

111TH CONGRESS
1ST SESSION

S. 1688

To prevent congressional reapportionment distortions by requiring that, in the questionnaires used in the taking of any decennial census of population, a checkbox or other similar option be included for respondents to indicate citizenship status or lawful presence in the United States.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2009

Mr. BENNETT (for himself, Mr. ENZI, Mr. BUNNING, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To prevent congressional reapportionment distortions by requiring that, in the questionnaires used in the taking of any decennial census of population, a checkbox or other similar option be included for respondents to indicate citizenship status or lawful presence in the United States.

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 “Fairness in Represen-
5 tation Act”.

1 **SEC. 2. CITIZENSHIP OR LAWFUL PRESENCE STATUS ON**
2 **CENSUS QUESTIONNAIRES.**

3 In conducting the 2010 decennial census and every
4 decennial census thereafter, the Secretary of Commerce
5 shall include, in any questionnaire distributed or otherwise
6 used for the purpose of determining the total population
7 by States, a checkbox or other similar option for respond-
8 ents to indicate citizenship status or lawful presence in
9 the United States.

10 **SEC. 3. PREVENTION OF CONGRESSIONAL REAPPORTION-**
11 **MENT DISTORTIONS.**

12 (a) **ADJUSTMENTS TO PREVENT DISTORTIONS.**—

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

14 (1) by redesignating subsection (g) as sub-
15 section (h); and

16 (2) by inserting after subsection (f) the fol-
17 lowing:

18 “(g) The Secretary shall make such adjustments in
19 total population figures as may be necessary, using such
20 methods and procedures as the Secretary determines fea-
21 sible and appropriate, in order that those who are not
22 United States citizens or are not lawfully present in the
23 United States are not counted in tabulating population
24 under subsection (b) for the purposes of apportionment
25 of Representatives in Congress among the several States.

1 Nothing in this subsection shall be construed to supersede
2 section 195 of this title.”.

3 (b) CONFORMING AMENDMENT.—Section 22(a) of
4 the Act entitled “An Act To provide for the fifteenth and
5 subsequent decennial censuses and to provide for appor-
6 tionment of Representatives in Congress”, of June 18,
7 1929 (2 U.S.C. 2a(a)), is amended by striking “as
8 ascertained under the seventeenth and each subsequent
9 decennial census of the population” and inserting “as
10 ascertained and reported under section 141 of title 13,
11 United States Code, for each decennial census of popu-
12 lation”.

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