

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.

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

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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