

gration status. Reflecting this legal background, and the values of equal representation and respect that the Constitution and laws embody, it is the policy of the United States that reapportionment shall be based on the total number of persons residing in the several States, without regard for immigration status. It is likewise essential that the census count be accurate and based on reliable and high-quality data.

SEC. 3. *Ensuring that the Apportionment Base and State-Level Tabulations Include All Inhabitants of Each State.* In preparing the report to the President required under section 141(b) of title 13, United States Code, the Secretary shall report the tabulation of total population by State that reflects the whole number of persons whose usual residence was in each State as of the designated census date in section 141(a) of title 13, United States Code, without regard to immigration status. In addition, the Secretary shall use tabulations of population reflecting the whole number of persons whose usual residence was in each State as of the census date, without regard to immigration status, in reports provided to the Governor and officers or public bodies having responsibility for legislative apportionment or districting of each State under section 141(c) of title 13, United States Code.

SEC. 4. *Data Quality.* The Secretary shall take all necessary steps, consistent with law, to ensure that the total population information presented to the President and to the States is accurate and complies with all applicable laws.

SEC. 5. *Revocation.* Executive Order 13880 of July 11, 2019 (Collecting Information About Citizenship Status in Connection With the Decennial Census) [formerly set out above], and the Presidential Memorandum of July 21, 2020 (Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census), are hereby revoked.

SEC. 6. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

J.R. BIDEN, JR.

EXCLUDING ILLEGAL ALIENS FROM THE APPORTIONMENT
BASE FOLLOWING THE 2020 CENSUS

Memorandum of President of the United States, July 21, 2020, 85 F.R. 44679, which excluded from the apportionment base aliens who are not in a lawful immigration status for the purpose of the reapportionment of Representatives following the 2020 census, was revoked by Ex. Ord. No. 13986, § 5, Jan. 20, 2021, 86 F.R. 7016, set out above.

[§ 142. Repealed. Pub. L. 105–113, § 3(a), Nov. 21, 1997, 111 Stat. 2275]

Section, acts Aug. 31, 1954, ch. 1158, 68 Stat. 1020; Aug. 28, 1957, Pub. L. 85–207, § 10, 71 Stat. 483; Mar. 15, 1976, Pub. L. 94–229, § 1, 90 Stat. 210; Oct. 27, 1986, Pub. L. 99–544, § 1(a), 100 Stat. 3046, provided that Secretary of Commerce take periodic censuses of agriculture and irrigation.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1998, see section 3(d) of Pub. L. 105–113, set out as an Effective Date of 1997 Amendment note under section 1991 of Title 7, Agriculture.

1997 CENSUS OF AGRICULTURE

Pub. L. 105–86, title I, Nov. 18, 1997, 111 Stat. 2083, provided in part: “That, notwithstanding any other provision of law, the Secretary of Agriculture shall conduct the 1997 Census of Agriculture, to the extent practicable, pursuant to the provisions of title 13, United States Code.”

[§§ 143 to 146. Repealed. Pub. L. 85–207, § 11, Aug. 28, 1957, 71 Stat. 483]

Sections, act Aug. 31, 1954, ch. 1158, 68 Stat. 1020, related to the following subject matter:

Section 143, decennial census period; completion of reports upon inquiries. See section 141 of this title.

Section 144, restriction on inquiries. See sections 141(a) and 142 of this title.

Section 145, commencement of inquiries as to population, agriculture, and housing; time for completion. See sections 141(a) and 142(a) of this title.

Section 146, mid-decade censuses of agriculture; exclusion of certain areas; preliminary statistics. See sections 142(a), 191, and 193 of this title.

SUBCHAPTER III—GOVERNMENTS

§ 161. Quinquennial censuses; inclusion of certain data

The Secretary shall take, compile, and publish for the year 1957 and for every fifth year thereafter a census of governments. Each such census shall include, but shall not be limited to, data on taxes and tax valuations, governmental receipts, expenditures, indebtedness, and employees of States, counties, cities, and other governmental units.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1021; Pub. L. 85–207, § 12, Aug. 28, 1957, 71 Stat. 483.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., § 251 (Sept. 7, 1950, ch. 910, § 1, 64 Stat. 784).

Section was derived from subsection (a) of section 251 of title 13, U.S.C., 1952 ed. For remainder of such section 251, see Distribution Table.

Reference to the year 1957 was substituted for reference to the year 1952, since the latter reference is now obsolete.

Changes were made in phraseology.

Editorial Notes

AMENDMENTS

1957—Pub. L. 85–207 struck out “in the United States and in such of its Territories and possessions as may be determined by the Secretary” in last sentence. Geographical provisions now covered by section 191 of this title.

[§ 162. Repealed. Pub. L. 85–207, § 13, Aug. 28, 1957, 71 Stat. 483]

Section, act Aug. 31, 1954, ch. 1158, 68 Stat. 1021, related to acquisition of reports and material from governmental units, private persons, and agencies. See section 6(b) of this title.

§ 163. Authority of other agencies

This subchapter does not revoke or impair the authority of any other Federal agency with respect to the collection or release of information.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1021.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., § 251 (Sept. 7, 1950, ch. 910, § 1, 64 Stat. 784).