

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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February 19, 2026

The Honorable Howard Lutnick
Secretary
Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Mr. George M. Cook
Acting Director
Census Bureau
4600 Silver Hill Road
Washington, DC 20233

Dear Secretary Lutnick and Acting Director Cook:

We are seeking your prompt response regarding your latest attempt, blocked by the Supreme Court during President Trump's first term, to add a citizenship question to the Decennial Census. The Trump Administration is risking millions of taxpayer dollars to pursue policies which could fatally compromise the 2030 count before it even begins. Your decision to add a citizenship question to the Census Test, despite repeated warnings from issue experts and former staff that it could seriously harm the accuracy of the test, combined with the decision to significantly reduce the number of test sites,¹ shows that the Trump Administration is willing to waste millions of dollars in resources toward a failed 2030 Census.

The decennial census is the sole basis for drawing congressional district boundaries and determining the allocation of hundreds of billions of dollars in federal funds, which are based on total population. Section 2 of the 14th Amendment to the U.S. Constitution states that congressional apportionment is determined by "counting the whole number of persons in each state." Since 1790, every congressional apportionment has included every person residing in the United States, not just U.S. citizens.

In 2019, the Supreme Court blocked the first Trump Administration from including a citizenship question on the 2020 Decennial Census because it violated the law and because rationale offered by the Administration for the policy change was false.²

We have learned from numerous sources that the Census Bureau is using the American Community Survey (ACS), rather than a decennial census questionnaire, for in-field enumeration of the 2026 Census Test.³ The ACS includes a citizenship question, which raises questions about

¹ *A Major Census Test Faces Cutbacks—with Postal Workers Tapped to Help The Count*, NPR (Feb. 2, 2026) (online at www.npr.org/2026/02/02/nx-s1-5696576/us-census-bureau-usps-2026-operational-test).

² *Department of Commerce et al. v. New York et al.*, No. 18-966, Slip Op., (June 27, 2019) (online at www.supremecourt.gov/opinions/18pdf/18-966_bq7c.pdf).

³ See *Census Bureau Plans to Use Survey with a Citizenship Question in Its Test for 2030, Alarming Experts*, AP News (Feb. 6, 2026) (online at <https://apnews.com/article/census-citizenship-2030-trump-immigration->

whether the Trump Administration may attempt once again to include a citizenship question in the 2030 Census. If the Census Bureau uses the ACS questionnaire rather than the decennial census questionnaire, the 2026 Census Test will be rendered invalid to support the 2030 Census and thus waste millions of dollars in preparations. In 2018, the Census Bureau under the first Trump Administration warned that the addition of a citizenship question would lead to a nationwide undercount of at least one million people.⁴ We urge you to heed the warnings of former staff and researchers and show the American people that you're willing to work toward an accurate and lawful Census.

Any attempts to add a citizenship question would deter immigrants, including those who are lawfully permitted to reside in the United States, from responding to the Census.⁵ Many immigrants or citizens in mixed-status families, including green card holders and other legal permanent residents, face fear, chaos, and uncertainty over who the Trump Administration will target next for denaturalization and deportation. As you know, title 13 of the U.S. Code prohibits any disclosure by the Census Bureau of confidential information that would pinpoint individual people, households, or businesses.⁶ However, it is clear that the Department of Homeland Security (DHS) intends to illegally obtain and use highly sensitive information maintained by individual agencies as part of its broader weaponization of personal information to carry out the Trump Administration's mass deportation agenda.⁷

Further, as part of its mass deportation campaign, the Trump Administration has detained thousands of individuals with no criminal records, as well as more than 186 U.S. citizens and lawful permanent residents.⁸ In more than 20 cases, citizens were held by Immigration and Customs Enforcement for more than 24 hours without the ability to make a phone call to a lawyer or their families.⁹ Under these circumstances, citizens in mixed status families and legal residents may justifiably be afraid to share personal information with the federal government.

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⁴ *The Exhausting Ordeal of The Census Bureau's Top Scientist*, Government Executive (Apr. 22, 2019) (online at www.govexec.com/management/2019/04/exhausting-ordeal-census-bureaus-top-scientist/156467/).

⁵ Brookings Institution, *America Wins as Trump Abandons the Citizenship Question from the 2020 Census* (July 12, 2019) (online at www.brookings.edu/articles/america-wins-trump-abandons-the-citizenship-question-from-2020-census/); See Brennan Center for Justice, *Why the Census Asking About Citizenship is Such a Problem* (Mar. 27, 2018) (online at www.brennancenter.org/our-work/analysis-opinion/why-census-asking-about-citizenship-such-a-problem).

⁶ 13 U.S.C. § 9.

⁷ Information obtained by Committee Staff. See also *DOGE Is Building a Master Database to Surveil and Track Immigrants*, Wired (Apr. 18, 2025) (online at www.wired.com/story/doge-collecting-immigrant-data-surveil-track/).

⁸ *We Found That More Than 170 U.S. Citizens Have Been Held by Immigration Agents. They've Been Kicked, Dragged, and Detained for Days*, ProPublica (Oct. 16, 2025) (online at www.propublica.org/article/immigration-dhs-american-citizens-arrested-detained-against-will); The Committee on Oversight and Government Reform's Democratic staff identified at least 16 additional instances of detentions of U.S. citizens since November 2025. See Committee on Oversight and Government Reform Democrats, *Immigration Enforcement Dashboard* (online at <https://oversightdemocrats.house.gov/immigration-dashboard>) (accessed Feb. 6, 2026).

⁹ *Id.*

Census data informs the allocation of more than \$2.8 trillion in federal funds to states and local jurisdictions. Those funds are used for building roads and highways, supporting school breakfast and lunch programs, keeping rural hospitals afloat, and supporting veteran families, among other vital services.¹⁰ The addition of a citizenship question would result in an inaccurate census and thus distort the equitable allocation of federal funds.¹¹ Distorting census data will have significant consequences for all families and communities, depriving them of resources which support businesses, infrastructure, schools, and livelihoods.

We urge you to immediately cease any use of the ACS for in-field enumeration of the 2026 Census Test and instead use a census questionnaire without a citizenship question. Please provide a prompt response no later than March 4, 2026, to attest what in-field enumeration questionnaire will be used for the 2026 Census Test.

Thank you for your prompt attention to this matter.

Sincerely,



Robert Garcia
Ranking Member
Committee on Oversight and
Government Reform



Eleanor Holmes Norton
Member of Congress



Stephen F. Lynch
Member of Congress



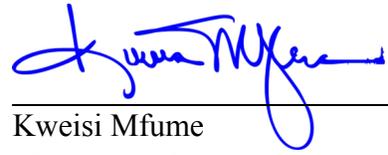
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Member of Congress

¹⁰ U.S. Census Bureau, *Census Bureau Data Guide More Than \$2.8 Trillion in Federal Funding in Fiscal Year 2021* (June 14, 2023) (online at www.census.gov/newsroom/press-releases/2023/decennial-census-federal-funds-distribution.html); U.S. Census Bureau, *Uses of Decennial Census Programs Data in Federal Funds Distribution: Fiscal Year 2021* (June 2023) (online at www2.census.gov/library/working-papers/2023/decennial/census-data-federal-funds-fy-2021.pdf).

¹¹ See Brennan Center for Justice, *Why the Census Asking About Citizenship is Such a Problem* (Mar. 27, 2018) (online at www.brennancenter.org/our-work/analysis-opinion/why-census-asking-about-citizenship-such-problem).



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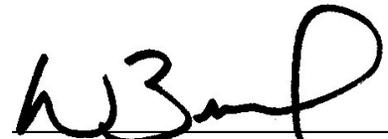
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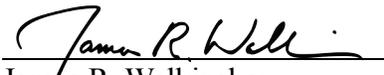
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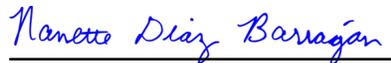
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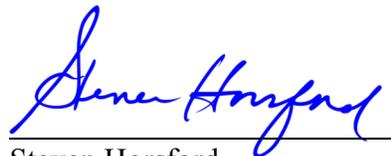
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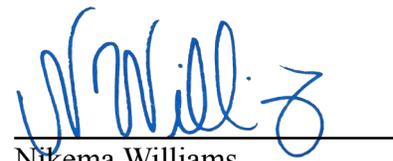
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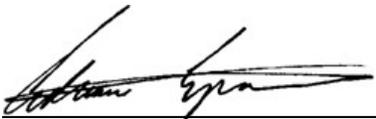
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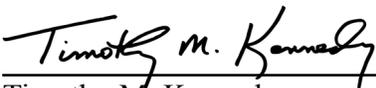
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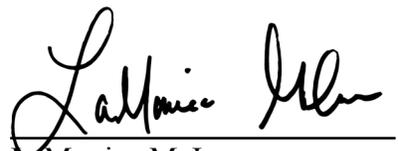
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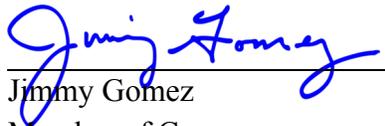
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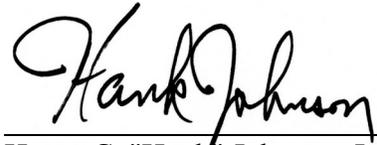
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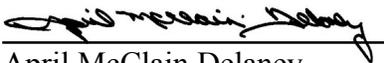
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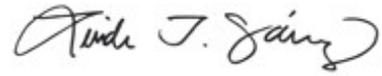
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cc: The Honorable James Comer, Chairman