

109th CONGRESS

1st Session

H. R. 2043

To establish 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

May 3, 2005

Mr. TOM DAVIS of Virginia (for himself, Mr. BISHOP of Utah, Mr. CANNON, Mr. DENT, Mr. ENGLISH of Pennsylvania, Mr. GILCHREST, Mr. LEACH, Mr. MOORE of Kansas, Mr. PLATTS, Mr. PORTER, Mr. SHAYS, and Mr. SIMMONS) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on 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

A BILL

To establish 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 Fairness in Representation Act'.

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 Amendment Regarding Application of Method of Equal Proportions in Apportionment of House of Representatives- Section 2(a) of the Act entitled 'An Act to provide for apportioning Representatives in Congress among the several States by the equal proportion method', approved November 15, 1941 (2 U.S.C. 2b), is amended by inserting 'or the District of Columbia' after 'no State'.
- (c) 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. TEMPORARY INCREASE IN APPORTIONMENT OF HOUSE OF REPRESENTATIVES.

- (a) In General- Effective January 3, 2007, and until the taking effect of the first reapportionment occurring after the regular decennial census conducted for 2010--
- (1) the membership of the House of Representatives shall be increased by 2 members;
 - (2) each such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law; and
 - (3) the State identified by the Clerk of the House of Representatives in the report submitted under subsection (b) shall be entitled to one additional Representative.
- (b) Transmittal of Revised Apportionment Information by President and Clerk-

(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)), to take into account the provisions of 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 entitled to one additional Representative pursuant to this section.

(c) Increase not Counted Against Total Number of Members- The temporary increase in the membership of the House of Representatives provided under subsection (a) shall not--

(1) operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (2 U.S.C. 2);

(2) affect the basis of reapportionment established by the Act of June 28, 1929, as amended (2 U.S.C. 2a), for the Eighty Second Congress and each Congress thereafter; or

(3) be taken into account in determining the number of electors under section 3 of title 3, United States Code, with respect to the 2008 Presidential election.

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

(a) In General- Sections 202 and 204 of the District of Columbia Delegate Act (Public Law 91-405; sections 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 Columbia Elections Code of 1955- The District of Columbia Elections Code of 1955 is amended--

(1) in section 1 (sec. 1-1001.01, D.C. Official Code), by striking 'the Delegate to the House of Representatives';

(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';

(3) in section 8 (sec. 1-1001.08, D.C. Official Code)--

(A) by striking 'Delegate' in the heading, and

(B) by striking 'Delegate,' each place it appears in subsections (h)(1)(A), (i)(1), and (j)(1);

(4) in section 10 (sec. 1-1001.10, D.C. Official Code)--

(A) by striking subparagraph (A) of subsection (a)(3), and

(B) in subsection (d)--

(i) by striking 'Delegate,' each place it appears in paragraph (1), and

(ii) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(5) in section 15(b) (sec. 1-1001.15(b), D.C. Official Code), by striking 'Delegate,'; and

(6) in section 17(a) (sec. 1-1001.17(a), D.C. Official Code), by striking 'except the Delegate to the Congress from the District of Columbia'.

(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'.

(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.

END