

112TH CONGRESS  
1ST SESSION

# H. R. 267

To provide for the treatment of the District of Columbia as a State for purposes of representation in the House of Representatives, 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 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 House Voting Rights Act of 2011”.

1 **SEC. 2. REPRESENTATION IN HOUSE OF REPRESENTATIVES**  
2 **FOR DISTRICT OF COLUMBIA.**

3 (a) REPRESENTATION IN HOUSE.—Notwithstanding  
4 any other provision of law, effective with respect to the  
5 One Hundred Twelfth Congress and each succeeding Con-  
6 gress, the District of Columbia shall be treated as a State  
7 for purposes of representation in the House of Representa-  
8 tives.

9 (b) CONFORMING AMENDMENTS RELATING TO AP-  
10 PORTIONMENT OF MEMBERS OF HOUSE OF REPRESENTA-  
11 TIVES.—

12 (1) INCLUSION OF DISTRICT OF COLUMBIA IN  
13 REAPPORTIONMENT OF MEMBERS AMONG STATES.—  
14 Section 22 of the Act entitled “An Act to provide for  
15 the fifteenth and subsequent decennial censuses and  
16 to provide for apportionment of Representatives in  
17 Congress”, approved June 28, 1929 (2 U.S.C. 2a),  
18 is amended by adding at the end the following new  
19 subsection:

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

23 (2) CLARIFICATION OF DETERMINATION OF  
24 NUMBER OF PRESIDENTIAL ELECTORS ON BASIS OF  
25 23RD AMENDMENT.—Section 3 of title 3, United  
26 States Code, is amended by striking “come into of-

1        fice;” and inserting the following: “come into office  
2        (subject to the twenty-third article of amendment to  
3        the Constitution of the United States in the case of  
4        the District of Columbia);”.

5        (c) CONFORMING AMENDMENTS REGARDING AP-  
6 POINTMENTS TO SERVICE ACADEMIES.—

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

10            (A) in subsection (a), by striking para-  
11        graph (5); and

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

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

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

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

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

23            (A) in subsection (a), by striking para-  
24        graph (5); and

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

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

8 **SEC. 3. INCREASE IN MEMBERSHIP OF HOUSE OF REP-**  
9 **RESENTATIVES.**

10 (a) PERMANENT INCREASE IN NUMBER OF MEM-  
11 BERS.—Effective with respect to the One Hundred  
12 Twelfth Congress and each succeeding Congress, the  
13 House of Representatives shall be composed of 436 Mem-  
14 bers, including any Members representing the District of  
15 Columbia pursuant to section 2(a).

16 (b) REAPPORTIONMENT OF MEMBERS RESULTING  
17 FROM INCREASE.—

18 (1) IN GENERAL.—Section 22(a) of the Act en-  
19 titled “An Act to provide for the fifteenth and subse-  
20 quent decennial censuses and to provide for appor-  
21 tionment of Representatives in Congress”, approved  
22 June 28, 1929 (2 U.S.C. 2a(a)), is amended by  
23 striking “the then existing number of Representa-  
24 tives” and inserting “the number of Representatives

1 established with respect to the One Hundred  
2 Twelfth Congress”.

3 (2) EFFECTIVE DATE.—The amendment made  
4 by paragraph (1) shall apply with respect to the reg-  
5 ular decennial census conducted for 2020 and each  
6 subsequent regular decennial census.

7 **SEC. 4. REPEAL OF OFFICE OF DISTRICT OF COLUMBIA**  
8 **DELEGATE.**

9 (a) REPEAL OF OFFICE.—Sections 202 and 204 of  
10 the District of Columbia Delegate Act (Public Law 91–  
11 405; sections 1–401 and 1–402, D.C. Official Code) are  
12 repealed, and the provisions of law amended or repealed  
13 by such sections are restored or revived as if such sections  
14 had not been enacted.

15 (b) EFFECTIVE DATE.—The amendments made by  
16 this subsection shall take effect on the date on which a  
17 Representative from the District of Columbia takes office  
18 for the One Hundred Twelfth Congress.

19 **SEC. 5. PROVIDING FOR ELECTIONS FOR HOUSE MEMBERS**  
20 **FROM DISTRICT OF COLUMBIA.**

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

24 (1) In section 1 (sec. 1–1001.01, D.C. Official  
25 Code), by striking “the Delegate to the House of

1 Representatives,” and inserting “the Representative  
2 in the Congress,”.

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

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

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

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

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

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

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

20 (A) in subsection (a)(3)(A)—

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

24 (ii) by striking “the office of Delegate  
25 to the House of Representatives” and in-

1           serting “the office of Representative in the  
2           Congress”;

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

5           (C) in subsection (d)(2)—

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

12               (ii) by striking subparagraph (B).

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

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

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

24           (b) EFFECTIVE DATE.—The amendments made by  
25           this section shall apply with respect to the election of the

1 first Representative from the District of Columbia pursu-  
2 ant to this Act and each subsequent election of Represent-  
3 atives from the District of Columbia pursuant to this Act.

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 take effect on the date on which a Rep-  
13          resentative from the District of Columbia takes office for  
14          the One Hundred Twelfth Congress.

15          **SEC. 7. EXPEDITED JUDICIAL REVIEW.**

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

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

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

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

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

15 **SEC. 8. NONSEVERABILITY OF PROVISIONS.**

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

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