

Calendar No. 257

110TH CONGRESS
1ST SESSION**S. 1257****[Report No. 110–123]**

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

MAY 1, 2007

Mr. LIEBERMAN (for himself, Mr. HATCH, Mr. BENNETT, Mrs. CLINTON, Ms. LANDRIEU, Mr. LEAHY, Mr. KENNEDY, Mr. OBAMA, Ms. MIKULSKI, Mr. KERRY, Mr. FEINGOLD, Mrs. MCCASKILL, Mr. PRYOR, Mr. CARPER, Mr. LEVIN, Mr. SANDERS, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

JUNE 28, 2007

Reported by Mr. LIEBERMAN, with amendments

[Omit the part struck through 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 2007”.

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

6 ~~(a) IN GENERAL.—~~Notwithstanding any other provi-
7 sion of law, the District of Columbia shall be considered
8 a Congressional district for purposes of representation in
9 the House of Representatives.

10 *(a) CONGRESSIONAL DISTRICT AND NO SENATE REP-*
11 *RESENTATION.—*

12 *(1) IN GENERAL.—*Notwithstanding any other
13 *provision of law, the District of Columbia shall be*
14 *considered a Congressional district for purposes of*
15 *representation in the House of Representatives.*

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

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

23 **(1) INCLUSION OF SINGLE DISTRICT OF COLUM-**
24 **BIA MEMBER IN REAPPORTIONMENT OF MEMBERS**
25 **AMONG STATES.—**Section 22 of the Act entitled “An
26 Act to provide for the fifteenth and subsequent de-

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

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

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

18 **SEC. 3. INCREASE IN MEMBERSHIP OF HOUSE OF REP-**
 19 **RESENTATIVES.**

20 (a) PERMANENT INCREASE IN NUMBER OF MEM-
 21 BERS.—Effective with respect to the 111th Congress and
 22 each succeeding Congress, the House of Representatives
 23 shall be composed of 437 Members, including the Member
 24 representing the District of Columbia pursuant to section
 25 2(a).

1 (b) REAPPORTIONMENT OF MEMBERS RESULTING
2 FROM INCREASE.—

3 (1) IN GENERAL.—Section 22(a) of the Act en-
4 titled “An Act to provide for the fifteenth and subse-
5 quent decennial censuses and to provide for appor-
6 tionment of Representatives in Congress”, approved
7 June 28, 1929 (2 U.S.C. 2a(a)), is amended by
8 striking “the then existing number of Representa-
9 tives” and inserting “the number of Representatives
10 established with respect to the 111th Congress”.

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

15 (c) TRANSMITTAL OF REVISED APPORTIONMENT IN-
16 FORMATION BY PRESIDENT.—

17 (1) STATEMENT OF APPORTIONMENT BY PRESI-
18 DENT.—Not later than 30 days after the date of the
19 enactment of this Act, the President shall transmit
20 to Congress a revised version of the most recent
21 statement of apportionment submitted under section
22 22(a) of the Act entitled “An Act to provide for the
23 fifteenth and subsequent decennial censuses and to
24 provide for apportionment of Representatives in
25 Congress”, approved June 28, 1929 (2 U.S.C.

1 2a(a)), to take into account this Act and the amend-
 2 ments made by this Act and identifying the State of
 3 Utah as the State entitled to one additional Rep-
 4 resentative pursuant to this section.

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

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

14 The general election for the additional Representative
 15 to which the State of Utah is entitled for the 111th Con-
 16 gress and 112th Congress and the general election for the
 17 Representative from the District of Columbia for the
 18 111th Congress and the 112th Congress shall be subject
 19 to the following requirements:

20 (1) The additional Representative from the
 21 State of Utah will be elected pursuant to a redis-
 22 tricting plan enacted by the State, such as the plan
 23 the State of Utah signed into law on December 5,
 24 2006, which—

1 (A) revises the boundaries of Congressional
 2 districts in the State to take into account the
 3 additional Representative to which the State is
 4 entitled under section 3; and

5 (B) remains in effect until the taking ef-
 6 fect of the first reapportionment occurring after
 7 the regular decennial census conducted for
 8 2010.

9 (2) The additional Representative from the
 10 State of Utah and the Representative from the Dis-
 11 trict of Columbia shall be sworn in and seated as
 12 Members of the House of Representatives on the
 13 same date as other Members of the 111th Congress.

14 **SEC. 5. CONFORMING AMENDMENTS.**

15 (a) REPEAL OF OFFICE OF DISTRICT OF COLUMBIA
 16 DELEGATE.—

17 (1) REPEAL OF OFFICE.—

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

1 (B) EFFECTIVE DATE.—The amendments
2 made by this subsection shall take effect on the
3 date on which a Representative from the Dis-
4 trict of Columbia takes office for the 111th
5 Congress.

6 (2) CONFORMING AMENDMENTS TO DISTRICT
7 OF COLUMBIA ELECTIONS CODE OF 1955.—The Dis-
8 trict of Columbia Elections Code of 1955 is amended
9 as follows:

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

14 (B) In section 2 (sec. 1–1001.02, D.C. Of-
15 ficial Code)—

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

17 (ii) in paragraph (13), by striking
18 “the Delegate to Congress for the District
19 of Columbia,” and inserting “the Rep-
20 resentative in Congress,”.

21 (C) In section 8 (sec. 1–1001.08, D.C. Of-
22 ficial Code)—

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

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

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

7 (i) in subsection (a)(3)(A)—

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

11 (II) by striking “the office of
 12 Delegate to the House of Representa-
 13 tives” and inserting “the office of
 14 Representative in Congress”;

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

17 (iii) in subsection (d)(2)—

18 (I) by striking “(A) In the event”
 19 and all that follows through “term of
 20 office,” and inserting “In the event
 21 that a vacancy occurs in the office of
 22 Representative in Congress before
 23 May 1 of the last year of the Rep-
 24 resentative’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,”
6 and inserting “Representative in Congress,”.

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

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

14 (b) REPEAL OF OFFICE OF STATEHOOD REPRESENT-
15 ATIVE.—

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
14 of such Initiative (sec. 1–125, D.C. Official
15 Code) is 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–
5 127, D.C. Official Code) is amended by striking
6 “and 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–
14 135, D.C. Official Code) is amended by striking
15 “and 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

24 (ii) in section 10(d) (sec. 1–
25 1001.10(d)(3), D.C. Official Code), by

1 striking “United States Representative
2 or”.

3 (3) EFFECTIVE DATE.—The amendments made
4 by this subsection shall take effect on the date on
5 which a Representative from the District of Colum-
6 bia takes office for the 111th Congress.

7 (c) CONFORMING AMENDMENTS REGARDING AP-
8 POINTMENTS TO SERVICE ACADEMIES.—

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

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

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

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

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

1 (A) in subsection (a), by striking para-
 2 graph (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 ef-
 7 fect on the date on which a Representative from the
 8 District of Columbia takes office for the 111th Con-
 9 gress.

10 **SEC. 6. NONSEVERABILITY OF PROVISIONS.**

11 If any provision of this Act or any amendment made
 12 by this Act is declared or held invalid or unenforceable,
 13 the remaining provisions of this Act or any amendment
 14 made by this Act shall be treated and deemed invalid and
 15 shall have no force or effect of law.

16 **SEC. 7. JUDICIAL REVIEW.**

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

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

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

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

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

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