

118TH CONGRESS
2D SESSION

S. 3659

To require a citizenship question on the decennial census, to require reporting on certain census statistics, and to modify apportionment of Representatives to be based on United States citizens instead of all persons.

IN THE SENATE OF THE UNITED STATES

JANUARY 25, 2024

Mr. HAGERTY (for himself, Mr. CRAMER, Mr. CASSIDY, Mr. LANKFORD, Mr. SCHMITT, Mrs. BLACKBURN, Mr. LEE, Mr. TUBERVILLE, Mr. ROUNDS, Mr. RICKETTS, Mr. BUDD, Ms. LUMMIS, Mr. RISCH, Mr. CRAPO, Mrs. BRITT, Mr. MARSHALL, Mr. BRAUN, Mr. THUNE, Mr. DAINES, Mrs. HYDE-SMITH, and Mr. VANCE) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require a citizenship question on the decennial census, to require reporting on certain census statistics, and to modify apportionment of Representatives to be based on United States citizens instead of all persons.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Equal Representation
5 Act”.

1 **SEC. 2. CITIZENSHIP STATUS ON DECENNIAL CENSUS.**

2 (a) IN GENERAL.—Section 141 of title 13, United
3 States Code, is amended—

4 (1) by redesignating subsection (g) as sub-
5 section (h); and

6 (2) by inserting after subsection (f) the fol-
7 lowing:

8 “(g)(1) In conducting the 2030 decennial census and
9 each decennial census thereafter, the Secretary shall in-
10 clude in any questionnaire distributed or otherwise used
11 for the purpose of determining the total population by
12 States a checkbox or other similar option for the respon-
13 dent to indicate, for the respondent and for each of the
14 members of the household of the respondent, whether that
15 individual is—

16 “(A) a citizen of the United States;

17 “(B) a national of the United States but not a
18 citizen of the United States;

19 “(C) an alien lawfully residing in the United
20 States; or

21 “(D) an alien unlawfully residing in the United
22 States.

23 “(2) Not later than 120 days after completion of a
24 decennial census of the population under subsection (a),
25 the Secretary shall make publicly available the number of
26 persons per State, disaggregated by each of the 4 cat-

1 egories described in subparagraphs (A) through (D) of
2 paragraph (1), as tabulated in accordance with this sec-
3 tion.”.

4 **SEC. 3. EXCLUSION OF NONCITIZENS FROM NUMBER OF**
5 **PERSONS USED TO DETERMINE APPORTION-**
6 **MENT OF REPRESENTATIVES AND NUMBER**
7 **OF ELECTORAL VOTES.**

8 (a) EXCLUSION.—Section 22(a) of the Act entitled
9 “An Act to provide for the fifteenth and subsequent decen-
10 nial censuses and to provide for an apportionment of Rep-
11 resentatives in Congress”, approved June 18, 1929 (2
12 U.S.C. 2a(a)), is amended by inserting after “not taxed”
13 the following: “and individuals who are not citizens of the
14 United States”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall apply with respect to the appor-
17 tionment of Representatives carried out pursuant to the de-
18 cennial census conducted during 2030 and any succeeding
19 decennial census.

20 **SEC. 4. SEVERABILITY CLAUSE.**

21 If any provision of this Act or amendment made by
22 this Act, or the application thereof to any person or cir-
23 cumstance, is held to be unconstitutional, the remainder
24 of the provisions of this Act and amendments made by
25 this Act, and the application of the provision or amend-

1 ment to any other person or circumstance, shall not be
2 affected.

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