

118TH CONGRESS  
1ST SESSION

# H. R. 643

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2023

Mr. CASTEN (for himself, Mr. BEYER, and Mr. BLUMENAUER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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 U.S. population  
10 was 92,228,531 (1910 U.S. Census). The U.S. pop-  
11 ulation has grown to more than three times that size  
12 to 331,449,281 in 2020 (2020 U.S. Census) while  
13 the 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 appor-  
16 tionment 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.

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