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Council of Professional Associations on Federal Statistics

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Daniel Sweeney
Deputy General Counsel for Economic, Statistical, and Regulatory Affairs
Office of the General Counsel
Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Re: Docket ID USBC-2026-0628, Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions

Dear Mr. Sweeney:

On behalf of the Council of Professional Associations on Federal Statistics (COPAFS)[1], thank you for this opportunity to comment on the proposed rule "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions" (Docket No. 260903-0005, Document 2026-18481, published September 10, 2026).

COPAFS is a nonpartisan organization which works to preserve the public good represented by federal statistical collections. Since 1981, COPAFS has provided an open dialog between those who use federal statistics in professional contexts and the federal statistical agencies that produce those statistics for the public good. Supporting organizations include professional associations, businesses, research institutes, and other groups that help to produce and/or use federal statistics. Collectively, we represent over 200,000 federal data users.

Our members rely extensively on the data products produced by the U.S. Census Bureau, especially the decennial census. The decennial census is the hub of the U.S. federal statistical system, and it is essential that these data remain representative of the full U.S. population. Unfortunately, the proposed changes to residence criteria and demographic questions for the 2030 decennial census would harm the accuracy of this essential exercise in democracy and have trickle-down effects by decreasing the ability of other data collection efforts to represent the full population. Such a major methodological shift should require Census career staff to guide the process and thoroughly study its effects, as they have for previous changes in data collection protocols. The decennial census must remain a fair, accurate, and trusted count of the people living in the United States.

Proposed Residence Criteria

Counting every resident in the United States—regardless of age, citizenship, or legal status—is a fundamental constitutional requirement and the cornerstone of a fair democracy. Mandated by Article I, Section 2 of the U.S. Constitution[2] and reinforced by the 14th Amendment, the decennial census ensures that political power and representation reflect the actual people living in each community. When every resident is counted, states receive an accurate number of seats in the U.S. House of Representatives, and local districts can be redrawn equitably. Omitting noncitizens or specific groups distorts this balance, underrepresenting some area's populations relative to others and violating the foundational principle that lawmakers serve everyone within their geographic boundaries.

[1] https://copafs.org/
[2] U.S. Census Bureau, Census in the Constitution (2021), https://www.census.gov/programs-surveys/decennial-census/about/census-constitution.html

Beyond political representation, a complete population count drives the fair distribution of public resources - more than $2.8 trillion in federal funding in fiscal year 2021[3]. Data from the U.S. Census Bureau directly shape how resources are allocated for public services, including public schools, hospitals, emergency responders, highways, and programs like Medicaid. When segments of the population go uncounted, local communities lose essential financial support needed for robust infrastructure and public health. Ensuring every resident is counted guarantees that public money matches real-world needs, helping local governments plan safely and effectively for every person they serve.

The proposed rule would replace the long-standing Census Day reference point with a new "census enumeration period" of January 3 through April 1, assigning each person to the residence where they spent the greatest number of days during that window, with a presence of at least one hour counting as a day. This approach is untested and introduces new sources of error. Respondents would need to reconstruct nearly three months of whereabouts for every household member. Because one hour counts as a full day, long-distance commuters, children in shared custody, and shift workers could accumulate "days" at multiple addresses, leaving no clear answer. The window also coincides with peak seasonal migration: retirees who winter in southern states would be counted at their seasonal homes rather than where they live most of the year, shifting population between states and distorting the base for a decade of population estimates. People who move between January and April could be counted at an address they no longer occupy.

Tax records are also a poor basis for determining where people live. IRS Form 1040 data cover only about three-quarters of the population; tax addresses are often mailing addresses, post office boxes, or a preparer's office; nonfilers are disproportionately low-income and older; and college students and other dependents are frequently claimed at a parent's address. The proposed rule would also eliminate detailed guidance for specific situations, such as foster children, people in shelters, and boarding school students, that helps enumerators count people consistently. None of these changes has been tested, and the Census Bureau's advisory committees, which would normally review changes of this magnitude, have been disbanded.

Finally, the proposed revisions to the residence criteria are expected to trigger a chilling effect on participation. By introducing restrictive measures that require residency to align with tax records, narrowing the definition of "usual residence" to where someone "lawfully" spends their time, considering a question on legal status, and tying apportionment exclusively to citizens and green card holders, the new rule creates an environment of confusion, anxiety, and surveillance. These proposed revisions, paired with a heightened reliance on federal administrative data, will likely suppress participation out of fear and/or confusion. Consequently, widespread reluctance to participate in the 2030 decennial census would likely increase the undercount, especially among groups that are already hard to count, ultimately stripping vulnerable communities of fair congressional representation and distorting the equitable distribution of vital annual federal funding.

Proposed Regulations for Demographic Questions

Eliminating race and ethnicity questions from the decennial census fundamentally undermines data-driven policymaking by creating blind spots in the data that obscure deep-rooted social and economic disparities. Evidence-based governance relies on accurate, granular demographic data to identify where inequities exist and to measure how effectively public interventions are working. Without comprehensive census data on race and ethnicity, policymakers, researchers, and government agencies would be forced to operate in the dark. Tracking differences across groups with regard to trends in housing segregation, wealth gaps, educational attainment, and environmental concerns would be significantly impaired, halting anyone's ability to implement civic planning and resource distribution to benefit all Americans.

[3] U.S. Census Bureau, Uses of Decennial Census Programs Data in Federal Funds Distribution: Fiscal Year 2021 (2023), https://www.census.gov/library/working-papers/2023/dec/census-data-federal-funds.html

Furthermore, erasing race and ethnicity from the census would impair public health infrastructure and emergency response capabilities, which require insights that are differentiated across demographic groups. As evidenced by historical public health crises, infectious diseases and chronic conditions do not impact all communities equally due to varying socioeconomic factors and systemic healthcare barriers. Reliable racial and ethnic data allows epidemiologists and health officials to deploy mobile clinics, allocate vaccines, and fund localized preventative care targeted to specific geographic areas and specific sociodemographic groups where they are most critically needed. Census-based population estimates by race and ethnicity also supply the denominators for disease and death rates calculated from vital statistics and surveillance data; without them, health officials can count cases by group, but cannot calculate rates. Stripping these indicators from the country's foundational data collection tool would compromise health equity, turning effective data-driven medicine and public safety efforts into generalized, inefficient systems not prepared to reliably protect American public health.

Finally, eliminating race and ethnicity data from the decennial census threatens to compromise the core of the nation's data infrastructure. Since 1790, this data has been an indispensable metric for understanding American life and allocating public resources. Decennial counts by race and Hispanic origin are the base for the Census Bureau's annual population estimates, which serve as weighting controls for the American Community Survey, the Current Population Survey, and many other federal and private surveys. The Bureau's own Preliminary Regulatory Impact Analysis[4] acknowledges that the quality of these survey estimates may deteriorate after the 2030 Census data are released. Losing this benchmark would degrade data across the federal statistical system—leaving policymakers, researchers, and communities without valuable insights into differentiated effects of broad-based trends within the U.S. population.

For the reasons stated above, COPAFS is strongly opposed to the proposed rule both in regard to "Residence Criteria" and "Restrictions on the Inclusion of Certain Demographic Questions in the Decennial Census Operation." As written, the proposed rule would exclude U.S. residents, result in an inaccurate count, and prohibit collection of important data on key characteristics of our population. Such outcomes are unacceptable and would harm all Americans. COPAFS urges the Department to retain the 2020 Census residence criteria[5], keep race and ethnicity questions on the 2030 Census using the 2024 standards in Statistical Policy Directive 15[6], and make any future changes to residence rules or questionnaire content only after research, testing, and expert review.

Sincerely,

Paul Schroeder
Executive Director

[4] Census Bureau, Preliminary Regulatory Impact Analysis, Docket No. 260903-0005, p15, https://www.regulations.gov/document/USBC-2026-0628-0002

[5] Census Bureau, Residence Criteria and Residence Situations for the 2020 Census of the United States. https://www.census.gov/content/dam/Census/programs-surveys/decennial/2020-census/2020-Census-Residence-Criteria.pdf

[6] Office of Management & Budget, Revisions to OMB's Statistical Policy Directive No. 15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity, 2024, https://www.federalregister.gov/documents/2024/03/29/2024-06469/revisions-to-ombs-statistical-policy-directive-no-15-standards-for-maintaining-collecting-and