

119TH CONGRESS
2D SESSION

H. R. 10377

To exclude noncitizens from the population used for congressional apportionment, to require a revised apportionment prior to certain elections, to require the inclusion of a citizenship question in all future decennial censuses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2026

Mr. CLYDE (for himself, Mr. MOORE of Alabama, Mr. COLLINS, Mr. NEHLS, Mr. HUNT, Mr. CARTER of Georgia, Mrs. LUNA, Ms. BOEBERT, Mr. MCCLINTOCK, Mr. BARR, Mr. BIGGS of Arizona, Mr. CRANE, Mr. NORMAN, Mr. DAVIDSON, Mr. STAUBER, Mr. HIGGINS of Louisiana, Mr. ROY, Mr. CLOUD, Mr. MCCORMICK, Mr. HARRIS of Maryland, Mr. BRECHEEN, Mr. SMITH of Missouri, Mr. SELF, Mr. MOORE of West Virginia, Mr. GILL of Texas, Mrs. MILLER of Illinois, Mr. OGLES, Mr. PERRY, Mr. FINE, Mrs. HARSHBARGER, Mr. FULCHER, Mr. DONALDS, Mrs. BIGGS of South Carolina, Mr. TIFFANY, Mr. GOSAR, Mr. PALMER, Mr. WIED, Mr. STUTZMAN, Mr. BURLISON, Mr. RESCHENTHALER, Mr. CLINE, Mr. FULLER, and Ms. VAN DUYNE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To exclude noncitizens from the population used for congressional apportionment, to require a revised apportionment prior to certain elections, to require the inclusion of a citizenship question in all future decennial censuses, and for other purposes.

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 “Make Apportionment
 5 Great Again Act” or the “MAGA Act”.

6 **SEC. 2. EXCLUSION OF NONCITIZENS FROM APPORTION-**
 7 **MENT BASE.**

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

14 **SEC. 3. REVISED APPORTIONMENT EXCLUDING NONCITI-**
 15 **ZENS.**

16 (a) MANDATORY REVISED APPORTIONMENT.—

17 (1) RECALCULATION.—

18 (A) IN GENERAL.—Except as provided by
 19 subparagraph (B), not later than January 31,
 20 2027, the Secretary of Commerce shall—

21 (i) to the maximum extent practicable,
 22 revise the tabulation of total population by
 23 States for the 2020 decennial census under
 24 section 141(a) of title 13, United States
 25 Code, for the purposes of the apportion-

1 ment of Representatives in Congress
2 among the several States to include only
3 individuals who are citizens of the United
4 States, either by excluding individuals
5 whom official data and records indicate
6 with reasonable certainty are not citizens
7 of the United States or by including only
8 individuals whom official data and records
9 indicate with reasonable certainty are citi-
10 zens of the United States; and

11 (ii) report such revised tabulation to
12 total population by States to the President.

13 (B) EXTENSION.—The Secretary of Com-
14 merce may complete the revision and submit to
15 the President the report required by subpara-
16 graph (A) not later than March 31, 2027, if the
17 Secretary—

18 (i) determines that the Secretary can-
19 not complete such revision and so submit
20 such report by January 31, 2027, due to
21 limitations on the information available to
22 the Secretary; and

23 (ii) submits to Congress a notice of
24 such determination and the date by which

1 the Secretary expects to complete such re-
2 vision and so submit such report.

3 (2) REAPPORTIONMENT.—

4 (A) IN GENERAL.—Upon receiving the re-
5 port of the revised tabulation of total popu-
6 lation by States for the 2020 decennial census
7 required by paragraph (1)(A), the President
8 shall immediately transmit to Congress a state-
9 ment showing—

10 (i) the whole number of persons in
11 each State, excluding Indians not taxed
12 and individuals who are not citizens of the
13 United States, as ascertained under such
14 revised tabulation of total population by
15 States for the 2020 decennial census; and

16 (ii) based on such revised tabulation
17 of total population by States for the 2020
18 decennial census, the number of Represent-
19 atives to which each State would be enti-
20 tled under an apportionment of the then
21 existing number of Representatives by the
22 method known as the method of equal pro-
23 portions, no State to receive less than one
24 Member.

1 (B) TREATMENT.—A statement trans-
2 mitted to Congress by the President under sub-
3 paragraph (A) is, for the purposes of sub-
4 sections (b) and (c) of section 22 of the Act en-
5 titled “An Act to provide for the fifteenth and
6 subsequent decennial censuses and to provide
7 for an apportionment of Representatives in
8 Congress”, approved June 18, 1929 (2 U.S.C.
9 2a), deemed to be a statement required under
10 and in accordance with subsection (a) of such
11 section, except that any change in the number
12 of Representatives to which a State is entitled
13 pursuant to such statement may not be con-
14 strued as applying with respect to any Congress
15 for which the first regular session occurred
16 prior to the date of the enactment of this Act.

17 (b) USE OF OFFICIAL GOVERNMENT DATA AND
18 RECORDS.—

19 (1) IN GENERAL.—In carrying out subsection
20 (a), the Secretary of Commerce shall, without re-
21 quiring the repetition of a decennial census, use only
22 official data and records in the possession of the
23 Federal Government and State governments and
24 may apply statistical estimation, matching, and im-
25 putation methods to such official data and records.

1 (2) AGENCY COMPLIANCE.—The head of an Ex-
2 ecutive agency (as such term is defined in section
3 105 of title 5, United States Code) shall, upon the
4 request of the Secretary of Commerce and to the ex-
5 tent otherwise permitted by law, provide to the Sec-
6 retary such official data and records in the posses-
7 sion of such Executive agency as requested by the
8 Secretary for the purposes of carrying out subsection
9 (a).

10 (c) STATE COOPERATION.—Upon request of the Sec-
11 retary of Commerce, each State shall provide to the Sec-
12 retary, in a timely manner, such information as is nec-
13 essary to carry out subsection (a), including information
14 maintained by agencies of the State relating to citizenship,
15 immigration status, or eligibility for benefits provided by
16 the State or the Federal Government, to the extent per-
17 mitted by law.

18 (d) PRESUMPTION OF VALIDITY.—Any change in the
19 number of Representatives to which a State is entitled
20 pursuant to this section shall be presumed lawful. A court
21 may set aside such apportionment only upon a clear and
22 convincing showing that the Secretary of Commerce acted
23 in excess of statutory authority or in violation of an ex-
24 press Constitutional limitation.

1 (e) OFFICIAL DATA AND RECORDS DEFINED.—In
2 this section, the term “official data and records” means
3 data and records in the possession of the Federal Govern-
4 ment or a State government the accuracy of which has
5 been validated by the Federal Government or a State gov-
6 ernment.

7 **SEC. 4. CITIZENSHIP STATUS ON DECENNIAL CENSUS.**

8 Section 141 of title 13, United States Code, is
9 amended—

10 (1) by redesignating subsection (g) as sub-
11 section (h); and

12 (2) by inserting after subsection (f) the fol-
13 lowing:

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

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

23 “(B) a national of the United States but
24 not a citizen of the United States;

1 “(C) an alien lawfully residing in the
2 United States; or

3 “(D) an alien unlawfully residing in the
4 United States.

5 “(2) Not later than 120 days after completion
6 of a decennial census of the population under sub-
7 section (a), the Secretary shall make publicly avail-
8 able the number of persons per State, disaggregated
9 by each of the 4 categories described in subpara-
10 graphs (A) through (D) of paragraph (1), as tab-
11 ulated in accordance with this section.”.

12 **SEC. 5. EXPEDITED JUDICIAL REVIEW FOR CHALLENGES**
13 **TO THIS ACT.**

14 (a) COVERED ACTIONS.—Any covered action filed in
15 any Federal court shall be treated as an expedited matter.

16 (b) THREE-JUDGE DISTRICT COURT PANEL.—

17 (1) PANEL.—Upon filing a covered action, a
18 three-judge district court panel shall be convened in
19 accordance with section 2284 of title 28, United
20 States Code.

21 (2) EXPEDITED CONSIDERATION.—The panel
22 shall hear all covered actions on an expedited sched-
23 ule, including motions, briefs, and oral arguments.

24 (c) DIRECT APPEAL TO THE SUPREME COURT.—Any
25 judgment, order, or ruling of the three-judge panel in a

1 covered action shall be directly appealable to the Supreme
2 Court of the United States in accordance with section
3 1253 of title 28, United States Code, which may review
4 the case on an expedited basis.

5 (d) DEFINITIONS.—For purposes of this section, the
6 term “covered action” includes any civil proceeding arising
7 under, relating to, or challenging the validity, interpreta-
8 tion, or implementation of this Act, including administra-
9 tive, procedural, or executive actions taken pursuant to
10 this Act.

11 **SEC. 6. FEDERAL REMOVAL.**

12 (a) FEDERAL JURISDICTION.—The United States
13 district courts shall have original jurisdiction over any civil
14 action arising under, relating to, or challenging the imple-
15 mentation, enforcement, or validity of this Act.

16 (b) REMOVAL FROM STATE COURT.—Any civil action
17 filed in a State court asserting claims arising under, relat-
18 ing to, or challenging this Act may be removed to the ap-
19 propriate United States district court by the United States
20 or any officer charged with implementing this Act, in ac-
21 cordance with sections 1441 and 1446 of title 28, United
22 States Code.

23 (c) ASSIGNMENT TO THREE-JUDGE PANEL.—Upon
24 removal, the district court shall immediately assign the ac-
25 tion to a three-judge district court panel convened in ac-

- 1 cordance with section 2284 of title 28, United States
- 2 Code.

