

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 160

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## AN ACT

To provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **TITLE I—DISTRICT OF COLUM-**  
2 **BIA HOUSE VOTING RIGHTS**  
3 **ACT OF 2009**

4 **SECTION 1. SHORT TITLE.**

5 This Act may be cited as the “District of Columbia  
6 House Voting Rights Act of 2009”.

7 **SEC. 2. TREATMENT OF DISTRICT OF COLUMBIA AS CON-**  
8 **GRESSIONAL DISTRICT.**

9 (a) CONGRESSIONAL DISTRICT AND NO SENATE  
10 REPRESENTATION.—

11 (1) IN GENERAL.—Notwithstanding any other  
12 provision of law, the District of Columbia shall be  
13 considered a congressional district for purposes of  
14 representation in the House of Representatives.

15 (2) NO REPRESENTATION PROVIDED IN SEN-  
16 ATE.—The District of Columbia shall not be consid-  
17 ered a State for purposes of representation in the  
18 United States Senate.

19 (b) CONFORMING AMENDMENTS RELATING TO AP-  
20 PORTIONMENT OF MEMBERS OF HOUSE OF REPRESENTA-  
21 TIVES.—

22 (1) INCLUSION OF SINGLE DISTRICT OF COLUM-  
23 BIA MEMBER IN REAPPORTIONMENT OF MEMBERS  
24 AMONG STATES.—Section 22 of the Act entitled “An  
25 Act to provide for the fifteenth and subsequent de-

1       ennial 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, except that the District of Columbia may  
 8       not receive more than one Member under any reapportion-  
 9       ment of Members.”.

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

18       **SEC. 3. INCREASE IN MEMBERSHIP OF HOUSE OF REP-**  
 19       **RESENTATIVES.**

20       (a) PERMANENT INCREASE IN NUMBER OF MEM-  
 21       BERS.—Effective with respect to the 112th Congress, or  
 22       the first Congress sworn in after the implementation of  
 23       this Act, and each succeeding Congress, the House of Rep-  
 24       resentatives shall be composed of 437 Members, including

1 the Member representing the District of Columbia pursu-  
2 ant to section 2(a).

3 (b) REAPPORTIONMENT OF MEMBERS RESULTING  
4 FROM INCREASE.—

5 (1) IN GENERAL.—Section 22(a) of the Act en-  
6 titled “An Act to provide for the fifteenth and subse-  
7 quent decennial censuses and to provide for appor-  
8 tionment of Representatives in Congress”, approved  
9 June 28, 1929 (2 U.S.C. 2a(a)), is amended by  
10 striking “the then existing number of Representa-  
11 tives” and inserting “the number of Representatives  
12 established with respect to the 112th Congress, or  
13 the first Congress sworn in after implementation of  
14 the District of Columbia House Voting Rights Act of  
15 2009”.

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

20 (c) TRANSMITTAL OF REVISED APPORTIONMENT IN-  
21 FORMATION BY PRESIDENT.—

22 (1) STATEMENT OF APPORTIONMENT BY PRESI-  
23 DENT.—Not later than 30 days after the date of the  
24 enactment of this Act, the President shall transmit  
25 to Congress a revised version of the most recent

1 statement of apportionment submitted under section  
2 22 of the Act entitled “An Act to provide for the fif-  
3 teenth and subsequent decennial censuses and to  
4 provide for apportionment of Representatives in  
5 Congress”, approved June 28, 1929 (2 U.S.C. 2a),  
6 to take into account this Act and the amendments  
7 made by this Act. The statement shall reflect that  
8 the District of Columbia is entitled to one Rep-  
9 resentative and shall identify the other State entitled  
10 to one representative under this section. Pursuant to  
11 section 22 of the Act entitled “An Act to provide for  
12 the fifteenth and subsequent decennial censuses and  
13 to provide for apportionment of Representatives in  
14 Congress”, approved June 28, 1929 (2 U.S.C. 2a),  
15 as amended by this Act, and the regular decennial  
16 census conducted for 2000, the State entitled to the  
17 one additional representative is Utah.

18 (2) REPORT BY CLERK.—Not later than 15 cal-  
19 endar days after receiving the revised version of the  
20 statement of apportionment under paragraph (1),  
21 the Clerk of the House of Representatives shall sub-  
22 mit a report to the Speaker of the House of Rep-  
23 resentatives indicating that the District of Columbia  
24 is entitled to one Representative and identifying the  
25 State which is entitled to one additional Representa-

1       tive pursuant to this section. Pursuant to section 22  
2       of the Act entitled “An Act to provide for the fif-  
3       teenth and subsequent decennial censuses and to  
4       provide for apportionment of Representatives in  
5       Congress”, approved June 28, 1929 (2 U.S.C. 2a),  
6       as amended by this Act, and the regular decennial  
7       census conducted for 2000, the State entitled to the  
8       one additional representative is Utah.

9               (3) ADDITIONAL STATEMENTS AND REPORTS.—

10              (A) IN GENERAL.—Subject to subpara-  
11              graph (B) and following the revised statement  
12              of apportionment and subsequent report under  
13              paragraphs (1) and (2), the Statement of Ap-  
14              portionment by the President and subsequent  
15              reports by the Clerk of the House of Represent-  
16              atives shall continue to be issued at the inter-  
17              vals and pursuant to the methodology specified  
18              under section 22 of the Act entitled “An Act to  
19              provide for the fifteenth and subsequent decen-  
20              nial censuses and to provide for apportionment  
21              of Representatives in Congress”, approved June  
22              28, 1929 (2 U.S.C. 2a), as amended by this  
23              Act.

24              (B) FAILURE TO COMPLETE.—In the event  
25              that the revised statement of apportionment

1           and subsequent report under paragraphs (1)  
2           and (2) can not be completed prior to the  
3           issuance of the regular statement of apporportion-  
4           ment and subsequent report under section 22 of  
5           the Act entitled “An Act to provide for the fif-  
6           teenth and subsequent decennial censuses and  
7           to provide for apportionment of Representatives  
8           in Congress”, approved June 28, 1929 (2  
9           U.S.C. 2a), as amended by this Act, the Presi-  
10          dent and Clerk may disregard paragraphs (1)  
11          and (2).

12 **SEC. 4. UTAH REDISTRICTING PLAN.**

13          The general election for the additional Representative  
14          to which the State of Utah is entitled for the 112th Con-  
15          gress, pursuant to section 3(c), shall be elected pursuant  
16          to a redistricting plan enacted by the State, such as the  
17          plan the State of Utah signed into law on December 5,  
18          2006, which—

19               (1) revises the boundaries of congressional dis-  
20          tricts in the State to take into account the additional  
21          Representative to which the State is entitled under  
22          section 3; and

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

1 **SEC. 5. EFFECTIVE DATE.**

2 The additional Representative other than the Rep-  
3 resentative from the District of Columbia, pursuant to sec-  
4 tion 3(c), and the Representative from the District of Co-  
5 lumbia shall be sworn in and seated as Members of the  
6 House of Representatives on the same date as other Mem-  
7 bers of the 112th Congress or the first Congress sworn  
8 in after implementation of this Act.

9 **SEC. 6. CONFORMING AMENDMENTS.**

10 (a) REPEAL OF OFFICE OF DISTRICT OF COLUMBIA  
11 DELEGATE.—

12 (1) REPEAL OF OFFICE.—

13 (A) IN GENERAL.—Sections 202 and 204  
14 of the District of Columbia Delegate Act (Pub-  
15 lic Law 91–405; sections 1–401 and 1–402,  
16 D.C. Official Code) are repealed, and the provi-  
17 sions of law amended or repealed by such sec-  
18 tions are restored or revived as if such sections  
19 had not been enacted.

20 (B) EFFECTIVE DATE.—The amendments  
21 made by this subsection shall take effect on the  
22 date on which a Representative from the Dis-  
23 trict of Columbia takes office.

24 (2) CONFORMING AMENDMENTS TO DISTRICT  
25 OF COLUMBIA ELECTIONS CODE OF 1955.—The Dis-



1       trict of Columbia Elections Code of 1955 is amended  
2       as follows:

3               (A) In section 1 (sec. 1–1001.01, D.C. Of-  
4       ficial Code), by striking “the Delegate to the  
5       House of Representatives,” and inserting “the  
6       Representative in Congress,”.

7               (B) In section 2 (sec. 1–1001.02, D.C. Of-  
8       ficial Code)—

9                     (i) by striking paragraph (6); and

10                    (ii) in paragraph (13), by striking  
11       “the Delegate to Congress for the District  
12       of Columbia,” and inserting “the Rep-  
13       resentative in Congress,”.

14               (C) In section 8 (sec. 1–1001.08, D.C. Of-  
15       ficial Code)—

16                    (i) in the heading, by striking “Dele-  
17       gate” and inserting “Representative”; and

18                    (ii) by striking “Delegate,” each place  
19       it appears in subsections (h)(1)(A), (i)(1),  
20       and (j)(1) and inserting “Representative in  
21       Congress,”.

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

24                    (i) in subsection (a)(3)(A)—

1 (I) by striking “or section 206(a)  
2 of the District of Columbia Delegate  
3 Act”; and

4 (II) by striking “the office of  
5 Delegate to the House of Representa-  
6 tives” and inserting “the office of  
7 Representative in Congress”;

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

10 (iii) in subsection (d)(2)—

11 (I) by striking “(A) In the event”  
12 and all that follows through “term of  
13 office,” and inserting “In the event  
14 that a vacancy occurs in the office of  
15 Representative in Congress before  
16 May 1 of the last year of the Rep-  
17 resentative’s term of office,”; and

18 (II) by striking subparagraph  
19 (B).

20 (E) In section 11(a)(2) (sec. 1–  
21 1001.11(a)(2), D.C. Official Code), by striking  
22 “Delegate to the House of Representatives,”  
23 and inserting “Representative in Congress,”.

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

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

8 (b) REPEAL OF OFFICE OF STATEHOOD REPRESENT-  
9 ATIVE.—

10 (1) IN GENERAL.—Section 4 of the District of  
11 Columbia Statehood Constitutional Convention Ini-  
12 tiative of 1979 (sec. 1–123, D.C. Official Code) is  
13 amended as follows:

14 (A) By striking “offices of Senator and  
15 Representative” each place it appears in sub-  
16 section (d) and inserting “office of Senator”.

17 (B) In subsection (d)(2)—

18 (i) by striking “a Representative or”;

19 (ii) by striking “the Representative  
20 or”; and

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

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

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

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

6 (2) CONFORMING AMENDMENTS.—

7           (A) STATEHOOD COMMISSION.—Section 6  
8 of such Initiative (sec. 1–125, D.C. Official  
9 Code) is amended—

10                   (i) in subsection (a)—

11                           (I) by striking “27 voting mem-  
12 bers” and inserting “26 voting mem-  
13 bers”;

14                           (II) by adding “and” at the end  
15 of paragraph (5); and

16                           (III) by striking paragraph (6)  
17 and redesignating paragraph (7) as  
18 paragraph (6); and

19                   (ii) in subsection (a–1)(1), by striking  
20 subparagraph (H).

21           (B) AUTHORIZATION OF APPROPRIA-  
22 TIONS.—Section 8 of such Initiative (sec. 1–  
23 127, D.C. Official Code) is amended by striking  
24 “and House”.

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

5 (D) APPLICATION OF CAMPAIGN FINANCE  
6 LAWS.—Section 3 of the Statehood Convention  
7 Procedural Amendments Act of 1982 (sec. 1–  
8 135, D.C. Official Code) is amended by striking  
9 “and United States Representative”.

10 (E) DISTRICT OF COLUMBIA ELECTIONS  
11 CODE OF 1955.—The District of Columbia Elec-  
12 tions Code of 1955 is amended—

13 (i) in section 2(13) (sec. 1–  
14 1001.02(13), D.C. Official Code), by strik-  
15 ing “United States Senator and Represent-  
16 ative,” and inserting “United States Sen-  
17 ator,”; and

18 (ii) in section 10(d) (sec. 1–  
19 1001.10(d)(3), D.C. Official Code), by  
20 striking “United States Representative  
21 or”.

22 (3) EFFECTIVE DATE.—The amendments made  
23 by this subsection shall take effect on the date on  
24 which a Representative from the District of Colum-  
25 bia takes office.

1 (c) CONFORMING AMENDMENTS REGARDING AP-  
2 POINTMENTS TO SERVICE ACADEMIES.—

3 (1) UNITED STATES MILITARY ACADEMY.—Sec-  
4 tion 4342 of title 10, United States Code, is amend-  
5 ed—

6 (A) in subsection (a), by striking para-  
7 graph (5); and

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

10 (2) UNITED STATES NAVAL ACADEMY.—Such  
11 title is amended—

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

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

16 (3) UNITED STATES AIR FORCE ACADEMY.—  
17 Section 9342 of title 10, United States Code, is  
18 amended—

19 (A) in subsection (a), by striking para-  
20 graph (5); and

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

23 (4) EFFECTIVE DATE.—This subsection and the  
24 amendments made by this subsection shall take ef-

1       fect on the date on which a Representative from the  
2       District of Columbia takes office.

3 **SEC. 7. NONSEVERABILITY OF PROVISIONS AND NON-**  
4                   **APPLICABILITY.**

5       (a) **NONSEVERABILITY.**—If any provision of section  
6 2(a)(1), 2(b)(1), or 3 or any amendment made by those  
7 sections is declared or held invalid or unenforceable by a  
8 court of competent jurisdiction, the remaining provisions  
9 of this Act or any amendment made by this Act shall be  
10 treated and deemed invalid and shall have no force or ef-  
11 fect of law.

12       (b) **NONAPPLICABILITY.**—Nothing in the Act shall be  
13 construed to affect the first reapportionment occurring  
14 after the regular decennial census conducted for 2010 if  
15 this Act has not taken effect.

16 **SEC. 8. JUDICIAL REVIEW.**

17       (a) **SPECIAL RULES FOR ACTIONS BROUGHT ON**  
18 **CONSTITUTIONAL GROUNDS.**—If any action is brought to  
19 challenge the constitutionality of any provision of this Act  
20 or any amendment made by this Act, the following rules  
21 shall apply:

22               (1) The action shall be filed in the United  
23 States District Court for the District of Columbia  
24 and shall be heard by a 3-judge court convened pur-

1 suant to section 2284 of title 28, United States  
2 Code.

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

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

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

17 (b) INTERVENTION BY MEMBERS OF CONGRESS.—

18 (1) IN GENERAL.—In any action in which the  
19 constitutionality of any provision of this Act or any  
20 amendment made by this Act is challenged (includ-  
21 ing an action described in subsection (a)), any mem-  
22 ber of the House of Representatives (including a  
23 Delegate or Resident Commissioner to the Congress)  
24 or the Senate shall have the right to intervene or file  
25 legal pleadings or briefs either in support of or oppo-



1 sition to the position of a party to the case regard-  
2 ing the constitutionality of the provision or amend-  
3 ment.

4 (2) COURT EFFICIENCY.—To avoid duplication  
5 of efforts and reduce the burdens placed on the par-  
6 ties to the action, the court in any action described  
7 in paragraph (1) may make such orders as it con-  
8 siders necessary, including orders to require interve-  
9 nors taking similar positions to file joint papers or  
10 to be represented by a single attorney at oral argu-  
11 ment.

12 (c) CHALLENGE BY MEMBERS OF CONGRESS.—Any  
13 Member of Congress may bring an action, subject to the  
14 special rules described in subsection (a), to challenge the  
15 constitutionality of any provision of this Act or any  
16 amendment made by this Act.

17 **SEC. 9. FCC AUTHORITIES.**

18 (a) CLARIFICATION OF GENERAL POWERS.—Title III  
19 of the Communications Act of 1934 is amended by insert-  
20 ing after section 303 (47 U.S.C. 303) the following new  
21 section:

22 **“SEC. 303B. CLARIFICATION OF GENERAL POWERS.**

23 **“(a) CERTAIN AFFIRMATIVE ACTIONS REQUIRED.—**  
24 The Commission shall take actions to encourage and pro-  
25 mote diversity in communication media ownership and to

1 ensure that broadcast station licenses are used in the pub-  
 2 lic interest.

3 “(b) CONSTRUCTION.—Nothing in section 303A shall  
 4 be construed to limit the authority of the Commission re-  
 5 garding matters unrelated to a requirement that broad-  
 6 casters present or ascertain opposing viewpoints on issues  
 7 of public importance.”.

8 (b) SEVERABILITY.—Notwithstanding section 7(a), if  
 9 any provision of section 2(a)(1), 2(b)(1), or 3 or any  
 10 amendment made by those sections is declared or held in-  
 11 valid or unenforceable by a court of competent jurisdic-  
 12 tion, the amendment made by subsection (a) and the ap-  
 13 plication of such amendment to any other person or cir-  
 14 cumstance shall not be affected by such holding.

15 **SEC. 10. FAIRNESS DOCTRINE PROHIBITED.**

16 (a) LIMITATION ON GENERAL POWERS: FAIRNESS  
 17 DOCTRINE.—Title III of the Communications Act of 1934  
 18 is amended by inserting after section 303 (47 U.S.C. 303)  
 19 the following new section:

20 **“SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS**  
 21 **DOCTRINE.**

22 “Notwithstanding section 303 or any other provision  
 23 of this Act or any other Act authorizing the Commission  
 24 to prescribe rules, regulations, policies, doctrines, stand-  
 25 ards, guidelines, or other requirements, the Commission

1 shall not have the authority to prescribe any rule, regula-  
2 tion, policy, doctrine, standard, guideline, or other require-  
3 ment that has the purpose or effect of reinstating or re-  
4 promulgating (in whole or in part)—

5           “(1) the requirement that broadcasters present  
6           or ascertain opposing viewpoints on issues of public  
7           importance, commonly referred to as the ‘Fairness  
8           Doctrine’, as repealed in *In re Complaint of Syra-  
9           cuse Peace Council against Television Station  
10          WTVH, Syracuse New York*, 2 FCC Rcd. 5043  
11          (1987); or

12           “(2) any similar requirement that broadcasters  
13           meet programming quotas or guidelines for issues of  
14           public importance.”.

15          (b) SEVERABILITY.—Notwithstanding section 7(a), if  
16 any provision of section 2(a)(1), 2(b)(1), or 3 or any  
17 amendment made by those sections is declared or held in-  
18 valid or unenforceable by a court of competent jurisdic-  
19 tion, the amendment made by subsection (a) and the ap-  
20 plication of such amendment to any other person or cir-  
21 cumstance shall not be affected by such holding.

1 **TITLE II—SECOND AMENDMENT**  
2 **ENFORCEMENT ACT**

3 **SEC. 201. SHORT TITLE.**

4 This title may be cited as the “Second Amendment  
5 Enforcement Act”.

6 **SEC. 202. CONGRESSIONAL FINDINGS.**

7 Congress finds the following:

8 (1) The Second Amendment to the United  
9 States Constitution provides that the right of the  
10 people to keep and bear arms shall not be infringed.

11 (2) As the Congress and the Supreme Court of  
12 the United States have recognized, the Second  
13 Amendment to the United States Constitution pro-  
14 tects the rights of individuals, including those who  
15 are not members of a militia or engaged in military  
16 service or training, to keep and bear arms.

17 (3) The law-abiding citizens of the District of  
18 Columbia are deprived by local laws of handguns, ri-  
19 fles, and shotguns that are commonly kept by law-  
20 abiding persons throughout the United States for  
21 sporting use and for lawful defense of their persons,  
22 homes, businesses, and families.

23 (4) The District of Columbia has the highest  
24 per capita murder rate in the Nation, which may be  
25 attributed in part to local laws prohibiting posses-

1       sion of firearms by law-abiding persons who would  
2       otherwise be able to defend themselves and their  
3       loved ones in their own homes and businesses.

4               (5) The Federal Gun Control Act of 1968, as  
5       amended by the Firearms Owners' Protection Act of  
6       1986, and the Brady Handgun Violence Prevention  
7       Act of 1993, provide comprehensive Federal regula-  
8       tions applicable in the District of Columbia as else-  
9       where. In addition, existing District of Columbia  
10      criminal laws punish possession and illegal use of  
11      firearms by violent criminals and felons. Con-  
12      sequently, there is no need for local laws which only  
13      affect and disarm law-abiding citizens.

14              (6) Officials of the District of Columbia have  
15      indicated their intention to continue to unduly re-  
16      strict lawful firearm possession and use by citizens  
17      of the District.

18              (7) Legislation is required to correct the Dis-  
19      trict of Columbia's law in order to restore the funda-  
20      mental rights of its citizens under the Second  
21      Amendment to the United States Constitution and  
22      thereby enhance public safety.

1 **SEC. 203. REFORM D.C. COUNCIL'S AUTHORITY TO RE-**  
2 **STRICT FIREARMS.**

3 Section 4 of the Act entitled “An Act to prohibit the  
4 killing of wild birds and wild animals in the District of  
5 Columbia”, approved June 30, 1906 (34 Stat. 809; sec.  
6 1–303.43, D.C. Official Code) is amended by adding at  
7 the end the following: “Nothing in this section or any  
8 other provision of law shall authorize, or shall be con-  
9 strued to permit, the Council, the Mayor, or any govern-  
10 mental or regulatory authority of the District of Columbia  
11 to prohibit, constructively prohibit, or unduly burden the  
12 ability of persons not prohibited from possessing firearms  
13 under Federal law from acquiring, possessing in their  
14 homes or businesses, or using for sporting, self-protection  
15 or other lawful purposes, any firearm neither prohibited  
16 by Federal law nor subject to the National Firearms Act.  
17 The District of Columbia shall not have authority to enact  
18 laws or regulations that discourage or eliminate the pri-  
19 vate ownership or use of firearms. Nothing in the previous  
20 two sentences shall be construed to prohibit the District  
21 of Columbia from regulating or prohibiting the carrying  
22 of firearms by a person, either concealed or openly, other  
23 than at the person’s dwelling place, place of business, or  
24 on other land possessed by the person.”.

1 **SEC. 204. REPEAL D.C. SEMIAUTOMATIC BAN.**

2 (a) IN GENERAL.—Section 101(10) of the Firearms  
3 Control Regulations Act of 1975 (sec. 7–2501.01(10),  
4 D.C. Official Code) is amended to read as follows:

5 “(10) ‘Machine gun’ means any firearm which  
6 shoots, is designed to shoot, or may be readily re-  
7 stored to shoot automatically, more than 1 shot  
8 without manual reloading by a single function of the  
9 trigger, and includes the frame or receiver of any  
10 such weapon, any part designed and intended solely  
11 and exclusively, or combination of parts designed  
12 and intended, for use in converting a weapon into a  
13 machine gun, and any combination of parts from  
14 which a machine gun can be assembled if such parts  
15 are in the possession or under the control of a per-  
16 son.”.

17 (b) CONFORMING AMENDMENT TO PROVISIONS SET-  
18 TING FORTH CRIMINAL PENALTIES.—Section 1(c) of the  
19 Act of July 8, 1932 (47 Stat. 651; sec. 22–4501(e), D.C.  
20 Official Code) is amended to read as follows:

21 “(c) ‘Machine gun’, as used in this Act, has the  
22 meaning given such term in section 101(10) of the Fire-  
23 arms Control Regulations Act of 1975.”.

24 **SEC. 205. REPEAL REGISTRATION REQUIREMENT.**

25 (a) REPEAL OF REQUIREMENT.—

1           (1) IN GENERAL.—Section 201(a) of the Fire-  
2 arms Control Regulations Act of 1975 (sec. 7–  
3 2502.01(a), D.C. Official Code) is amended by strik-  
4 ing “any firearm, unless” and all that follows  
5 through paragraph (3) and inserting the following:  
6 “any firearm described in subsection (c).”.

7           (2) DESCRIPTION OF FIREARMS REMAINING IL-  
8 LEGAL.—Section 201 of such Act (sec. 7–2502.01,  
9 D.C. Official Code) is amended by adding at the end  
10 the following new subsection:

11          “(c) A firearm described in this subsection is any of  
12 the following:

13           “(1) A sawed-off shotgun.

14           “(2) A machine gun.

15           “(3) A short-barreled rifle.”.

16           (3) CONFORMING AMENDMENT.—The heading  
17 of section 201 of such Act (sec. 7–2502.01, D.C. Of-  
18 ficial Code) is amended by striking “Registration re-  
19 quirements” and inserting “Firearm Possession”.

20           (b) CONFORMING AMENDMENTS TO FIREARMS CON-  
21 TROL REGULATIONS ACT.—The Firearms Control Regu-  
22 lations Act of 1975 is amended as follows:

23           (1) Sections 202 through 211 (secs. 7–2502.02  
24 through 7–2502.11, D.C. Official Code) are re-  
25 pealed.



1           (2) Section 101 (sec. 7–2501.01, D.C. Official  
2 Code) is amended by striking paragraph (13).

3           (3) Section 401 (sec. 7–2504.01, D.C. Official  
4 Code) is amended—

5           (A) in subsection (a), by striking “the Dis-  
6 trict;” and all that follows and inserting the fol-  
7 lowing: “the District, except that a person may  
8 engage in hand loading, reloading, or custom  
9 loading of ammunition for firearms lawfully  
10 possessed under this Act.”; and

11           (B) in subsection (b), by striking “which  
12 are unregistrable under section 202” and in-  
13 serting “which are prohibited under section  
14 201”.

15           (4) Section 402 (sec. 7–2504.02, D.C. Official  
16 Code) is amended—

17           (A) in subsection (a), by striking “Any  
18 person eligible to register a firearm” and all  
19 that follows through “such business,” and in-  
20 serting the following: “Any person not other-  
21 wise prohibited from possessing or receiving a  
22 firearm under Federal or District law, or from  
23 being licensed under section 923 of title 18,  
24 United States Code,”; and

1 (B) in subsection (b), by amending para-  
2 graph (1) to read as follows:

3 “(1) The applicant’s name;”.

4 (5) Section 403(b) (sec. 7–2504.03(b), D.C. Of-  
5 ficial Code) is amended by striking “registration cer-  
6 tificate” and inserting “dealer’s license”.

7 (6) Section 404(a)(3) (sec. 7–2504.04(a)(3)),  
8 D.C. Official Code) is amended—

9 (A) in subparagraph (B)(i), by striking  
10 “registration certificate number (if any) of the  
11 firearm;”;

12 (B) in subparagraph (B)(iv), by striking  
13 “holding the registration certificate” and insert-  
14 ing “from whom it was received for repair”;

15 (C) in subparagraph (C)(i), by striking  
16 “and registration certificate number (if any) of  
17 the firearm”;

18 (D) in subparagraph (C)(ii), by striking  
19 “registration certificate number or”; and

20 (E) by striking subparagraphs (D) and  
21 (E).

22 (7) Section 406(c) (sec. 7–2504.06(c), D.C. Of-  
23 ficial Code) is amended to read as follows:

1       “(c) Within 45 days of a decision becoming effective  
2 which is unfavorable to a licensee or to an applicant for  
3 a dealer’s license, the licensee or application shall—

4               “(1) lawfully remove from the District all de-  
5 structive devices in his inventory, or peaceably sur-  
6 render to the Chief all destructive devices in his in-  
7 ventory in the manner provided in section 705; and

8               “(2) lawfully dispose, to himself or to another,  
9 any firearms and ammunition in his inventory.”.

10               (8) Section 407(b) (sec. 7–2504.07(b), D.C. Of-  
11 ficial Code) is amended by striking “would not be el-  
12 igible” and all that follows and inserting “is prohib-  
13 ited from possessing or receiving a firearm under  
14 Federal or District law.”.

15               (9) Section 502 (sec. 7–2505.02, D.C. Official  
16 Code) is amended—

17               (A) by amending subsection (a) to read as  
18 follows:

19               “(a) Any person or organization not prohibited from  
20 possessing or receiving a firearm under Federal or District  
21 law may sell or otherwise transfer ammunition or any fire-  
22 arm, except those which are prohibited under section 201,  
23 to a licensed dealer.”;

24               (B) by amending subsection (c) to read as  
25 follows:

1 “(c) Any licensed dealer may sell or otherwise trans-  
2 fer a firearm to any person or organization not otherwise  
3 prohibited from possessing or receiving such firearm under  
4 Federal or District law.”;

5 (C) in subsection (d), by striking para-  
6 graphs (2) and (3); and

7 (D) by striking subsection (e).

8 (10) Section 704 (sec. 7–2507.04, D.C. Official  
9 Code) is amended—

10 (A) in subsection (a), by striking “any reg-  
11 istration certificate or” and inserting “a”; and

12 (B) in subsection (b), by striking “reg-  
13 istration certificate,”.

14 (c) OTHER CONFORMING AMENDMENTS.—Section  
15 2(4) of the Illegal Firearm Sale and Distribution Strict  
16 Liability Act of 1992 (sec. 7–2531.01(4), D.C. Official  
17 Code) is amended—

18 (1) in subparagraph (A), by striking “or ignor-  
19 ing proof of the purchaser’s residence in the District  
20 of Columbia”; and

21 (2) in subparagraph (B), by striking “registra-  
22 tion and”.

23 **SEC. 206. REPEAL HANDGUN AMMUNITION BAN.**

24 Section 601(3) of the Firearms Control Regulations  
25 Act of 1975 (sec. 7–2506.01(3), D.C. Official Code) is

1 amended by striking “is the holder of the valid registration  
2 certificate for” and inserting “owns”.

3 **SEC. 207. RESTORE RIGHT OF SELF DEFENSE IN THE**  
4 **HOME.**

5 Section 702 of the Firearms Control Regulations Act  
6 of 1975 (sec. 7–2507.02, D.C. Official Code) is repealed.

7 **SEC. 208. REMOVE CRIMINAL PENALTIES FOR POSSESSION**  
8 **OF UNREGISTERED FIREARMS.**

9 (a) IN GENERAL.—Section 706 of the Firearms Con-  
10 trol Regulations Act of 1975 (sec. 7–2507.06, D.C. Offi-  
11 cial Code) is amended—

12 (1) by striking “that:” and all that follows  
13 through “(1) A” and inserting “that a”; and

14 (2) by striking paragraph (2).

15 (b) EFFECTIVE DATE.—The amendments made by  
16 subsection (a) shall apply with respect to violations occur-  
17 ring after the 60-day period which begins on the date of  
18 the enactment of this Act.

19 **SEC. 209. REMOVE CRIMINAL PENALTIES FOR CARRYING A**  
20 **FIREARM IN ONE’S DWELLING OR OTHER**  
21 **PREMISES.**

22 (a) IN GENERAL.—Section 4(a) of the Act of July  
23 8, 1932 (47 Stat. 651; sec. 22–4504(a), D.C. Official  
24 Code) is amended—

1           (1) in the matter before paragraph (1), by  
2 striking “a pistol,” and inserting the following: “ex-  
3 cept in his dwelling house or place of business or on  
4 other land possessed by that person, whether loaded  
5 or unloaded, a firearm,”; and

6           (2) by striking “except that:” and all that fol-  
7 lows through “(2) If the violation” and inserting  
8 “except that if the violation”.

9           (b) CONFORMING AMENDMENT.—Section 5 of such  
10 Act (47 Stat. 651; sec. 22–4505, D.C. Official Code) is  
11 amended—

12           (1) by striking “pistol” each place it appears  
13 and inserting “firearm”; and

14           (2) by striking “pistols” each place it appears  
15 and inserting “firearms”.

16 **SEC. 210. AUTHORIZING PURCHASES OF FIREARMS BY DIS-**  
17 **TRICT RESIDENTS.**

18           Section 922 of title 18, United States Code, is  
19 amended in paragraph (b)(3) by inserting after “other  
20 than a State in which the licensee’s place of business is  
21 located” the following: “, or to the sale or delivery of a  
22 handgun to a resident of the District of Columbia by a  
23 licensee whose place of business is located in Maryland or  
24 Virginia,”.

1 **SEC. 211. REPEALS OF DISTRICT OF COLUMBIA ACTS.**

2 The Firearms Registration Amendment Act of 2008  
3 and the Firearms Registration Emergency Amendment  
4 Act of 2008, as passed by the District of Columbia, are  
5 repealed.

6 **SEC. 212. SEVERABILITY.**

7 Notwithstanding any other provision of this Act, if  
8 any provision of this Act, or any amendment made by this  
9 Act, or the application of such provision or amendment  
10 to any person or circumstance is held to be unconstitu-  
11 tional, this title and amendments made by this title, and  
12 the application of such provision or amendment to other  
13 persons or circumstances shall not be affected thereby.

Passed the Senate February 26, 2009.

Attest:

*Secretary.*

11<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**S. 160**

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**AN ACT**

To provide the District of Columbia a voting seat  
and the State of Utah an additional seat in the  
House of Representatives.