



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 "m u i", likely representing Ronald Weich.

Ronald Weich
Assistant Attorney General