

116TH CONGRESS
1ST SESSION

S. 201

To amend title 13, United States Code, to make clear that each decennial census, as required for the apportionment of Representatives in Congress among the several States, shall tabulate the total number of persons in each State, and to provide that no information regarding United States citizenship or immigration status may be elicited in any such census.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2019

Mr. MENENDEZ (for himself, Ms. HIRONO, Mr. BOOKER, Mr. BENNET, Mr. BLUMENTHAL, Ms. CORTEZ MASTO, Mrs. GILLIBRAND, Ms. HARRIS, Mrs. MURRAY, Mr. REED, Mr. SCHUMER, Ms. SMITH, Mr. VAN HOLLEN, Ms. WARREN, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend title 13, United States Code, to make clear that each decennial census, as required for the apportionment of Representatives in Congress among the several States, shall tabulate the total number of persons in each State, and to provide that no information regarding United States citizenship or immigration status may be elicited in any such census.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Every Person Counts
3 Act”.

4 **SEC. 2. CENSUS DATA COLLECTION.**

5 (a) REQUIREMENT.—Section 141(b) of title 13,
6 United States Code, is amended by striking “United
7 States” and inserting the following: “United States, and
8 shall tabulate the total number of persons in each State”.

9 (b) PROHIBITION.—Section 141(a) of title 13, United
10 States Code, is amended in the second sentence by striking
11 “as necessary” and inserting the following: “as necessary,
12 except that the Secretary may not include any question
13 or otherwise elicit any information regarding United
14 States citizenship or immigration status”.

15 (c) RULES OF CONSTRUCTION.—Nothing in sub-
16 section (a) or (b) shall be construed to—

17 (1) permit or require the exclusion from any de-
18 cennial census of population (as defined in section
19 141(g) of title 13, United States Code) of—

20 (A) any person on the basis of age;

21 (B) personnel in the Armed Forces (and
22 their dependents) serving abroad;

23 (C) Federal employees (and their depend-
24 ents) stationed abroad; or

25 (D) any other persons outside of the
26 United States (in addition to persons described

1 in subparagraph (B) or (C)) who can be traced
2 to the State of their usual place of residence, as
3 determined by the Secretary of Commerce; or
4 (2) affect the survey conducted by the Secretary
5 of Commerce that is commonly referred to as the
6 “American Community Survey”.

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