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VIA CM/ECF

May 13, 2019

Mr. Mark Langer
U.S. Court of Appeals for the
District of Columbia Circuit
333 Constitution Ave. NW
Washington, D.C. 20001

RE: *Electronic Privacy Info. Ctr. v. U.S. Dep't of Commerce*, No. 19-5031 (D.C. Cir.)
(argument held on May 8, 2019)

Dear Mr. Langer:

During oral argument in this case, the panel requested information about the total number of people who have been asked to provide the Census Bureau with information about their citizenship status, on either the long-form census questionnaire or the American Community Survey (ACS) questionnaire, since Congress enacted the E-Government Act of 2002.

The long-form questionnaire was discontinued after the 2000 Census, and thus has not been used since Congress enacted the E-Government Act. *See* U.S. Census Bureau, *Questionnaires*, https://www.census.gov/history/www/through_the_decades/questionnaires/. A question regarding citizenship has been on the ACS questionnaire since that questionnaire was fully implemented in 2005. The ACS questionnaire is currently sent to approximately one in 38 households in the United States each year, for a total of more than 3.5 million households each year. *See* U.S. Census Bureau, *American Community Survey Information Guide* 1, 3 (Oct. 2017), https://www.census.gov/content/dam/Census/programs-surveys/acs/about/ACS_Information_Guide.pdf. The survey has been in full implementation for 15 years. Through 2017, the last year for which data is publicly available, a total of more than 41 million surveys had been sent out, of which more than 27 million had been completed. *See* U.S. Census Bureau, *American Community Survey: Sample Size*, <https://www.census.gov/acs/www/>

methodology/sample-size-and-data-quality/sample-size/ (sums of “Initial Addresses Selected” and “Final Interviews” for 2005-2017). Though some households might have received a survey more than once between 2005 and 2017, the Census Bureau estimates that the ACS survey has been sent to approximately 37 million unique housing units during that period, which is slightly more than one-quarter of the number of housing units in the United States.

We would be grateful if you would provide this letter to the members of the panel.

Sincerely,

s/ Sarah Carroll

Sarah Carroll
Attorney, Appellate Staff

cc: counsel (via CM/ECF)