

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 151
OFFERED BY MR. COMER OF KENTUCKY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Equal Representation
3 Act of 2025”.

4 SEC. 2. CITIZENSHIP STATUS ON DECENTNIAL 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
2 of a decennial census of the population under sub-
3 section (a), the Secretary shall make publicly avail-
4 able the number of individuals per State,
5 disaggregated by citizens of the United States and
6 noncitizens, as tabulated in accordance with this sec-
7 tion.”.

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

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

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

1 SEC. 4. SEVERABILITY CLAUSE.

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

