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IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2006

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This Act may be cited as the “District of Columbia
5 Fair and Equal House Voting Rights Act of 2006”.

109TH CONGRESS
2D Session
H. R. 5388

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SEC. 2. FINDINGS.

Congress finds as follows:

(1) Over half a million people living in the District of Columbia, the capital of our democratic Nation, 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);”.

(e) Conforming Amendments Regarding Appointments to Service Academies.—

(1) United States Military Academy.—Section 4342 of title 10, United States Code, is amended—

(A) in subsection (a), by striking paragraph (5); and
(B) in subsection (f), by striking “the District of Columbia,”.

(2) United States Naval Academy.—Such title is amended—

(A) in section 6954(a), by striking paragraph (5); and

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

(3) United States Air Force Academy.—

Section 9342 of title 10, United States Code, is amended—

(A) in subsection (a), by striking paragraph (5); and

(B) in subsection (f), by striking “the District of Columbia,”.

(d) Effective Date.—This section and the amendments made by this section shall apply with respect to the One Hundred Tenth Congress and each succeeding Congress.

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, in-
cluding 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.

(c) Special Rules For Period Prior to 2012 Reapportionment.—

(1) Transmittal of Revised 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 enti-
tled “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)), 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.

(3) REQUIREMENTS FOR ELECTION OF ADDITIONAL MEMBER.—During the period beginning with the first day of the One Hundred Tenth Congress and ending with the taking effect of the first reapportionment occurring after the regular decennial census conducted for 2010—
(A) notwithstanding the Act entitled ‘‘An
Act for the relief of Doctor Ricardo Vallejo
Samala and to provide for congressional redis-
stricting’’, approved December 14, 1967 (2
U.S.C. 2c), the additional Representative to
which the State identified by the Clerk of the
House of Representatives in the report sub-
mitted under paragraph (2) is entitled shall be
elected from the State at large; and

(B) the other Representatives to which
such State is entitled shall be elected on the
basis of the Congressional districts in effect in
the State for the One Hundred Ninth Congress.

SEC. 5. REPEAL OF OFFICE OF DISTRICT OF COLUMBIA
DELEGATE.

(a) In general.—Sections 202 and 204 of the Dis-

trict of Columbia Delegate Act (Public Law 91–405; sec-

tions 1–401 and 1–402, D.C. Official Code) are repealed,

and the provisions of law amended or repealed by such

sections are restored or revived as if such sections had

not been enacted.

(b) Conforming Amendments to District of Co-

lumbia Elections Code of 1955.—The District of Co-

lumbia Elections Code of 1955 is amended as follows:
(1) In section 1 (sec. 1–1001.01, D.C. Official Code), by striking “the Delegate to the House of Representatives,” and inserting “the Representative in the Congress,”.

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

(A) by striking paragraph (6); and

(B) in paragraph (13), by striking “the Delegate to Congress for the District of Columbia,” and inserting “the Representative in the Congress,”.

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

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

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

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

(A) in subsection (a)(3)(A)—

(i) by striking “or section 206(d) of the District of Columbia Delegate Act”, and
(ii) by striking “the office of Delegate to the House of Representatives” and inserting “the office of Representative in the Congress”; 

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

(C) in subsection (d)(2)—

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

(ii) by striking subparagraph (B). 


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

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

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(c) **Effective Date.**—The amendments made by this section shall apply with respect to elections occurring during 2006 and any succeeding year.

**SEC. 6. REPEAL OF OFFICE OF STATEHOOD REPRESENTATIVE.**

(a) **In General.**—Section 4 of the District of Columbia Statehood Constitutional Convention Initiative of 1979 (sec. 1–123, D.C. Official Code) is amended as follows:

(1) By striking “offices of Senator and Representative” each place it appears in subsection (d) and inserting “office of Senator”.

(2) In subsection (d)(2)—

(A) by striking “a Representative or”;

(B) by striking “the Representative or”;

and

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

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

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

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

(b) **Conforming Amendments.**—
(1) **STATEHOOD COMMISSION.**—Section 6 of such Initiative (sec. 1–125, D.C. Official Code) is amended—
   
   (A) in subsection (a)—
   
   (i) by striking “27 voting members” and inserting “26 voting members”;
   
   (ii) by adding “and” at the end of paragraph (5); and
   
   (iii) by striking paragraph (6) and redesignating paragraph (7) as paragraph (6); and
   
   (B) in subsection (a–1)(1), by striking subparagraph (H).

(2) **AUTHORIZATION OF APPROPRIATIONS.**—Section 8 of such Initiative (sec. 1–127, D.C. Official Code) is amended by striking “and House”.

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

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

(A) in section 2(13) (sec. 1–1001.02(13), D.C. Official Code), by striking “United States Senator and Representative,” and inserting “United States Senator,”; and

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

(c) Effective Date.—The amendments made by this section shall apply with respect to elections occurring during 2006 and any succeeding year.

Sec. 7. Nonseverability of provisions.

If any provision of this Act or any amendment made by this Act is held invalid, the remaining provisions of this Act or any amendment made by this Act shall be treated as invalid.