

108TH CONGRESS
2D SESSION

H. R. 4640

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2004

Mr. TOM DAVIS of Virginia (for himself, Mr. SHAYS, Mr. CANNON, Mr. BISHOP of Utah, and Mr. PLATTS) 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

A BILL

To establish 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 Fairness in Representation Act” .

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

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

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

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

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

13 **SEC. 3. TREATMENT OF DISTRICT OF COLUMBIA AS CON-**
 14 **GRESSIONAL DISTRICT.**

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

19 (b) CONFORMING AMENDMENT REGARDING APPLI-
 20 CATION OF METHOD OF EQUAL PROPORTIONS IN APPOR-
 21 TIONMENT OF HOUSE OF REPRESENTATIVES.—Section
 22 2(a) of the Act entitled “An Act to provide for appor-
 23 tioning Representatives in Congress among the several
 24 States by the equal proportion method”, approved Novem-

ber 15, 1941 (2 U.S.C. 2b), is amended by inserting “or the District of Columbia” after “no State”.

(c) CONFORMING AMENDMENTS REGARDING APPOINTMENTS TO SERVICE ACADEMIES.—

(1) UNITED STATES MILITARY ACADEMY.—Section 4342 of title 10, United States Code, is amended—

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

(B) in subsection (f), by striking “the District of Columbia,”.

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

(A) in section 6954(a), by striking paragraph (5); and

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

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

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

(B) in subsection (f), by striking “the District of Columbia,”.

1 (d) EFFECTIVE DATE.—This section and the amend-
2 ments made by this section shall apply with respect to the
3 One Hundred Ninth Congress and each succeeding Con-
4 gress.

5 **SEC. 4. TEMPORARY INCREASE IN APPORTIONMENT OF**
6 **HOUSE OF REPRESENTATIVES.**

7 (a) IN GENERAL.—Effective January 3, 2005, and
8 until the taking effect of the first reapportionment occur-
9 ring after the regular decennial census conducted for
10 2010—

11 (1) the membership of the House of Represent-
12 atives shall be increased by 2 members;

13 (2) each such Representative shall be in addi-
14 tion to the membership of the House of Representa-
15 tives as now prescribed by law; and

16 (3) the State identified by the Clerk of the
17 House of Representatives in the report submitted
18 under subsection (b) shall be entitled to one addi-
19 tional Representative.

20 (b) TRANSMITTAL OF REVISED APPORTIONMENT IN-
21 FORMATION BY PRESIDENT AND CLERK.—

22 (1) STATEMENT OF APPORTIONMENT BY PRESI-
23 DENT.—Not later than 30 days after the date of the
24 enactment of this Act, the President shall transmit
25 to Congress a revised version of the most recent

1 statement of apportionment submitted under section
2 22(a) of the Act entitled “An Act to provide for the
3 fifteenth and subsequent decennial censuses and to
4 provide for apportionment of Representatives in
5 Congress”, approved June 28, 1929 (2 U.S.C.
6 2a(a)), to take into account the provisions of this
7 Act.

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

20 (c) INCREASE NOT COUNTED AGAINST TOTAL NUM-
21 BER OF MEMBERS.—The temporary increase in the mem-
22 bership of the House of Representatives provided under
23 subsection (a) shall not—

24 (1) operate to either increase or decrease the
25 permanent membership of the House of Representa-

1 tives as prescribed in the Act of August 8, 1911 (2
2 U.S.C. 2);

3 (2) affect the basis of reapportionment estab-
4 lished by the Act of June 28, 1929, as amended (2
5 U.S.C. 2a), for the Eighty Second Congress and
6 each Congress thereafter; or

7 (3) be taken into account in determining the
8 number of electors under section 3 of title 3, United
9 States Code, with respect to the 2004 Presidential
10 election.

11 **SEC. 5. REPEAL OF OFFICE OF DISTRICT OF COLUMBIA**
12 **DELEGATE.**

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

19 (b) CONFORMING AMENDMENTS TO DISTRICT OF CO-
20 LUMBIA ELECTIONS CODE OF 1955.—The District of Co-
21 lumbia Elections Code of 1955 is amended—

22 (1) in section 1 (sec. 1–1001.01, D.C. Official
23 Code), by striking “the Delegate to the House of
24 Representatives”;

1 (2) in section 2 (sec. 1–1001.02, D.C. Official
2 Code)—

3 (A) by striking paragraph (6), and

4 (B) in paragraph (13), by striking “the
5 Delegate to Congress for the District of Colum-
6 bia”;

7 (3) in section 8 (sec. 1–1001.08, D.C. Official
8 Code)—

9 (A) by striking “Delegate” in the heading,
10 and

11 (B) by striking “Delegate,” each place it
12 appears in subsections (h)(1)(A), (i)(1), and
13 (j)(1);

14 (4) in section 10 (sec. 1–1001.10, D.C. Official
15 Code)—

16 (A) by striking subparagraph (A) of sub-
17 section (a)(3), and

18 (B) in subsection (d)—

19 (i) by striking “Delegate,” each place
20 it appears in paragraph (1), and

21 (ii) by striking paragraph (2) and re-
22 designating paragraph (3) as paragraph
23 (2);

24 (5) in section 15(b) (sec. 1–1001.15(b), D.C.
25 Official Code), by striking “Delegate,”; and

1 (6) in section 17(a) (sec. 1–1001.17(a), D.C.
 2 Official Code), by striking “except the Delegate to
 3 the Congress from the District of Columbia”.

4 (c) EFFECTIVE DATE.—The amendments made by
 5 this section shall apply with respect to elections occurring
 6 during 2004 and any succeeding year.

7 **SEC. 6. REPEAL OF OFFICE OF STATEHOOD REPRESENTA-**
 8 **TIVE.**

9 (a) IN GENERAL.—Section 4 of the District of Co-
 10 lumbia Statehood Constitutional Convention Initiative of
 11 1979 (sec. 1–123, D.C. Official Code) is amended as fol-
 12 lows:

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

16 (2) In subsection (d)(2)—

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

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

19 and

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

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

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

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

3 (b) CONFORMING AMENDMENTS.—

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

7 (A) in subsection (a)—

8 (i) by striking “27 voting members”
9 and inserting “26 voting members”,

10 (ii) by adding “and” at the end of
11 paragraph (5); and

12 (iii) by striking paragraph (6) and re-
13 designating paragraph (7) as paragraph
14 (6); and

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

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

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

24 (4) APPLICATION OF CAMPAIGN FINANCE
25 LAWS.—Section 3 of the Statehood Convention Pro-

1 cedural Amendments Act of 1982 (sec. 1–135, D.C.
2 Official Code) is amended by striking “and United
3 States Representative”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply with respect to elections occurring
6 during 2004 and any succeeding year.

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

8 If any provision of this Act or any amendment made
9 by this Act is held invalid, the remaining provisions of this
10 Act or any amendment made by this Act shall be treated
11 as invalid.

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