

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 157
OFFERED BY MR. NADLER (FOR HIMSELF AND
MR. CONYERS)**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "District of Columbia
3 House Voting Rights Act of 2009".

4 **SEC. 2. TREATMENT OF DISTRICT OF COLUMBIA AS CON-
5 GRESSIONAL DISTRICT.**

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law, the District of Columbia shall be considered
8 a Congressional district for purposes of representation in
9 the House of Representatives in the One Hundred Twelfth
10 Congress and each succeeding Congress.

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

14 (1) INCLUSION OF SINGLE DISTRICT OF COLUM-
15 BIA MEMBER IN REAPPORTIONMENT OF MEMBERS
16 AMONG STATES.—Section 22 of the Act entitled "An
17 Act to provide for the fifteenth and subsequent de-

Agreed to by Roll Call Vote: Ayes = 24 Nays = 5

1 cennial censuses and to provide for apportionment of
2 Representatives in Congress”, approved June 28,
3 1929 (2 U.S.C. 2a), is amended by adding at the
4 end the following new subsection:

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

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

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

18 (a) PERMANENT INCREASE IN NUMBER OF MEM-
19 BERS.—Effective with respect to the One Hundred
20 Twelfth Congress and each succeeding Congress, the
21 House of Representatives shall be composed of 437 Mem-
22 bers, including any Members representing the District of
23 Columbia pursuant to section 2(a).

24 (b) REAPPORTIONMENT OF MEMBERS RESULTING
25 FROM INCREASE.—

1 (1) IN GENERAL.—Section 22(a) of the Act en-
2 titled “An Act to provide for the fifteenth and subse-
3 quent decennial censuses and to provide for appor-
4 tionment of Representatives in Congress”, approved
5 June 28, 1929 (2 U.S.C. 2a(a)), is amended by
6 striking “the then existing number of Representa-
7 tives” and inserting “the number of Representatives
8 established with respect to the One Hundred
9 Twelfth Congress”.

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

14 (c) SPECIAL RULES FOR PERIOD PRIOR TO 2012 RE-
15 APPORTIONMENT.—

16 (1) TRANSMITTAL OF REVISED STATEMENT OF
17 APPORTIONMENT BY PRESIDENT.—Not later than
18 30 days after the date of the enactment of this Act,
19 the President shall transmit to Congress a revised
20 version of the most recent statement of appor-
21 tionment submitted under section 22(a) of the Act enti-
22 tled “An Act to provide for the fifteenth and subse-
23 quent decennial censuses and to provide for appor-
24 tionment of Representatives in Congress”, approved
25 June 28, 1929 (2 U.S.C. 2a(a)), to take into ac-

1 count this Act and the amendments made by this
2 Act.

3 (2) REPORT BY CLERK.—Not later than 15 cal-
4 endar days after receiving the revised version of the
5 statement of apportionment under paragraph (1),
6 the Clerk of the House of Representatives, in ac-
7 cordance with section 22(b) of such Act (2 U.S.C.
8 2a(b)), shall send to the executive of each State a
9 certificate of the number of Representatives to which
10 such State is entitled under section 22 of such Act,
11 and shall submit a report to the Speaker of the
12 House of Representatives identifying the State
13 (other than the District of Columbia) which is enti-
14 tled to one additional Representative pursuant to
15 this section.

16 (3) REQUIREMENTS FOR ELECTION OF ADDI-
17 TIONAL MEMBER.—During the One Hundred
18 Twelfth Congress—

19 (A) notwithstanding the final undesignated
20 paragraph of the Act entitled “An Act for the
21 relief of Doctor Ricardo Vallejo Samala and to
22 provide for congressional redistricting”, ap-
23 proved December 14, 1967 (2 U.S.C. 2c), the
24 additional Representative to which the State
25 identified by the Clerk of the House of Rep-

1 representatives in the report submitted under para-
2 graph (2) is entitled shall be elected from the
3 State at large; and

4 (B) the other Representatives to which
5 such State is entitled shall be elected on the
6 basis of the Congressional districts in effect in
7 the State for the One Hundred Eleventh Con-
8 gress.

9 **SEC. 4. NONSEVERABILITY OF PROVISIONS.**

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

15 **SEC. 5. 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.

