

Union Calendar No. 395

118TH CONGRESS
2D SESSION

H. R. 7109

[Report No. 118-476]

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 HOUSE OF REPRESENTATIVES

JANUARY 29, 2024

Mr. EDWARDS (for himself and Mr. DAVIDSON) introduced the following bill; which was referred to the Committee on Oversight and Accountability

APRIL 29, 2024

Additional sponsors: Mr. OGLES, Mr. BILIRAKIS, Mr. DUNCAN, Mr. FRY, Mr. GROTHMAN, Mr. DESJARLAIS, Mr. TIMMONS, Mr. SELF, Mr. CURTIS, Mrs. MILLER of Illinois, Mr. POSEY, Mr. BEAN of Florida, Mr. MOORE of Alabama, Mr. ROSE, Ms. LEE of Florida, Mr. WEBER of Texas, Mrs. LESKO, Mr. COLLINS, Mr. GRAVES of Louisiana, Mr. BABIN, Mr. MOONEY, Mrs. MILLER of West Virginia, Mr. FLEISCHMANN, Mr. PFLUGER, Mr. TIFFANY, Mr. HERN, Mr. FINSTAD, Mr. JOHNSON of South Dakota, Mr. TONY GONZALES of Texas, Mr. FEENSTRA, Mr. GOSAR, Mrs. CAMMACK, Mr. CLINE, Mr. LAMALFA, Mr. MILLS, Mr. BOST, Mr. BANKS, Mr. STRONG, Mr. BURLISON, Mrs. HOUCHIN, Mr. BISHOP of North Carolina, Mr. GUEST, Mr. LATTA, Mr. MCCORMICK, Mr. BIGGS, Mr. CRANE, Mr. RESCHENTHALER, Mr. ROUZER, Mr. SESSIONS, Mr. NORMAN, Mr. CARTER of Texas, Mr. GOODEN of Texas, Mrs. BICE, Mr. MOOLENAAR, Mr. BALDERSON, Mr. FITZGERALD, Mr. WESTERMAN, Mr. JORDAN, Mr. WILLIAMS of Texas, Mr. NEHLS, Mr. LAMBORN, Mr. YAKYM, Mr. BRECHEEN, Mr. MANN, Mr. MIKE GARCIA of California, Ms. GREENE of Georgia, Mr. ALLEN, Mr. MORAN, Mr. SCOTT FRANKLIN of Florida, Mr. FALLON, Mrs. HINSON, Mr. BUCSHON, Mr. GOOD of Virginia, Mr. HIGGINS of Louisiana, Mr. MILLER of Ohio, Mrs. MCCLAIN, Ms. HAGEMAN, Mr. GRAVES of Missouri, Mr. PALMER, Mr. SMITH of Nebraska, Mr. LANGWORTHY, Mr. FLOOD, Mrs. HARSHBARGER, Mr. CLYDE, Mr. WENSTRUP, Mr. GREEN of Tennessee, Mrs. WAGNER, Mrs. FISCHBACH, Mr. DONALDS, Mr. STEUBE, Ms. BOEBERT, Mr. MEUSER,

Mr. HUNT, Mr. DUNN of Florida, Mr. ROSENDALE, Ms. MACE, Mr. CLOUD, Mr. ESTES, Mr. JACKSON of Texas, Mr. OWENS, Mr. COMER, Mr. HUIZENGA, Mr. SCALISE, Mr. ROY, Ms. TENNEY, Mr. D'ESPOSITO, Mr. LOUDERMILK, Mr. BARR, Mr. HARRIS, Mr. LATURNER, Mr. STEIL, Mr. LAHOOD, and Mr. MURPHY

APRIL 29, 2024

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 29, 2024]

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”.*

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

7 *Section 141 of title 13, United States Code, is amend-*
8 *ed—*

9 *(1) by redesignating subsection (g) as subsection*
10 *(h); and*

11 *(2) by inserting after subsection (f) the following:*

12 *“(g)(1) In conducting the 2030 decennial census and*
13 *each decennial census thereafter, the Secretary shall include*
14 *in any questionnaire distributed or otherwise used for the*
15 *purpose of determining the total population by States a*
16 *checkbox or other similar option for the respondent to indi-*
17 *cate, for the respondent and for each of the members of the*
18 *household of the respondent, whether that individual is a*
19 *citizen of the United States.*

20 *“(2) Not later than 120 days after completion of a de-*
21 *cennial census of the population under subsection (a), the*
22 *Secretary shall make publicly available the number of indi-*
23 *viduals per State, disaggregated by citizens of the United*
24 *States and noncitizens, as tabulated in accordance with this*
25 *section.”.*

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

5 (a) *EXCLUSION.*—Section 22(a) of the Act entitled “An
6 Act to provide for the fifteenth and subsequent decennial
7 censuses and to provide for apportionment of Representa-
8 tives in Congress”, approved June 18, 1929 (2 U.S.C.
9 2a(a)), is amended by inserting after “not taxed” the fol-
10 lowing: “and individuals who are not citizens of the United
11 States”.

12 (b) *EFFECTIVE DATE.*—The amendment made by sub-
13 section (a) shall apply with respect to the apportionment
14 of Representatives carried out pursuant to the decennial
15 census conducted during 2030 and any succeeding decennial
16 census.

17 **SEC. 4. SEVERABILITY CLAUSE.**

18 *If any provision of this Act or amendment made by*
19 *this Act, or the application thereof to any person or cir-*
20 *cumstance, is held to be unconstitutional, the remainder of*
21 *the provisions of this Act and amendments made by this*
22 *Act, and the application of the provision or amendment to*
23 *any other person or circumstance, shall not be affected.*

Amend the title so as to read: “A bill to require a citizenship question on the decennial census, to require reporting on certain census statistics, and to modify ap-

portionment of Representatives to be based on United States citizens instead of all individuals.”.

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