

## Union Calendar No. 8

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 157

[Report No. 111-22]

To provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

Ms. NORTON introduced the following bill; which was referred to the Committee on the Judiciary

MARCH 2, 2009

Additional sponsors: Mr. CONNOLLY of Virginia, Ms. PINGREE of Maine, and Mr. GUTIERREZ

MARCH 2, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on January 6, 2009]

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## A BILL

To provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes.

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) *IN GENERAL.*—*Notwithstanding any other provi-*  
9 *sion of law, the District of Columbia shall be considered*  
10 *a Congressional district for purposes of representation in*  
11 *the House of Representatives in the One Hundred Twelfth*  
12 *Congress and each succeeding Congress.*

13        (b) *CONFORMING AMENDMENTS RELATING TO APPOR-*  
14 *TIONMENT OF MEMBERS OF HOUSE OF REPRESENTA-*  
15 *TIVES.*—

16            (1) *INCLUSION OF SINGLE DISTRICT OF COLUM-*  
17 *BIA MEMBER IN REAPPORTIONMENT OF MEMBERS*  
18 *AMONG STATES.*—*Section 22 of the Act entitled “An*  
19 *Act to provide for the fifteenth and subsequent decen-*  
20 *nal censuses and to provide for apportionment of*  
21 *Representatives in Congress”, approved June 18,*  
22 *1929 (2 U.S.C. 2a), is amended by adding at the end*  
23 *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.*”.

4               (2) *CLARIFICATION OF DETERMINATION OF NUM-*  
5 *BER OF PRESIDENTIAL ELECTORS ON BASIS OF 23RD*  
6 *AMENDMENT.—Section 3 of title 3, United States*  
7 *Code, is amended by striking “come into office;” and*  
8 *inserting the following: “come into office (subject to*  
9 *the twenty-third article of amendment to the Con-*  
10 *stitution of the United States in the case of the Dis-*  
11 *trict of Columbia);”.*

12 **SEC. 3. INCREASE IN MEMBERSHIP OF HOUSE OF REP-**  
13 **RESENTATIVES.**

14       (a) *PERMANENT INCREASE IN NUMBER OF MEM-*  
15 *BERS.—Effective with respect to the One Hundred Twelfth*  
16 *Congress and each succeeding Congress, the House of Rep-*  
17 *resentatives shall be composed of 437 Members, including*  
18 *any Members representing the District of Columbia pursu-*  
19 *ant to section 2(a).*

20       (b) *REAPPORTIONMENT OF MEMBERS RESULTING*  
21 *FROM INCREASE.—*

22               (1) *IN GENERAL.—Section 22(a) of the Act enti-*  
23 *tled “An Act to provide for the fifteenth and subse-*  
24 *quent decennial censuses and to provide for appor-*  
25 *tionment of Representatives in Congress”, approved*

1 *June 18, 1929 (2 U.S.C. 2a(a)), is amended by strik-*  
2 *ing “the then existing number of Representatives”*  
3 *and inserting “the number of Representatives estab-*  
4 *lished with respect to the One Hundred Twelfth Con-*  
5 *gress”.*

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

10 (c) *SPECIAL RULES FOR PERIOD PRIOR TO 2012 RE-*  
11 *APPORTIONMENT.*—

12 (1) *TRANSMITTAL OF REVISED STATEMENT OF*  
13 *APPORTIONMENT BY PRESIDENT.*—*Not later than 30*  
14 *days after the date of the enactment of this Act, the*  
15 *President shall transmit to Congress the most recent*  
16 *statement of apportionment submitted under section*  
17 *22(a) of the Act entitled “An Act to provide for the*  
18 *fifteenth and subsequent decennial censuses and to*  
19 *provide for apportionment of Representatives in Con-*  
20 *gress”, approved June 18, 1929 (2 U.S.C. 2a(a)), re-*  
21 *vised to take into account this Act and the amend-*  
22 *ments made by this Act.*

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

1        *Clerk of the House of Representatives, in accordance*  
2        *with section 22(b) of such Act (2 U.S.C. 2a(b)), shall*  
3        *send to the executive of each State a certificate of the*  
4        *number of Representatives to which such State is en-*  
5        *titled under section 22 of such Act, and shall submit*  
6        *a report to the Speaker of the House of Representa-*  
7        *tives identifying the State (other than the District of*  
8        *Columbia) which is entitled to one additional Rep-*  
9        *resentative pursuant to this section.*

10            (3) *REQUIREMENTS FOR ELECTION OF ADDI-*  
11            *TIONAL MEMBER.—During the One Hundred Twelfth*  
12            *Congress—*

13                    (A) *notwithstanding the final undesignated*  
14                    *paragraph of the Act entitled “An Act for the re-*  
15                    *lief of Doctor Ricardo Vallejo Samala and to*  
16                    *provide for congressional redistricting”, ap-*  
17                    *proved December 14, 1967 (2 U.S.C. 2c), the ad-*  
18                    *ditional Representative to which the State iden-*  
19                    *tified by the Clerk of the House of Representa-*  
20                    *tives in the report submitted under paragraph*  
21                    *(2) is entitled shall be elected from the State at*  
22                    *large; and*

23                    (B) *the other Representatives to which such*  
24                    *State is entitled shall be elected on the basis of*

1           *the Congressional districts in effect in the State*  
2           *for the One Hundred Eleventh Congress.*

3 **SEC. 4. NONSEVERABILITY OF PROVISIONS.**

4           *If any provision of this Act, or any amendment made*  
5 *by this Act, is declared or held invalid or unenforceable,*  
6 *the remaining provisions of this Act and any amendment*  
7 *made by this Act shall be treated and deemed invalid and*  
8 *shall have no force or effect of law.*

9 **SEC. 5. EXPEDITED JUDICIAL REVIEW.**

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

13                 (1) *The action shall be filed in the United States*  
14 *District Court for the District of Columbia and shall*  
15 *be heard by a 3-judge court convened pursuant to sec-*  
16 *tion 2284 of title 28, United States Code.*

17                 (2) *A copy of the complaint shall be delivered*  
18 *promptly to the Clerk of the House of Representatives*  
19 *and the Secretary of the Senate.*

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

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

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11<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

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