
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 136 Session of
2019

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

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 8, 2019

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
19 the census to the Census Bureau; and

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

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

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

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

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

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

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

1 States military personnel, individuals in group homes and
2 residential treatment centers and homeless people, among others;
3 and

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

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

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

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

28 WHEREAS, Counting incarcerated or detained individuals at the
29 facility where they are located on Census Day ignores the
30 temporary and transient nature of incarceration; and

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

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

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

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

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

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

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

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

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

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