



VIA ONLINE SUBMISSION (WWW.REGULATIONS.GOV)

September 10, 2026

Mr. Daniel Sweeney
Deputy General Counsel for Economic, Statistical, and Regulatory Affairs
Office of the General Counsel, Department of Commerce
4600 Silver Hill Road
Designation: ADDEMO/FRN
Washington, DC 20746

Re: Request for Extension of Comment Period for Proposed Rule: “Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions” (Docket No. 260903-0005; RIN 0607-AA75)

Dear Mr. Sweeney:

The Census Funder Collaborative is writing to formally submit a procedural request regarding the U.S. Census Bureau’s Notice of Proposed Rulemaking (NPRM) published on September 10, 2026, titled *Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions* (Docket No. 260903-0005).

The Census Bureau currently provides a 33-day public comment period closing on October 13, 2026. We respectfully request that the Department of Commerce and the Census Bureau extend this comment period, providing a total of **90 days** for public review and comment.

The October 13 deadline is insufficient time for the public, state and local governments, business leaders, demographers, civil rights and other nonprofit organizations, researchers, legal scholars, and others to meaningfully analyze, evaluate, and comment on a proposed rule that fundamentally alters the decennial census framework and could affect the many critical public and private uses of the data. The same is true for the Census Funder Collaborative, which works with hundreds of philanthropic institutions across the country to promote a fair and accurate census. Philanthropic institutions use census data to meet their own missions and need time to evaluate and articulate how these proposed changes may impact their work. An extension to 90 days is necessary for the following key reasons:

1. High Complexity and Novelty of Proposed Residence Criteria (Part 60)

The NPRM proposes a major shift in how the Census Bureau defines “usual residence” for apportionment purposes under 13 U.S.C. 141. Specifically, proposed 15 CFR § 60.4 excludes noncitizens who are not Lawful Permanent Residents – including undocumented residents and temporary legal status holders – from the apportionment base.

- **Constitutional and Legal Implications:** This change would fundamentally alter a 230-year precedent of counting all residents for the purpose of apportionment regardless of legal status. Stakeholders require adequate time to evaluate the legal, constitutional,

and statutory precedents (including Art. I, § 2 and the 14th Amendment) raised in the preamble.

- **Operational and Administrative Record Complexity:** The proposed criteria rely heavily on cross-referencing vast datasets of administrative records from federal agencies (e.g., DHS, IRS, HHS, State Department) to determine immigration status and usual residence based on tax filings. Evaluating the accuracy, data linkage capability, legal constraints (such as 26 U.S.C. § 6103 confidentiality), and potential coverage errors of this approach requires technical review by data scientists and administrative law experts.

2. Major Changes to Demographic Questionnaire Data Collection (Part 70)

Proposed 15 CFR § 70.2 would prohibit questions on race, ethnicity, and sexual orientation from appearing on the decennial census form or any questionnaire used for enumeration.

- **Data Quality Impacts on Research and State and Local Decisions:** Data on race and ethnicity are essential for understanding how the population is shifting; monitoring health outcomes, life expectancy, and disease prevention; tracking disparities in educational outcomes, employment and economic mobility, and small business ownership; helping businesses make informed decisions about product development, hiring, and local investment; and planning by state and local governments. Additional analysis is needed to understand the implications of such significant data loss, such as how the enumeration data is used, the limitations of alternative data sources, and the extent to which alternative data sources are reliant on decennial data.
- **Impact on Statutory and Voting Rights Mandates:** Race and ethnicity data are crucial for enforcing civil rights laws, including redistricting and language compliance under the Voting Rights Act of 1965, as well as a multitude of state laws. Eliminating block-level race and ethnicity data, which can only be collected in the decennial count requires state and local redistricting authorities, state attorneys general and local government legal departments, researchers, and civil rights groups to assess alternative data sources (such as the ACS) and evaluate potential statistical gaps.
- **Confidentiality and Disclosure Avoidance Trade-offs:** The preamble discusses complex technical trade-offs between demographic data collection and disclosure avoidance techniques under 13 U.S.C. § 9. Reviewing these claims and examining the technical validity of the accompanying Preliminary Regulatory Impact Analysis demands extensive expert review.

3. "Significant Regulatory Action" Designation

The Census Bureau acknowledges that this proposed rulemaking constitutes a “significant regulatory action” under Executive Order 12866. Standard administrative practices for significant rulemakings – particularly those with wide-reaching policy, societal, and constitutional ramifications – typically afford a public comment period of at least 60 to 90 days to ensure robust public participation under the Administrative Procedure Act (5 U.S.C. 553).

4. Need for Tribal Consultations & Municipal Feedback

The preamble indicates that the Census Bureau plans to formally notify federally and state-recognized tribes and conduct tribal consultations regarding the proposed regulations. Conducting meaningful consultations with Sovereign Tribal Nations, as well as coordinating

feedback from state and local municipal leaders, cannot be effectively accomplished within a compressed 33-day period.

Conclusion

The decennial census is the foundational pillar of American representative democracy and federal funding allocations. The proposed rule introduces profound structural changes to both the population base used for congressional apportionment and the data collected on the American public. To ensure that the Census Bureau receives meaningful, high-quality, and data-driven feedback from all affected stakeholders, a 33-day comment window is inadequate.

We respectfully urge the U.S. Census Bureau to extend the public comment period for Docket No. 260903-0005 to **90 days** from the date of publication.

Thank you for your consideration of this request.

Sincerely,



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