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Congress of the United States
House of Representatives
Washington, DC 20515–3215

COMMITTEE:
APPROPRIATIONS
SUBCOMMITTEES:
RANKING DEMOCRAT, COMMERCE, JUSTICE, SCIENCE
MEMBER, FINANCIAL SERVICES AND GENERAL GOVERNMENT
MEMBER, ENERGY AND WATER

DEAN, CONGRESSIONAL HISPANIC CAUCUS

SENIOR WHIP

The Honorable Secretary Wilbur Ross
U.S. Department of Commerce
1401 Constitution Ave NW
Washington, D.C. 20230

Dear Secretary Ross:

We write in response to the U.S. Department of Justice's (DOJ) proposal to add an additional untested subject to the upcoming decennial census. Adopting this question on citizenship and legal status will negatively affect response rates, jeopardize the accuracy of the collected surveys, and deter many people from participating. The 2020 Census already faces significant planning and operational challenges, and we urge you to reject this misguided and problematic proposal.

As you know, the Census Bureau is already in the final stages of preparing the questions and format of the 2020 Decennial Census. Over the past several years, the Bureau has tested various question options, languages, and other important issues. To the best of our knowledge, at no point has the Census Bureau considered including a question on citizenship. In fact, the list of topics for the decennial census provided to Congress in March 2017 and available for public review does not include a question on citizenship. Given that the Bureau must submit its questions and form to Congress by March of this year, it is very unlikely that the Bureau would even be able to appropriately test the impact of such a question on response rates and other issues.

There is also significant reason to question the need for including a question on citizenship on the 2020 Census form. This information is already collected via the American Community Survey, and despite intimations to the contrary, this information has been appropriately used in a variety of Voting Rights Act cases without concern. It is also noteworthy that the request for this potential change came from DOJ's Justice Management Division, rather than the Civil Rights Division which actually enforces the Voting Rights Act.

It is also important to recognize that the communities most affected by the Voting Rights Act have not requested this question for inclusion in the upcoming census. Nor has the Census Bureau's National Advisory Committee on Racial, Ethnic and Other Populations (NAC) requested this change. This lack of stakeholder support further undermines this request.

Lastly, this is a potentially unwise change based on ongoing problems faced by the Bureau. Due to budgetary and time constraints, the Census Bureau is already facing serious challenges to its planned preparations for the 2020 Census. Last year, the Bureau was forced to cancel a field-test of Spanish language surveys as well as the testing of non-traditional addresses located in Puerto Rico and on tribal reservations. Two locations were also removed from the Bureau's end-to-end test of decennial census systems. Furthermore, the Bureau has delayed plans to open local census offices and conduct outreach campaigns in support of the 2020 Census. Given these serious concerns, the Census Bureau should refrain from adding further problems to this process.

Since 1790, every census has included citizens and non-citizens alike. In fact, the Constitution of the United States mandates that the number of "persons" be counted. That mission will be threatened if the Bureau accedes to the Justice Department's request. Disrupting preparations for the 2020 Census to add an additional untested subject, especially at this pivotal point, would undermine both the funding and years we have already spent on research and testing. Congress heavily relies on the census to allocate funding for vital federal grant programs and for the distribution of much-needed resources to our communities; this remains especially true for decennial surveys, which also directly impact the redistricting process.

It is our obligation to ensure that the Bureau receives accurate information about our population. We must also ensure that all of our communities are properly accounted for, and that each household is correctly counted the first time. On behalf of our constituencies, we urge you to oppose this proposal. We thank you for your attention to this critical matter and look forward to further supporting the Bureau as it prepares for the decennial census.

Sincerely,

José E. Serrano
Member of Congress

Grace Meng
Member of Congress