H. R. 328

To provide for the treatment of 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

JANUARY 9, 2007

Ms. NORTON (for herself and Mr. Tom Davis of Virginia) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “District of Columbia Fair and Equal House Voting Rights Act of 2007”.

SEC. 2. FINDINGS.

Congress finds as follows:

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

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

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

(4) Our Nation is founded on the principles of “one person, one vote” and “government by the consent of the governed”.

SEC. 3. TREATMENT OF DISTRICT OF COLUMBIA AS CONGRESSIONAL DISTRICT.

(a) In General.—Notwithstanding any other provision of law, the District of Columbia shall be considered a Congressional district for purposes of representation in the House of Representatives.

(b) Conforming Amendments Relating to Apportionment of Members of House of Representatives.—

(1) Inclusion of Single District of Columbia Member in Reapportionment of Members Among States.—Section 22 of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress”, approved June 28,
1929 (2 U.S.C. 2a), is amended by adding at the end the following new subsection:

“(d) This section shall apply with respect to the District of Columbia in the same manner as this section applies to a State, except that the District of Columbia may not receive more than one Member under any reapportionment of Members.”.

(2) Clarification of determination of number of presidential electors on basis of 23rd Amendment.—Section 3 of title 3, United States Code, is amended by striking “come into office;” and inserting the following: “come into office (subject to the twenty-third article of amendment to the Constitution of the United States in the case of the District of Columbia);”.

SEC. 4. INCREASE IN MEMBERSHIP OF HOUSE OF REPRESENTATIVES.

(a) Permanent increase in number of Members.—Effective with respect to the One Hundred Tenth Congress and each succeeding Congress, the House of Representatives shall be composed of 437 Members, including any Members representing the District of Columbia pursuant to section 3(a).

(b) Reapportionment of Members resulting from increase.—
(1) IN GENERAL.—Section 22(a) of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress”, approved June 28, 1929 (2 U.S.C. 2a(a)), is amended by striking “the then existing number of Representatives” and inserting “the number of Representatives established with respect to the One Hundred Tenth Congress”.

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

(e) TRANSMITTAL OF REVISED APPORTIONMENT INFORMATION BY PRESIDENT.—

(1) STATEMENT OF APPORTIONMENT BY PRESIDENT.—Not later than 30 days after the date of the enactment of this Act, the President shall transmit to Congress a revised version of the most recent statement of apportionment submitted under section 22(a) of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress”, approved June 28, 1929 (2 U.S.C. 2a(a)).
2a(a)), to take into account this Act and the amendments made by this Act.

(2) REPORT BY CLERK.—Not later than 15 calendar days after receiving the revised version of the statement of apportionment under paragraph (1), the Clerk of the House of Representatives, in accordance with section 22(b) of such Act (2 U.S.C. 2a(b)), shall send to the executive of each State a certificate of the number of Representatives to which such State is entitled under section 22 of such Act, and shall submit a report to the Speaker of the House of Representatives identifying the State (other than the District of Columbia) which is entitled to one additional Representative pursuant to this section.

SEC. 5. NONSEVERABILITY OF PROVISIONS.

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

SEC. 6. EFFECTIVE DATE; TIMING OF ELECTIONS.

(a) IN GENERAL.—The general election for the additional Representative to which the State identified by the Clerk of the House of Representatives in the report sub-
mitted under section 4(e) is entitled for the One Hundred Tenth Congress and the general election for the Representative from the District of Columbia for the One Hundred Tenth Congress shall be subject to the following requirements:

(1) Neither election may occur unless the Governor of that State has signed into law a redistricting plan on December 5, 2006, which—

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

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

(2) The additional Representative from that State and the other Representatives from that State will be elected pursuant to the redistricting plan enacted by the State in accordance with paragraph (1).

(3) The additional Representative from that State, the other Representatives from that State, and the Representative from the District of Columbia shall be sworn in and seated as Members of the House of Representatives on the same date.
(b) Rule of Construction.—Nothing in subsection (a)(3) shall be construed to affect the status of any individual who is eligible to be sworn in and seated as a Member of the House of Representatives on the first day of the One Hundred Tenth Congress on the basis of winning the November 2006 general election for that office.