



Homeland Security

March 16, 2010

The Honorable Nydia Velázquez
Chairwoman
Congressional Hispanic Caucus
Washington, DC 20515

Dear Chairwoman Velázquez:

I am writing as follow-up to your meeting with the President on March 11, 2010, where I understand the issue of the decennial census was discussed.

As you know, all of the information the Census Bureau collects, including from people residing in the United States without lawful immigration status, is confidential and protected by law. This information will not be shared with U.S. Immigration and Customs Enforcement (ICE) and may not be used for immigration enforcement purposes. Please feel free to share this information with your constituents.

The Department of Homeland Security (DHS) fully supports a thorough and accurate count of the U.S. population and we are committed to working with the Census Bureau to ensure our enforcement responsibilities do not interfere with this process. As the Commerce Department has made clear, neither the Commerce Department nor the Census Bureau will ask ICE to refrain from exercising its lawful authority. However, DHS and ICE will ensure that our actions are well coordinated and do not affect their ability to collect accurate and comprehensive data for the census.

We look forward to continuing to work with you to ensure the public is well informed about our Department's work during the Census and throughout the year. An identical letter has been sent to the other members of the Congressional Hispanic Caucus. I appreciate the opportunity to respond to the concerns you raised with President Obama.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano", followed by a horizontal line extending to the right.

Janet Napolitano



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 3, 2010

The Honorable Nydia Velázquez
Chair
Congressional Hispanic Caucus
U.S. House of Representatives
Washington, D.C. 20515

Dear Madam Chair:

This is in response to your letters of September 14, 2009 and December 3, 2009 requesting the Justice Department's views as to the potential effect of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Pub. L. No. 107-56, 115 Stat. 272 ("Patriot Act"), as amended, on confidentiality protections provided by the Census Act, 13 U.S.C. §§ 8, 9, 214 (2006). In particular, your letters express concern on the part of some members of the public that information-gathering or information-sharing provisions of the Patriot Act may override the confidentiality requirements of the Census Act so as to require the Commerce Secretary to disclose otherwise covered census information to federal law enforcement or national security officials. The long history of congressional enactments protecting such information from such disclosure, as well as the established precedents of the courts and this Department, supports the view that if Congress intended to override these protections it would say so clearly and explicitly. Because no provision of the Patriot Act, including Section 215, indicates such a clear and explicit intent on the part of Congress, the Department's view is that no provisions of that Act override otherwise applicable Census Act provisions barring the Commerce Secretary and other covered individuals from disclosing protected census information possessed by the Commerce Department. An identical letter is being sent to your fellow signatories

If we may be of further assistance on this or any other matter, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Weich".

Ronald Weich
Assistant Attorney General