

112TH CONGRESS  
1ST SESSION

# H. R. 266

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 12, 2011

Ms. NORTON introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Oversight and 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 State for purposes of representation in the House of Representatives and Senate, 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 Equal Representation Act of 2011”.

6 **SEC. 2. REPRESENTATION IN CONGRESS FOR DISTRICT OF**  
7 **COLUMBIA.**

8 (a) REPRESENTATION.—

1           (1) IN GENERAL.—Notwithstanding any other  
2 provision of law, effective with respect to the One  
3 Hundred Twelfth Congress and each succeeding  
4 Congress, the District of Columbia shall be treated  
5 as a State for the purposes of representation in the  
6 House of Representatives and the Senate.

7           (2) CLASSIFICATION OF SENATORS.—In the  
8 first election of Senators from the District of Colum-  
9 bia, the 2 senatorial offices shall be separately iden-  
10 tified and designated, and no person may be a can-  
11 didate for both offices. No such identification or des-  
12 ignation of either of the 2 senatorial offices shall  
13 refer to or be taken to refer to the terms of such  
14 offices, or in any way impair the privilege of the  
15 Senate to determine the class to which each of the  
16 Senators elected shall be assigned.

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

20           (1) INCLUSION OF DISTRICT OF COLUMBIA IN  
21 REAPPORTIONMENT OF MEMBERS AMONG STATES.—  
22 Section 22 of the Act entitled “An Act to provide for  
23 the fifteenth and subsequent decennial censuses and  
24 to provide for apportionment of Representatives in  
25 Congress”, approved June 28, 1929 (2 U.S.C. 2a),

1 is amended by adding at the end the following new  
2 subsection:

3 “(d) This section shall apply with respect to the Dis-  
4 trict of Columbia in the same manner as this section ap-  
5 plies to a State.”.

6 (2) CLARIFICATION OF DETERMINATION OF  
7 NUMBER OF PRESIDENTIAL ELECTORS ON BASIS OF  
8 23RD AMENDMENT.—Section 3 of title 3, United  
9 States Code, is amended by striking “come into of-  
10 fice;” and inserting the following: “come into office  
11 (subject to the twenty-third article of amendment to  
12 the Constitution of the United States in the case of  
13 the District of Columbia);”.

14 (c) CONFORMING AMENDMENTS REGARDING AP-  
15 POINTMENTS TO SERVICE ACADEMIES.—

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

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

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

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

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

8 (A) in subsection (a), by striking para-  
9 graph (5); and

10 (B) in subsection (f), by striking “the Dis-  
11 trict of Columbia,”.

12 (4) EFFECTIVE DATE.—This subsection and the  
13 amendments made by this subsection shall take ef-  
14 fect on the date on which a Representative from the  
15 District of Columbia takes office for the One Hun-  
16 dred Twelfth Congress.

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

19 (a) PERMANENT INCREASE IN NUMBER OF MEM-  
20 BERS.—Effective with respect to the One Hundred  
21 Twelfth Congress and each succeeding Congress, the  
22 House of Representatives shall be composed of 436 Mem-  
23 bers, including any Members representing the District of  
24 Columbia pursuant to section 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 One Hundred  
11 Twelfth Congress”.

12 (2) EFFECTIVE DATE.—The amendment made  
13 by paragraph (1) shall apply with respect to the reg-  
14 ular decennial census conducted for 2020 and each  
15 subsequent regular decennial census.

16 **SEC. 4. REPEAL OF OFFICE OF DISTRICT OF COLUMBIA**  
17 **DELEGATE.**

18 (a) REPEAL OF OFFICE.—Sections 202 and 204 of  
19 the District of Columbia Delegate Act (Public Law 91–  
20 405; sections 1–401 and 1–402, D.C. Official Code) are  
21 repealed, and the provisions of law amended or repealed  
22 by such sections are restored or revived as if such sections  
23 had not been enacted.

24 (b) EFFECTIVE DATE.—The amendments made by  
25 this section shall take effect on the date on which a Rep-

1 representative from the District of Columbia takes office for  
2 the One Hundred Twelfth Congress.

3 **SEC. 5. PROVIDING FOR ELECTIONS FOR HOUSE MEMBERS**  
4 **AND SENATORS FROM DISTRICT OF COLUM-**  
5 **BIA.**

6 (a) APPLICATION OF DISTRICT OF COLUMBIA ELEC-  
7 TIONS CODE OF 1955.—The District of Columbia Elec-  
8 tions Code of 1955 is amended as follows:

9 (1) In section 1 (sec. 1–1001.01, D.C. Official  
10 Code), by striking “the Delegate to the House of  
11 Representatives,” and inserting “the Representative  
12 in the Congress, Senator,”.

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

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

16 (B) in paragraph (13), by striking “the  
17 Delegate to Congress for the District of Colum-  
18 bia, United States Senator and Representa-  
19 tive,” and inserting “the Representative in the  
20 Congress, Senator,”.

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

23 (A) in the heading, by striking “Delegate”  
24 and inserting “Representative, Senator,”; and

1 (B) by striking “Delegate,” each place it  
2 appears in subsections (h)(1)(A), (i)(1), and  
3 (j)(1) and inserting “Representative in the Con-  
4 gress, Senator,”.

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

7 (A) in subsection (a)(3)(A)—

8 (i) by striking “or section 206(d) of  
9 the District of Columbia Delegate Act”,  
10 and

11 (ii) by striking “the office of Delegate  
12 to the House of Representatives” and in-  
13 sserting “the office of Representative in the  
14 Congress”;

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

17 (C) in subsection (d)(2)—

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

24 (ii) by striking subparagraph (B); and

1 (D) by amending subsection (d)(3) to read  
2 as follows:

3 “(3) In the event of a vacancy in the office of Sen-  
4 ator, the Mayor shall appoint a successor to complete the  
5 remainder of the term of office.”.

6 (5) In section 11(a)(2) (sec. 1–1001.11(a)(2),  
7 D.C. Official Code), by striking “Delegate to the  
8 House of Representatives,” and inserting “Rep-  
9 resentative in the Congress, Senator,”.

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

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

17 (b) EFFECTIVE DATE.—The amendments made by  
18 this section shall apply with respect to the election of the  
19 first Representative and Senators from the District of Co-  
20 lumbia pursuant to this Act and each subsequent election  
21 of Representatives and Senators from the District of Co-  
22 lumbia pursuant to this Act.



1 **SEC. 6. REPEAL OF OFFICES OF STATEHOOD REPRESENTA-**  
2 **TIVE AND SENATOR.**

3 (a) IN GENERAL.—Section 4 of the District of Co-  
4 lumbia Statehood Constitutional Convention Initiative of  
5 1979 (sec. 1–123, D.C. Official Code) is amended by strik-  
6 ing subsections (d), (e), (f), and (g).

7 (b) CONFORMING AMENDMENTS.—

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

11 (A) in subsection (a)—

12 (i) by striking “27 voting members”  
13 and inserting “24 voting members”;

14 (ii) by adding “and” at the end of  
15 paragraph (4); and

16 (iii) by striking paragraphs (5) and  
17 (6) and redesignating paragraph (7) as  
18 paragraph (5); and

19 (B) in subsection (a–1)(1), by striking sub-  
20 paragraphs (F), (G), and (H).

21 (2) AUTHORIZATION OF APPROPRIATIONS.—  
22 Section 8 of such Initiative (sec. 1–127, D.C. Offi-  
23 cial Code) is repealed.

24 (3) APPLICATION OF HONORARIA LIMITA-  
25 TIONS.—Section 4 of D.C. Law 8–135 (sec. 1–131,  
26 D.C. Official Code) is repealed.

1           (4) APPLICATION OF CAMPAIGN FINANCE  
2 LAWS.—Section 3 of the Statehood Convention Pro-  
3 cedural Amendments Act of 1982 (sec. 1–135, D.C.  
4 Official Code) is repealed.

5           (5) DISTRICT OF COLUMBIA ELECTIONS CODE  
6 OF 1955.—Section 2(13) of the District of Columbia  
7 Elections Code of 1955 (sec. 1–1001.02(13), D.C.  
8 Official Code) is amended by striking “United States  
9 Senator and Representative,”.

10       (c) EFFECTIVE DATE.—The amendments made by  
11 this section shall take effect upon the taking office of the  
12 first Representative and Senators from the District of Co-  
13 lumbia pursuant to this Act.

14 **SEC. 7. EXPEDITED JUDICIAL REVIEW.**

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

18           (1) The action shall be filed in the United  
19 States District Court for the District of Columbia  
20 and shall be heard by a 3-judge court convened pur-  
21 suant to section 2284 of title 28, United States  
22 Code.

23           (2) A copy of the complaint shall be delivered  
24 promptly to the Clerk of the House of Representa-  
25 tives and the Secretary of the Senate.

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

7           (4) It shall be the duty of the United States  
8 District Court for the District of Columbia and the  
9 Supreme Court of the United States to advance on  
10 the docket and to expedite to the greatest possible  
11 extent the disposition of the action and appeal.

12 **SEC. 8. NONSEVERABILITY OF PROVISIONS.**

13           If any provision of section 2(a), 2(b)(1), or 3, or any  
14 amendment made by any such section, is declared or held  
15 invalid or unenforceable, the remaining provisions of this  
16 Act and any amendment made by this Act shall be treated  
17 and deemed invalid and shall have no force or effect of  
18 law.

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