEMBERS RESULTING  
18           FROM INCREASE.—

19           (1) IN GENERAL.—Section 22(a) of the Act en-  
20           titled “An Act to provide for the fifteenth and subse-  
21           quent decennial censuses and to provide for appor-  
22           tionment of Representatives in Congress”, approved  
23           June 28, 1929 (2 U.S.C. 2a(a)), is amended by  
24           striking “the then existing number of Representa-

1 tives” and inserting “the number of Representatives  
2 established with respect to the 112th Congress”.

3 (2) EFFECTIVE DATE.—The amendment made  
4 by paragraph (1) shall apply with respect to the reg-  
5 ular decennial census conducted for 2010 and each  
6 subsequent regular decennial census.

7 (c) TRANSMITTAL OF REVISED APPORTIONMENT IN-  
8 FORMATION BY PRESIDENT.—

9 (1) STATEMENT OF APPORTIONMENT BY PRESI-  
10 DENT.—Not later than 30 days after the date of the  
11 enactment of this Act, the President shall transmit  
12 to Congress a revised version of the most recent  
13 statement of apportionment submitted under section  
14 22(a) of the Act entitled “An Act to provide for the  
15 fifteenth and subsequent decennial censuses and to  
16 provide for apportionment of Representatives in  
17 Congress”, approved June 28, 1929 (2 U.S.C.  
18 2a(a)), to take into account this Act and the amend-  
19 ments made by this Act and identifying the State of  
20 Utah as the State entitled to one additional Rep-  
21 resentative pursuant to this section.

22 (2) REPORT BY CLERK.—Not later than 15 cal-  
23 endar days after receiving the revised version of the  
24 statement of apportionment under paragraph (1),  
25 the Clerk of the House of Representatives shall sub-

1 mit a report to the Speaker of the House of Rep-  
2 resentatives identifying the State of Utah as the  
3 State entitled to one additional Representative pur-  
4 suant to this section.

5 **SEC. 4. EFFECTIVE DATE; TIMING OF ELECTIONS.**

6 The general election for the additional Representative  
7 to which the State of Utah is entitled for the 112th Con-  
8 gress and the general election for the Representative from  
9 the District of Columbia for the 112th Congress shall be  
10 subject to the following requirements:

11 (1) The additional Representative from the  
12 State of Utah will be elected pursuant to a redistricting  
13 plan enacted by the State, such as the plan  
14 the State of Utah signed into law on December 5,  
15 2006, which—

16 (A) revises the boundaries of Congressional  
17 districts in the State to take into account the  
18 additional Representative to which the State is  
19 entitled under section 3; and

20 (B) remains in effect until the taking ef-  
21 fect of the first reapportionment occurring after  
22 the regular decennial census conducted for  
23 2010.

24 (2) The additional Representative from the  
25 State of Utah and the Representative from the Dis-

1        trict of Columbia shall be sworn in and seated as  
2        Members of the House of Representatives on the  
3        same date as other Members of the 112th Congress.

4    **SEC. 5. CONFORMING AMENDMENTS.**

5        (a) REPEAL OF OFFICE OF DISTRICT OF COLUMBIA  
6    DELEGATE.—

7            (1) REPEAL OF OFFICE.—

8                    (A) IN GENERAL.—Sections 202 and 204  
9                    of the District of Columbia Delegate Act (Pub-  
10                    lic Law 91–405; sections 1–401 and 1–402,  
11                    D.C. Official Code) are repealed, and the provi-  
12                    sions of law amended or repealed by such sec-  
13                    tions are restored or revived as if such sections  
14                    had not been enacted.

15                    (B) EFFECTIVE DATE.—The amendments  
16                    made by this subsection shall take effect on the  
17                    date on which a Representative from the Dis-  
18                    trict of Columbia takes office.

19            (2) CONFORMING AMENDMENTS TO DISTRICT  
20    OF COLUMBIA ELECTIONS CODE OF 1955.—The Dis-  
21    trict of Columbia Elections Code of 1955 is amended  
22    as follows:

23                    (A) In section 1 (sec. 1–1001.01, D.C. Of-  
24                    ficial Code), by striking “the Delegate to the

1 House of Representatives,” and inserting “the  
2 Representative in Congress,”.

3 (B) In section 2 (sec. 1–1001.02, D.C. Of-  
4 ficial Code)—

5 (i) by striking paragraph (6); and

6 (ii) in paragraph (13), by striking  
7 “the Delegate to Congress for the District  
8 of Columbia,” and inserting “the Rep-  
9 resentative in Congress,”.

10 (C) In section 8 (sec. 1–1001.08, D.C. Of-  
11 ficial Code)—

12 (i) in the heading, by striking “Dele-  
13 gate” and inserting “Representative”; and

14 (ii) by striking “Delegate,” each place  
15 it appears in subsections (h)(1)(A), (i)(1),  
16 and (j)(1) and inserting “Representative in  
17 Congress,”.

18 (D) In section 10 (sec. 1–1001.10, D.C.  
19 Official Code)—

20 (i) in subsection (a)(3)(A)—

21 (I) by striking “or section 206(a)  
22 of the District of Columbia Delegate  
23 Act”; and

24 (II) by striking “the office of  
25 Delegate to the House of Representa-

1                   tives” and inserting “the office of  
2                   Representative in Congress”;

3                   (ii) in subsection (d)(1), by striking  
4                   “Delegate,” each place it appears; and

5                   (iii) in subsection (d)(2)—

6                   (I) by striking “(A) In the event”  
7                   and all that follows through “term of  
8                   office,” and inserting “In the event  
9                   that a vacancy occurs in the office of  
10                  Representative in Congress before  
11                  May 1 of the last year of the Rep-  
12                  resentative’s term of office,”; and

13                  (II) by striking subparagraph  
14                  (B).

15                  (E) In section 11(a)(2) (sec. 1–  
16                  1001.11(a)(2), D.C. Official Code), by striking  
17                  “Delegate to the House of Representatives,”  
18                  and inserting “Representative in Congress,”.

19                  (F) In section 15(b) (sec. 1–1001.15(b),  
20                  D.C. Official Code), by striking “Delegate,”  
21                  and inserting “Representative in Congress,”.

22                  (G) In section 17(a) (sec. 1–1001.17(a),  
23                  D.C. Official Code), by striking “the Delegate  
24                  to Congress from the District of Columbia” and  
25                  inserting “the Representative in Congress”.



1 (b) REPEAL OF OFFICE OF STATEHOOD REPRESENT-  
 2 ATIVE.—

3 (1) IN GENERAL.—Section 4 of the District of  
 4 Columbia Statehood Constitutional Convention Ini-  
 5 tiative of 1979 (sec. 1–123, D.C. Official Code) is  
 6 amended as follows:

7 (A) By striking “offices of Senator and  
 8 Representative” each place it appears in sub-  
 9 section (d) and inserting “office of Senator”.

10 (B) In subsection (d)(2)—

11 (i) by striking “a Representative or”;

12 (ii) by striking “the Representative  
 13 or”; and

14 (iii) by striking “Representative shall  
 15 be elected for a 2-year term and each”.

16 (C) In subsection (d)(3)(A), by striking  
 17 “and 1 United States Representative”.

18 (D) By striking “Representative or” each  
 19 place it appears in subsections (e), (f), (g), and  
 20 (h).

21 (E) By striking “Representative’s or” each  
 22 place it appears in subsections (g) and (h).

23 (2) CONFORMING AMENDMENTS.—

1 (A) STATEHOOD COMMISSION.—Section 6  
2 of such Initiative (sec. 1–125, D.C. Official  
3 Code) is amended—

4 (i) in subsection (a)—

5 (I) by striking “27 voting mem-  
6 bers” and inserting “26 voting mem-  
7 bers”;

8 (II) by adding “and” at the end  
9 of paragraph (5); and

10 (III) by striking paragraph (6)  
11 and redesignating paragraph (7) as  
12 paragraph (6); and

13 (ii) in subsection (a–1)(1), by striking  
14 subparagraph (H).

15 (B) AUTHORIZATION OF APPROPRIA-  
16 TIONS.—Section 8 of such Initiative (sec. 1–  
17 127, D.C. Official Code) is amended by striking  
18 “and House”.

19 (C) APPLICATION OF HONORARIA LIMITA-  
20 TIONS.—Section 4 of D.C. Law 8–135 (sec. 1–  
21 131, D.C. Official Code) is amended by striking  
22 “or Representative” each place it appears.

23 (D) APPLICATION OF CAMPAIGN FINANCE  
24 LAWS.—Section 3 of the Statehood Convention  
25 Procedural Amendments Act of 1982 (sec. 1–

1           135, D.C. Official Code) is amended by striking  
2           “and United States Representative”.

3           (E) DISTRICT OF COLUMBIA ELECTIONS  
4           CODE OF 1955.—The District of Columbia Elec-  
5           tions Code of 1955 is amended—

6                   (i) in section 2(13) (sec. 1–  
7                   1001.02(13), D.C. Official Code), by strik-  
8                   ing “United States Senator and Represent-  
9                   ative,” and inserting “United States Sen-  
10                  ator,”; and

11                  (ii) in section 10(d) (sec. 1–  
12                  1001.10(d)(3), D.C. Official Code), by  
13                  striking “United States Representative  
14                  or”.

15           (3) EFFECTIVE DATE.—The amendments made  
16           by this subsection shall take effect on the date on  
17           which a Representative from the District of Colum-  
18           bia takes office.

19           (c) CONFORMING AMENDMENTS REGARDING AP-  
20           POINTMENTS TO SERVICE ACADEMIES.—

21                   (1) UNITED STATES MILITARY ACADEMY.—Sec-  
22                   tion 4342 of title 10, United States Code, is amend-  
23                   ed—

24                           (A) in subsection (a), by striking para-  
25                           graph (5); and

1 (B) in subsection (f), by striking “the Dis-  
2 trict of Columbia,”.

3 (2) UNITED STATES NAVAL ACADEMY.—Such  
4 title is amended—

5 (A) in section 6954(a), by striking para-  
6 graph (5); and

7 (B) in section 6958(b), by striking “the  
8 District of Columbia,”.

9 (3) UNITED STATES AIR FORCE ACADEMY.—  
10 Section 9342 of title 10, United States Code, is  
11 amended—

12 (A) in subsection (a), by striking para-  
13 graph (5); and

14 (B) in subsection (f), by striking “the Dis-  
15 trict of Columbia,”.

16 (4) EFFECTIVE DATE.—This subsection and the  
17 amendments made by this subsection shall take ef-  
18 fect on the date on which a Representative from the  
19 District of Columbia takes office.

20 **SEC. 6. NONSEVERABILITY OF PROVISIONS AND NON-**  
21 **APPLICABILITY.**

22 (a) NONSEVERABILITY.—If any provision of this Act  
23 or any amendment made by this Act is declared or held  
24 invalid or unenforceable, the remaining provisions of this  
25 Act or any amendment made by this Act shall be treated

1 and deemed invalid and shall have no force or effect of  
2 law.

3 (b) NONAPPLICABILITY.—Nothing in the Act shall be  
4 construed to affect the first reapportionment occurring  
5 after the regular decennial census conducted for 2010 if  
6 this Act has not taken effect.

7 **SEC. 7. JUDICIAL REVIEW.**

8 If any action is brought to challenge the constitu-  
9 tionality of any provision of this Act or any amendment  
10 made by this Act, the following rules shall apply:

11 (1) The action shall be filed in the United  
12 States District Court for the District of Columbia  
13 and shall be heard by a 3-judge court convened pur-  
14 suant to section 2284 of title 28, United States  
15 Code.

16 (2) A copy of the complaint shall be delivered  
17 promptly to the Clerk of the House of Representa-  
18 tives and the Secretary of the Senate.

19 (3) A final decision in the action shall be re-  
20 viewable only by appeal directly to the Supreme  
21 Court of the United States. Such appeal shall be  
22 taken by the filing of a notice of appeal within 10  
23 days, and the filing of a jurisdictional statement  
24 within 30 days, of the entry of the final decision.

1           (4) It shall be the duty of the United States  
2           District Court for the District of Columbia and the  
3           Supreme Court of the United States to advance on  
4           the docket and to expedite to the greatest possible  
5           extent the disposition of the action and appeal.

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