
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 135 Session of
2019

INTRODUCED BY CRUZ, SCHLOSSBERG, ISAACSON, CALTAGIRONE, HILL-
EVANS AND FIEDLER, MARCH 8, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 8, 2019

A RESOLUTION

1 Urging the Trump Administration to not include a citizenship
2 question in the 2020 decennial census.

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

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

10 WHEREAS, Since the adoption of the 14th Amendment, the United
11 States Constitution has mandated that all persons, regardless of
12 race, citizenship or legal status, be included in the decennial
13 census count; and

14 WHEREAS, The indisputable fact that all persons, including
15 the nonvoting classes, have a vital interest in the conduct of
16 the government is just as true today as it was in 1866; and

17 WHEREAS, When the 39th Congress debated the wording for the
18 14th Amendment, options including "voters" and "citizens" were

1 considered and expressly rejected, before the language "whole
2 number of persons" was decided upon; and

3 WHEREAS, Congress delegated the responsibility of conducting
4 the actual enumeration of the population through the Census Act
5 to the Secretary of Commerce who may delegate authority for
6 establishing procedures to conduct the census to the Census
7 Bureau; and

8 WHEREAS, The fundamental constitutional and statutory purpose
9 of the Census Bureau in conducting the decennial census is to
10 acquire an accurate and actual enumeration of the population;
11 and

12 WHEREAS, Federal law requires the Secretary of Commerce to
13 advise Congress as to the questions, which are typically
14 thoroughly developed and tested, to be included on the decennial
15 census; and

16 WHEREAS, The report transmitted by the Secretary of Commerce
17 advising Congress of the questions to be incorporated in the
18 2020 decennial census included a demand for information
19 regarding the citizenship status of every person in the country;
20 and

21 WHEREAS, By including the demand for citizenship information
22 in the 2020 questionnaire, the Census Bureau deviated from its
23 adopted standards and practices for ensuring the accuracy of the
24 decennial census and violated the requirements of the
25 Information Quality Act; and

26 WHEREAS, For decades, the Census Bureau has acknowledged and
27 expressed the public opinion that the inclusion of questions on
28 citizenship or immigration status would deter census
29 participation and in turn impair population count accuracy; and

30 WHEREAS, During litigation seeking to compel the Census

1 Bureau to demand disclosure of immigration status in 1980, the
2 Census Bureau argued that "any effort to ascertain citizenship
3 will inevitably jeopardize the overall accuracy of the
4 population count." *Federation for American Immigration Reform v.*
5 *Klutznick*, 486 F. Supp. 564 (D.D.C. 1980); and

6 WHEREAS, The Census Bureau further explained that:

7 "[o]btaining the cooperation of a suspicious and fearful
8 population would be impossible if the group being counted
9 perceived any possibility of the information being used
10 against them. Questions as to citizenship are
11 particularly sensitive in minority communities and would
12 inevitably trigger hostility, resentment and refusal to
13 cooperate." *Id.*;

14 and

15 WHEREAS, The position of the Census Bureau regarding the
16 detrimental effects of a citizenship or immigration status
17 question on the accuracy of the decennial census has remained
18 unwavering regardless of the administration or political party;

19 and

20 WHEREAS, Even without a citizenship demand, minority and
21 immigrant populations have historically been some of the hardest
22 groups to count accurately in the decennial census; and

23 WHEREAS, Statistically, the 2010 census failed to count more
24 than 1.5 million minorities, and the Hispanic population was
25 undercounted by 1.54% in 2010, by 0.71% in 2000 and by 4.99% in
26 1990; and

27 WHEREAS, Immigrants account for 6.8% of Pennsylvania's
28 population, and in 2014, more than one in five immigrants in
29 Pennsylvania were undocumented; and

30 WHEREAS, Immigrants account for 13.1% of Philadelphia's

1 population, and in 2014, an estimated 50,000 undocumented
2 immigrants lived in Philadelphia; and

3 WHEREAS, Immigrants account for 8.5% of Pittsburgh's
4 population, and in 2014, an estimated 18% of those immigrants
5 were undocumented; and

6 WHEREAS, In addition to participation and accuracy concerns,
7 population data from the census is used to apportion
8 representatives to Congress, draw state and local legislative
9 districts, allocate electors to the electoral college and
10 distribute billions of dollars in Federal funding; and

11 WHEREAS, Approximately \$800 billion is annually distributed
12 to nearly 300 different Federal programs based on census counts,
13 and a citizenship question could deprive a state or municipality
14 of its statutory fair share of Federal funding due to inaccurate
15 counts; and

16 WHEREAS, Some of the biggest line items in the Federal budget
17 that rely, at least in part, on census data, include health
18 programs such as Medicaid, the Supplemental Nutrition Assistance
19 Program (SNAP), education programs, infrastructure plans and
20 highway planning and construction programs; and

21 WHEREAS, Pennsylvania received more than \$1.67 billion in
22 Highway Trust Fund grants in 2015, which is funding allocated on
23 the basis of local population estimates collected through the
24 decennial census, for road construction and other surface
25 transportation programs; and

26 WHEREAS, Pennsylvania received nearly \$183 million in
27 urbanized area formula grants for planning, operating and
28 improving transportation; and

29 WHEREAS, The Child Care and Development Fund allocates
30 funding based on census information of the number of children

1 under 13 years of age, of which Pennsylvania received more than
2 \$116 million in grants in 2015; and

3 WHEREAS, The Medicaid Program relies on per capita income
4 information calculated with decennial census data to determine
5 the amount to reimburse each state for medical assistance
6 payments on behalf of low-income individuals, and, in 2015,
7 Pennsylvania received \$11.2 billion in reimbursement under the
8 Medicaid program; and

9 WHEREAS, If Pennsylvania had even a 1% undercount on the 2010
10 decennial census, the Commonwealth would have lost nearly \$222
11 million in Federal funding as reimbursement under the Medicaid
12 program in one year; and

13 WHEREAS, Undercounts of both citizens and noncitizens alike
14 in immigrant communities due to the addition of a citizenship
15 question will inhibit a state's representational interests and
16 its ability to meet constitutional requirements in creating
17 congressional and state legislative districts; and

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

23 WHEREAS, The decision to include a citizenship question in
24 the 2020 decennial census is so detrimental to our democracy
25 that the Commonwealth of Pennsylvania joined a coalition of 17
26 other attorneys general, several cities and the bipartisan
27 United States Conference of Mayors in filing a lawsuit to block
28 the collection of the information; and

29 WHEREAS, The well-documented concerns and risks surrounding a
30 citizenship question on the census are heightened in the current

1 political climate given the President's anti-immigrant rhetoric
2 and the current administration's pattern of actions and policies
3 targeting immigrant and minority communities; and

4 WHEREAS, These actions and policies include the rescission of
5 the Deferred Action for Childhood Arrivals (DACA) program, the
6 rhetoric and efforts for a physical wall along the border
7 between the United States and Mexico, the increased detention of
8 undocumented immigrants, efforts to suspend or terminate Federal
9 funding to sanctuary cities, the travel ban from several Muslim-
10 majority countries, the suspension of refugee admissions into
11 the United States and the termination of special protections
12 from removal for migrants from nations experiencing war and
13 natural disasters, among other actions; and

14 WHEREAS, The decennial enumeration of the population is one
15 of the most critical functions our Federal Government performs;
16 and

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

20 RESOLVED, That the House of Representatives of the
21 Commonwealth of Pennsylvania urge the Trump Administration to
22 not include a citizenship question in the 2020 decennial census;
23 and be it further

24 RESOLVED, That copies of this resolution be sent to the
25 President of the United States, the Secretary of Commerce, the
26 Director of the United States Census Bureau, the presiding
27 officers of each house of Congress and each member of Congress
28 from Pennsylvania.