

AMENDMENT TO H.R. 5175, AS REPORTED
OFFERED BY MR. SMITH OF TEXAS

Amend section 401 to read as follows:

1 SEC. 401. JUDICIAL REVIEW.

2 (a) SPECIAL RULES FOR ACTIONS BROUGHT ON
3 CONSTITUTIONAL GROUNDS.—If any action is brought for
4 declaratory or injunctive relief to challenge the constitu-
5 tionality of any provision of this Act or any amendment
6 made by this Act, including an action brought to challenge
7 the constitutionality of granting an unfair advantage in
8 representation in the House of Representatives to resi-
9 dents of the District of Columbia, the following rules shall
10 apply:

11 (1) The action shall be filed in the United
12 States District Court for the District of Columbia
13 and shall be heard by a 3-judge court convened pur-
14 suant to section 2284 of title 28, United States
15 Code.

16 (2) A copy of the complaint shall be delivered
17 promptly to the Clerk of the House of Representa-
18 tives and the Secretary of the Senate.

19 (3) A final decision in the action shall be re-
20 viewable only by appeal directly to the Supreme

1 Court of the United States. Such appeal shall be
2 taken by the filing of a notice of appeal within 10
3 days, and the filing of a jurisdictional statement
4 within 30 days, of the entry of the final decision.

5 (4) It shall be the duty of the United States
6 District Court for the District of Columbia and the
7 Supreme Court of the United States to advance on
8 the docket and to expedite to the greatest possible
9 extent the disposition of the action and appeal.

10 (b) INTERVENTION BY MEMBERS OF CONGRESS.—In
11 any action in which the constitutionality of any provision
12 of this Act or any amendment made by this Act is raised
13 (including but not limited to an action described in sub-
14 section (a)), any member of the House of Representatives
15 (including a Delegate or Resident Commissioner to the
16 Congress) or Senate shall have the right to intervene ei-
17 ther in support of or opposition to the position of a party
18 to the case regarding the constitutionality of the provision
19 or amendment. To avoid duplication of efforts and reduce
20 the burdens placed on the parties to the action, the court
21 in any such action may make such orders as it considers
22 necessary, including orders to require intervenors taking
23 similar positions to file joint papers or to be represented
24 by a single attorney at oral argument.

1 (c) CHALLENGE BY MEMBERS OF CONGRESS.—Any
2 Member of Congress may bring an action, subject to the
3 special rules described in subsection (a), for declaratory
4 or injunctive relief to challenge the constitutionality of any
5 provision of this Act or any amendment made by this Act.

