

EQUAL REPRESENTATION ACT

Mr. BIGGS. Mr. Speaker, pursuant to House Resolution 1194, I call up the bill (H.R. 7109) to require a citizenship question on the decennial census, to require reporting on certain census statistics, and to modify apportionment of Representatives to be based on United States citizens instead of all persons, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1194, the amendment in the nature of a substitute recommended by the Committee on Oversight and Accountability, printed in the bill, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 7109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Equal Representation Act”.

SEC. 2. CITIZENSHIP STATUS ON DECENNIAL CENSUS.

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

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

“(g)(1) In conducting the 2030 decennial census and each decennial census thereafter, the Secretary shall include in any questionnaire distributed or otherwise used for the purpose of determining the total population by States a checkbox or other similar option for the respondent to indicate, for the respondent and for each of the members of the household of the respondent, whether that individual is a citizen of the United States.

“(2) Not later than 120 days after completion of a decennial census of the population under subsection (a), the Secretary shall make publicly available the number of individuals per State, disaggregated by citizens of the United States and noncitizens, as tabulated in accordance with this section.”.

SEC. 3. EXCLUSION OF NONCITIZENS FROM NUMBER OF PERSONS USED TO DETERMINE APPORTIONMENT OF REPRESENTATIVES AND NUMBER OF ELECTORAL VOTES.

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

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the apportionment of Representatives carried out pursuant to the decennial census conducted during 2030 and any succeeding decennial census.

SEC. 4. SEVERABILITY CLAUSE.

If any provision of this Act or amendment made by this Act, or the application thereof to any person or circumstance, is held to be unconstitutional, the remainder of the provisions of this Act and amendments made by this Act, and the application of the provision or amendment to any other person or circumstance, shall not be affected.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1

hour equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Accountability or their respective designees.

The gentleman from Arizona (Mr. BIGGS) and the gentleman from Maryland (Mr. RASKIN) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. BIGGS).

GENERAL LEAVE

Mr. BIGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. BIGGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 7109 has three components.

Number one, it requires the Census Bureau to include a citizenship question on the decennial census questionnaire.

Number two, the bill directs that this information be used to ensure fair representation by requiring only citizens be included in the apportionment base.

Number three, it has a severability clause.

Currently, the Census Bureau estimates the noncitizen population using data collected annually in the American Community Survey. We are going to call that ACS as I go, just to help you out. That data is not necessarily accurate.

Further, there are no reports that asking a citizenship question on the ACS every year suppresses illegal, alien, or other noncitizen participation on the ACS questionnaire.

The constitutionally iterated rationale for a decennial census is to apportion electoral districts for Congress.

In *Commerce v. New York*, the Supreme Court noted that a host of various questions over the years that are tangential to apportionment had been included in the decennial censuses, “race, sex, age, health, education, occupation, housing, and military service,” and “radio ownership, age at first marriage, and native tongue,” et cetera.

The citizenship question is no stranger to the Census questionnaire. Commerce also noted: “Every Census between 1820 and 2000 (with the exception of 1840) asked at least some of the population about their citizenship or place of birth. Between 1820 and 1950, the question was asked of all households. Between 1960 and 2000, it was asked of about one-fourth to one-sixth of the population.” That is another quote from the Commerce case.

This isn’t a uniquely American practice. Even the United Nations recommends collecting citizenship information via a census, as noted by, again, the Commerce Court. Australia,

Canada, France, Indonesia, Ireland, Germany, Mexico, Spain, and the United Kingdom ask about citizenship in their respective censuses.

Is the United States to be the only North American country not to inquire about citizenship in its Census protocols?

The Commerce Court held, regarding the positing of a citizenship question on the Census, as follows: “In light of the early understanding of and long practice under the Enumeration Clause, we conclude that it permits Congress, and by extension the Secretary [of Commerce], to inquire about citizenship on the Census questionnaire.”

Section 2 of H.R. 7109 simply asks whether a person is a citizen of the United States, yes or no. That is it, but everyone gets counted.

Mr. Speaker, I reserve the balance of my time.

□ 1530

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

The last President tried to include a citizenship question on the decennial Census in 2020 and tried to count only U.S. citizens for the purpose of Census and reapportionment, and the effort failed miserably in court, for obvious reasons.

Section 2 of the 14th Amendment states that apportionment of seats in the House of Representatives is based on “the whole number of persons in each State,” persons being the all-encompassing category, much larger than that of citizens.

When the Framers wanted to impose a citizenship requirement in the text of the Constitution, they knew how to do it. Take the President of the United States, for example. It says that you have got to be a born U.S. citizen in order to run for President. Some of the historians tell us that was because Thomas Jefferson was trying to block Alexander Hamilton from running for President. He was foreign born. In any event, however, it was very clear that you needed to be a born U.S. citizen to run for President. For those of us in the House, it says we must have been a citizen for at least 7 years.

There are lots of citizenship requirements in the Constitution. There is no citizenship requirement for being counted in the Census and for purposes of reapportionment. On the contrary, the Census and reapportionment have included all persons, including noncitizens, like permanent resident green card holders, since 1790. That has been the unbroken practice since the beginning of the Republic.

This point was made even more clearly and emphatically by the Supreme Court in its unanimous 2016 decision in *Evenwel v. Abbott*, rejecting precisely the argument my distinguished friend is trying to make. Like this legislation itself, *Evenwel* involved a challenge to congressional apportionment based on a total count of the entire population

instead of a limited count of the total citizen or voter population. Justice Ginsburg held for a unanimous court that section 3 of the 14th Amendment “retained total population as the congressional apportionment base.” She cited the speech made on the floor of the Senate by Senator Jacob Howard upon introduction of section 2 of the 14th Amendment:

“The basis of representation is numbers The committee adopted numbers as the most just and satisfactory basis, and this is the principle upon which the Constitution itself was originally framed, that the basis of representation should depend upon numbers; and such, I think, after all, is the safest and most secure principle upon which the government can rest. Numbers, not voters; numbers, not property; this is the theory of the Constitution.”

My colleague needs to remember that when the Republic was founded, the vast majority of people were not citizens who could vote. Women could not vote, children could not vote, enslaved Americans, obviously, could not vote. So the Census and apportionment was for everybody who was here. That was the whole basis of the three-fifths compromise. Because enslaved Americans were being counted, too, what percentage should they count for purposes of reapportionment? Well, Congress arrived at 60 percent, three-fifths. It was the Southern States who were saying they should count completely for these purposes because they wanted the enslaved Americans to be enlarging and inflating the congressional delegations from the slave states. For these purposes, the Northern States said: No, they shouldn't count at all; they should count zero percent in the apportionment. They arrived at three-fifths. In any event, everybody agreed that everybody would be counted.

Justice Ginsburg included lots of decisive legislative authority like this, including the floor statement here in the House of Representative James Blaine, who stated: “No one will deny that population is the true basis of representation; for women, children, and other nonvoting classes may have as vital an interest in the legislation of the country as those who actually deposit the ballot.”

For all of you constitutional textualists out there, the plain reading of the text is clear as day.

For all of you constitutional originalists out there, the original purposes of the passage of the 14th Amendment have been carefully articulated by the Supreme Court on a unanimous basis and never rebutted.

For all of you Members who like to follow precedent, every apportionment since 1790 has included every single person residing in the United States, not just those lucky enough to have been given the right to vote. As the *Evenwel* Court noted, the 14th Amendment contemplates that “Representatives serve all residents, not just those eligible or registered to vote.”

The constitutional meaning is indisputable, a point which settles this for those who actually want to follow the Constitution in all cases, not just when it favors our own preferred policy outcome.

The House should be getting real work done instead of wasting more time on another MAGA bill that will never pass the Senate, let alone get signed by the President, much less approved by the courts. The bill is an insult, and it is an affront to the great radical Republicans who wrote the 14th Amendment. Their party was a profreedom, pro-union, proimmigrant, anticonspiracy theory, anti-Know Nothing Party that wanted to make sure everybody in the country was counted and made visible.

The Census is essential to democracy. Just as the Framers endorsed Thomas Paine's “Common Sense,” they endorsed a common Census, but this bill would destroy the accuracy of the Census, which may have something to do with its actual legislative motivation.

In the 2010 Census, the undercount of Hispanic citizens was 1.4 percent. In 2020, that number grew to 5 percent, with many observers crediting that jump to the Trump administration's simple attempt to add a citizenship question to the Census and all of the intense publicity and rumor surrounding it.

The addition of a question about citizenship will indeed deter many immigrants, including people who are permanent residents, including citizens, from completing the Census. Many noncitizen immigrants who are seeking asylum or are refugees will avoid responding because of uncertainty over their status and fear of arbitrary law enforcement action.

Extensive research over the last decade shows that many residents wrongly believe the Census Bureau will share their responses with other agencies. To be clear on this point, it does not. Federal law prohibits it. However, that pervasive worry has prevented some people from answering questions about immigration status or responding to the Census at all.

Mr. Speaker, we strongly oppose this legislation as unconstitutional and unwise. It dishonors our own history and the values of the Nation.

I reserve the balance of my time.

Mr. BIGGS. Mr. Speaker, I yield myself such time as I may consume.

As my friend knows, the Commerce case held specifically you can ask the citizenship question on the Census. That is true. You can do that. That is what we are proposing.

Additionally, he misstated the rationale on why the Commerce case went the way it did. They said you can ask the question, but that the Secretary had contrived his rationale and was in violation of the APA, and that is why that happened.

Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I thank Mr. BIGGS for leading this debate, and I thank Mr. DAVIDSON for his co-leadership on this bill.

Mr. Speaker, I will tell you what is an insult. The current situation is an insult to the American people, the citizens who live here whose voice and vote are being degraded because of the horrendous immigration problem that we have at our southern border through illegal aliens coming across the border, and that not being addressed here in Washington, D.C.

One of the lesser acknowledged, but equally alarming, side effects of this administration's failure to secure the southern border is the illegal immigration population's influence in America's electoral process.

Our democracy depends on accurate representation and electoral integrity. Voting is a coveted privilege held by American citizens, and elected Representatives are responsible for serving the interests of the voters in their district.

Even if not a single illegal alien casts a vote, the mere presence of illegal immigrants in the United States is having a profound impact on the outcomes of elections, skewing the representation of Americans.

Mr. BIGGS points out that the U.S. Constitution mandates that a Census be carried out every 10 years where everyone who is present in the United States, regardless of their citizenship and immigration status, is counted. The Constitution does not specify whether noncitizens or illegal aliens must be counted for the purpose of apportioning House seats.

You may recall that in 2016, President Trump through executive order added a citizenship question back to the 2020 Census, the same question that had been legally asked on nearly every Census since 1820 until it was removed in 1960, not because there was anything found wrong with that question, but because the effect of illegal immigration was negligible at that time. However, there is no doubt today, Mr. Speaker, the effect of illegal immigration is significant. I won't waste my time making that case here. We all know it. It is a top concern of about 70 percent of all Americans.

Though common sense dictates that only citizens should be counted for the apportionment process, illegal aliens have nonetheless recently been counted toward the final tallies that determine how many House seats that each State is allocated and the number of electoral votes that it will wield in Presidential elections.

Since the illegal alien population is not evenly distributed through the Nation, American citizens in some States are losing representation in Congress to illegal aliens in other States.

A 2019 study by the Center for Immigration Studies estimates illegal immigrants and noncitizens who have not naturalized and do not have the right to vote impact the distribution of 26

House seats. My bill, the Equal Representation Act, would finally address this alarming undermining of American democracy by requiring a citizenship question be added back to the 2030 Census, creating reporting requirements for data gathered from citizenship questions and requiring that only U.S. citizens be counted for the purpose of congressional apportionment.

Mr. Speaker, this bill will no doubt and has no doubt drawn criticism from those who don't want to fix this problem and who seek to gain political influence by not fixing it. They will claim to have become experts on our Constitution. I don't see any black robes in this Chamber today. They will point to the word "persons" in section 2 of the 14th Amendment as a reason why this bill should not pass, but this word carries no definition in our Constitution, and it offers multiple meanings in current law.

Allow me to argue, in 1992, in *Franklin v. Massachusetts*, a Supreme Court case on apportionment of Representatives opined the term "persons" to mean an individual who not only has a physical presence but some element of allegiance to a particular place.

The Census Bureau does not include foreigners who visit the United States for a vacation or a business trip in the population count since they have no political or legal allegiance to any State or the Federal Government.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BIGGS. Mr. Speaker, I yield an additional 15 seconds to the gentleman from North Carolina.

Mr. EDWARDS. Similarly, illegal aliens who are deportable have no allegiance or enduring tie to the United States. Foreigners here on visas have an allegiance politically and legally to their home countries, not to the United States, so the same logic applies to them.

My bill is a commonsense solution to a chronic problem impacting the very governance and democracy of this country.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from North Carolina observes that we don't have anybody wearing a black robe in the House of Representatives today, but you don't have to wear a black robe in order to read the Constitution, interpret the Constitution, and follow it.

If you need people with black robes, then I would urge the gentleman to read the Supreme Court's decision in *Evenwel v. Abbott*, where the Supreme Court unanimously found that the Census and reapportionment must include the entire population, all persons; not all citizens, not all voters, the alternative suggestions that are being made today.

□ 1545

Mr. Speaker, what do we have here? Since 1790, all persons have been included in the Census, in every Census

on a decennial basis since the beginning of the Republic.

The Supreme Court rejected the theory that is being advanced by my friends in the majority today in *Evenwel v. Abbott* that the Constitution requires citizens rather than persons, and the gentleman from North Carolina invites us to think it has something to do with immigration.

We actually had an immigration deal coming out of the Senate for hundreds of new Border Patrol officers and asylum officers and asylum judges and fentanyl detection machinery, and it was vetoed by the fourth branch of government, Donald Trump, who said he didn't want a border solution, he wanted a border crisis to run on.

Despite the fact that Senator LANKFORD, perhaps one of the most conservative Senators that we have in the Republican Party, said that this was a great deal and the best that he had ever seen coming out of the Senate, and despite the fact that Senator MCCONNELL was for it, they blew it all up.

You judge for yourself the seriousness of the claims that they want to do something about immigration. This is another useless and needless distraction.

I yield 2 minutes to the distinguished gentleman from California (Ms. BARRAGÁN).

Ms. BARRAGÁN. Mr. Speaker, as chair of the Congressional Hispanic Caucus, I rise today to oppose H.R. 7109. It is a bill that threatens equal and fair representation of immigrant communities.

This bill requires a citizenship question on the U.S. Census, which directly undermines the Constitution's mandate for a fair and accurate count of all residents.

This requirement would deprive tens of millions of immigrants their rightful access to representation and resources, even though they pay taxes and contribute to our economy.

A citizenship question would have a chilling effect on participation in the Census. Its accuracy would be destroyed.

The Census count affects where the Federal Government appropriates funds and resources to our communities.

Republicans are effectively saying: If you are not a citizen in this country, you don't count. Even legal permanent residents, you don't count. This is absurd.

Let me be clear. Immigrants are the backbone of this economy. They work the fields, they build our cities, and they contribute tirelessly to the fabric of our society.

They pay over half a trillion dollars in taxes, including taxes for Social Security and Medicare, even though undocumented immigrants can't receive benefits.

Despite their invaluable contributions, Republicans want to deny immigrant communities access to even more

vital services and resources that they help fund through their hard-earned tax dollars.

As Representatives of the people, it is our duty to ensure that all members of our communities are treated with dignity and respect.

Every individual, regardless of their immigration status, should have the opportunity to thrive, but H.R. 7109 does the opposite.

A citizenship question on the Census threatens to further marginalize immigrant communities. An undercount of the immigrant population would not only result in an unfair distribution of resources, but it will also undermine the very foundation of our democracy—that is fair representation from our government.

I urge our colleagues to reject this extreme Republican bill and instead focus on policies that uplift and empower all members of our society.

Mr. BIGGS. Mr. Speaker, of course, every single Democrat voted against the great border security bill, H.R. 2. That is how serious they are not. Every person is counted under this bill. Why can't we ask them what their citizenship is?

I yield 2 minutes to the gentleman from Louisiana (Mr. HIGGINS).

Mr. HIGGINS of Louisiana. Mr. Speaker, the gentleman from Maryland stated that this bill is perhaps unconstitutional. Under our Constitution, he has every right to lead an article III challenge to the constitutionality of this bill, which I expect that they will. My Democrat colleagues love to sue Americans and pursue legislation through the courts.

This is actual legislation presented by conservative Republicans to correct a horrible wrong. I rise in support of H.R. 7109, the Equal Representation Act.

While this bill will continue to count every person in the United States, it adds a simple question to the Census: Are you a United States citizen?

While the decennial Census must count every person in the United States, which I agree with, Mr. Speaker, the problem is the level of illegal persons that now live in our country because of President Biden's failures at the southern border.

It took 240 years to accumulate 30 million illegals living in the United States. In 4 short years, President Biden, under his policies, will have added 15 million. We are talking about 45 million illegal persons living in the United States. That is the equivalent to 60 congressional seats.

Now, most of those illegal aliens will be drawn to live primarily in sanctuary states and cities. This thwarts the fair representation of American citizens in the House of Representatives, foundationally altering our representative Republic.

This important piece of legislation enables us to fairly and accurately apportion congressional districts based upon equal representation of American citizens.

I urge my colleagues to seek the truth and to support this bill.

Mr. RASKIN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mrs. RAMIREZ).

Mrs. RAMIREZ. Mr. Speaker, I rise to oppose H.R. 7109. I mean, think about it. It is another Republican attempt to attack immigrant communities in this country.

So many of us, our children, and our grandchildren are immigrants, and we have the hypocrisy to stand in this room here and continue to attack immigrant communities.

Republicans are trying to amend the Constitution through unconstitutional means. The Census Bureau has constitutionally mandated responsibility to count the number of persons in the United States, to count every single person, because as the Member prior from this side said, they are here. They are contributing. They are paying taxes. They make it possible for us to be able to retire and then be able to have the benefits that we have worked so hard for because they are paying those taxes, and they serve our communities.

Republicans are adding Census questions to have a chilling effect, to keep people afraid, to make them nervous, to discourage their participation in the Census.

The ultimate effect that it is going to have on these communities, like mine, is undercounted and underrepresented. Our democracy grows weaker every single time these kind of actions are brought to this floor.

We must ensure that the Census remains as accurate as possible and free from the political interference that would rob whole communities of the resources and the representation they are entitled to.

Mr. Speaker, I strongly encourage a "no" vote.

Mr. BIGGS. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GROTHMAN).

Mr. GROTHMAN. Mr. Speaker, I will make reference to a couple documents before I discuss the bill.

First of all, our Pledge of Allegiance, which we say every day, we pledge allegiance to the Republic for which we stand, right, the flag and the Republic for which we stand.

Benjamin Franklin, after our Constitution was ratified, he talked about giving us a Republic if we can keep it, and I think people should analyze those two little quotes and wonder why there were references to the Republic in both of them. In any event, it kind of bugs me when people around here don't understand that.

Now, back to the bill at hand. I thank the gentleman from Arizona for introducing this bill.

I think it is fairly obvious that when we take a Census, there are certain questions you expect to appear on the Census, right?

One thing they want to know is if you are a permanent citizen here or

whether you are not a citizen. There is a difference between the two.

There is a reason why we swear certain people in as citizens. There is a reason why we treat citizens differently than other people.

I think it is absolutely bizarre that to this point, we have been sending out Census forms and not asking the first question that you would figure would pop into your head: Are you a citizen? It is kind of embarrassing it has not happened up to this point.

We have another problem in that there are some States declaring themselves sanctuary States or some sanctuary cities in which they seem to be encouraging people to come here who really shouldn't be in the country at all under current law.

In any event, I think this is a great bill. First of all, we should, in apportioning congressional seats, take into account people who are citizens, not people who are noncitizens, many of which I assume are going to return to the country they came from.

Secondly, we expect on the form—the first thing I look at, they put things on, their race. Sometimes in the surveys they put on, do you own a TV or that sort of thing.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GROTHMAN. Mr. Speaker, I thank the gentleman from Arizona again for giving me 2 minutes.

Mr. RASKIN. Mr. Speaker, I am about to yield to my friend from New York (Ms. MENG), but I am inspired by the remarks of the gentleman from Wisconsin, especially about the word "Republic" which, of course, comes from *res publica*, the public thing.

He happened upon a subject that is of a lot of interest to me because I wrote a paper about it when I was in sixth grade.

The Pledge of Allegiance was written by a radical Baptist minister named Francis Bellamy—I am not sure if the gentleman is aware of that—on the 400th anniversary of Columbus' arrival in the new world.

Reverend Bellamy, who was an abolitionist in Vermont, was concerned about the continuing salute of the Confederate battle flag in the southern States.

He wanted to write a flag salute that would be unifying for the union, and he wrote: I pledge allegiance to my flag of the United States of America and to the Republic for which it stands, one Nation, with liberty and justice for all.

You notice what is not in there. He did not have "under God." That was added in 1954 by Congress several weeks after the Supreme Court's decision in *Brown v. Board of Education*.

In any event, I am not quite sure what the relevance is of the gentleman's invocation of the Republic or of Ben Franklin and the famous vignette about him saying: If you can keep it.

Ben Franklin was, of course, a big supporter of immigration to the country, although he did display an anti-German bias in some of his writings.

I will tell you a little story about Ben Franklin that might be of relevance to what the gentleman is talking about because I just did a tour in Philadelphia with the Ben Franklin people up there, and we learned this wonderful story.

He made a loan to a friend of his for \$100, and then he recorded in his diary that this gentleman he made the loan to for \$100, Josiah, was always disappearing behind a tree or a building whenever Ben came along.

He finally caught up with him, and he said: Josiah, I loaned you a hundred bucks, and I am wondering, am I going to be able to get my principal back or at least the interest?

Josiah said: Well, Ben, look. The \$100 is well invested somewhere else, so you don't have to worry about that.

Franklin said: Well, what about the interest?

Josiah said: Well, I forgot to tell you that it is against my religion to pay interest, so I can't pay you the interest.

Franklin said: You mean to tell me it is against your principle to pay me the interest, and it is against your interest to pay me the principal?

Josiah said: That's right.

Franklin said: Well, I can see I am not going to get either.

Well, here our principles and our interests converge very much. The principles are set forth in the Constitution, which is we count everybody, and everybody is part of the Census, and everybody is part of the reapportionment process.

It has been like that since 1790. We don't need to start finger painting on the Constitution with this silly election year proposal.

It is also in our interest because, as my colleagues have said, this is a land that is built on immigration. Except for the Native Americans who are already here and the people who were brought over as slaves, all of us are the descendants of immigrants to this country.

Tom Paine, when he got to America in 1774, 2 years before the Revolution, he said: This land, if it lives up to its principles, will become an asylum to humanity—not an insane asylum, mind you—an asylum to humanity, a place of refuge for people seeking freedom from religious, political, and economic oppression. That is who we are.

Every day I have in my office people from the hotel industry, people from the construction industry, and people from the restaurant industry saying: We have huge labor shortages. We need people in America.

I am for a whole lot more lawful immigration to America, less unlawful immigration to America like the deal that was worked out in the Senate that was rejected by the Republicans, and a lot less demagoguery about who we are as a country because the Census and reapportionment provisions in the 14th Amendment tell it all.

This is a country that is for everybody seeking opportunity and hope,

willing to follow the law and follow our Constitution.

□ 1600

Mr. RASKIN. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. MENG).

Ms. MENG. Mr. Speaker, I rise today in strong opposition to H.R. 7109, the Equal Representation Act.

The U.S. Constitution requires a count of the whole number of persons in each State. Counting has been the legal, historical, and constitutional practice ever since the first Census was conducted in 1790.

A citizens-only Census, as this legislation intends, is reckless, cynical, and, frankly, illegal. It is not the Census Bureau's job to keep track of immigration status. It is also not the Census Bureau's job to determine one's allegiance, just like the insurrectionists on January 6. We have agencies for both of those tasks.

The Census guides how more than \$2.8 trillion a year in Federal funding is distributed to States, cities, and towns. This includes funding for Medicare, Medicaid, schools, roads, and other critical public services. Not counting every whole person may decrease Federal money, even in some of my colleagues' districts.

Noncitizens make up about 6.7 percent of our Nation's population of 333 million people. They are our loved ones, friends, neighbors, and those who have been actively contributing to and participating in our communities for many years.

Pretending that noncitizens do not live in our communities—that is exactly what this bill would do, pretend—will only instill fear, force people into the shadows, and take critical Federal funding away from the areas that need it most.

Throughout our Nation's history, there have been several attempts at adding a citizenship question to the Census, all of which have failed.

As a daughter of immigrants and as the Representative of a diverse community of constituents who have arrived from many corners of the world, I have adamantly fought against these attempts.

In 2018, the previous administration attempted to add a citizenship question to the Census, which Senator HIRONO and I and others fought against in Congress.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. RASKIN. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman from New York.

Ms. MENG. Mr. Speaker, this was subsequently blocked by the Supreme Court.

We cannot let this latest attempt succeed. Calling this legislation the Equal Representation Act is an oxymoron, and I am voting "no" and urge my colleagues to vote "no."

Mr. BIGGS. Mr. Speaker, may I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from Arizona has 17 minutes remaining.

Mr. BIGGS. Mr. Speaker, I wish we were hearing not deflection statements but the actual truth here.

Here is the way it works. There is nothing in this bill that says you don't count everybody. You do count everybody. The thing they really don't want us to know is how many illegal aliens are in the country, so we are going to ask a citizenship question, which has been asked in 22 of 25 Censuses. They don't want that.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. BURCHETT).

Mr. BURCHETT. Mr. Speaker, it is always good to see Ranking Member RASKIN with a good, healthy head of hair. God does listen to our prayers. We are glad he is with us and healthy.

Mr. RASKIN. Mr. Speaker, I know Mr. BURCHETT's prayers go right to the top.

Mr. BURCHETT. Mr. Speaker, my mama's prayers did. Mine don't get quite that close.

Mr. Speaker, I rise today in support of H.R. 7109, the Equal Representation Act. This legislation will require U.S. citizens to include a question that asks if the person is a United States citizen. It is just a question.

This bill passed through the House Oversight Committee on a straight party-line vote, 22–20. Not a single Democrat supported it.

The Census informs how our government divides up congressional districts and electoral college votes. Mr. Speaker, it helps to ensure American voters have equal representation. That process should not factor in people who are not citizens or not eligible to vote.

You can see why my Democratic colleagues would have a problem with this bill. Factoring illegal aliens into the process skews things in their favor. In fact, it wasn't very long ago that a Member from the minority party was on the news claiming that they wish more illegals would come to their district for the Census.

If the Census does not include the citizenship question, States with more illegal aliens will get more congressional districts and more electoral college votes.

We have a history of saying that elections are sacred and that free, fair, and secure elections are the cornerstone of this great Republic, Mr. Speaker. It is time to act like it and prioritize the dadgum representation of our people.

Americans are sick and tired of this administration weaponizing different parts of our government, and they don't want to see something like the Census being used against them when it is so hard to get American citizens to even take the Census.

Leaders in States like California and New York are taking pride in harboring illegal aliens. In fact, the people of California have offered free

healthcare to their illegals, and New York has kicked combat veterans out of housing to house illegals.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BIGGS. Mr. Speaker, I yield an additional 10 seconds to the gentleman from Tennessee.

Mr. BURCHETT. Mr. Speaker, States should not be rewarded with more congressional seats or electoral college votes, which would end up distorting the will of the American people.

I thank my colleagues, Congressman WARREN DAVIDSON and Congressman CHUCK EDWARDS, for introducing this legislation. I am proud to support it.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

It is always great to be with my friend from Tennessee. Just two quick points on his always trenchant remarks.

One is that one should be clear that under this legislation, they are not roping out of the reapportionment just undocumented people. They are also roping out of the reapportionment permanent residents, people who are green card holders who are on the pathway to citizenship already. They are talking about disenfranchising from the Census reapportionment process millions of people who are lawfully within it. They should be aware of that.

Also, if we were being cynical politically, we would embrace this legislation because it is the red States like Texas and Florida whose congressional delegations are inflated by virtue of counting people who are not citizens. We are simply trying to follow what the Constitution says, which I know is kind of a radical proposition around here these days.

Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Ms. MANNING).

Ms. MANNING. Mr. Speaker, I thank my cousin, Representative RASKIN, for yielding me time.

We have wasted another legislative week on ludicrous messaging bills to defend the liberty of laundry and freedom for the fridge. Today, they are pushing a bill to upend our Nation's process for collecting Census data.

Let's be clear. The so-called Equal Representation Act does nothing to live up to its name. In fact, their bill would result in the opposite. It will reduce participation in the Census, which our government relies on for a host of data to inform our decisionmaking.

What is more, this bill will violate our Constitution, which states that all persons be counted in the Census. Instead of wasting time on deeply unserious messaging bills, Congress should be focused on what really matters to the American people, particularly reproductive freedoms.

Right now, across the country, women are suffering from extreme abortion bans that are endangering their health and limiting their ability to make private medical decisions. Women in America are worried about

their reproductive freedoms and deeply concerned about what extremist politicians will attack next. We know that radical judges and politicians are not stopping with abortion bans. They are now attacking fertility treatments and attempting to restrict birth control methods like plan B and IUDs.

If far-right extremists really cared about women, they would want to make the full range of birth control readily available, not restrict access to it.

This Sunday is Mother's Day. How about giving moms and potential moms the gift they really want: the right to decide whether, when, and with whom to have children. Instead of flowers, let's guarantee the right to use the full range of FDA-approved birth control.

In honor of Mother's Day and for this reason, at the appropriate time, I will offer a motion to recommit this bill back to committee. If the House rules permitted, I would have offered the motion with an important amendment to this bill.

My amendment would strike the text of H.R. 7190 and replace it with my Right to Contraception Act, a bill to protect the right to access all forms of FDA-approved birth control and protect women's reproductive health from political interference.

Mr. Speaker, I ask unanimous consent to insert in the RECORD the text of this amendment immediately prior to the motion to recommit.

For full text, please see H.R. 4121.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Ms. MANNING. Mr. Speaker, I hope my colleagues will join me in voting for the motion to recommit.

Mr. BIGGS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. LANGWORTHY).

Mr. LANGWORTHY. Mr. Speaker, right now, our Nation is grappling with a border crisis that has been manufactured by Democratic policies that brazenly reward those who break our laws to enter our country illegally. My home State of New York is drowning due to policies that transformed our State into a sanctuary for illegal immigration.

Democratic leaders in New York City, Albany, here in Congress, and the White House have turned their backs on lawful Americans, choosing instead to roll out the red carpet for illegal immigrants with housing, clothing, and financial incentives all paid for by the American taxpayers. The gravy train is alive and well.

Throughout this process, we are learning that it is a calculated effort to boost their own political power by inflating their population counts and skewing congressional representation. We are talking millions of people who are not American citizens having a major say in American elections.

They are not even hiding it anymore. One of my colleagues on the other side

of the aisle, who happens to represent New York City in this body, openly called for more illegal immigration to her district because she said she "needs more people in her district for redistricting purposes."

This absurd notion, pushed by my colleagues across the aisle, that these noncitizens should shape the future of our Nation is completely unconstitutional. They are corroding the essence of American citizenship, turning it into a political commodity.

The Equal Representation Act is our line in the sand. It is time to end the charade of rewarding States like New York and California for their reckless sanctuary antics that undermine our laws.

Mr. Speaker, I urge my colleagues to rise above partisan manipulation, protect the sanctity of our democracy, and support the Equal Representation Act. Let's send a clear message that the value of American citizenship is absolute and our elections are not for sale.

Mr. RASKIN. Mr. Speaker, may I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from Maryland has 6 minutes remaining.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

If you strip away all the bombast and all the rhetoric, the gentleman just basically delivered a tirade about immigration but never addressed the fact that their legislation is totally unconstitutional.

If you want to deal with immigration, we had a bill, and the bill would have added hundreds of Border Patrol officers, asylum officers, and judges. The Republican leadership in the Senate said it was a great deal. They got most of what they wanted. It was a great compromise. Yet, who didn't want it? Donald Trump, still the putative leader of those who are left in the GOP, Lincoln's party. Donald Trump didn't want it because he didn't want a border solution. He wants a border crisis.

They are left with a bunch of completely superficial, empty bills like this one, which I doubt will even pass the House. If it does pass the House, it certainly won't pass the Senate. It will never be signed by the President, and it would be struck down immediately by the Supreme Court.

Why are we wasting our time on that instead of getting to the legislation that actually a majority of the Senate was behind? I wish one of my colleagues would address that.

Mr. Speaker, I reserve the balance of my time.

Mr. BIGGS. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Ms. Boebert).

Ms. BOEBERT. Mr. Speaker, I thank Chairman BIGGS for leading on this issue.

I rise in support of the Equal Representation Act, which will add a citizenship question to the Census and exclude illegal aliens from the apportion-

ment base. It is past time we put America and Americans first.

Joe Biden and his regime are shelling out benefits to illegal immigrants like Oprah Winfrey on her show: Everyone gets a vote. Everyone gets recognized, even if you are here illegally.

In New York, aliens are receiving \$53 million in free, prepaid debit cards. In Denver, Colorado, aliens get 6 free months of housing. Now, they want to hand them seats in Congress to buy their lifelong allegiance to the Democratic Party.

□ 1615

Since Biden took office, we have seen more than 9 million illegal aliens cross our borders and more than 1.8 million got-aways evade Border Patrol agents. That is larger than the population of 32 States, Mr. Speaker.

There are now at least 16.8 million illegal aliens living in the United States, enough to account for roughly 22 seats in the House of Representatives.

Including these aliens in the apportionment of congressional districts impacts representation in Congress and undermines the constitutional principle of one person, one vote. Americans deserve to have their voices fully represented, not diluted by illegal aliens.

Mr. Speaker, I am proud to be a cosponsor of this legislation, and I urge my colleagues to vote in favor of this bill.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is always delightful to hear my friend from Colorado speak. One thing that I do want to point out, however, because there might be some students in the gallery today, is that there can be no illegal aliens and there can be no green card holders in Congress because the Constitution very clearly specifies that you must have been a citizen for 7 years before you run for the House, you must have been a citizen for 9 years before you run for the Senate, and you must be a born U.S. citizen in order to run for President of the United States, which some historians, as I think I mentioned before, attribute to Thomas Jefferson trying to write Alexander Hamilton out of the Presidential sweepstakes.

In any event, I think that my colleagues should probably relax with some of the hyperbole and exaggeration here. After all, all we are saying is: Let's keep doing what we have done since 1790 in the country.

This is the way that the Census and the reapportionment have always been run in the United States of America, and what they are proposing is obviously a radical departure from what the Constitution ordains.

Mr. Speaker, I reserve the balance of my time.

Mr. BIGGS. Mr. Speaker, I yield 2 minutes to gentleman from Louisiana (Mr. GRAVES).

Mr. GRAVES of Louisiana. Mr. Speaker, I want to simply explain what we are talking about here.

Mr. Speaker, you could have a citizen of Russia who illegally crosses our southern border, pays cartels, comes across our southern border, and decides to set up shop in California. That citizen of Russia, who can still vote for Vladimir Putin all day long, also is counted in the distribution of electoral votes in the United States, therefore having influence and therefore shaping who is President of the United States.

I don't know what else could possibly be foreign interference in elections than what we are talking about today.

Mr. Speaker, I am from the State of Louisiana. We have six Members of Congress. We have six. By some calculations, the State of California alone has six Members of Congress entirely attributable to citizens of other countries, therefore, just offsetting all of the votes of all of the citizens of Louisiana.

This is outrageous.

To listen to people across the aisle talk about how this is inappropriate, I say: No, this is exactly appropriate. This is exactly appropriate.

As a matter of fact, regarding the way that we count American citizens in our territories, you are giving a greater status to an illegal alien in the United States, a citizen of a foreign country, than you are giving to an American citizen.

It is absolutely outrageous to listen to people who try to argue and justify this. This is 100 percent about stacking the vote, about foreign interference in elections, and about allowing and incentivizing sanctuary cities. That is what this does.

It actually takes American taxpayer dollars through the formula funding influenced by the Census, and it gives it to States that have illegal aliens.

This is completely outrageous. I can't even believe we are standing here having this debate.

Mr. Speaker, vote "yes" if you want Americans to be represented, and vote "no" if you think Russians, Chinese, and others should be represented.

Mr. Speaker, I urge adoption of the bill.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted to hear someone on that side of the aisle denounce Vladimir Putin, and I thank him for his remarks. We should definitely avoid putting in a President of the United States who looks up to Vladimir Putin and calls him a genius.

In any event, I could be persuaded by the gentleman's policy arguments, but then we have got to amend the Constitution. This is the way it has been done since the beginning of the Republic. The language in the 14th Amendment is perfectly clear, that it is all of the persons of the State who have to be counted.

Mr. Speaker, I thought you guys were constitutional textualists. I thought you followed the language of the Constitution, the original intent of the Constitution, and the precedent that

has been set. I could be persuaded by it. I don't like the fact that Texas and Florida, or any State for that matter, gets an inflated congressional delegation because of this reason or that. Let's have that discussion, but you have got to amend the Constitution. You can't just say: Well, I don't like what is in the Constitution, and therefore I am going to ignore it.

The point about the territories I am not sure I understood. That undercut the gentleman's argument because, of course, the people in the territories are not represented in the House of Representatives except by nonvoting delegates whose votes ultimately don't count and can't count according to a D.C. circuit court decision called *Michel v. Anderson*.

Mr. Speaker, I reserve the balance of my time.

Mr. BIGGS. Mr. Speaker, may I inquire about the time remaining.

The SPEAKER pro tempore. The gentleman from Arizona has 9½ minutes remaining.

Mr. BIGGS. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. DAVIDSON).

Mr. DAVIDSON. Mr. Speaker, I thank my colleague for yielding.

Those are a lot of words from the opposition to this bill to say that citizenship does not matter. That is basically their argument: We don't care if you are a citizen.

In fact, they encourage you to not be a citizen. Sanctuary cities and States invite everyone from the world to flood their cities, and they need it. They have said as much in interviews that their population is fleeing their horrible policies in States like California, Illinois, Maryland, New York, and elsewhere, and they are going to places that have more freedom and less government.

So what do they do?

They import new people who don't know better, and, yes, the conditions are better there than the places they are fleeing, but as my colleague, Mr. GRAVES, was pointing out, California has six to seven Members. That is more than many of our States. Yes, Texas has Representatives because they, too, have a large illegal population, and the Biden administration is doing everything possible to prevent them from stopping this invasion of our country.

It is willfully and purposefully, and I will add skillfully, undermining the value of U.S. citizenship to flood this country with noncitizens.

I want to tell some great news to my colleagues: Foreign nationals do have representation in the United States at embassies or consulates. Their representative is not here in the United States Congress. I represent United States citizens, and so do my colleagues.

Nonetheless, noncitizens do not vote, and they should not vote, but don't let that stop them. They are working to change that too so that they can vote. We found that noncitizens are voting,

and they found loopholes to do that with the Motor Voter Act.

We have to defend the value and right of U.S. citizens. The only way to do that is to do the very purpose of the Census, which is to apportion Representatives.

Now, we get a lot of other ancillary benefits from the Census, but the constitutional purpose of it is to know who is here.

Now, they want to know everything else about you, Mr. Speaker, how many hyphens you have in your ethnicity, national origin, what you believe about your religion, how much you make, and every other way they can invade your privacy, but they don't give a rip whether or not you are a United States citizen.

The American people deserve to be fairly and equally represented, and the only way that is going to be done is if we know who is a citizen, and the apportionment is based on United States citizens.

This amendment needs to be passed.

For assurance, for the previous three Congresses, I have introduced a constitutional amendment. In this Congress that is H.J. Res. 37. I assume Mr. RASKIN will run down and cosponsor it immediately because he knows that he could amend the Constitution and defend the principle that is at stake here.

Mr. Speaker, I urge all of our colleagues to sponsor this bill and to vote "yes" on this bill and get it passed.

Mr. RASKIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, why do you need to amend the Constitution if you can just go ahead and do it by statute here?

That is rather curious. I think the gentleman doth protest just a little bit too much. I admire the intellectual honesty in putting forth a constitutional amendment, because that is precisely what needs to be done. I am happy to look at that. I appreciate his candor in admitting that the Constitution needs to be amended in order to overturn more than 2 centuries of practice and everything the Supreme Court has ever said about the issue.

It also should be clear to everybody that only U.S. citizens of majority may vote in Federal elections, that is Federal law, but everybody, including children, who are U.S. citizens are counted even though they can't vote in Federal elections.

Mr. Speaker, I reserve the balance of my time.

Mr. BIGGS. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. JORDAN), who is the chairman of the House Judiciary Committee.

Mr. JORDAN. Mr. Speaker, if you went out on the street today and asked someone, almost anybody on the street, and said: Do you know that we do a Census every 10 years and we count up the number of people in the country, and do you think it is okay if we found out how many of these people are citizens?

That person would say: Well, yes, but aren't you already doing that.

That is what they would think.

All this bill says is: Let's count persons, like the Constitution says, but let's also find out how many are citizens because that is what should determine how congressional representation, how apportionment is done.

It is so darn simple.

By the way, to my good friend from Maryland on the other side, we ask all kinds of other questions on the Census anyway.

What is wrong with asking the fundamental question: Are you a citizen of this great country, the greatest country ever?

That is all this does, and that is an important number to get. It is important information to get when you are figuring out who is going to represent and how many congressional Members there will be from each of the respective States.

This couldn't be more simple. I don't know why they oppose it, but they always do.

Mr. Speaker, I urge a "yes" vote.

Mr. RASKIN. Mr. Speaker, I reserve the balance of my time.

Mr. BIGGS. Mr. Speaker, I am prepared to close, and I reserve the balance of my time.

Mr. RASKIN. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, I don't want to be in the position of lecturing my colleagues about something that they often like to say, but the Constitution is the Constitution, and nobody yet has laid a glove on the Constitution or explained how the Supreme Court erred in the unanimous *Evenwel* decision.

None of them has been able to explain away the very plain language of the 14th Amendment, that it is all the persons of the States who are counted, not the citizens, and that has been the basis for both the Census and the reapportionment since the country began.

So the rest of it just strikes me like election year political rhetoric. To the extent that we want to deal with immigration, we had a great bargain that came out of the Senate, which everybody in this body and that body seemed to be behind, until they heard from Donald Trump that no, he didn't want to see any legislative progress, he wanted to be able to demagogue the immigration issue out on the campaign trail, although he has been severely undermined by all of the exposure that went into that decision.

Again, I haven't heard anyone either explain why their legislation is constitutional, nor have I heard anybody explain what is wrong with the immigration package that we have for hundreds of new Border Patrol officers, hundreds of new Border Patrol and asylum judges and a crackdown of drugs at the border.

Mr. Speaker, I yield back the balance of my time.

Mr. BIGGS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it is an honor to debate here about this. Let me tell you some-

thing, Mr. Speaker, I believe that, by far, most Americans would agree with the proposition that those illegally in the United States and noncitizens should not be counted for purposes of creating or modifying congressional legislative districts. That is probably what they think, and that is exactly what section 3 of this bill leads to.

Foreign nationals here legally who have not naturalized and cannot vote in Federal elections, together with illegal aliens who cannot vote in Federal elections, comprise a substantial portion of our population, by some accounts in excess of 15 percent of our populations.

Noncitizens are not evenly distributed among the States, and some States end up with greater representation in Congress based on a higher concentration of noncitizens. Perhaps that is what one New York Congresswoman meant when, in response to a question regarding illegal aliens, she said: "I need more people in my district just for redistricting purposes."

The provision of this bill would ensure a fair apportionment based on equal representation of citizens.

Now, my colleague has relied on *Evenwel v. Abbott*, a case that they relied on wrongfully. Their reliance is totally misplaced.

First of all, they are dealing with State apportionment issues in *Evenwel*, not Federal, but State. Let's go ahead, and let's see what Justice Ginsburg did. She cited with approval the district court holding in *Evenwel* that the Supreme Court allows jurisdictions to use any neutral, non-discriminatory baseline, including total population, when drawing State and local legislative districts.

That has never been overturned, nor did Justice Ginsburg overturn it in *Evenwel*. In *Evenwel*, the plaintiffs that came before the Court wanted apportionment based on the citizen voting age population. That is what they were asking for.

□ 1630

Although *Evenwel* deals with State and local apportionment, we can fairly extrapolate that rationale to Federal apportionment, as well. Justice Ginsburg's holding in *Evenwel* turns on the idea that voter equality in a district is not required. It is not required. However, she also lays out that neither is it the total population metric that is implied by my colleagues on the other side of the aisle. That is not required either.

For instance, Justice Ginsburg referred to *Burns v. Richardson*. In that case, it held that districts may be apportioned on the basis of registered voters or voter-eligible populations, that that is permissible.

In the *Burns* case, they give the example of Hawaii, which could rationally justify its use of voter-eligible apportionment because of the large number of transients and military personnel it had. The *Burns* court noted

that apportioning using registered voters was permissible because of the conditions in which Hawaii found itself.

Now, what has happened since then? What has happened since then is this administration will admit that 9.2 million illegal aliens have come in under their control. They will also admit that there is another 1.8 million known got-aways. That is 11 million people that the administration will admit to have come in, in 3½ years. It has distorted the population. It skewed the one-person, one-vote standard, which is the canon upon which the commerce case was founded. It is the one-person, one-vote rule.

Our colleagues on the other side don't want to acknowledge that there is a constitutional basis, as I have just cited, to allow section 3 to go forward, but Democrats are perfectly content with California, which is a sanctuary State, hauling in people. The minority is perfectly content with New York bringing in people through sanctuary policies, or Illinois. That skews exactly what the Founders intended to make straight and clear.

Let's go to the 14th Amendment for just one second to actually read the second part of the 14th Amendment, or get to that. I am not going to read it. The first clause, that is what my colleague across the aisle, Mr. Speaker, has relied on exclusively, but he didn't bother to tell you about the second clause.

In the second clause itself, it deals with every Federal election and every State election for State Governor, judicial body, and State legislatures. What they do there in the second clause of the 14th Amendment is provide a way to reduce apportionment when those individuals may be disqualified.

Mr. Speaker, that is what we are saying here. That is why this bill needs to pass, and I urge a passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1194, the previous question is ordered on the bill, as amended.

Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 7109 is postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

The motion to suspend the rules and pass H.R. 8289;

Passage of H.J. Res. 109;

The motion to recommit H.R. 2925;

Passage of H.R. 2925, if ordered;

The motion to recommit H.R. 7109, if ordered;

Passage of H.R. 7109, if ordered; and

Motions to suspend the rules with respect to: