

**Representative Harriet Hageman (WY-at Large) – General Leave Statement**  
**H.R. 7109 the *Equal Representation Act*, May 8, 2024**

Thank you, Mr. Speaker. I wish to reiterate for the record Congress's intent to further describe its expectations of the executive branch when interpreting, administering, and complying with this bill's provisions should it become law. The legislative intent of this bill is simple, yet Congress is compelled to further clarify the record on this bill to pre-empt an executive branch that routinely seeks to avoid the letter of the law through rule- and policy-making, and in the face of an administration opposed to this bill.

The Fourteenth Amendment establishes that a U.S. citizen is a person born or naturalized in the U.S. Federal law further clarifies that a U.S. citizen is someone who is a citizen of the U.S. by law, birth, or naturalization. Under H.R. 7109, it is this citizenship status that the federal government is to collect through the decennial census, and then determine apportionment and the electoral college. Should this bill become law, Congress intends the executive branch to use this definition when implementing the Act, and no rule or policy can infringe on this requirement.

Congress would typically expect the executive branch to execute all of the nation's lawful force as instructed by the legislative branch and as required by the separation-of-powers provisions found in the Constitution. Congressional and judicial scrutiny of the acts of the executive branch has continued to increase over time because of its propensity to ignore, misinterpret, or misapply Congressionally imposed restrictions or mandates. The current administration has a track record of routinely pushing the limits of, and outright ignoring, the law to achieve political goals through rulemaking and other executive policy.

The Biden Administration's regulatory abuse is exemplified through a variety of actions, such as the Department of Education's Income Drive Repayment Program; a slate of Environmental Protection Act rules, such as Multi-Pollutant Emissions Standards for Model Years 2027, Later Light-Duty and Medium-Duty Vehicles, and the Clean Power Plan 2.0; the Bureau of Land Management's Conservation and Landscape Health Rule; and the Security and Exchange Commission's Enhancement and Standardization of Climate-Related Disclosures for Investors. None of these rulemakings find a foundation in the law, yet the Administration has moved forward with them in furtherance of a political agenda. The scope of this issue is further confirmed as a contributing factor in the Supreme Court's consideration of *Loper Bright Enterprises v. Raimondo*.

Congress should also be concerned about the Biden Administration's willingness to carry out this Act as written in light of its stated opposition to the *Equal Representation Act*. Just this week, the Biden Administration issued a formal Statement of Administration Policy "strongly opposing the bill." Contrary to the Administration's statement, this law is imperative to gathering important information on the number of non-citizens living here, to the integrity of U.S. elections, and to ensuring that only American citizens are counted towards Congressional apportionment. This is especially so at a time when the Biden Administration is allowing non-citizens en masse into the country.

In closing, Congress intends to collect information on the citizenship status of all census respondents, using the legal definition of a United States citizen, and to use this count to determine Congressional apportionment and the electoral college. No administrative rulemaking or policy can or should be used to waive, circumvent, provide exceptions to, or otherwise change the intent of Congress in the *Equal Representation Act*.

A handwritten signature in blue ink, reading "Harriet H. Hageman". The signature is written in a cursive, flowing style.