

111TH CONGRESS
1ST SESSION

S. 160

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **TITLE I—DISTRICT OF COLUM-**
2 **BIA HOUSE VOTING RIGHTS**
3 **ACT OF 2009**

4 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. TREATMENT OF DISTRICT OF COLUMBIA AS CON-**
8 **GRESSIONAL DISTRICT.**

9 (a) CONGRESSIONAL DISTRICT AND NO SENATE
10 REPRESENTATION.—

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

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

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

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

1 ennial 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 “come into office (subject to the
 15 twenty-third article of amendment to the Constitu-
 16 tion of the United States in the case of the District
 17 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 112th Congress, or
 22 the first Congress sworn in after the implementation of
 23 this Act, and each succeeding Congress, the House of Rep-
 24 resentatives shall be composed of 437 Members, including

1 the Member representing the District of Columbia pursu-
 2 ant to section 2(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 112th Congress, or
 13 the first Congress sworn in after implementation of
 14 the District of Columbia House Voting Rights Act of
 15 2009”.

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

20 (c) TRANSMITTAL OF REVISED APPORTIONMENT IN-
 21 FORMATION BY PRESIDENT.—

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 of the Act entitled “An Act to provide for the fif-
3 teenth and subsequent decennial censuses and to
4 provide for apportionment of Representatives in
5 Congress”, approved June 28, 1929 (2 U.S.C. 2a),
6 to take into account this Act and the amendments
7 made by this Act. The statement shall reflect that
8 the District of Columbia is entitled to one Rep-
9 resentative and shall identify the other State entitled
10 to one representative under this section. Pursuant to
11 section 22 of the Act entitled “An Act to provide for
12 the fifteenth and subsequent decennial censuses and
13 to provide for apportionment of Representatives in
14 Congress”, approved June 28, 1929 (2 U.S.C. 2a),
15 as amended by this Act, and the regular decennial
16 census conducted for 2000, the State entitled to the
17 one additional representative is Utah.

18 (2) REPORT BY CLERK.—Not later than 15 cal-
19 endar days after receiving the revised version of the
20 statement of apportionment under paragraph (1),
21 the Clerk of the House of Representatives shall sub-
22 mit a report to the Speaker of the House of Rep-
23 resentatives indicating that the District of Columbia
24 is entitled to one Representative and identifying the
25 State which is entitled to one additional Representa-

1 tive pursuant to this section. Pursuant to section 22
 2 of the Act entitled “An Act to provide for the fif-
 3 teenth and subsequent decennial censuses and to
 4 provide for apportionment of Representatives in
 5 Congress”, approved June 28, 1929 (2 U.S.C. 2a),
 6 as amended by this Act, and the regular decennial
 7 census conducted for 2000, the State entitled to the
 8 one additional representative is Utah.

9 (3) ADDITIONAL STATEMENTS AND REPORTS.—

10 (A) IN GENERAL.—Subject to subpara-
 11 graph (B) and following the revised statement
 12 of apportionment and subsequent report under
 13 paragraphs (1) and (2), the Statement of Ap-
 14 portionment by the President and subsequent
 15 reports by the Clerk of the House of Represent-
 16 atives shall continue to be issued at the inter-
 17 vals and pursuant to the methodology specified
 18 under section 22 of the Act entitled “An Act to
 19 provide for the fifteenth and subsequent decen-
 20 nial censuses and to provide for apportionment
 21 of Representatives in Congress”, approved June
 22 28, 1929 (2 U.S.C. 2a), as amended by this
 23 Act.

24 (B) FAILURE TO COMPLETE.—In the event
 25 that the revised statement of apportionment

1 and subsequent report under paragraphs (1)
 2 and (2) can not be completed prior to the
 3 issuance of the regular statement of apporportion-
 4 ment and subsequent report under section 22 of
 5 the Act entitled “An Act to provide for the fif-
 6 teenth and subsequent decennial censuses and
 7 to provide for apportionment of Representatives
 8 in Congress”, approved June 28, 1929 (2
 9 U.S.C. 2a), as amended by this Act, the Presi-
 10 dent and Clerk may disregard paragraphs (1)
 11 and (2).

12 **SEC. 4. UTAH REDISTRICTING PLAN.**

13 The general election for the additional Representative
 14 to which the State of Utah is entitled for the 112th Con-
 15 gress, pursuant to section 3(c), shall be elected pursuant
 16 to a redistricting plan enacted by the State, such as the
 17 plan the State of Utah signed into law on December 5,
 18 2006, which—

19 (1) revises the boundaries of congressional dis-
 20 tricts in the State to take into account the additional
 21 Representative to which the State is entitled under
 22 section 3; and

23 (2) remains in effect until the taking effect of
 24 the first reapportionment occurring after the regular
 25 decennial census conducted for 2010.

1 **SEC. 5. EFFECTIVE DATE.**

2 The additional Representative other than the Rep-
 3 resentative from the District of Columbia, pursuant to sec-
 4 tion 3(c), and the Representative from the District of Co-
 5 lumbia shall be sworn in and seated as Members of the
 6 House of Representatives on the same date as other Mem-
 7 bers of the 112th Congress or the first Congress sworn
 8 in after implementation of this Act.

9 **SEC. 6. CONFORMING AMENDMENTS.**

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

12 (1) REPEAL OF OFFICE.—

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

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

24 (2) CONFORMING AMENDMENTS TO DISTRICT
 25 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) (sec. 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,”.

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

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

8 (b) REPEAL OF OFFICE OF STATEHOOD REPRESENT-
 9 ATIVE.—

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

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

17 (B) In subsection (d)(2)—

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

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

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

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

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

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

6 (2) CONFORMING AMENDMENTS.—

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

10 (i) in subsection (a)—

11 (I) by striking “27 voting mem-
 12 bers” and inserting “26 voting mem-
 13 bers”;

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

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

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

21 (B) AUTHORIZATION OF APPROPRIA-
 22 TIONS.—Section 8 of such Initiative (sec. 1–
 23 127, D.C. Official Code) is amended by striking
 24 “and House”.

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

5 (D) APPLICATION OF CAMPAIGN FINANCE
 6 LAWS.—Section 3 of the Statehood Convention
 7 Procedural Amendments Act of 1982 (sec. 1–
 8 135, D.C. Official Code) is amended by striking
 9 “and United States Representative”.

10 (E) DISTRICT OF COLUMBIA ELECTIONS
 11 CODE OF 1955.—The District of Columbia Elec-
 12 tions Code of 1955 is amended—

13 (i) in section 2(13) (sec. 1–
 14 1001.02(13), D.C. Official Code), by strik-
 15 ing “United States Senator and Represent-
 16 ative,” and inserting “United States Sen-
 17 ator,”; and

18 (ii) in section 10(d) (sec. 1–
 19 1001.10(d)(3), D.C. Official Code), by
 20 striking “United States Representative
 21 or”.

22 (3) EFFECTIVE DATE.—The amendments made
 23 by this subsection shall take effect on the date on
 24 which a Representative from the District of Colum-
 25 bia takes office.

1 (c) 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 fect on the date on which a Representative from the
2 District of Columbia takes office.

3 **SEC. 7. NONSEVERABILITY OF PROVISIONS AND NON-**
4 **APPLICABILITY.**

5 (a) NONSEVERABILITY.—If any provision of section
6 2(a)(1), 2(b)(1), or 3 or any amendment made by those
7 sections is declared or held invalid or unenforceable by a
8 court of competent jurisdiction, the remaining provisions
9 of this Act or any amendment made by this Act shall be
10 treated and deemed invalid and shall have no force or ef-
11 fect of law.

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

16 **SEC. 8. JUDICIAL REVIEW.**

17 (a) SPECIAL RULES FOR ACTIONS BROUGHT ON
18 CONSTITUTIONAL GROUNDS.—If any action is brought to
19 challenge the constitutionality of any provision of this Act
20 or any amendment made by this Act, the following rules
21 shall apply:

22 (1) The action shall be filed in the United
23 States District Court for the District of Columbia
24 and shall be heard by a 3-judge court convened pur-

1 suant to section 2284 of title 28, United States
2 Code.

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

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

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

17 (b) INTERVENTION BY MEMBERS OF CONGRESS.—

18 (1) IN GENERAL.—In any action in which the
19 constitutionality of any provision of this Act or any
20 amendment made by this Act is challenged (includ-
21 ing an action described in subsection (a)), any mem-
22 ber of the House of Representatives (including a
23 Delegate or Resident Commissioner to the Congress)
24 or the Senate shall have the right to intervene or file
25 legal pleadings or briefs either in support of or oppo-

1 sition to the position of a party to the case regard-
 2 ing the constitutionality of the provision or amend-
 3 ment.

4 (2) COURT EFFICIENCY.—To avoid duplication
 5 of efforts and reduce the burdens placed on the par-
 6 ties to the action, the court in any action described
 7 in paragraph (1) may make such orders as it con-
 8 siders necessary, including orders to require interve-
 9 nors taking similar positions to file joint papers or
 10 to be represented by a single attorney at oral argu-
 11 ment.

12 (c) CHALLENGE BY MEMBERS OF CONGRESS.—Any
 13 Member of Congress may bring an action, subject to the
 14 special rules described in subsection (a), to challenge the
 15 constitutionality of any provision of this Act or any
 16 amendment made by this Act.

17 **SEC. 9. FCC AUTHORITIES.**

18 (a) CLARIFICATION OF GENERAL POWERS.—Title III
 19 of the Communications Act of 1934 is amended by insert-
 20 ing after section 303 (47 U.S.C. 303) the following new
 21 section:

22 **“SEC. 303B. CLARIFICATION OF GENERAL POWERS.**

23 “(a) CERTAIN AFFIRMATIVE ACTIONS REQUIRED.—
 24 The Commission shall take actions to encourage and pro-
 25 mote diversity in communication media ownership and to

1 ensure that broadcast station licenses are used in the pub-
 2 lic interest.

3 “(b) CONSTRUCTION.—Nothing in section 303A shall
 4 be construed to limit the authority of the Commission re-
 5 garding matters unrelated to a requirement that broad-
 6 casters present or ascertain opposing viewpoints on issues
 7 of public importance.”.

8 (b) SEVERABILITY.—Notwithstanding section 7(a), if
 9 any provision of section 2(a)(1), 2(b)(1), or 3 or any
 10 amendment made by those sections is declared or held in-
 11 valid or unenforceable by a court of competent jurisdic-
 12 tion, the amendment made by subsection (a) and the ap-
 13 plication of such amendment to any other person or cir-
 14 cumstance shall not be affected by such holding.

15 **SEC. 10. FAIRNESS DOCTRINE PROHIBITED.**

16 (a) LIMITATION ON GENERAL POWERS: FAIRNESS
 17 DOCTRINE.—Title III of the Communications Act of 1934
 18 is amended by inserting after section 303 (47 U.S.C. 303)
 19 the following new section:

20 **“SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS**
 21 **DOCTRINE.**

22 “Notwithstanding section 303 or any other provision
 23 of this Act or any other Act authorizing the Commission
 24 to prescribe rules, regulations, policies, doctrines, stand-
 25 ards, guidelines, or other requirements, the Commission

1 shall not have the authority to prescribe any rule, regula-
 2 tion, policy, doctrine, standard, guideline, or other require-
 3 ment that has the purpose or effect of reinstating or re-
 4 promulgating (in whole or in part)—

5 “(1) the requirement that broadcasters present
 6 or ascertain opposing viewpoints on issues of public
 7 importance, commonly referred to as the ‘Fairness
 8 Doctrine’, as repealed in *In re Complaint of Syra-*
 9 *cuse Peace Council against Television Station*
 10 *WTVH, Syracuse New York*, 2 FCC Rcd. 5043
 11 (1987); or

12 “(2) any similar requirement that broadcasters
 13 meet programming quotas or guidelines for issues of
 14 public importance.”.

15 (b) SEVERABILITY.—Notwithstanding section 7(a), if
 16 any provision of section 2(a)(1), 2(b)(1), or 3 or any
 17 amendment made by those sections is declared or held in-
 18 valid or unenforceable by a court of competent jurisdic-
 19 tion, the amendment made by subsection (a) and the ap-
 20 plication of such amendment to any other person or cir-
 21 cumstance shall not be affected by such holding.

1 **TITLE II—SECOND AMENDMENT**
2 **ENFORCEMENT ACT**

3 **SEC. 201. SHORT TITLE.**

4 This title may be cited as the “Second Amendment
5 Enforcement Act”.

6 **SEC. 202. CONGRESSIONAL FINDINGS.**

7 Congress finds the following:

8 (1) The Second Amendment to the United
9 States Constitution provides that the right of the
10 people to keep and bear arms shall not be infringed.

11 (2) As the Congress and the Supreme Court of
12 the United States have recognized, the Second
13 Amendment to the United States Constitution pro-
14 tects the rights of individuals, including those who
15 are not members of a militia or engaged in military
16 service or training, to keep and bear arms.

17 (3) The law-abiding citizens of the District of
18 Columbia are deprived by local laws of handguns, ri-
19 fles, and shotguns that are commonly kept by law-
20 abiding persons throughout the United States for
21 sporting use and for lawful defense of their persons,
22 homes, businesses, and families.

23 (4) The District of Columbia has the highest
24 per capita murder rate in the Nation, which may be
25 attributed in part to local laws prohibiting posses-

1 sion of firearms by law-abiding persons who would
2 otherwise be able to defend themselves and their
3 loved ones in their own homes and businesses.

4 (5) The Federal Gun Control Act of 1968, as
5 amended by the Firearms Owners' Protection Act of
6 1986, and the Brady Handgun Violence Prevention
7 Act of 1993, provide comprehensive Federal regula-
8 tions applicable in the District of Columbia as else-
9 where. In addition, existing District of Columbia
10 criminal laws punish possession and illegal use of
11 firearms by violent criminals and felons. Con-
12 sequently, there is no need for local laws which only
13 affect and disarm law-abiding citizens.

14 (6) Officials of the District of Columbia have
15 indicated their intention to continue to unduly re-
16 strict lawful firearm possession and use by citizens
17 of the District.

18 (7) Legislation is required to correct the Dis-
19 trict of Columbia's law in order to restore the funda-
20 mental rights of its citizens under the Second
21 Amendment to the United States Constitution and
22 thereby enhance public safety.

1 **SEC. 203. REFORM D.C. COUNCIL'S AUTHORITY TO RE-**
2 **STRICT FIREARMS.**

3 Section 4 of the Act entitled “An Act to prohibit the
4 killing of wild birds and wild animals in the District of
5 Columbia”, approved June 30, 1906 (34 Stat. 809; sec.
6 1–303.43, D.C. Official Code) is amended by adding at
7 the end the following: “Nothing in this section or any
8 other provision of law shall authorize, or shall be con-
9 strued to permit, the Council, the Mayor, or any govern-
10 mental or regulatory authority of the District of Columbia
11 to prohibit, constructively prohibit, or unduly burden the
12 ability of persons not prohibited from possessing firearms
13 under Federal law from acquiring, possessing in their
14 homes or businesses, or using for sporting, self-protection
15 or other lawful purposes, any firearm neither prohibited
16 by Federal law nor subject to the National Firearms Act.
17 The District of Columbia shall not have authority to enact
18 laws or regulations that discourage or eliminate the pri-
19 vate ownership or use of firearms. Nothing in the previous
20 two sentences shall be construed to prohibit the District
21 of Columbia from regulating or prohibiting the carrying
22 of firearms by a person, either concealed or openly, other
23 than at the person’s dwelling place, place of business, or
24 on other land possessed by the person.”.

1 **SEC. 204. REPEAL D.C. SEMIAUTOMATIC BAN.**

2 (a) IN GENERAL.—Section 101(10) of the Firearms
3 Control Regulations Act of 1975 (sec. 7–2501.01(10),
4 D.C. Official Code) is amended to read as follows:

5 “(10) ‘Machine gun’ means any firearm which
6 shoots, is designed to shoot, or may be readily re-
7 stored to shoot automatically, more than 1 shot
8 without manual reloading by a single function of the
9 trigger, and includes the frame or receiver of any
10 such weapon, any part designed and intended solely
11 and exclusively, or combination of parts designed
12 and intended, for use in converting a weapon into a
13 machine gun, and any combination of parts from
14 which a machine gun can be assembled if such parts
15 are in the possession or under the control of a per-
16 son.”.

17 (b) CONFORMING AMENDMENT TO PROVISIONS SET-
18 TING FORTH CRIMINAL PENALTIES.—Section 1(c) of the
19 Act of July 8, 1932 (47 Stat. 651; sec. 22–4501(c), D.C.
20 Official Code) is amended to read as follows:

21 “(c) ‘Machine gun’, as used in this Act, has the
22 meaning given such term in section 101(10) of the Fire-
23 arms Control Regulations Act of 1975.”.

24 **SEC. 205. REPEAL REGISTRATION REQUIREMENT.**

25 (a) REPEAL OF REQUIREMENT.—

1 (1) IN GENERAL.—Section 201(a) of the Fire-
 2 arms Control Regulations Act of 1975 (sec. 7–
 3 2502.01(a), D.C. Official Code) is amended by strik-
 4 ing “any firearm, unless” and all that follows
 5 through paragraph (3) and inserting the following:
 6 “any firearm described in subsection (c).”.

7 (2) DESCRIPTION OF FIREARMS REMAINING IL-
 8 LEGAL.—Section 201 of such Act (sec. 7–2502.01,
 9 D.C. Official Code) is amended by adding at the end
 10 the following new subsection:

11 “(c) A firearm described in this subsection is any of
 12 the following:

13 “(1) A sawed-off shotgun.

14 “(2) A machine gun.

15 “(3) A short-barreled rifle.”.

16 (3) CONFORMING AMENDMENT.—The heading
 17 of section 201 of such Act (sec. 7–2502.01, D.C. Of-
 18 ficial Code) is amended by striking “Registration re-
 19 quirements” and inserting “Firearm Possession”.

20 (b) CONFORMING AMENDMENTS TO FIREARMS CON-
 21 TROL REGULATIONS ACT.—The Firearms Control Regu-
 22 lations Act of 1975 is amended as follows:

23 (1) Sections 202 through 211 (secs. 7–2502.02
 24 through 7–2502.11, D.C. Official Code) are re-
 25 pealed.

1 (2) Section 101 (sec. 7–2501.01, D.C. Official
2 Code) is amended by striking paragraph (13).

3 (3) Section 401 (sec. 7–2504.01, D.C. Official
4 Code) is amended—

5 (A) in subsection (a), by striking “the Dis-
6 trict;” and all that follows and inserting the fol-
7 lowing: “the District, except that a person may
8 engage in hand loading, reloading, or custom
9 loading of ammunition for firearms lawfully
10 possessed under this Act.”; and

11 (B) in subsection (b), by striking “which
12 are unregistrable under section 202” and in-
13 serting “which are prohibited under section
14 201”.

15 (4) Section 402 (sec. 7–2504.02, D.C. Official
16 Code) is amended—

17 (A) in subsection (a), by striking “Any
18 person eligible to register a firearm” and all
19 that follows through “such business,” and in-
20 serting the following: “Any person not other-
21 wise prohibited from possessing or receiving a
22 firearm under Federal or District law, or from
23 being licensed under section 923 of title 18,
24 United States Code,”; and

1 (B) in subsection (b), by amending para-
 2 graph (1) to read as follows:

3 “(1) The applicant’s name;”.

4 (5) Section 403(b) (sec. 7–2504.03(b), D.C. Of-
 5 ficial Code) is amended by striking “registration cer-
 6 tificate” and inserting “dealer’s license”.

7 (6) Section 404(a)(3) (sec. 7–2504.04(a)(3)),
 8 D.C. Official Code) is amended—

9 (A) in subparagraph (B)(i), by striking
 10 “registration certificate number (if any) of the
 11 firearm,”;

12 (B) in subparagraph (B)(iv), by striking
 13 “holding the registration certificate” and insert-
 14 ing “from whom it was received for repair”;

15 (C) in subparagraph (C)(i), by striking
 16 “and registration certificate number (if any) of
 17 the firearm”;

18 (D) in subparagraph (C)(ii), by striking
 19 “registration certificate number or”; and

20 (E) by striking subparagraphs (D) and
 21 (E).

22 (7) Section 406(c) (sec. 7–2504.06(c), D.C. Of-
 23 ficial Code) is amended to read as follows:

1 “(c) Within 45 days of a decision becoming effective
 2 which is unfavorable to a licensee or to an applicant for
 3 a dealer’s license, the licensee or application shall—

4 “(1) lawfully remove from the District all de-
 5 structive devices in his inventory, or peaceably sur-
 6 render to the Chief all destructive devices in his in-
 7 ventory in the manner provided in section 705; and

8 “(2) lawfully dispose, to himself or to another,
 9 any firearms and ammunition in his inventory.”.

10 (8) Section 407(b) (sec. 7–2504.07(b), D.C. Of-
 11 ficial Code) is amended by striking “would not be el-
 12 igible” and all that follows and inserting “is prohib-
 13 ited from possessing or receiving a firearm under
 14 Federal or District law.”.

15 (9) Section 502 (sec. 7–2505.02, D.C. Official
 16 Code) is amended—

17 (A) by amending subsection (a) to read as
 18 follows:

19 “(a) Any person or organization not prohibited from
 20 possessing or receiving a firearm under Federal or District
 21 law may sell or otherwise transfer ammunition or any fire-
 22 arm, except those which are prohibited under section 201,
 23 to a licensed dealer.”;

24 (B) by amending subsection (c) to read as
 25 follows:

1 “(c) Any licensed dealer may sell or otherwise trans-
 2 fer a firearm to any person or organization not otherwise
 3 prohibited from possessing or receiving such firearm under
 4 Federal or District law.”;

5 (C) in subsection (d), by striking para-
 6 graphs (2) and (3); and

7 (D) by striking subsection (e).

8 (10) Section 704 (sec. 7–2507.04, D.C. Official
 9 Code) is amended—

10 (A) in subsection (a), by striking “any reg-
 11 istration certificate or” and inserting “a”; and

12 (B) in subsection (b), by striking “reg-
 13 istration certificate,”.

14 (c) OTHER CONFORMING AMENDMENTS.—Section
 15 2(4) of the Illegal Firearm Sale and Distribution Strict
 16 Liability Act of 1992 (sec. 7–2531.01(4), D.C. Official
 17 Code) is amended—

18 (1) in subparagraph (A), by striking “or ignor-
 19 ing proof of the purchaser’s residence in the District
 20 of Columbia”; and

21 (2) in subparagraph (B), by striking “registra-
 22 tion and”.

23 **SEC. 206. REPEAL HANDGUN AMMUNITION BAN.**

24 Section 601(3) of the Firearms Control Regulations
 25 Act of 1975 (sec. 7–2506.01(3), D.C. Official Code) is

1 amended by striking “is the holder of the valid registration
2 certificate for” and inserting “owns”.

3 **SEC. 207. RESTORE RIGHT OF SELF DEFENSE IN THE**
4 **HOME.**

5 Section 702 of the Firearms Control Regulations Act
6 of 1975 (sec. 7–2507.02, D.C. Official Code) is repealed.

7 **SEC. 208. REMOVE CRIMINAL PENALTIES FOR POSSESSION**
8 **OF UNREGISTERED FIREARMS.**

9 (a) IN GENERAL.—Section 706 of the Firearms Con-
10 trol Regulations Act of 1975 (sec. 7–2507.06, D.C. Offi-
11 cial Code) is amended—

12 (1) by striking “that:” and all that follows
13 through “(1) A” and inserting “that a”; and

14 (2) by striking paragraph (2).

15 (b) EFFECTIVE DATE.—The amendments made by
16 subsection (a) shall apply with respect to violations occur-
17 ring after the 60-day period which begins on the date of
18 the enactment of this Act.

19 **SEC. 209. REMOVE CRIMINAL PENALTIES FOR CARRYING A**
20 **FIREARM IN ONE’S DWELLING OR OTHER**
21 **PREMISES.**

22 (a) IN GENERAL.—Section 4(a) of the Act of July
23 8, 1932 (47 Stat. 651; sec. 22–4504(a), D.C. Official
24 Code) is amended—

1 (1) in the matter before paragraph (1), by
 2 striking “a pistol,” and inserting the following: “ex-
 3 cept in his dwelling house or place of business or on
 4 other land possessed by that person, whether loaded
 5 or unloaded, a firearm,”; and

6 (2) by striking “except that:” and all that fol-
 7 lows through “(2) If the violation” and inserting
 8 “except that if the violation”.

9 (b) CONFORMING AMENDMENT.—Section 5 of such
 10 Act (47 Stat. 651; sec. 22–4505, D.C. Official Code) is
 11 amended—

12 (1) by striking “pistol” each place it appears
 13 and inserting “firearm”; and

14 (2) by striking “pistols” each place it appears
 15 and inserting “firearms”.

16 **SEC. 210. AUTHORIZING PURCHASES OF FIREARMS BY DIS-**
 17 **TRICT RESIDENTS.**

18 Section 922 of title 18, United States Code, is
 19 amended in paragraph (b)(3) by inserting after “other
 20 than a State in which the licensee’s place of business is
 21 located” the following: “, or to the sale or delivery of a
 22 handgun to a resident of the District of Columbia by a
 23 licensee whose place of business is located in Maryland or
 24 Virginia,”.

1 **SEC. 211. REPEALS OF DISTRICT OF COLUMBIA ACTS.**

2 The Firearms Registration Amendment Act of 2008
3 and the Firearms Registration Emergency Amendment
4 Act of 2008, as passed by the District of Columbia, are
5 repealed.

6 **SEC. 212. SEVERABILITY.**

7 Notwithstanding any other provision of this Act, if
8 any provision of this Act, or any amendment made by this
9 Act, or the application of such provision or amendment
10 to any person or circumstance is held to be unconstitu-
11 tional, this title and amendments made by this title, and
12 the application of such provision or amendment to other
13 persons or circumstances shall not be affected thereby.

Passed the Senate February 26, 2009.

Attest:

Secretary.

11TH CONGRESS
1ST SESSION

S. 160

AN ACT

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