Congress of the United States

Washington, DC 20515

October 30, 2026

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

Re: Congressional Letter in Support of the Census Bureau's Proposed Rule for the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions (Docket No. 260903-0005)

Dear Secretary Lutnick:

We, the undersigned Members of Congress, write in support of the Census Bureau's (the "Bureau" hereafter) proposed rule change as expressed in Docket No. 260903-0005.

1. Usual Residence Criteria

The primary and singular Constitutional purpose of the Census is to apportion seats in the U.S. House of Representatives, counting those who are qualified in each state.[1] The Census Bureau has used the phrase "usual residence" and its variations as the working meaning of the constitutional command to count the "whole number of persons in each State" since 1790. Aware of this longstanding practice, Congress in 1976 affirmed and broadened the authority of the Secretary of Commerce to take the decennial census "in such form and content as he may determine," which we contend allows for and should include consideration of one's allegiance and permanency to the United States.[2] Ultimately, it is clear that those who are in the country temporarily, through temporary visas or those who have entered the country illegally, profess no allegiance to the United States.

Removing illegal aliens from the apportionment count is a natural conclusion and we reassure our agreement with the Bureau's consideration that illegal aliens are "not true inhabitants, members of the body politic, or persons with a 'usual residence' in the United States due to their lack of a sufficient tie and allegiance to the United States."[3]

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1 U.S. Const. Art. I § 2.
2 Pub. L. 94-521, § 7(a). See, Franklin v. Massachusetts, 505 U.S. 788, 804 (1992).
3 https://www.federalregister.gov/d/2026-18481/p-23.

We recommend that apportionment count be limited to only U.S. citizens. The Bureau should exclude all foreign nationals from the final apportionment tabulation including illegal aliens, lawful permanent residents (i.e., green card holders), non-immigrant visas, refugees, asylees, DACA beneficiaries, alien parolees, Deferred Enforced Departure recipients, and temporary protected status recipients.

Lastly, we support the Bureau's intent to add a citizenship question to the Census. As was noted in the proposed rule brief, "[t]he Enumeration Clause 'permits Congress, and by extension the Secretary, to inquire about citizenship on the census questionnaire.'"[4] Historically, a citizenship question was included on the Census before 2010, and this singular question is vital for accurate apportionment and should be included in the 2030 Census tabulation.[5]

2. Demographic Questions in the Decennial Census

This proposed rule would also eliminate possible questions relating to one's demographic information.

The bulk collection of demographic data does not, in our opinion, fulfill the Constitutional mandate of the Census, which, as the Bureau accurately denotes, is to count population for apportionment. In fact, we concur that an increase of demographic data collection could produce a violation of privacy law when the Census Bureau publishes its data to the public. As was articulated in the proposed rule brief, "[u]nder 13 U.S.C. 9(a)(2), the Census Bureau and the Department of Commerce are statutorily prohibited from 'mak[ing] any publication whereby the data furnished by any particular establishment or individual under this title can be identified.'"[6] Therefore, the fabricated importance of the questions relating to one's race, ethnicity, and sexual orientation is usurped, demonstrating that these questions possess no intrinsic value when executing an enumeration for congressional apportionment.

These demographic questions should also be removed from the American Community Survey. Bureaucrats created many of these questions and corresponding demographic groups to appease a radical, left agenda. For example, the classification of individuals from the Middle East and North Africa (MENA) was introduced during the Biden Administration under pressure from activists. Eliminating these types of demographic questions is a victory against these woke policies.

We support the Bureau's reevaluation of these demographic questions and agree that "[e]xcluding such questions from the decennial census in this manner would reduce response burden as well as the risk of disclosure."[7]

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4 https://www.federalregister.gov/d/2026-18481/p-25.
5 https://www.heritage.org/immigration/commentary/citizenship-question-essential-accurate-us-census.
6 https://www.federalregister.gov/d/2026-18481/p-32.
7 https://www.federalregister.gov/d/2026-18481/p-34.

3. Conclusion

As our country enters its 250th year, it is important that the Census is updated to reflect the reality of our nation. Under President Biden, we saw historic levels of illegal immigration which has contributed greatly to our skewed apportionment and enumeration.

We, therefore, reiterate our support for the Census Bureau's effort to reform and modernize the Decennial Census. The proposed rule would bring the Census into a realistic understanding that there are millions of aliens who are inappropriately distorting congressional apportionment.

Sincerely,

Mary E. Miller
Member of Congress

Earl L. "Buddy" Carter
Member of Congress

Randy Fine
Member of Congress

Clay Higgins
Member of Congress

Mark Harris
Member of Congress

Josh Brecheen
Member of Congress

Randy K. Weber, Sr.
Member of Congress

Andrew S. Clyde
Member of Congress

Diana Harshbarger
Member of Congress



Keith Self
Member of Congress



Marlin A. Stutzman
Member of Congress



Elijah Crane
Member of Congress



Brian Babin, D.D.S.
Member of Congress



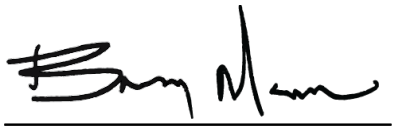
Ben Cline
Member of Congress



Andy Harris, M.D.
Member of Congress



Chip Roy
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Barry Moore
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Michael Cloud
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Scott DesJarlais, M.D.
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Max L. Miller
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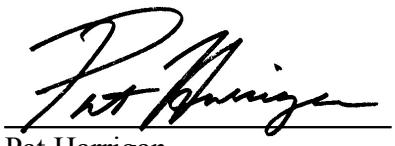
Harriet M. Hageman
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Member of Congress



Glenn Grothman
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Pat Harrigan
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Clay Fuller
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Michael A. Rulli
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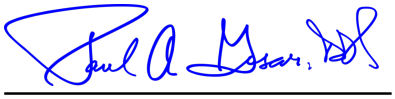
Gary J. Palmer
Member of Congress



Sheri Biggs
Member of Congress



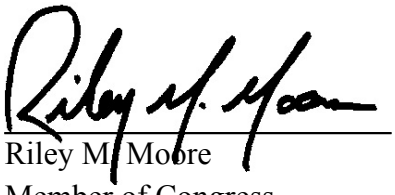
John R. Moolenaar
Member of Congress



Paul A. Gosar, D.D.S.
Member of Congress



Scott Perry
Member of Congress



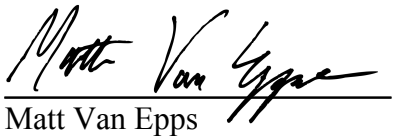
Riley M. Moore
Member of Congress



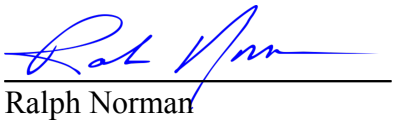
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Member of Congress



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Member of Congress



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Ralph Norman
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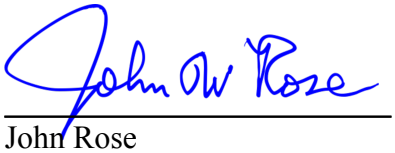
Russ Fulcher
Member of Congress



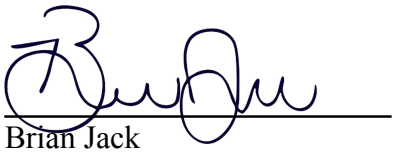
Cory Mills
Member of Congress



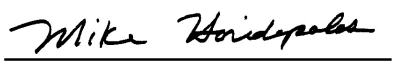
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Member of Congress



John Rose
Member of Congress



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Mike Haridopolos
Member of Congress



Troy Downing
Member of Congress



Brandon Gill
Member of Congress