

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

1 14th Amendment, options including "voters" and "citizens" were
2 considered and expressly rejected, before the language "whole
3 number of persons" was decided upon; and

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

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

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

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

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

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

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

7 WHEREAS, The Census Bureau further explained that:

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

15 and

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

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

24 WHEREAS, Statistically, the 2010 census failed to count more
25 than 1.5 million minorities, and the Hispanic population was
26 undercounted by 1.54% in 2010, by 0.71% in 2000 and by 4.99% in
27 1990; and

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

1 WHEREAS, Immigrants account for 13.1% of Philadelphia's
2 population, and in 2014, an estimated 50,000 undocumented
3 immigrants lived in Philadelphia; and

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

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

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

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

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

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

30 WHEREAS, The Child Care and Development Fund allocates

1 funding based on census information of the number of children
2 under 13 years of age, of which Pennsylvania received more than
3 \$116 million in grants in 2015; and

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

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

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

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

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

30 WHEREAS, The well-documented concerns and risks surrounding a

1 citizenship question on the census are heightened in the current
2 political climate given the President's anti-immigrant rhetoric
3 and the current administration's pattern of actions and policies
4 targeting immigrant and minority communities; and

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

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

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

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

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

RESOLUTION

INTRODUCED _____, 20 _____

BY _____, District
NO. _____

BY _____, District
NO. _____

BY _____, District
NO. _____

BY _____, District
NO. _____

BY _____, District
NO. _____

See next page for additional co-sponsors.

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

By Hon. _____	