JOINT CENTER
FOR POLITICAL AND ECONOMIC STUDIES

November 2, 2026

Daniel Sweeney
Deputy General Counsel for Economic, Statistical, and Regulatory Affairs
Office of the General Counsel
U.S. Department of Commerce
Washington, DC 20230

Re: Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions (FR Doc. 2026-18481, RIN 0607-AA75)

Dear Mr. Sweeney:

On behalf of the Joint Center for Political and Economic Studies (Joint Center) we are writing to comment on the proposed rule "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions" (FDMS Docket Number USBC-2026-0628, published September 10, 2026). We strongly oppose the proposed rule's changes to the residence criteria and demographic items for the 2030 Census.

The Joint Center, known as America's Black think tank, provides compelling and actionable policy solutions to eradicate persistent and evolving barriers to the full freedom of Black people in America. For more than fifty years, the Joint Center has served as a trusted forum for leading experts and scholars to engage in major public policy debates and advance ideas that strengthen Black communities. Through evidence-based research, analysis, convenings, and strategic communications, the Joint Center works to inform policymakers and support Black communities and a network of allies. Since the first census in 1790, the Census Bureau has collected information on race and has historically conducted research periodically to improve questions and data pertaining to race and ethnicity.[1] Accurate and comprehensive census data is crucial to ensuring Black communities garner their fair share of critical public programs and representation.

We are concerned that the proposed residence criteria and changes to demographic questions would undermine the accuracy, integrity, and usefulness of census data. We are particularly concerned about the following issues:

I. Eliminating census race and ethnicity data collection is unprecedented and severely undermines the utility of census data for a range of critical purposes.

[1] U.S. Census Bureau, "Content Research," last modified October 8, 2021, https://www.census.gov/programs-surveys/decennial-census/decade/2020/planning-management/plan/content-research.html.

Since the first census in 1790, every single decennial census has collected racial data in some form. The decennial census provides comprehensive race, ethnicity, and other demographic data at the block level — the smallest geographic unit defined by the Census Bureau.

Census race and ethnicity data underpin many other critical federal datasets and serve as an irreplaceable benchmark for nearly every population-based survey and study in the U.S., ensuring that our research is reliable and leads to better outcomes for all of us, including Black communities. The American Community Survey (ACS) is a continuous, year-round survey that relies on a probability sample. The estimates based on these data directly depends on information garnered from the decennial census. Therefore, removing race and ethnicity from the decennial census would result in the ACS and other national datasets losing the benchmark they use to correct for those same biases, so any undercount of a racial or ethnic group would continue uncorrected in many other federal data sources.

Additionally, removing race and ethnicity data will undermine the fairness and accuracy of the count, which is foundational to fair distribution of federal funding. In fiscal year 2021, the Census Bureau found that at least 353 federal assistance programs used Census Bureau data in whole or in part to guide their funding allocations, guiding more than $2.8 trillion dollars in federal funding.[2] If you change how and who the census counts, then you change where federal funding can help those most in need. Without accurate and comprehensive race and ethnicity data, policymakers lose the ability to see whether critical resources reach the communities that need it the most.

Lastly, race and ethnicity data is necessary to enforce civil rights laws and ensure equal opportunity for all Americans, helping to ensure fairness and strengthen the U.S. economy. Race and ethnicity data also give businesses market insights to grow and compete and help local governments and nonprofits target services more efficiently.

II. Excluding noncitizens without lawful permanent residence from census apportionment data goes against centuries of practice and would deprive communities of their fair representation and resources.

This proposal would result in excluding multiple categories of U.S. residents from the apportionment count, including visa holders, refugees, asylum seekers, undocumented immigrants, and others. If the census does not count all residents, communities, including Black immigrant communities, will lose resources to support their schools, hospitals, transportation infrastructure, emergency services, and more.

The proposed changes could impact the redistricting process and lead to shifts in political representation. The census count determines a community's federal representation and is the

[2] U.S. Census Bureau, "Census Bureau Data Guide More Than $2.8 Trillion in Federal Funding in Fiscal Year 2021," press release CB23-102, June 14, 2023, https://www.census.gov/newsroom/press-releases/2023/decennial-census-federal-funds-distribution.html.

baseline that states and localities use to redraw legislative districts. Excluding a category of residents could potentially reallocate congressional seats in ways that would reduce political representation, especially for states with meaningful immigrant populations. Analysis by the Brennan Center for Justice states that "by excluding millions of individuals from the count, states with significant immigrant populations may lose congressional seats, while other states may gain or retain seats they otherwise would have lost. And once these seats are allocated, removing large numbers of immigrants from the redistricting numbers could shift district boundaries away from areas with significant immigrant communities."[3]

If implemented, these changes would deliberately exclude communities from the decennial census and may have a chilling effect on the participation of countless others, resulting in a severe undercount. Black communities and other communities of color have been undercounted in the Census. A 2022 report released by the Census Bureau found that the 2020 census undercounted Black people, Hispanics, and Native Americans. The Black or African American population was undercounted at a rate of 3.3 percent, up from 2.1 percent in 2010.[4] The Census Bureau should be working to close these gaps, not widen them. Without a complete and accurate count of the U.S. population, the apportionment process will leave communities in the U.S. without fair representation in Congress. Further, as noted above, inaccurate census data would impact the flow of federal dollars to communities across the country.

For these reasons, we strongly oppose the changes proposed in this rule. We call on the Census Bureau and Department of Commerce to:

1. **Continue collecting race and ethnicity data and implement the 2024 OMB SPD 15 standards.** Census race and ethnicity data are essential for important research across many sectors, for upholding civil rights, and for growing the economy. Extensive Census Bureau research and engagement with expert stakeholders shows that implementing the modernized 2024 OMB SPD 15 standards for race and ethnicity data collection will yield data that more accurately represent the nation's increasingly diverse population.

2. **Count all people residing in the United States in the 2030 Census, without regard to immigration status.** Excluding noncitizens from census apportionment data violates the constitution and established legal precedent. It would suppress the count of many communities, effectively erasing them from critical datasets and depriving them of resources and congressional representation.

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[3] Lauren Miller Karalunas, "Excluding Immigrants from the Census Would Hurt the Country and Break the Law," Brennan Center for Justice, September 18, 2026, https://www.brennancenter.org/our-work/analysis-opinion/excluding-immigrants-census-would-hurt-country-and-break-law.

[4] U.S. Census Bureau, "Census Bureau Releases Estimates of Undercount and Overcount in the 2020 Census," press release CB22-CN.02, March 10, 2022, https://www.census.gov/newsroom/press-releases/2022/2020-census-estimates-of-undercount-and-overcount.html.

Lastly, the initial 33-day comment period for this proposed rule, ending on October 13, 2026, was inadequate. While we support the recent extension of the public comment period until November 2, 2026, 53 days is still not sufficient for the public to review and provide input on this rule given the scope of the proposed changes and the devastating effect they would have on census data. The Department of Commerce and the Census Bureau should further extend the comment period until at least December 10, 2026, to provide a meaningful opportunity for public input. We urge the Census Bureau (Department of Commerce) to withdraw this proposed rule.

Sincerely,
Joint Center for Political and Economic Studies