

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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 individuals.

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IN THE SENATE OF THE UNITED STATES

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Mr. HAGERTY (for himself, Mr. MARSHALL, Mr. CRAPO, Mr. SHEEHY, Mr. JUSTICE, Mr. RISCH, Mr. TUBERVILLE, Mr. BUDD, Mr. CRAMER, Mr. JOHNSON, Mr. DAINES, Ms. LUMMIS, Mr. RICKETTS, Mr. SCOTT of Florida, Mr. HOEVEN, Mr. LEE, Mr. SCHMITT, Mrs. BRITT, and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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 individuals.

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 Section 141 of title 13, United States Code, is  
3 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 respond-  
13 ent to indicate, for the respondent and for each of the  
14 members of the household of the respondent, whether that  
15 individual is a citizen of the United States.

16 “(2) Not later than 120 days after completion of a  
17 decennial census of the population under subsection (a),  
18 the Secretary shall make publicly available the number of  
19 individuals per State, disaggregated by citizens of the  
20 United States and noncitizens, as tabulated in accordance  
21 with this 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  
6 “An Act to provide for the fifteenth and subsequent decen-  
7 nial censuses and to provide for apportionment of Rep-  
8 resentatives in Congress”, approved June 18, 1929 (2  
9 U.S.C. 2a(a)), is amended by inserting after “not taxed”  
10 the following: “and individuals who are not citizens of the  
11 United States”.

12 (b) EFFECTIVE DATE.—The amendment made by  
13 subsection (a) shall apply with respect to the appor-  
14 tionment of Representatives carried out pursuant to the de-  
15 cennial census conducted during 2030 and any succeeding  
16 decennial 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  
21 of the provisions of this Act and amendments made by  
22 this Act, and the application of the provision or amend-  
23 ment to any other person or circumstance, shall not be  
24 affected.