

A RESOLUTION

1 Urging the United States Census Bureau to change its policy of
2 recording the residence of incarcerated individuals from the
3 location of the correctional facilities to the last known
4 home address of the incarcerated individuals.

5 WHEREAS, The Founding Fathers understood the importance of
6 keeping an accurate recording of the country's population by
7 including it as a constitutional requirement; and

8 WHEREAS, Article I, Section 2, Clause 3 of the Constitution
9 of the United States, referred to as the Enumeration Clause,
10 confers on Congress the power to conduct an actual enumeration
11 every 10 years; and

12 WHEREAS, Since the adoption of the 14th Amendment, the
13 Constitution of the United States has mandated that all United
14 States residents be included in the decennial census count; and

15 WHEREAS, Congress delegated the responsibility of conducting
16 the actual enumeration of the population, through the Census
17 Act, 13 U.S.C. § 1 et seq., to the Secretary of Commerce, who
18 may delegate authority for establishing procedures to conduct

1 the census to the Census Bureau; and

2 WHEREAS, The fundamental constitutional and statutory purpose
3 of the Census Bureau in conducting the decennial census is to
4 acquire an accurate and actual enumeration of the population;
5 and

6 WHEREAS, To ensure that the Census Bureau counts everyone in
7 the right place, residence criteria and residence situations are
8 developed and used to determine where people are counted during
9 each decennial census; and

10 WHEREAS, As part of its residence criteria, the Census Bureau
11 applies the concept of usual residence, which is defined as the
12 place where an individual lives and sleeps most of the time and
13 is not always the same as one's legal residence, voting
14 residence or where an individual prefers to be counted; and

15 WHEREAS, The concept of usual residence stems from the Census
16 Act of 1790, which expressly specifies that persons be
17 enumerated at their usual place of abode; and

18 WHEREAS, Every decade, the Census Bureau reviews the
19 residence criteria and residence situations to ensure that the
20 concept of usual residence is interpreted and applied
21 consistently with the intent of the Census Act of 1790, to
22 identify new or changing living situations resulting from
23 societal change and to address those changes in order to be
24 consistent with the concept of usual residence; and

25 WHEREAS, Although determining usual residence is
26 straightforward for most individuals, there are certain
27 populations for which it is not; and

28 WHEREAS, Such populations include incarcerated individuals,
29 foreign citizens, people who live or stay in more than one
30 location, people in residential school-related facilities,

1 college students, people in health care facilities, United
2 States military personnel, individuals in group homes and
3 residential treatment centers and homeless people, among others;
4 and

5 WHEREAS, The final 2020 Census Residence Criteria and
6 Residence Situations states that people will be counted at their
7 usual residence, which is the place where they live and sleep
8 most of the time, people in certain types of group facilities on
9 Census Day will be counted at the group facility, and people who
10 do not have or cannot determine a usual residence will be
11 counted where they are on Census Day; and

12 WHEREAS, On Census Day, incarcerated individuals will
13 continue to be counted at the facility where they are located,
14 whether it be a Federal or State prison, local jail, municipal
15 confinement facility, Federal detention center or correctional
16 residential facility; and

17 WHEREAS, On Census Day, other special populations, such as
18 boarding school students, will be counted at their parents' or
19 guardians' home, deployed military personnel will be counted at
20 the United States residence where they live and sleep most of
21 the time and people in residential treatment centers, assisted
22 living facilities or in-patient hospice facilities will be
23 counted at the residence where they live and sleep most of the
24 time; and

25 WHEREAS, Application of the concept of usual residence by the
26 Census Bureau to the various special populations who are
27 temporarily living or staying away from their home or permanent
28 address is inconsistent; and

29 WHEREAS, Counting incarcerated or detained individuals at the
30 facility where they are located on Census Day ignores the

1 temporary and transient nature of incarceration; and

2 WHEREAS, Minorities such as African Americans and Latinos
3 from urban, underserved areas disproportionately make up the
4 prison population, while facilities are often located in largely
5 rural locations far from the actual homes of the incarcerated
6 individuals; and

7 WHEREAS, Most incarcerated individuals only serve a short
8 period of time and, upon release, return to their home community
9 where they would likely be counted if they were any other
10 population; and

11 WHEREAS, In addition to accuracy concerns, population data
12 from the census is used to apportion representatives to
13 Congress, draw State and local legislative districts, allocate
14 electors to the electoral college and distribute billions of
15 dollars in Federal funding; and

16 WHEREAS, Approximately \$800 billion is annually distributed
17 to nearly 300 different Federal programs based on census counts,
18 and unfair residence criteria could deprive a state or
19 municipality of its statutory fair share of Federal funding due
20 to inaccurate counts; and

21 WHEREAS, Each state relies on the accuracy of the decennial
22 census in order to comply with the 14th Amendment's one-person,
23 one-vote requirement, which requires that a legislative district
24 be as close to equal population as practicable and that
25 congressional apportionment be based on total population; and

26 WHEREAS, The decision to continue to record correctional
27 facilities as the residence of incarcerated individuals instead
28 of the individual's last known address for the 2020 decennial
29 census has the potential to weaken the voting strength in
30 minority communities and distort the redistricting process,

1 having lasting effects on our democracy; and

2 WHEREAS, The decennial enumeration of the population is one
3 of the most critical functions our Federal Government performs;
4 and

5 WHEREAS, The decennial census, although not perfect, should
6 and must be apolitical in both its execution and its application
7 to ensure a full, fair and accurate count; therefore be it

8 RESOLVED, That the House of Representatives of the
9 Commonwealth of Pennsylvania urge the United States Census
10 Bureau to change its policy of recording the residence of
11 incarcerated individuals from the location of the correctional
12 facility to the last known home address of the incarcerated
13 individuals; and be it further

14 RESOLVED, That certified copies of this resolution be sent to
15 the United States Secretary of Commerce, the Director of the
16 United States Census Bureau, the presiding officers of each
17 house of Congress and each member of Congress from Pennsylvania.

RESOLUTION

INTRODUCED _____, 20 _____

BY _____, District
NO. _____

See next page for additional co-sponsors.

Referred to Committee on	
Date _____	20 _____
Reported _____	20 _____
As Committed-Amended	
Recommendation	

By Hon. _____	