

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5388

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

MAY 16, 2006

Mr. TOM DAVIS of Virginia (for himself, Ms. NORTON, Mr. WAXMAN, Mr. SHAYS, Mr. PLATTS, Mr. CANNON, Mr. BISHOP of Utah, Mr. LEACH, Mr. SIMMONS, Mr. ENGLISH of Pennsylvania, Mr. MOORE of Kansas, Mr. FOLEY, Mr. ISSA, Mr. FATTAH, Mr. MORAN of Virginia, Mr. WYNN, Mr. OWENS, Mr. TOWNS, Mr. KIRK, Mr. BOUCHER, Mr. VAN HOLLEN, Mr. PORTER, and Mr. GILCHREST) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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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       Fair and Equal House Voting Rights Act of 2006”.

1 **SEC. 2. FINDINGS.**

2 Congress finds as follows:

3 (1) Over half a million people living in the Dis-  
4 trict of Columbia, the capital of our democratic Na-  
5 tion, lack direct voting representation in the United  
6 States Senate and House of Representatives.

7 (2) District of Columbia residents have fought  
8 and died to defend our democracy in every war since  
9 the War of Independence.

10 (3) District of Columbia residents pay billions  
11 of dollars in Federal taxes each year.

12 (4) Our Nation is founded on the principles of  
13 “one person, one vote” and “government by the con-  
14 sent of the governed”.

15 **SEC. 3. TREATMENT OF DISTRICT OF COLUMBIA AS CON-**  
16 **GRESSIONAL DISTRICT.**

17 (a) IN GENERAL.—Notwithstanding any other provi-  
18 sion of law, the District of Columbia shall be considered  
19 a Congressional district for purposes of representation in  
20 the House of Representatives.

21 (b) CONFORMING AMENDMENTS RELATING TO AP-  
22 PORTIONMENT OF MEMBERS OF HOUSE OF REPRESENTA-  
23 TIVES.—

24 (1) INCLUSION OF SINGLE DISTRICT OF COLUM-  
25 BIA MEMBER IN REAPPORTIONMENT OF MEMBERS  
26 AMONG STATES.—Section 22 of the Act entitled “An

1 Act to provide for the fifteenth and subsequent de-  
2 cennial censuses and to provide for apportionment of  
3 Representatives in Congress”, approved June 28,  
4 1929 (2 U.S.C. 2a), is amended by adding at the  
5 end the following new subsection:

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

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

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 (d) EFFECTIVE DATE.—This section and the amend-  
17 ments made by this section shall apply with respect to the  
18 One Hundred Tenth Congress and each succeeding Con-  
19 gress.

20 **SEC. 4. INCREASE IN MEMBERSHIP OF HOUSE OF REP-**  
21 **RESENTATIVES.**

22 (a) PERMANENT INCREASE IN NUMBER OF MEM-  
23 BERS.—Effective with respect to the One Hundred Tenth  
24 Congress and each succeeding Congress, the House of  
25 Representatives shall be composed of 437 Members, in-

1 cluding any Members representing the District of Colum-  
2 bia pursuant to section 3(a).

3 (b) REAPPORTIONMENT OF MEMBERS RESULTING  
4 FROM INCREASE.—

5 (1) IN GENERAL.—Section 22(a) of the Act en-  
6 titled “An Act to provide for the fifteenth and subse-  
7 quent decennial censuses and to provide for appor-  
8 tionment of Representatives in Congress”, approved  
9 June 28, 1929 (2 U.S.C. 2a(a)), is amended by  
10 striking “the then existing number of Representa-  
11 tives” and inserting “the number of Representatives  
12 established with respect to the One Hundred Tenth  
13 Congress”.

14 (2) EFFECTIVE DATE.—The amendment made  
15 by paragraph (1) shall apply with respect to the reg-  
16 ular decennial census conducted for 2010 and each  
17 subsequent regular decennial census.

18 (c) SPECIAL RULES FOR PERIOD PRIOR TO 2012 RE-  
19 APPORTIONMENT.—

20 (1) TRANSMITTAL OF REVISED STATEMENT OF  
21 APPORTIONMENT BY PRESIDENT.—Not later than  
22 30 days after the date of the enactment of this Act,  
23 the President shall transmit to Congress a revised  
24 version of the most recent statement of appor-  
25 tionment submitted under section 22(a) of the Act enti-

1 tled “An Act to provide for the fifteenth and subse-  
2 quent decennial censuses and to provide for appor-  
3 tionment of Representatives in Congress”, approved  
4 June 28, 1929 (2 U.S.C. 2a(a)), to take into ac-  
5 count this Act and the amendments made by this  
6 Act.

7 (2) REPORT BY CLERK.—Not later than 15 cal-  
8 endar days after receiving the revised version of the  
9 statement of apportionment under paragraph (1),  
10 the Clerk of the House of Representatives, in ac-  
11 cordance with section 22(b) of such Act (2 U.S.C.  
12 2a(b)), shall send to the executive of each State a  
13 certificate of the number of Representatives to which  
14 such State is entitled under section 22 of such Act,  
15 and shall submit a report to the Speaker of the  
16 House of Representatives identifying the State  
17 (other than the District of Columbia) which is enti-  
18 tled to one additional Representative pursuant to  
19 this section.

20 (3) REQUIREMENTS FOR ELECTION OF ADDI-  
21 TIONAL MEMBER.—During the period beginning  
22 with the first day of the One Hundred Tenth Con-  
23 gress and ending with the taking effect of the first  
24 reapportionment occurring after the regular decen-  
25 nial census conducted for 2010—

1 (A) notwithstanding the Act entitled “An  
2 Act for the relief of Doctor Ricardo Vallejo  
3 Samala and to provide for congressional redis-  
4 tricting”, approved December 14, 1967 (2  
5 U.S.C. 2c), the additional Representative to  
6 which the State identified by the Clerk of the  
7 House of Representatives in the report sub-  
8 mitted under paragraph (2) is entitled shall be  
9 elected from the State at large; and

10 (B) the other Representatives to which  
11 such State is entitled shall be elected on the  
12 basis of the Congressional districts in effect in  
13 the State for the One Hundred Ninth Congress.

14 **SEC. 5. REPEAL OF OFFICE OF DISTRICT OF COLUMBIA**  
15 **DELEGATE.**

16 (a) IN GENERAL.—Sections 202 and 204 of the Dis-  
17 trict of Columbia Delegate Act (Public Law 91–405; sec-  
18 tions 1–401 and 1–402, D.C. Official Code) are repealed,  
19 and the provisions of law amended or repealed by such  
20 sections are restored or revived as if such sections had  
21 not been enacted.

22 (b) CONFORMING AMENDMENTS TO DISTRICT OF CO-  
23 LUMBIA ELECTIONS CODE OF 1955.—The District of Co-  
24 lumbia Elections Code of 1955 is amended as follows:

1           (1) In section 1 (sec. 1–1001.01, D.C. Official  
2 Code), by striking “the Delegate to the House of  
3 Representatives,” and inserting “the Representative  
4 in the Congress,” .

5           (2) In section 2 (sec. 1–1001.02, D.C. Official  
6 Code)—

7                 (A) by striking paragraph (6); and

8                 (B) in paragraph (13), by striking “the  
9 Delegate to Congress for the District of Colum-  
10 bia,” and inserting “the Representative in the  
11 Congress,”.

12           (3) In section 8 (sec. 1–1001.08, D.C. Official  
13 Code)—

14                 (A) in the heading, by striking “Delegate”  
15 and inserting “Representative”; and

16                 (B) by striking “Delegate,” each place it  
17 appears in subsections (h)(1)(A), (i)(1), and  
18 (j)(1) and inserting “Representative in the Con-  
19 gress,”.

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

22                 (A) in subsection (a)(3)(A)—

23                         (i) by striking “or section 206(d) of  
24 the District of Columbia Delegate Act”,  
25 and

1 (ii) by striking “the office of Delegate  
2 to the House of Representatives” and in-  
3 sserting “the office of Representative in the  
4 Congress”;

5 (B) in subsection (d)(1), by striking “Dele-  
6 gate,” each place it appears; and

7 (C) in subsection (d)(2)—

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

14 (ii) by striking subparagraph (B).

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

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

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

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to elections occurring  
3 during 2006 and any succeeding year.

4 **SEC. 6. REPEAL OF OFFICE OF STATEHOOD REPRESENTA-**  
5 **TIVE.**

6 (a) IN GENERAL.—Section 4 of the District of Co-  
7 lumbia Statehood Constitutional Convention Initiative of  
8 1979 (sec. 1–123, D.C. Official Code) is amended as fol-  
9 lows:

10 (1) By striking “offices of Senator and Rep-  
11 resentative” each place it appears in subsection (d)  
12 and inserting “office of Senator”.

13 (2) In subsection (d)(2)—

14 (A) by striking “a Representative or”;

15 (B) by striking “the Representative or”;

16 and

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

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

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

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

25 (b) CONFORMING AMENDMENTS.—

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

4           (A) in subsection (a)—

5           (i) by striking “27 voting members”  
6 and inserting “26 voting members”;

7           (ii) by adding “and” at the end of  
8 paragraph (5); and

9           (iii) by striking paragraph (6) and re-  
10 designating paragraph (7) as paragraph  
11 (6); and

12           (B) in subsection (a–1)(1), by striking sub-  
13 paragraph (H).

14           (2) AUTHORIZATION OF APPROPRIATIONS.—  
15 Section 8 of such Initiative (sec. 1–127, D.C. Offi-  
16 cial Code) is amended by striking “and House”.

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

21           (4) APPLICATION OF CAMPAIGN FINANCE  
22 LAWS.—Section 3 of the Statehood Convention Pro-  
23 cedural Amendments Act of 1982 (sec. 1–135, D.C.  
24 Official Code) is amended by striking “and United  
25 States Representative”.

1           (5) DISTRICT OF COLUMBIA ELECTIONS CODE  
2           OF 1955.—The District of Columbia Elections Code  
3           of 1955 is amended—

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

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

11          (c) EFFECTIVE DATE.—The amendments made by  
12          this section shall apply with respect to elections occurring  
13          during 2006 and any succeeding year.

14          **SEC. 7. NONSEVERABILITY OF PROVISIONS.**

15          If any provision of this Act or any amendment made  
16          by this Act is held invalid, the remaining provisions of this  
17          Act or any amendment made by this Act shall be treated  
18          as invalid.

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