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

MARCH 20, 2018

Mr. Menendez (for himself, Ms. Hirono, Mr. Booker, Mr. Bennet, Mr. Blumenthal, Mr. Coons, Ms. Cortez Masto, Ms. Duckworth, Mr. Durbin, Mrs. Gillibrand, Ms. Harris, Mr. Markey, Mrs. Murray, and Ms. Smith) 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.

Be it enacted by the Senate and House of Representa-
SECTION 1. SHORT TITLE.

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

SEC. 2. CENSUS DATA COLLECTION.

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

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

(c) RULES OF CONSTRUCTION.—Nothing in subsection (a) or (b) shall be construed to—

(1) permit or require the exclusion from any decennial census of population (as defined in section 141(g) of title 13, United States Code) of—

(A) any person on the basis of age;

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

(C) Federal employees (and their dependents) stationed abroad; or

(D) any other persons outside of the United States (in addition to persons described
in subparagraph (B) or (C)) who can be traced
to the State of their usual place of residence, as
determined by the Secretary of Commerce; or
(2) affect the survey conducted by the Secretary
of Commerce that is commonly referred to as the
“American Community Survey”.

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