

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7109
OFFERED BY MR. COMER OF KENTUCKY**

Strike all after the enacting clause and insert the following:

1 SEC. 1. SHORT TITLE.

2 This Act may be cited as the “Equal Representation
3 Act”.

4 SEC. 2. CITIZENSHIP STATUS ON DECENNIAL CENSUS.

5 Section 141 of title 13, United States Code, is
6 amended—

7 (1) by redesignating subsection (g) as sub-
8 section (h); and

9 (2) by inserting after subsection (f) the fol-
10 lowing:

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

1 “(2) Not later than 120 days after completion of a
2 decennial census of the population under subsection (a),
3 the Secretary shall make publicly available the number of
4 individuals per State, disaggregated by citizens of the
5 United States and noncitizens, as tabulated in accordance
6 with this section.”.

7 **SEC. 3. EXCLUSION OF NONCITIZENS FROM NUMBER OF**
8 **PERSONS USED TO DETERMINE APPORTION-**
9 **MENT OF REPRESENTATIVES AND NUMBER**
10 **OF ELECTORAL VOTES.**

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

18 (b) **EFFECTIVE DATE.**—The amendment made by
19 subsection (a) shall apply with respect to the apportion-
20 ment of Representatives carried out pursuant to the de-
21 cennial census conducted during 2030 and any succeeding
22 decennial census.

23 **SEC. 4. SEVERABILITY CLAUSE.**

24 If any provision of this Act or amendment made by
25 this Act, or the application thereof to any person or cir-

1 cumstance, is held to be unconstitutional, the remainder
2 of the provisions of this Act and amendments made by
3 this Act, and the application of the provision or amend-
4 ment to any other person or circumstance, shall not be
5 affected.

Amend the long title to read as follows: “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.”

