CLASP
The Center for Law and Social Policy

Submitted via: *https://www.regulations.gov/document/USBC-2026-0628-0001*

The United States Census Bureau
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Suitland, Maryland
20746

U.S. Department of Commerce
1401 Constitution Avenue Northwest,
Washington, D.C.
20230

To the United States Census Bureau and the Department of Commerce:

Re: Docket No. 260903-0005, RIN 0607-AA75, Department of Commerce, Census Bureau, Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions

To Whom It May Concern,

Thank you for the opportunity to provide comments on the proposal to revise several parts of the proposed regulation Docket No. 260903-0005, RIN 0607-AA75, Department of Commerce, Census Bureau, Decennial Census of the Populations of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions. Established in 1969, CLASP is a national, non-partisan, non-profit, anti-poverty organization that advances policy solutions for low-income people. Our comments draw upon the work of CLASP experts in the areas of labor, immigration, anthropology, and anti-poverty policies. As a national anti-poverty organization, we understand the critical importance of federal programs that support the health and economic well-being of low-income families.

CLASP strongly opposes the Department of Commerce and the Census Bureau's proposed revisions to overhaul the set of rules regarding the Decennial Census of the Population of Americans, and the proposed residence criteria and the proposed demographic questions. As we explain in more detail in the comments, if implemented, the Census proposed regulations are not only unconstitutional, but also a threat to democracy, economic stability, and the health of all Americans. This proposed rule could lead to disruptions to housing, community development, health, education, employment, child care, food, shelter, community services, disaster recovery, and more in communities and states nationwide. For these reasons, the Census Bureau and the

Department of Commerce should immediately withdraw its current proposal and leave the current regulations as codified in 2024.

The 60-day comment period is an insufficient amount of time for the public to understand and respond to the proposed changes, which are substantial and represent a departure in centuries of decennial Census data collection.

Race and ethnicity data have been collected in the decennial Census since it began in 1790. The public comment process is an important democratic feature of the federal rule-making process that provides a check to what could be unilateral decision making on part of agency administrators, as administrators are required to review and address all substantive submitted comments. While we appreciate the extension for comments from a 30 day to a 60-day comment period, this timeframe undercuts the opportunity for the public to provide thoughtful, deep analysis on the implications for this proposed rule which, as this comment demonstrates, has far-reaching implications on the health and well-being of all people residing in the U.S. and on their fair, democratic representation. We ask that the Census extend the period for comment submission to 90 days, until December 10, 2026.

The Constitution requires the census to count all persons living in the United States; anything less is unconstitutional.

In the proposed rule, section 15 CFR part 60 would exclude non-citizens without Lawful Permanent Residence from census apportionment. This is unconstitutional and would contradict long-established precedent. Proposed part 60 of this rule would directly violate the Fourteenth Amendment, Section 2, which explicitly requires apportionment based on "the whole number of persons in each State." This language was deliberately chosen by the founding fathers. Lawmakers have at several points in time debated the wording of this clause, and have always upheld the use of "persons" rather than "citizens." A three-judge court ruling on an associated legal case in 1980 called the exclusion claim "very weak on the merits" because immigrants "legal and illegal alike are clearly 'persons.'"[1]

The Fourteenth Amendment to the Constitution requires seats in the House of Representatives to be allocated based on the "whole number of persons in each state," a standard the Census Bureau has applied to all residents regardless of immigration status for over two centuries. Excluding noncitizens, including international students, H-1B visa holders, refugees, asylum seekers, other lawfully present individuals, and undocumented people, from the count is unconstitutional.

The proposed rule aims to count only U.S. citizens and lawful permanent residents, excluding other lawfully present individuals, including international students and H-1B visa holders, as well as people without legal immigration status.

Since it was first launched in 1790, the Census has aimed to count all people living in the U.S., including noncitizens. If this rule is implemented, the Census would fail to count at least 16 million people, the estimated number of undocumented people living in the U.S., who pay taxes,

[1] FAIR v. Lutznick (D.D.C. 1980)

utilize roads, clinics, and hospitals and patronize businesses.[2] The 16 million estimate is low because it does not include their dependents or others with legal statuses, such as H-1B visa holders and international students, among others, who would not be counted because they are not legal permanent residents or citizens. This would result in a severe underestimate of the number of people living in the U.S.

Places where there are higher numbers of immigrants, including locations with high numbers of international students and workers, are going to be disproportionately negatively impacted because a large portion of their population would not be counted, and therefore, would receive less federal funding for critical health programs such as Medicaid and the Children's Health Insurance Program (CHIP), and have less political representation.[3] States are already experiencing huge funding cuts to Medicaid after the passing of H.R.1, and an inaccurate population count would be a bigger blow to state budgets. One study found that prior efforts to exclude undocumented immigrants from the 2020 decennial census would have caused California, Florida, and Texas to each lose one congressional seat, while Alabama, Minnesota, and Ohio would gain seats.[4]

While the proposed rule does not include a citizenship question, the NPRM invites commentary on adding such a question. Unequivocally, it would be harmful to data integrity and respondent safety to include a question about citizenship in the Census decennial. Prior research has demonstrated that an inclusion of a citizenship question could chill responses, even among households with U.S. citizens. Census Bureau experts predicted that adding a citizenship question would decrease participation by at least 8 percent, or 9 million people.[5] Another study testing the effect of a citizenship question on the decennial census finds that inclusion of a citizenship question would expand the gap between response rates between households with U.S.-born non-Hispanic Whites and those with at least one likely undocumented person by 2.4 percentage points.[6] This would severely decrease the count of immigrant households, compromising data quality. This departure in methodology also undercuts the ability for data comparison and trends from past years.

Moreover, there are over 6 million children, the majority of whom are U.S. citizens, with at least one undocumented parent in the U.S..[7] It is likely that these children would remain uncounted due to the chilling effect such a change in methodology may have on household participation,

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[2] Ariel G. Ruiz Soto, Julia Gelatt, Jennifer Van Hook, Following Years of High Border Arrivals, the U.S. Unauthorized Immigrant Population Hits New Peak, Migration Policy Institute, July 2026, http://migrationpolicy.org/commentary/us-unauthorized-immigrant-population-new-peak.
[3] Pillai and Artiga, KFF, September 2026.
[4] Jeffrey S. Passel and D'Vera Cohn, How removing unauthorized immigrants from census statistics could affect House reapportionment, Pew Research Center, July 24, 2020 https://www.pewresearch.org/short-reads/2020/07/24/how-removing-unauthorized-immigrants-from-census-statistics-could-affect-house-reapportionment/.
[5] Melissa Cruz, Supreme Court Rules Against Citizenship Question on 2020 Census, American Immigration Council, 2019, https://www.americanimmigrationcouncil.org/blog/supreme-court-rules-citizenship-question-census/.
[6] J. David Brown and Misty L. Heggeness, Citizenship question effects on household survey response, Journal of Policy Analysis and Management, 45(1) https://onlinelibrary.wiley.com/doi/10.1002/pam.70004.
[7] Ruiz Soto et al., July 2025.

especially among mixed-status households. For example, a noncitizen or undocumented parent may not fill out the census if the census explicitly excludes them, and therefore, everyone in their household, including citizens, would be excluded. This has implications for children's health and education, as funding and decisions about health care and education infrastructure are dependent on Census data. Given the threats to response rates, data quality, and resulting potential shifts in political representation, the Supreme Court blocked the citizenship question from the 2020 Census.[8]

Eliminating questions about race and ethnicity, and prohibiting sexual orientation questions from the decennial census would make it more difficult to identify and address discrimination and disparities, undercutting civil rights.

Enforcement on civil rights: The plan to remove noncitizens and racial demographic data from the 2030 census would allow the federal government to shirk its responsibility of transparency when redrawing legislative and council districts and reduce the ability for constituents to hold the federal government accountable.[9] Federal agencies rely on accurate demographic data to enforce civil rights law, including the Voting Rights Act, the Civil Rights Act, the Fair Housing Act, and the Equal Employment Opportunity Act.[10] These laws were enacted to address historical inequities which persist, and will continue to harm U.S. residents regardless of whether they are tracked by the federal government.

Additionally, many platforms that house population data for research use rely on the Census as a benchmark and significant datasource. No longer asking for racial demographic and citizenship status compromises available data quality on individuals living in the U.S., compounding the loss of several different data platforms authorized by the current administration.[11]

Moreover, states with large immigrant populations are particularly vulnerable to losing political power and resources if their residents are undercounted. Non-white communities, low-income households in both rural and urban settings, incarcerated individuals and young children are already populations at risk of inadequate political and legal representation.[12]

Tracking Disparities: Without this information, it will be harder for communities to identify and redress longstanding racial, social, and other disparities or to serve underserved communities. In

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[8] Cruz, 2019.

[9] Dante Moreno, A New Census Rule Could Reshape How Your Community is Counted - Here's What to Know, National League of Cities, September 2026, https://www.nlc.org/article/2026/09/28/a-new-census-rule-could-reshape-how-your-community-is-counted-heres-what-to-know/

[10] https://www2.census.gov/programs-surveys/decennial/2020/partners/outreach-materials/handouts/why-we-ask-the-race-question.pdf.

[11] Amy Qin and Flavio Pessoa, Trump 2.0 has Deleted or Altered Nearly 400 US datasets, Endangering Public Health, Education, and More, The Guardian, August 2026, https://censuscounts.org/wp-content/uploads/2019/03/Fact-Sheet-Census-and-Civil-Rights.pdf

[12] Fact Sheet: The Census and Civil rights, The Leadership Conference Education Fund, 2017, https://censuscounts.org/wp-content/uploads/2019/03/Fact-Sheet-Census-and-Civil-Rights.pdf

turn, the proposal will harm nonprofits that work to advance equity, undermining their ability to pursue their mission.

Census race and ethnicity data are essential to accurate research and informed planning in every sector. These data form the foundation of nearly every population-based survey and study in the U.S. Researchers use census demographic benchmarks to build representative samples and to weight survey data so that results reflect the actual composition of the U.S. population, a state, or local area. Census race and ethnicity cannot be replaced by other sources, including the American Community Survey or third-party data, because those other sources depend on census data as a benchmark. In fact, the Census Bureau's own Preliminary Regulatory Impact Assessment for the proposed rule admits that ACS race and ethnicity data are not a sufficient replacement for centennial census data.[13]

Moreover, the proposed rule ignores the larger reason why race has been asked in some way in every decennial census. Despite the authors dismissively referring to race and ethnicity as "immaterial personal characteristics," race and ethnicity data are essential for understanding public health, measuring progress in undoing historical patterns of discrimination, conducting market research, bolstering workforce development, and countless other critical purposes. Without decennial census race and ethnicity data, the weighting of other surveys, public and private, would degrade materially, unnecessarily blinkering all sectors of society from being able to evaluate and assess conditions and outcomes.

Implications for prohibition of questions on sexual orientation: While there is no question in the census that asks respondents specifically about their sexual orientation, the census is the largest database to date on same sex households in the U.S. After over a decade of research by Census Bureau statisticians to address prior concerns about data quality on the household relationship question, the 2020 Decennial Census was the first to include direct questions about 'opposite-sex' and 'same-sex' married and cohabiting relationships, which greatly improved the accuracy of counting same sex couples.[14] These 2020 improvements on same sex households have offered important insights into the characteristics of same-sex households, such as their ethnic and racial diversity, their children and living arrangements, employment rates, and income. This proposed rule could restrict the collection or publication of same sex couple data through the household relationship question, undermining these methodological improvements.

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[13] "...the power of the ACS is the ability to provide characteristics for race and ethnicity groups; whereas population totals for race and ethnicity groups from the decennial census and population estimates are more reliable. The ACS has several limitations compared with the decennial census. The decennial census provides very detailed data for small geographic areas. By contrast, ACS one-year estimates are available only for those areas with populations of at least 65,000. There are also differences in coverage: the decennial census includes all 50 states, Puerto Rico, the District of Columbia, and the U.S. Island areas. The ACS includes all 50 states, the District of Columbia, and Puerto Rico, but does not cover the Island Areas."

[14] Akiesha Anderson, The Census Will Officially Count Same-Sex Couples for the First Time Ever – But That's Not Enough, UCLA School of Law, Williams Institute, April 2018, https://williamsinstitute.law.ucla.edu/publications/census-ss-couples-opinion/; Francesca A. Marino, Krista K. Westrick-Payne , Wendy D. Manning, and Susan L. Brown, (2024) Visualizing Concentrations of Couples and Same-Sex Couples across U.S. Counties, *Socius: Sociological Research for a Dynamic World*, 10, https://doi.org/10.1177/23780231231222772.

Data on marginalized populations, such as LGBTQ+ populations, is critical for assessing the impact of laws, programs, and services on their well-being and that of their families. Already, the ability to obtain demographic information about cohabiting same-sex couples from the 2020 Census provides new insights on the laws that impact same sex couples, their well-being, and that of their families.[15] The well-being of same-sex couples is important to track particularly after the *Obergefell* U.S. Supreme Court decision and the Respect for Marriage Act which together grants all couples the right to marry and the benefits of marriage under law.[16]

The specific prohibition of a sexual orientation question in future censuses would prevent the tracking of relevant trends related to sexual orientation, whether living in same-sex relationships or not, regardless of what the future needs may be. Moreover, the Census Bureau has previously considered adding sexual orientation and gender identity into the ACS and Decennial Census in response to formal requests from federal agencies for this data, including for enforcing civil rights law related to nondiscrimination and hate crimes, further indicating a potential future emergent need. With sexual orientation as a protected characteristic under federal civil rights law, efforts to obscure data on marginalized sexual orientations makes it more difficult to assess the implementation and enforcement of civil rights laws meant to protect LGBTQ+ rights. A prohibition of the collection of any data in the Census related to sexual orientation should only be considered after rigorous research, testing, and input from directly impacted communities and other relevant parties who rely on this data, including businesses, researchers, and local government leaders.

The proposed rule would count individuals at the location where they have spent the most days between January 3 to April 1, an arbitrary time period which may lead to people being counted incorrectly or missed entirely.

The proposed rule breaks with 236 years of unbroken practice rooted in the 1790 Census Act, which established the "usual residence." A rule without regard to citizenship, length of residence, or intent to stay. This rule would radically redefine the concept of "usual residence" to mean where a person "lawfully spent the greatest number of days" without any justification. No prior residence criterion has ever conditioned physical residence in an area on legal status. The only categories of people ever excluded from census data have been those who do not physically reside in the United States, such as tourists. People might not fill out the census where they actually live and use resources. Individuals whose location during this particular window of time doesn't match their actual residency—such as students, individuals visiting family, active military or spending the winter in a different location, or those who may move close to April 1–may be missed or undercounted. Additionally, this rule further normalizes the harms caused by prison gerrymandering among other populations. For decades, the Census has attributed

[15] Marino et al., 2024; Jody Herman and Raksha Kopparam, US Census Snapshots 2020: Same-Sex Couples, UCLA School of Law, Williams Institute, September 2025, https://williamsinstitute.law.ucla.edu/publications/us-census-snapshots/.
[16] Obergefell v. Hodges, 576 U.S. 644 (2015) https://supreme.justia.com/cases/federal/us/576/644/; Respect for Marriage Act, 117th Congress (2021-2022) https://www.congress.gov/bill/117th-congress/house-bill/8404.

individuals subject to incarceration to the population counts where they are imprisoned rather than their communities of origin.[17]

The proposal would permit Census officials to use administrative data, including a person's tax records, to verify their residence and legal status, which may lead to people being counted incorrectly or missed entirely.

Implications of Administrative Data Sharing. The proposed rule considers "utilizing its enormously broad access to administrative records to determine an individual's legal status," including DHS and Treasury records, in their novel approach to assign where people usually live (their 'usual residence').

The census is foundational to our democracy, shaping political representation and the distribution of billions of dollars in federal assistance annually.[18] Both depend on a fair and accurate count of every person and community. Some of these groups have been historically underrepresented in the census for decades, some may experience new or increased vulnerability due to major changes in methodology, and some may be reluctant to respond due to concerns about data confidentiality.[19] Yet the proposed rule risks undermining the goal of accurately counting people if information collected for tax administration is treated as a reliable indicator for where people actually live. The proposed rule risks undermining the goal of a fair and accurate count if information collected for tax administration is treated as a reliable indicator of where people actually live.

The proposed use of tax records to verify residential addresses raises significant concerns regarding data accuracy, privacy, equitable and accurate enumeration, and the appropriate use of administrative records. Although tax records can offer a supplementary source of information, they are not designed to establish an individual's residence on Census Day. Treating tax-related mailing addresses as reliable indicators of residence risks introducing errors into the census count, particularly for people whose living arrangements, housing circumstances, or mailing practices do not conform to conventional assumptions about residence.

Tax records do not necessarily identify an individual's current residential address. Taxpayers may use a post office box, a tax preparer's address, a family member's address, or another address where they can reliably receive mail. A W-2 or other tax document may also contain an address that was accurate at the time of filing but has since changed. Residents of rural and Indigenous communities may rely on post office boxes because their physical addresses are difficult to use for mail delivery. College students may file taxes using a parent's or guardian's address even

[17] Aleks Kajstura. "An End to Prison Gerrymandering? Not in the 2030 Census." Prison Policy Initiative - Prison Gerrymandering Project, 2026. Available at https://www.prisonersofthecensus.org/news/2026/04/01/2030-census-prep/

[18] Reamer, Andrew. "Counting for Dollars: The Role of the Decennial Census in the Geographic Distribution of Federal Funds. "GW Institute of Public Policy, 17 April 2018. Available at http://civilrightsdocs.info/pdf/census/CountingForDollars-Intro.pdf.

[19] Goldvale et al., "Counting Everyone in the Digital Age." Leadership Conference Education Fund and Georgetown Center on Poverty and Inequality, 2017. Available at http://www.georgetownpoverty.org/wp-content/uploads/2017/10/LCEF_2020_Census_Poll_Report-Final-002.pdf.

though census residence rules may require them to be counted at a separate usual residence. People who move frequently, experience homelessness, or live in temporary or unstable housing may lack stable mailing addresses. An approach that treats tax document addresses as authoritative could therefore misclassify individuals even when their census response accurately reflects where they live.

Households with low incomes are particularly vulnerable to undercounting when tax records are used to verify residence. People with low or unstable incomes may not file tax returns or receive W-2s, leaving gaps in the administrative data used to identify where they live. Housing instability compounds this risk as low-income households are more likely to rent and move during the census period, making it harder for administrative records to reflect their actual residence. The consequences extend beyond an inaccurate count. When low-income communities are underrepresented, their political voice is diminished, their needs may be overlooked in public decision-making, and they risk receiving less federal funding for programs and services that rely on census data to allocate funds.[20] Using tax records to verify residence therefore disadvantages households whose circumstances are not accurately reflected in those records, deepening existing inequities in representation and access to services.

The consequences of inaccurate residence determinations are particularly serious for American Indian and Alaska Native communities. The history of Indigenous communities and the decennial census includes exclusion from the earliest counts and periods of unreliable counting.[21] Over half of all households on tribal lands lack traditional street or mail-ready addresses, making residence verification via tax records more difficult. In the 2010 Census, the Indigenous population on reservations was the most undercounted of any group in the U.S., with 4.9 percent not tallied, according to the Census Bureau.[22] As tribal leaders have emphasized, being counted is not merely a matter of demographic representation: census data are consequential for tribal communities' political standing, federal funding, and infrastructure planning.

Tribal governments depend on accurate population data to document the need for housing, roads, transportation, water and wastewater systems, child care, health, and other essential public services. Reservation infrastructure serves a diverse population that includes enrolled tribal citizens, descendants, members of other tribal nations, non-Native residents, workers, service providers, and visitors. Demand for these services cannot be adequately assessed without an accurate count, and administrative records alone may not reflect where people live.

Using tax records to verify census information could also undermine public trust and census accuracy. Repurposing federal administrative data carries risks of inaccurate matches and incorrect residence determinations when records are incomplete, outdated, or inconsistent. When large datasets are linked without adequate safeguards for their completeness, accessibility, and

[20] Reamer. "Counting for Dollars: The Role of the Decennial Census in the Geographic Distribution of Federal Funds." 2017. Available at http://civilrightsdocs.info/pdf/census/CountingForDollars-Intro.pdf.
[21] Jobe, Margaret M. "Native Americans and the U.S. Census: A Brief Historical Survey." Journal of Government Information 30, no. 1 (2004): 66–80. https://doi.org/10.1016/j.jgi.2001.10.001
[22] National Congress of American Indians, "American Indians and Alaska Natives Living on Reservations Have the Highest 2020 Census Undercount," National Congress of American Indians, https://www.ncai.org/news/american-indians-and-alaska-natives-living-on-reservations-have-the-highest-2020-census-undercount

quality, the reliability of the combined data can diminish significantly, potentially resulting in the miscounting of households and communities already at risk of underrepresentation. Moreover, concerns about how sensitive tax information is linked across government systems and used beyond its original purpose may erode public trust and discourage participation in the census, further compromising data quality and reinforcing existing inequities in political representation and access to public resources.

The proposed changes will deprive people and communities of essential resources and services. Data collected from the census is used to distribute hundreds of billions of dollars in federal funds to local communities, which rely on these funds to support a wide range of public services.

Accurate census data are the backbone of statistical equations and models used to deliver essential services and determine how billions of federal and state dollars are distributed every year.[23] This data is necessary for more adequately understanding the lives of specific populations within the geographic locations they reside, and provide insight into needs for community development, transportation infrastructure, housing assistance, education, healthcare, emergency services, assessing how many people might be impacted by a natural disaster, and approximating the potential spread of communicable diseases.[24]

Part of the process to allocate resources is through a determination of how many people live in a particular state/district/locality. If the census is inaccurate, local communities will be deprived of vital resources used by all residents. Undercounting communities shifts resources away from *all* the people federal programs are meant to serve. Furthermore, the proposal, and by extension, our democracy, are undermined when the public cannot trust in the census and how census data are used to meet their needs and determine their political representation. Every community deserves its fair share of resources and political power.

The proposed rule, if implemented, would threaten health systems and overall public health.

Health care providers, health insurance companies, hospital administrators, and government agencies all rely on accurate counts to make decisions to support our nation's health systems. These decisions include where to build hospitals, nursing homes, clinics, how to allocate disaster relief resources, how many staff and what specialists to hire at clinics and hospitals, and/or where

[23] Dante Moreno, A New Census Rule Could Reshape How Your Community is Counted - Here's What to Know, National League of Cities, September 2026, https://www.nlc.org/article/2026/09/28/a-new-census-rule-could-reshape-how-your-community-is-counted-heres-what-to-know/

[24] Karen Feldscher, Opinion: How Proposed Changes to U.S. Census Could Harm Public Health, Harvard T.H. Chan School of Public Health, October 2026, https://hsph.harvard.edu/news/opinion-how-proposed-changes-to-u-s-census-could-harm-public-health/

to allocate resources to reduce the spread of communicable diseases.[25] Accurate counts are also necessary to determine resource allocations for different health issues across jurisdictions, and to advocate for additional resources. All of these decisions have an impact on all peoples' health and well-being because, regardless of their immigration status, all people residing in the U.S. are affected by communicable and non-communicable diseases and utilize local hospitals, clinics, and other infrastructure. An accurate count of everyone living in the U.S. is essential for our nation's health systems to fully support public health and health care infrastructure.

The Health Center Program, for example, uses census data to help identify and designate "medically underserved areas." These designations indicate where there are geographic areas (counties, census tracts, etc.) with a shortage of primary care health services overall or for specific population subsets within a geographic area, such as people who are low-income, experiencing homelessness, Medicaid-eligible, Native Americans, or migrant farm workers.[26] These designations have many uses, among which are to determine locations for Federally Qualified Health Centers (FQHCs) and look-alikes and placements for licensed primary care providers who participate in the National Health Service Corps Loan Repayment Program, both of which expand access to preventive and primary health care.[27] Census data also has an impact on where hospitals are built – 36 states have "certificate of need" (CON) laws based on census data that determine whether new hospitals or additional hospital beds are needed.[28]

This rule would obscure essential data needed to properly fund and resource the nation's health care infrastructure. Without an accurate count of everyone residing in the U.S., it is possible that programs, hospitals, and clinics would be understaffed, overburdened, and insufficiently resourced to address the needs of all of the residents living in the area. This would exacerbate existing stressors on the health care industry due to staffing shortages and decreases in funding due to cuts to publicly funded health care. When a hospital or clinic is overburdened, it is at risk of closing down, threatening the availability of care for all people living in those locales. Moreover, federal funding for health programs, such as Medicaid and Children's Health Insurance Program (CHIP), relies on a state's per capita income as estimated in the decennial census. This rule, as it aims to exclude many people, including immigrants, would likely result in even lower federal funding for these critical health programs.[29] As mentioned earlier, states are already facing huge cuts to their Medicaid programs, and additional barriers to essential funding would threaten health infrastructures. Therefore, it is likely that the rule, if implemented, would lead to fewer people with access to health care services, especially in areas with higher

[25] Appendix A: 50 Ways Census Data Are Used of 2020 Census Complete Count Committee, Guide. United States Census Bureau. https://www2.census.gov/programs-surveys/decennial/2020/partners/outreach-materials/toolkits-guides/complete-count-committee-guide.pdf.
[26] Drishti Pillai and Samantha Artiga, Proposed Changes to Demographic Data Collection in the Census Could Impact Efforts to Address Health and Health Care Disparities, KFF, September 2026 https://www.kff.org/racial-equity-and-health-policy/proposed-changes-to-demographic-data-collection-in-the-census-could-impact-efforts-to-address-health-and-health-care-disparities/; What Is Shortage Designation? Health Resources and Service Administration, Accessed October 21, 2026, https://bhw.hrsa.gov/workforce-shortage-areas/shortage-designation#mups.
[27] NHSC Loan Repayment Program, https://nhsc.hrsa.gov/loan-repayment/nhsc-loan-repayment-program.
[28] Pillai and Artiga, September 2026.
[29] Pillai and Artiga, KFF, September 2026.

concentrations of immigrants and others who are likely to be excluded due to the proposed revisions.

Census data is also used to evaluate the effectiveness of current health infrastructure and identify improvements and interventions, especially in addressing inequities.[30] For example, the Healthcare Cost and Utilization Project, an initiative of the Department of Health and Human Services, uses decennial data in its hospital database which is used to study service delivery and patient well-being at the national, state, and local levels.[31] The rule, if implemented, would mean that these evaluations would rely on incomplete decennial census data, resulting in unreliable results that do not reflect hospitals' actual patient populations, since hospitals serve all people living in an area, not just those this rule aims to count.

Moreover, census data is a critical tool used to allocate public health funding for disease tracking and disaster preparedness and identify effective interventions in improving public health. The health of every person residing in the U.S. is important to assessing public health threats and trends. If the Census data is based on only certain people, rather than all people living in the U.S., public health officials will be forced to depend on incomplete data to forecast health trends, like communicable and chronic disease rates, and formulate disaster response efforts. This may result in insufficient resources being allocated for disaster relief efforts, contributing to the worsening of health disparities, especially for mental health.[32]

Conclusion

This proposed rule would deeply harm the American public. The proposed changes would severely limit one of the Federal and State government's most powerful tools to appropriately meet the needs of everyone who calls the United States home, and thereby erode public trust in governing bodies and erode American Democracy.

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

- 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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[30]Vi D. Le & Melanie Klein, The Public Health Cost of Eliminating Race and Ethnicity Data, Federation of American ScientistsSeptember 4, 2026, https://fas.org/publication/public-health-cost-eliminating-race-data/.
[31] Why is the census important to the health care sector? The Leadership Conference Education Fund, Economic Security and Opportunity Initiative at Center on Poverty and Inequality, Georgetown Law, April 2018, https://www.georgetownpoverty.org/wp-content/uploads/2018/05/GCPI-ESOI-Health-Care-Factsheet-20180406.pdf.
[32] Gaston SA, Galea S, Cohen GH, Kwok RK, Rung AL, Peters ES, Jackson CL. Potential Impact of 2020 US Decennial Census Data Collection on Disaster Preparedness and Population Mental Health. Am J Public Health. 2019 Aug;109(8):1079-1083. doi: 10.2105/AJPH.2019.305150.

- 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.
- Remove the clause banning the addition of future questions on sexual orientation. Proposed changes to demographic items should be based on research and guided by a deliberative and transparent process, including extensive stakeholder consultation.
- Withdraw other proposed changes to residence criteria, including tying place of residence to tax records and "lawful residence," and the adoption of a three month enumeration period. The Census Bureau must extensively research and consult with stakeholders about the potential effects of such changes before proposing their implementation in a decennial census.
- Halt the practice of prison gerrymandering by counting incarcerated individuals in their home communities. This will yield more accurate census data and ensure that communities receive the Congressional representation to which they are entitled.

We appreciate your consideration of these comments. If you have any questions, please contact Lorena Roque, Associate Director for Labor Policy at lroque@clasp.org and Suma Setty, Associate Director of Immigration Research & Advocacy at ssetty@clasp.org.