

Calendar No. 23

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, Mr. FEINGOLD, Mrs. McCASKILL, Mr. CARPER, Ms. LANDRIEU, Ms. MIKULSKI, Mr. LEVIN, and Mr. VOINOVICH) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

FEBRUARY 12, 2009

Reported by Mr. LIEBERMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “District of Columbia
3 House Voting Rights Act of 2009”.

4 **SEC. 2. TREATMENT OF DISTRICT OF COLUMBIA AS CON-**
5 **GRESSIONAL DISTRICT.**

6 (a) CONGRESSIONAL DISTRICT AND NO SENATE
7 REPRESENTATION.—

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

12 (2) NO REPRESENTATION PROVIDED IN SEN-
13 ATE.—The District of Columbia shall not be consid-
14 ered a State for purposes of representation in the
15 United States Senate.

16 (b) CONFORMING AMENDMENTS RELATING TO AP-
17 PORTIONMENT OF MEMBERS OF HOUSE OF REPRESENTA-
18 TIVES.—

19 (1) INCLUSION OF SINGLE DISTRICT OF COLUM-
20 BIA MEMBER IN REAPPORTIONMENT OF MEMBERS
21 AMONG STATES.—Section 22 of the Act entitled “An
22 Act to provide for the fifteenth and subsequent de-
23 cennial censuses and to provide for apportionment of
24 Representatives in Congress”, approved June 28,
25 1929 (2 U.S.C. 2a), is amended by adding at the
26 end the following new subsection:

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

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

14 **SEC. 3. INCREASE IN MEMBERSHIP OF HOUSE OF REP-**
 15 **RESENTATIVES.**

16 ~~(a) PERMANENT INCREASE IN NUMBER OF MEM-~~
 17 ~~BERS.~~—Effective with respect to the 112th Congress and
 18 each succeeding Congress, the House of Representatives
 19 shall be composed of 437 Members, including the Member
 20 representing the District of Columbia pursuant to section
 21 2(a).

22 ~~(b) REAPPORTIONMENT OF MEMBERS RESULTING~~
 23 ~~FROM INCREASE.~~—

24 ~~(1) IN GENERAL.~~—Section 22(a) of the Act en-
 25 titled “An Act to provide for the fifteenth and subse-

1 quent decennial censuses and to provide for appor-
 2 tionment of Representatives in Congress”, approved
 3 June 28, 1929 (2 U.S.C. 2a(a)), is amended by
 4 striking “the then existing number of Representa-
 5 tives” and inserting “the number of Representatives
 6 established with respect to the 112th Congress”.

7 (2) EFFECTIVE DATE.—The amendment made
 8 by paragraph (1) shall apply with respect to the reg-
 9 ular decennial census conducted for 2010 and each
 10 subsequent regular decennial census.

11 (c) TRANSMITTAL OF REVISED APPORTIONMENT IN-
 12 FORMATION BY PRESIDENT.—

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

1 ~~(2) REPORT BY CLERK.—~~Not later than 15 cal-
 2 endar days after receiving the revised version of the
 3 statement of apportionment under paragraph ~~(1)~~,
 4 the Clerk of the House of Representatives shall sub-
 5 mit a report to the Speaker of the House of Rep-
 6 resentatives identifying the State of Utah as the
 7 State entitled to one additional Representative pur-
 8 suant to this section.

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

10 The general election for the additional Representative
 11 to which the State of Utah is entitled for the 112th Con-
 12 gress and the general election for the Representative from
 13 the District of Columbia for the 112th Congress shall be
 14 subject to the following requirements:

15 ~~(1)~~ The additional Representative from the
 16 State of Utah will be elected pursuant to a redis-
 17 tricting plan enacted by the State, such as the plan
 18 the State of Utah signed into law on December 5,
 19 2006, which—

20 ~~(A)~~ revises the boundaries of Congressional
 21 districts in the State to take into account the
 22 additional Representative to which the State is
 23 entitled under section 3; and

24 ~~(B)~~ remains in effect until the taking ef-
 25 fect of the first reapportionment occurring after

1 the regular decennial census conducted for
2 2010.

3 ~~(2) The additional Representative from the~~
4 State of Utah and the Representative from the Dis-
5 trict of Columbia shall be sworn in and seated as
6 Members of the House of Representatives on the
7 same date as other Members of the 112th Congress.

8 **SEC. 5. CONFORMING AMENDMENTS.**

9 ~~(a) REPEAL OF OFFICE OF DISTRICT OF COLUMBIA~~
10 ~~DELEGATE.—~~

11 ~~(1) REPEAL OF OFFICE.—~~

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

19 ~~(B) EFFECTIVE DATE.—~~The amendments
20 made by this subsection shall take effect on the
21 date on which a Representative from the Dis-
22 trict of Columbia takes office.

23 ~~(2) CONFORMING AMENDMENTS TO DISTRICT~~
24 ~~OF COLUMBIA ELECTIONS CODE OF 1955.—~~The Dis-

1 trict of Columbia Elections Code of 1955 is amended
2 as follows:

3 (A) In section 1 (sec. 1-1001.01, D.C. Of-
4 ficial Code), by striking “the Delegate to the
5 House of Representatives,” and inserting “the
6 Representative in Congress,”.

7 (B) In section 2 (sec. 1-1001.02, D.C. Of-
8 ficial Code)—

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

10 (ii) in paragraph (13), by striking
11 “the Delegate to Congress for the District
12 of Columbia,” and inserting “the Rep-
13 resentative in Congress,”.

14 (C) In section 8 (sec. 1-1001.08, D.C. Of-
15 ficial Code)—

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

18 (ii) by striking “Delegate,” each place
19 it appears in subsections (h)(1)(A), (i)(1),
20 and (j)(1) and inserting “Representative in
21 Congress,”.

22 (D) In section 10 (sec. 1-1001.10, D.C.
23 Official Code)—

24 (i) in subsection (a)(3)(A)—

1 (I) by striking “or section 206(a)
2 of the District of Columbia Delegate
3 Act”; and

4 (II) by striking “the office of
5 Delegate to the House of Representa-
6 tives” and inserting “the office of
7 Representative in Congress”;

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

10 (iii) in subsection (d)(2)—

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

18 (II) by striking subparagraph
19 (B).

20 (E) In section 11(a)(2) (see: 1–
21 1001.11(a)(2), D.C. Official Code), by striking
22 “Delegate to the House of Representatives,”
23 and inserting “Representative in Congress.”

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

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

(b) REPEAL OF OFFICE OF STATEHOOD REPRESENTATIVE.—

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

(A) By striking “offices of Senator and Representative” each place it appears in subsection (d) and inserting “office of Senator”.

(B) In subsection (d)(2)—

(i) by striking “a Representative or”;

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

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

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

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

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

(2) CONFORMING AMENDMENTS.—

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

(i) in subsection (a)—

(I) by striking “27 voting members” and inserting “26 voting members”;

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

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

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

(B) AUTHORIZATION OF APPROPRIATIONS.—Section 8 of such Initiative (sec. 1–127, D.C. Official Code) is amended by striking “and House”.

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

(D) APPLICATION OF CAMPAIGN FINANCE LAWS.—Section 3 of the Statehood Convention Procedural Amendments Act of 1982 (sec. 1–135, D.C. Official Code) is amended by striking “and United States Representative”.

(E) DISTRICT OF COLUMBIA ELECTIONS CODE OF 1955.—The District of Columbia Elections Code of 1955 is amended—

(i) in section 2(13) (sec. 1–1001.02(13), D.C. Official Code), by striking “United States Senator and Representative,” and inserting “United States Senator,”; and

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

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date on which a Representative from the District of Columbia takes office.

1 (e) CONFORMING AMENDMENTS REGARDING AP-
2 POINTMENTS TO SERVICE ACADEMIES.—

3 (1) UNITED STATES MILITARY ACADEMY.—Sec-
4 tion 4342 of title 10, United States Code, is amend-
5 ed—

6 (A) in subsection (a), by striking para-
7 graph (5); and

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

10 (2) UNITED STATES NAVAL ACADEMY.—Such
11 title is amended—

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

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

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

19 (A) in subsection (a), by striking para-
20 graph (5); and

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

23 (4) EFFECTIVE DATE.—This subsection and the
24 amendments made by this subsection shall take ef-

1 feet on the date on which a Representative from the
2 District of Columbia takes office.

3 **SEC. 6. NONSEVERABILITY OF PROVISIONS AND NON-**
4 **APPLICABILITY.**

5 (a) NONSEVERABILITY.—If any provision of this Act
6 or any amendment made by this Act is declared or held
7 invalid or unenforceable, the remaining provisions of this
8 Act or any amendment made by this Act shall be treated
9 and deemed invalid and shall have no force or effect of
10 law.

11 (b) NONAPPLICABILITY.—Nothing in the Act shall be
12 construed to affect the first reapportionment occurring
13 after the regular decennial census conducted for 2010 if
14 this Act has not taken effect.

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

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

19 (1) The action shall be filed in the United
20 States District Court for the District of Columbia
21 and shall be heard by a 3-judge court convened pur-
22 suant to section 2284 of title 28, United States
23 Code.

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

4 (3) A final decision in the action shall be re-
5 viewable only by appeal directly to the Supreme
6 Court of the United States. Such appeal shall be
7 taken by the filing of a notice of appeal within 10
8 days, and the filing of a jurisdictional statement
9 within 30 days, of the entry of the final decision.

10 (4) It shall be the duty of the United States
11 District Court for the District of Columbia and the
12 Supreme Court of the United States to advance on
13 the docket and to expedite to the greatest possible
14 extent the disposition of the action and appeal.

15 **SECTION 1. SHORT TITLE.**

16 *This Act may be cited as the “District of Columbia*
17 *House Voting Rights Act of 2009”.*

18 **SEC. 2. TREATMENT OF DISTRICT OF COLUMBIA AS CON-**
19 **GRESSIONAL DISTRICT.**

20 (a) *CONGRESSIONAL DISTRICT AND NO SENATE REP-*
21 *RESENTATION.*—

22 (1) *IN GENERAL.*—*Notwithstanding any other*
23 *provision of law, the District of Columbia shall be*
24 *considered a congressional district for purposes of*
25 *representation in the House of Representatives.*

1 (2) *NO REPRESENTATION PROVIDED IN SEN-*
 2 *ATE.—The District of Columbia shall not be consid-*
 3 *ered a State for purposes of representation in the*
 4 *United States Senate.*

5 (b) *CONFORMING AMENDMENTS RELATING TO APPOR-*
 6 *TIONMENT OF MEMBERS OF HOUSE OF REPRESENTA-*
 7 *TIVES.—*

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

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

21 (2) *CLARIFICATION OF DETERMINATION OF NUM-*
 22 *BER OF PRESIDENTIAL ELECTORS ON BASIS OF 23RD*
 23 *AMENDMENT.—Section 3 of title 3, United States*
 24 *Code, is amended by striking “come into office;” and*
 25 *inserting “come into office (subject to the twenty-third*

1 *article of amendment to the Constitution of the*
 2 *United States in the case of the District of Colum-*
 3 *bia);”.*

4 **SEC. 3. INCREASE IN MEMBERSHIP OF HOUSE OF REP-**
 5 **RESENTATIVES.**

6 *(a) PERMANENT INCREASE IN NUMBER OF MEM-*
 7 *BERS.—Effective with respect to the 112th Congress, or the*
 8 *first Congress sworn in after the implementation of this Act,*
 9 *and each succeeding Congress, the House of Representatives*
 10 *shall be composed of 437 Members, including the Member*
 11 *representing the District of Columbia pursuant to section*
 12 *2(a).*

13 *(b) REAPPORTIONMENT OF MEMBERS RESULTING*
 14 *FROM INCREASE.—*

15 *(1) IN GENERAL.—Section 22(a) of the Act enti-*
 16 *tled “An Act to provide for the fifteenth and subse-*
 17 *quent decennial censuses and to provide for appor-*
 18 *tionment of Representatives in Congress”, approved*
 19 *June 28, 1929 (2 U.S.C. 2a(a)), is amended by strik-*
 20 *ing “the then existing number of Representatives”*
 21 *and inserting “the number of Representatives estab-*
 22 *lished with respect to the 112th Congress, or the first*
 23 *Congress sworn in after implementation of the Dis-*
 24 *trict of Columbia House Voting Rights Act of 2009”.*

1 (2) *EFFECTIVE DATE.*—*The amendment made by*
 2 *paragraph (1) shall apply with respect to the regular*
 3 *decennial census conducted for 2010 and each subse-*
 4 *quent regular decennial census.*

5 (c) *TRANSMITTAL OF REVISED APPORTIONMENT IN-*
 6 *FORMATION BY PRESIDENT.*—

7 (1) *STATEMENT OF APPORTIONMENT BY PRESI-*
 8 *DENT.*—*Not later than 30 days after the date of the*
 9 *enactment of this Act, the President shall transmit to*
 10 *Congress a revised version of the most recent state-*
 11 *ment of apportionment submitted under section 22 of*
 12 *the Act entitled “An Act to provide for the fifteenth*
 13 *and subsequent decennial censuses and to provide for*
 14 *apportionment of Representatives in Congress”, ap-*
 15 *proved June 28, 1929 (2 U.S.C. 2a), to take into ac-*
 16 *count this Act and the amendments made by this Act.*
 17 *The statement shall reflect that the District of Colum-*
 18 *bia is entitled to one Representative and shall iden-*
 19 *tify the other State entitled to one representative*
 20 *under this section. Pursuant to section 22 of the Act*
 21 *entitled “An Act to provide for the fifteenth and sub-*
 22 *sequent decennial censuses and to provide for appor-*
 23 *tionment of Representatives in Congress”, approved*
 24 *June 28, 1929 (2 U.S.C. 2a), as amended by this Act,*
 25 *and the regular decennial census conducted for 2000,*

1 *the State entitled to the one additional representative*
 2 *is Utah.*

3 (2) *REPORT BY CLERK.*—Not later than 15 cal-
 4 *endar days after receiving the revised version of the*
 5 *statement of apportionment under paragraph (1), the*
 6 *Clerk of the House of Representatives shall submit a*
 7 *report to the Speaker of the House of Representatives*
 8 *indicating that the District of Columbia is entitled to*
 9 *one Representative and identifying the State which is*
 10 *entitled to one additional Representative pursuant to*
 11 *this section. Pursuant to section 22 of the Act entitled*
 12 *“An Act to provide for the fifteenth and subsequent*
 13 *decennial censuses and to provide for apportionment*
 14 *of Representatives in Congress”, approved June 28,*
 15 *1929 (2 U.S.C. 2a), as amended by this Act, and the*
 16 *regular decennial census conducted for 2000, the State*
 17 *entitled to the one additional representative is Utah.*

18 (3) *ADDITIONAL STATEMENTS AND REPORTS.*—

19 (A) *IN GENERAL.*—Subject to subparagraph
 20 (B) and following the revised statement of appor-
 21 tionment and subsequent report under para-
 22 graphs (1) and (2), the Statement of Apportion-
 23 ment by the President and subsequent reports by
 24 the Clerk of the House of Representatives shall
 25 continue to be issued at the intervals and pursu-

ant to the methodology specified under section 22
 of the Act entitled “An Act to provide for the fif-
 teenth and subsequent decennial censuses and to
 provide for apportionment of Representatives in
 Congress”, approved June 28, 1929 (2 U.S.C.
 2a), as amended by this Act.

(B) *FAILURE TO COMPLETE.*—In the event
 that the revised statement of apportionment and
 subsequent report under paragraphs (1) and (2)
 can not be completed prior to the issuance of the
 regular statement of apportionment and subse-
 quent report under section 22 of the Act entitled
 “An Act to provide for the fifteenth and subse-
 quent decennial censuses and to provide for ap-
 portionment of Representatives in Congress”, ap-
 proved June 28, 1929 (2 U.S.C. 2a), as amended
 by this Act, the President and Clerk may dis-
 regard paragraphs (1) and (2).

SEC. 4. UTAH REDISTRICTING PLAN.

The general election for the additional Representative
 to which the State of Utah is entitled for the 112th Congress,
 pursuant to section 3(c), shall be elected pursuant to a re-
 districting plan enacted by the State, such as the plan the
 State of Utah signed into law on December 5, 2006,
 which—

1 (1) *revises the boundaries of congressional dis-*
 2 *tricts in the State to take into account the additional*
 3 *Representative to which the State is entitled under*
 4 *section 3; and*

5 (2) *remains in effect until the taking effect of the*
 6 *first reapportionment occurring after the regular de-*
 7 *cennial census conducted for 2010.*

8 **SEC. 5. EFFECTIVE DATE.**

9 *The additional Representative other than the Rep-*
 10 *resentative from the District of Columbia, pursuant to sec-*
 11 *tion 3(c), and the Representative from the District of Co-*
 12 *lumbia shall be sworn in and seated as Members of the*
 13 *House of Representatives on the same date as other Members*
 14 *of the 112th Congress or the first Congress sworn in after*
 15 *implementation of this Act.*

16 **SEC. 6. CONFORMING AMENDMENTS.**

17 (a) *REPEAL OF OFFICE OF DISTRICT OF COLUMBIA*
 18 *DELEGATE.—*

19 (1) *REPEAL OF OFFICE.—*

20 (A) *IN GENERAL.—Sections 202 and 204 of*
 21 *the District of Columbia Delegate Act (Public*
 22 *Law 91–405; sections 1–401 and 1–402, D.C. Of-*
 23 *ficial Code) are repealed, and the provisions of*
 24 *law amended or repealed by such sections are re-*

1 *stored or revived as if such sections had not been*
 2 *enacted.*

3 (B) *EFFECTIVE DATE.*—*The amendments*
 4 *made by this subsection shall take effect on the*
 5 *date on which a Representative from the District*
 6 *of Columbia takes office.*

7 (2) *CONFORMING AMENDMENTS TO DISTRICT OF*
 8 *COLUMBIA ELECTIONS CODE OF 1955.*—*The District of*
 9 *Columbia Elections Code of 1955 is amended as fol-*
 10 *lows:*

11 (A) *In section 1 (sec. 1–1001.01, D.C. Offi-*
 12 *cial Code), by striking “the Delegate to the*
 13 *House of Representatives,” and inserting “the*
 14 *Representative in Congress,”.*

15 (B) *In section 2 (sec. 1–1001.02, D.C. Offi-*
 16 *cial Code)—*

17 (i) *by striking paragraph (6); and*

18 (ii) *in paragraph (13), by striking*
 19 *“the Delegate to Congress for the District of*
 20 *Columbia,” and inserting “the Representa-*
 21 *tive in Congress,”.*

22 (C) *In section 8 (sec. 1–1001.08, D.C. Offi-*
 23 *cial Code)—*

24 (i) *in the heading, by striking “Dele-*
 25 *gate” and inserting “Representative”; and*

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

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

(i) in subsection (a)(3)(A)—

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

(II) by striking “the office of Delegate to the House of Representatives” and inserting “the office of Representative in Congress”;

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

(iii) in subsection (d)(2)—

(I) by striking “(A) In the event” and all that follows through “term of office,” and inserting “In the event that a vacancy occurs in the office of Representative in Congress before May 1 of the last year of the Representative’s term of office,”; and

1 (II) by striking subparagraph
2 (B).

3 (E) In section 11(a)(2) (sec. 1–
4 1001.11(a)(2), D.C. Official Code), by striking
5 “Delegate to the House of Representatives,” and
6 inserting “Representative in Congress,”.

7 (F) In section 15(b) (sec. 1–1001.15(b), D.C.
8 Official Code), by striking “Delegate,” and in-
9 serting “Representative in Congress,”.

10 (G) In section 17(a) (sec. 1–1001.17(a),
11 D.C. Official Code), by striking “the Delegate to
12 Congress from the District of Columbia” and in-
13 serting “the Representative in Congress”.

14 (b) REPEAL OF OFFICE OF STATEHOOD REPRESENTA-
15 TIVE.—

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

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

23 (B) In subsection (d)(2)—

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

1 (ii) by striking “the Representative
2 or”; and

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

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

7 (D) By striking “Representative or” each
8 place it appears in subsections (e), (f), (g), and
9 (h).

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

12 (2) CONFORMING AMENDMENTS.—

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

16 (i) in subsection (a)—

17 (I) by striking “27 voting mem-
18 bers” and inserting “26 voting mem-
19 bers”;

20 (II) by adding “and” at the end
21 of paragraph (5); and

22 (III) by striking paragraph (6)
23 and redesignating paragraph (7) as
24 paragraph (6); and

1 (ii) in subsection (a-1)(1), by striking
2 subparagraph (H).

3 (B) AUTHORIZATION OF APPROPRIA-
4 TIONS.—Section 8 of such Initiative (sec. 1-127,
5 D.C. Official Code) is amended by striking “and
6 House”.

7 (C) APPLICATION OF HONORARIA LIMITA-
8 TIONS.—Section 4 of D.C. Law 8-135 (sec. 1-
9 131, D.C. Official Code) is amended by striking
10 “or Representative” each place it appears.

11 (D) APPLICATION OF CAMPAIGN FINANCE
12 LAWS.—Section 3 of the Statehood Convention
13 Procedural Amendments Act of 1982 (sec. 1-135,
14 D.C. Official Code) is amended by striking “and
15 United States Representative”.

16 (E) DISTRICT OF COLUMBIA ELECTIONS
17 CODE OF 1955.—The District of Columbia Elec-
18 tions Code of 1955 is amended—

19 (i) in section 2(13) (sec. 1-
20 1001.02(13), D.C. Official Code), by strik-
21 ing “United States Senator and Represent-
22 ative,” and inserting “United States Sen-
23 ator,”; and

1 (ii) in section 10(d) (sec. 1–
2 1001.10(d)(3), D.C. Official Code), by strik-
3 ing “United States Representative or”.

4 (3) *EFFECTIVE DATE.*—The amendments made
5 by this subsection shall take effect on the date on
6 which a Representative from the District of Columbia
7 takes office.

8 (c) *CONFORMING AMENDMENTS REGARDING APPOINT-*
9 *MENTS TO SERVICE ACADEMIES.*—

10 (1) *UNITED STATES MILITARY ACADEMY.*—Sec-
11 tion 4342 of title 10, United States Code, is amend-
12 ed—

13 (A) in subsection (a), by striking paragraph
14 (5); and

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

17 (2) *UNITED STATES NAVAL ACADEMY.*—Such
18 title is amended—

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

21 (B) in section 6958(b), by striking “the Dis-
22 trict of Columbia,”.

23 (3) *UNITED STATES AIR FORCE ACADEMY.*—Sec-
24 tion 9342 of title 10, United States Code, is amend-
25 ed—

1 (A) in subsection (a), by striking paragraph
2 (5); and

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

5 (4) *EFFECTIVE DATE.*—This subsection and the
6 amendments made by this subsection shall take effect
7 on the date on which a Representative from the Dis-
8 trict of Columbia takes office.

9 **SEC. 7. NONSEVERABILITY OF PROVISIONS AND NON-**
10 **APPLICABILITY.**

11 (a) *NONSEVERABILITY.*—If any provision of section
12 2(a)(1), 2(b)(1), or 3 or any amendment made by those sec-
13 tions is declared or held invalid or unenforceable by a court
14 of competent jurisdiction, the remaining provisions of this
15 Act or any amendment made by this Act shall be treated
16 and deemed invalid and shall have no force or effect of law.

17 (b) *NONAPPLICABILITY.*—Nothing in the Act shall be
18 construed to affect the first reapportionment occurring after
19 the regular decennial census conducted for 2010 if this Act
20 has not taken effect.

21 **SEC. 8. JUDICIAL REVIEW.**

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

1 (1) *The action shall be filed in the District Court*
2 *of the United States for the District of Columbia and*
3 *shall be heard by a 3-judge court convened pursuant*
4 *to section 2284 of title 28, United States Code.*

5 (2) *A copy of the complaint shall be delivered*
6 *promptly to the Clerk of the House of Representatives*
7 *and the Secretary of the Senate.*

8 (3) *A final decision in the action shall be review-*
9 *able only by appeal directly to the Supreme Court of*
10 *the United States. Such appeal shall be taken by the*
11 *filing of a notice of appeal within 10 days, and the*
12 *filing of a jurisdictional statement within 30 days, of*
13 *the entry of the final decision.*

14 (4) *It shall be the duty of the District Court of*
15 *the United States for the District of Columbia and the*
16 *Supreme Court of the United States to advance on the*
17 *docket and to expedite to the greatest possible extent*
18 *the disposition of the action and appeal.*

Calendar No. 23

11TH CONGRESS
1ST Session

S. 160

A BILL

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

FEBRUARY 12, 2009

Reported with an amendment