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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R.

To establish the total number of Representatives at a number that provides that the average number of constituents represented by a Member from any State is equivalent to the number of constituents represented by the Member from the least populous State and to apportion Representatives among the States accordingly, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CASTEN introduced the following bill; which was referred to the Committee on _____

A BILL

To establish the total number of Representatives at a number that provides that the average number of constituents represented by a Member from any State is equivalent to the number of constituents represented by the Member from the least populous State and to apportion Representatives among the States accordingly, and for other purposes.

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; FINDINGS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Equal Voices Act”.

4 (b) FINDINGS.—Congress finds the following:

5 (1) Our nation’s founders intended the House
6 of Representatives to be the chamber closest to the
7 American people: “the People’s House”.

8 (2) The number of Representatives in Congress
9 has been 435 since 1911 when the US population
10 was 92,228,531 (1910 US Census). The US popu-
11 lation has grown to more than three times that size
12 to 331,449,281 in 2020 (2020 US Census) while the
13 size of the House has remained the same.

14 (3) Our electorate has changed significantly
15 since the size of the House last grew in 1911. Prior
16 to the passage of the 19th Amendment in 1920, the
17 Civil Rights Act in 1957, and the Voting Rights Act
18 in 1965, women and people of color faced barriers
19 and in some cases, legal prohibitions, to voting.

20 (4) When the cap on the size of the House was
21 statutorily set in 1929, the average Member of the
22 House represented approximately 280,000 people,
23 compared to approximately 762,000 people in 2020.

24 (5) Based on the 2020 Census, individuals in
25 the state with the smallest population, Wyoming,

1 had 1.3x more relative representation compared to
2 the national average district size.

3 (6) Each member of the House represents far
4 more people on average than legislators in nearly all
5 developed and developing democracies, and is an
6 outlier among other member countries of the Orga-
7 nization for Economic Cooperation and Development
8 (OECD), with nearly 3 times the citizen to rep-
9 resentative ratio as Japan, the country with next
10 largest district size.

11 (7) Representatives who serve fewer people are
12 more likely to have contact with their constituents,
13 receive higher marks for their constituent service,
14 and better reflect the views of their districts.

15 **SEC. 2. ESTABLISHMENT OF NUMBER OF MEMBERS OF**
16 **HOUSE OF REPRESENTATIVES ON BASIS OF**
17 **NUMBER OF CONSTITUENTS OF LEAST-POPUL-**
18 **LOUS STATE.**

19 (a) METHOD FOR DETERMINATION OF NUMBER.—
20 Section 22(a) of the Act entitled “An Act to provide for
21 the fifteenth and subsequent decennial census and to pro-
22 vide for apportionment of Representatives in Congress”,
23 approved June 18, 1929 (2 U.S.C. 2a(a)), is amended—

24 (1) by striking “(a) On the first day” and in-
25 serting “(a)(1) On the first day”;

1 (2) by striking “the then existing number of
2 Representatives” and inserting “the number of Rep-
3 resentatives determined under paragraph (2)”; and

4 (3) by adding at the end the following new
5 paragraph:

6 “(2) The number of Representatives determined
7 under this paragraph is, with respect to a regular decen-
8 nial census of the population of the United States, a num-
9 ber equal to—

10 “(A) the whole number of persons in all States
11 (as shown in the statement under paragraph (1));
12 divided by

13 “(B) the whole number of persons in the State
14 with the smallest whole number of persons (as
15 shown in such statement),
16 rounded to the nearest whole odd number.”.

17 (b) CONFORMING AMENDMENT.—The first section
18 and section 2 of the Act entitled “An Act For the appor-
19 tionment of Representatives in Congress among the sev-
20 eral States under the Thirteenth Census”, approved Au-
21 gust 8, 1911 (2 U.S.C. 2 note), are repealed.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall apply with respect to the first regular
24 decennial census conducted after the date of the enact-
25 ment of this Act and each subsequent decennial census.

1 **SEC. 3. COMMISSION TO RECOMMEND NUMBER OF MEM-**
2 **BERS OF HOUSE OF REPRESENTATIVES IN**
3 **EVENT OF SIGNIFICANT POPULATION**
4 **CHANGE.**

5 (a) ESTABLISHMENT.—If, with respect to a regular
6 decennial census of the population of the United States,
7 the number of Representatives determined under section
8 22(a) of the Act entitled “An Act to provide for the fif-
9 teenth and subsequent decennial census and to provide for
10 apportionment of Representatives in Congress”, approved
11 June 18, 1929 (2 U.S.C. 2a(a)), as amended by section
12 2(a), is 15 percent greater or lesser than the number of
13 Representatives determined under such section with re-
14 spect to the previous regular decennial census, there shall
15 be established in Congress a commission to carry out the
16 duties described in subsection (d) with respect to the ap-
17 portionment of Representatives resulting from that cen-
18 sus.

19 (b) MEMBERSHIP.—

20 (1) APPOINTMENT.—A commission established
21 under this section shall consist of 15 members ap-
22 pointed as follows:

23 (A) 5 members appointed by the Speaker
24 of the House of Representatives.

25 (B) 5 members appointed by the Minority
26 Leader of the House of Representatives.

1 (C) 2 members appointed by the Majority
2 Leader of the Senate.

3 (D) 2 members appointed by the Minority
4 Leader of the Senate.

5 (E) One member who shall serve as the
6 Chair of the Commission, who shall be ap-
7 pointed by the vote of a majority of the other
8 members, of whom—

9 (i) at least 2 shall be members ap-
10 pointed by the Speaker of the House of
11 Representatives;

12 (ii) at least 2 shall be members ap-
13 pointed by the Minority Leader of the
14 House of Representatives;

15 (iii) at least one shall be one of the
16 members appointed by the Majority Leader
17 of the Senate; and

18 (iv) at least one shall be one of the
19 members appointed by the minority leader
20 of the Senate.

21 (2) DEADLINE FOR APPOINTMENT.—The ap-
22 pointing authorities under paragraph (1) shall ap-
23 point the members of the commission not later than
24 30 days after the President transmits to Congress
25 the statement showing the number of Representa-

1 tives to which each State is entitled under section
2 22(a) of the Act entitled “An Act to provide for the
3 fifteenth and subsequent decennial census and to
4 provide for apportionment of Representatives in
5 Congress”, approved June 18, 1929 (2 U.S.C.
6 2a(a)), as amended by section 2(a).

7 (3) QUALIFICATIONS.—In appointing members
8 of the commission, the appointing authorities under
9 paragraph (1) shall prioritize the appointment of in-
10 dividuals who are qualified to assess the appropriate
11 number of Members of the House of Representatives
12 because of their expertise or study of politics, gov-
13 ernment, and related fields, and their demonstrated
14 ability to work in a nonpartisan manner.

15 (4) VACANCY.—A vacancy in the commission
16 shall be filled in the same manner as the original ap-
17 pointment was made.

18 (5) COMPENSATION.—Members of the commis-
19 sion—

20 (A) shall be paid the daily equivalent of
21 the annual rate of basic pay payable for level V
22 of the Executive Schedule for each day (includ-
23 ing travel time) during which the member is en-
24 gaged in the actual performance of duties vest-
25 ed in the commission; and

1 (B) shall receive travel expenses, including
2 per diem in lieu of subsistence, in accordance
3 with applicable provisions under subchapter I of
4 chapter 57 of title 5, United States Code.

5 (c) STAFF.—

6 (1) AUTHORITY TO APPOINT STAFF.—The chair
7 of the commission may appoint, prescribe the duties
8 and responsibilities of, and fix the pay of such staff
9 as the chair considers appropriate to assist the com-
10 mission in carrying out its duties, without regard to
11 the provisions of title 5, United States Code, gov-
12 erning appointments in the competitive service, and
13 without regard to the provisions of chapter 51 and
14 subchapter III of chapter 53 of such title relating to
15 classification and General Schedule pay rates, except
16 that no rate of pay fixed under this paragraph may
17 exceed the rate of pay for a member of the commis-
18 sion.

19 (2) EXPERTS AND CONSULTANTS.—Section
20 202(i) of the Legislative Reorganization Act of 1946
21 (2 U.S.C. 4301(i)) shall apply with respect to the
22 commission in the same manner as such section ap-
23 plies with respect to a standing committee of the
24 Senate.

1 (d) DUTIES.—With respect to a regular decennial
2 census, the commission shall carry out the following du-
3 ties:

4 (1) Analyzing the shifts in population among
5 the States.

6 (2) Analyzing how the application of section
7 22(a)(2) of the Act entitled “An Act to provide for
8 the fifteenth and subsequent decennial census and to
9 provide for apportionment of Representatives in
10 Congress”, approved June 18, 1929 (2 U.S.C.
11 2a(a)(2)), as added by section 2(a), will affect the
12 ability of the House of Representatives to carry out
13 its responsibilities in an effective manner.

14 (3) Recommending the optimal number of
15 Members of the House and the optimal apportion-
16 ment of Members among the States, taking into ac-
17 count—

18 (A) shifts in population among the States;

19 (B) the need to reduce disparities in the
20 size of congressional districts; and

21 (C) the need to ensure that historically
22 under represented populations are not
23 disenfranchised.

24 (e) POWERS.—

1 (1) HEARINGS AND OTHER ACTIVITIES.—For
2 the purpose of carrying out its duties, the commis-
3 sion may hold such hearings and undertake such
4 other activities as the commission determines to be
5 necessary to carry out its duties.

6 (2) AUTHORITY TO USE SUBPOENAS.—The
7 commission may require by subpoena the attendance
8 of such witnesses and the production of such books,
9 papers, and documents, as it considers appropriate.

10 (3) ACCESS TO LEGISLATIVE BRANCH SERV-
11 ICES.—The commission shall have access to the
12 services of the Architect of the Capitol, the Govern-
13 ment Accountability Office, the Congressional Budg-
14 et Office, and the Congressional Research Service in
15 the same manner and under the same terms and
16 conditions as any standing committee of the House
17 of Representatives or Senate.

18 (f) REPORT.—The commission shall submit a report
19 to Congress containing its recommendations under sub-
20 section (d)(3) not later than 6 months after the publica-
21 tion of the regular decennial census of the population of
22 the United States.

23 (g) TERMINATION.—A commission established under
24 this section shall terminate 30 days after submitting the
25 report under subsection (f).

1 (h) EFFECTIVE DATE.—This section shall apply with
2 respect to the second regular decennial census conducted
3 after the date of the enactment of this Act and each subse-
4 quent decennial census.

5 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR PROVI-**
6 **SION OF ADDITIONAL SPACE, FACILITIES,**
7 **PERSONNEL, AND RESOURCES.**

8 There are authorized to be appropriated to the House
9 of Representatives and the Architect of the Capitol for the
10 fiscal year in which this Act is enacted and each suc-
11 ceeding fiscal year such sums as may be necessary to pro-
12 vide for any additional space, facilities, personnel, and
13 other resources for the House which may be required as
14 the result of the enactment of this Act.