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U.S. Census Bureau
U.S. Department of Commerce
4600 Silver Hill Road
Designation: ADDEMO/FRN
Washington, DC 20746

RE: Docket No. USBC-2026-0628; RIN 0607-AA75 — Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions

To the U.S. Census Bureau,

The **Collective for Racial & Disability Justice (CRDJ) at UCLA School of Law** respectfully submits these comments in response to the U.S. Census Bureau’s proposed rule, *Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions*. The proposed rule would make significant changes to the 2030 Census and future decennial censuses, including redefining “usual residence” and who is counted for congressional apportionment; expanding the potential use of legal-status information and administrative records to determine whether and where people are counted; and restricting the collection of race, ethnicity, sexual orientation, and other demographic information through the decennial enumeration.

CRDJ advances racial and disability justice through interdisciplinary research, policy analysis, community partnership, and knowledge mobilization. Our work examines how law, policy, data, and institutional decision-making shape the rights, opportunities, and lived experiences of disabled people and other multiply marginalized communities. A central concern of this work is data justice: who is counted, how people and communities are classified, what information is made visible or invisible, who has access to that information, and how data are ultimately used to distribute representation, resources, rights, and power.

The decennial census is foundational to these questions. Census data do far more than produce a national population count. They provide critical infrastructure for political representation, redistricting, civil rights enforcement, public policy, research, resource allocation, and our collective understanding of the people and communities that make up the United States. The completeness and usefulness of that infrastructure depend not only on producing an accurate total population count, but also on ensuring that people are counted where they actually live



and that the resulting data allow the public to understand meaningful differences within and across communities.

CRDJ is particularly concerned that the proposed rule would move federal statistical policy away from recent efforts to improve the completeness, disaggregation, and intersectional utility of demographic data. Taken together, the proposals would narrow who is included in the population used for representation, limit demographic information collected through the universal enumeration, and place greater weight on government and commercial records to classify individuals and fill resulting data gaps. These changes cannot be evaluated in isolation. Collectively, they risk creating a census in which fewer people count, communities become less visible in public data, and government exercises greater power to classify people through data systems that are less transparent to the people they describe.

CRDJ therefore urges the Census Bureau not to finalize the proposed rule as written. In particular:

- **Count Every Resident:** The proposed residence and apportionment criteria risk excluding people who actually live in U.S. communities and replacing lived residence with an untested legal and administrative standard that could undermine a complete and accurate enumeration.
- **Ensure Transparent and Accurate Classification:** Legal-status questions and expanded reliance on linked administrative records introduce risks of error, inequity, and misclassification that require rigorous validation, transparency, and meaningful opportunities for correction.
- **Preserve Disaggregated Demographic Data:** Restricting race, ethnicity, and other demographic data collection would reverse recent progress toward more granular and intersectionally useful federal data and make disparities affecting marginalized communities harder to identify and address.
- **Do Not Treat the ACS as a Substitute:** The American Community Survey (ACS), administrative records, and other data sources cannot replicate the coverage, geographic detail, and statistical utility of universal decennial demographic data, particularly for small and multiply marginalized populations.
- **Keep Data Power Accountable:** Shifting from publicly available, self-reported demographic data toward greater government classification through linked administrative records risks reducing community visibility and public accountability while expanding government data power.

BACKGROUND

The decennial census has always served both a constitutional and a public-information function. [Article I](#) requires an “actual Enumeration” every ten years to apportion representation among

the states, and the concept of usual residence has guided where people are counted since the first census in 1790. Historically, usual residence has meant the place where a person lives and sleeps most of the time (not necessarily a person's legal or voting residence) and noncitizens living in the United States have been included regardless of immigration status. The Census Bureau itself has described the apportionment population as historically including people who have established residence in the United States.

At the same time, the census has never been merely a headcount. The first census collected information about sex, race, household relationships, and enslavement in addition to population. Race has been measured in some form in every decennial census since 1790, while Hispanic origin has been comprehensively measured since 1970. The categories and methods used to classify people have changed substantially over time and have often reflected the hierarchies, exclusions, and political priorities of their eras. Early census classifications were intertwined with slavery and unequal citizenship, and for much of U.S. history race was assigned by enumerators rather than self-identified by respondents.

Over time, however, demographic data also became essential tools for identifying and addressing discrimination. Census race and ethnicity data are now used for legislative redistricting, enforcement of the Voting Rights Act and other civil rights laws, assessment of disparities in health and environmental risk, administration and evaluation of public programs, and research into whether different communities have equal access to opportunities and resources. Census itself has emphasized that race and Hispanic-origin data are particularly important for civil rights enforcement and redistricting. This history underscores an important distinction: the collection of demographic data can reproduce inequity when categories are imposed or data are misused, but the absence of demographic data can also make inequity more difficult to see, measure, and remedy.

The creation of the American Community Survey (ACS) changed how the federal government divided these statistical functions, but it did not remove core demographic characteristics from the universal census. Beginning in 2005, the ACS replaced the decennial census long form and assumed responsibility for collecting much of the detailed socioeconomic, housing, and demographic information that had previously been collected from a sample of households once every ten years. This allowed the 2010 and 2020 decennial censuses to use much shorter questionnaires focused on basic characteristics. Yet even after this transition, the universal decennial census continued to collect race and Hispanic origin, along with name, sex, age, date of birth, relationship, and housing. Under the present proposal, therefore, the 2030 Census would be the first decennial census in U.S. history not to collect data on race in some form.

More recently, federal statistical policy has moved toward greater disaggregation rather than less. In 2022, the federal *Equitable Data Working Group* identified disaggregated data as essential to understanding the experiences of historically underserved communities. Among its central recommendations was to “[m]ake disaggregated data the norm while protecting privacy.” The Working Group specifically connected this goal to both revision of federal race and

ethnicity standards and development of better practices for measuring disability and other demographic characteristics.

That work contributed to significant changes in federal demographic-data policy. In March 2024, the Office of Management and Budget revised Statistical Policy Directive No. 15 (SPD 15), the government-wide standards for collecting and reporting race and ethnicity. Among other changes, the revised standards adopted a combined race and ethnicity question, added Middle Eastern or North African (MENA) as a minimum reporting category, and called for collection of more detailed racial and ethnic identities. Census subsequently announced plans to implement the revised standards in the 2027 ACS and 2030 Census, explaining that more detailed data would provide new insight into the demographic makeup of diverse communities.

Further, the [January 2025 Federal Evidence Agenda on Disability](#) described disability as essential demographic information and recommended that federal agencies collect disability data when they collect other demographic characteristics such as race and ethnicity. It emphasized inclusive data collection, self-attestation, data utility, and the importance of building stronger federal evidence about disabled people. Notably, the Evidence Agenda pointed to the revision of SPD 15 as an example of the continuing work needed to improve demographic measurement. Taken together, these initiatives reflected an emerging federal recognition that meaningful civil rights and equity analysis requires not merely aggregate population totals, but data capable of showing differences within populations and across intersecting identities.

The proposed rule represents a significant departure from that trajectory. Under proposed Part 60, the Census Bureau would redefine usual residence around where a person has lawfully spent the greatest number of days during a defined period preceding Census Day and would distinguish between people who are included and excluded from the population used for congressional apportionment based on citizenship and immigration status. U.S. citizens and lawful permanent residents would be included, while other foreign citizens would generally be excluded from the apportionment count. The Bureau also contemplates using legal-status questions and increasingly extensive federal, state, local, and commercial administrative records to determine residence and status. Under proposed Part 70, meanwhile, race, ethnicity, and sexual orientation could not be included on a questionnaire used to enumerate the population, while certain other characteristics (i.e., “biological sex,” date of birth, and household relationship) could be collected. The proposal would leave Census free to collect demographic information through the ACS, other surveys, and administrative records.

These proposed changes are occurring alongside another consequential shift in Census data policy. In June 2026, the Department of Commerce adopted a new disclosure-avoidance policy that prohibits noise infusion and makes coarsening (e.g., reducing the level of detail in published data) the preferred method of protecting confidentiality, with suppression permitted where necessary. The Census Bureau has acknowledged that these approaches can reduce the amount and detail of information available, particularly for small population groups and small geographic areas, and plans to transition the ACS fully to compliant methods by 2029.

Against this history, the current proposal is not simply a technical revision to census procedures or the removal of a single demographic question. It proposes a different approach to the relationship between enumeration, representation, demographic visibility, and government data systems. After years of federal efforts to improve disaggregation, self-identification, and intersectional demographic data, the proposed framework would narrow the population used for representation, reduce the demographic information collected through the universal census, rely more heavily on sampled and administratively derived data, and expand the role of government records in determining who is counted and how. The following sections explain why we believe this shift would undermine the completeness, accuracy, utility, transparency, and equity of the decennial census.

COUNT EVERY RESIDENT

A residence rule should determine where a person is counted, not whether that person counts at all. Proposed Part 60 would blur that distinction. Historically, “usual residence” has functioned primarily as a geographic rule for assigning people to the communities in which they live. The proposed rule would instead exclude foreign citizens who are neither U.S. citizens nor lawful permanent residents from the apportionment population, regardless of where they actually live. In doing so, it would transform a rule for locating residents into a threshold test of membership.

That shift is difficult to reconcile with the constitutional basis for apportionment. [Section 2 of the Fourteenth Amendment](#) requires Representatives to be apportioned according to the “whole number of persons in each State.” The Constitution expressly uses the narrower term “citizens” elsewhere in the same [section](#), demonstrating that the two terms are not interchangeable. Federal apportionment law likewise refers to the “whole number of persons in each State.” As the Supreme Court recognized in [Evenwel v. Abbott](#), representatives serve “all residents, not just those eligible or registered to vote,” because nonvoters also have interests in legislation, public services, and constituent representation.

The proposal would generally exclude all foreign citizens who lack lawful permanent resident status, including people whom the federal government has lawfully authorized to live in the United States under other immigration statuses. Yet, immigration classification does not determine whether someone is part of a community. People may live, work, study, raise families, provide and receive care, pay taxes, use public infrastructure, and be governed by federal, state, and local law without holding lawful permanent resident status. Excluding them would make the apportionment population less representative of the communities elected officials serve.

The proposed definition of “usual residence” raises additional concerns. Section 60.2 would define usual residence according to where a person has “lawfully spent the greatest number of days” between January 3 and April 1, with tax records such as returns and W-2s used as evidence. The current proposal does not demonstrate that this 89-day formula is a more

accurate measure of residence than the longstanding standard of where a person lives and sleeps most of the time. Moreover, a tax or employment address is not necessarily the place where someone actually resides.

These limitations are significant for people whose lives do not fit neatly within conventional household or administrative categories. Disabled people may move between family homes, caregiving settings, hospitals, rehabilitation facilities, group homes, and other residential arrangements. Others may experience homelessness or housing instability, share time across households, or move during the enumeration period. A residence standard should be flexible enough to capture where people actually live rather than privileging formal documentation that may not reflect lived circumstances.

The proposed requirement that time at a residence be spent “lawfully” adds further uncertainty. The rule does not clearly explain what makes a person’s physical presence at a particular residence lawful for census purposes. Census residence has historically been distinct from legal domicile, voting residence, property ownership, or formal entitlement to occupy an address. Introducing an undefined legality requirement risks making accurate enumeration more difficult without demonstrating a corresponding benefit.

CRDJ therefore urges the Census Bureau to retain a residence framework centered on actual residence and to count all people who live in the United States in the apportionment population regardless of citizenship or immigration status. At minimum, the Bureau should not adopt new residence criteria without demonstrating through rigorous testing that they improve enumeration accuracy and do not increase undercounting or misallocation among populations whose living arrangements are already difficult to capture. A census intended to determine the “whole number of persons in each State” should begin with the principle that every resident counts.

ENSURE TRANSPARENT & ACCURATE CLASSIFICATION

Administrative records can strengthen census operations when they are used carefully to fill gaps, reduce follow-up burden, or improve enumeration. The current proposal, however, contemplates a substantially different use: determining an individual’s legal status in order to decide whether that person is included in the apportionment population. A classification with consequences this significant requires a much stronger showing of accuracy, transparency, and accountability than the proposed rule provides.

The Census Bureau states that it is considering using its “enormously broad access” to records from the Departments of Treasury, Health and Human Services, Homeland Security, State, the U.S. Postal Service, state, local, and tribal governments, and third-party commercial sources to determine legal status. It may also ask respondents directly about legal status on the decennial questionnaire. Yet the proposal does not explain which records would control, how conflicting or outdated information would be resolved, how missing information would be treated, what level of certainty would be required before excluding someone, or how an erroneous

classification could be identified and corrected. These are not implementation details that can safely be deferred when the classification itself determines whether a resident counts for representation.

The Bureau's own research demonstrates why these safeguards are necessary. Census researchers examining alternative sources of citizenship information [found shortcomings](#) in both survey responses and administrative records, including administrative data that may miss naturalizations or record them only after a delay. A later [Census technical report](#) likewise concluded that record-linkage errors can result in citizenship information being assigned to the wrong person, leave some people unmatched, and ultimately produce errors in citizenship estimates. The Bureau's own [Statistical Quality Standard C4](#) therefore requires record-linkage operations to evaluate accuracy, monitor error rates, take corrective action, and document methods and results. A system capable of excluding people from the apportionment count should meet these principles at a level commensurate with the consequences of error.

Those risks are unlikely to be distributed evenly. Administrative records are created for purposes other than the census and reflect people's interactions with particular institutions, programs, employers, and government agencies. Some residents will appear across numerous consistent records while others will have sparse, outdated, or conflicting administrative footprints. Reliance on record availability therefore risks converting differences in administrative visibility into differences in representational visibility. Census should not assume that the absence of a reliable record establishing qualifying status is equivalent to evidence that a person should be excluded.

Adding a legal-status question to the census questionnaire does not resolve any of these problems and could create additional ones. Census's own research conducted in preparation for the 2020 Census [found evidence](#) that adding a citizenship question could reduce self-response among households potentially containing noncitizens, increase fieldwork costs, and diminish the quality of the population count. Because the fundamental purpose of the census depends on broad participation, any proposal to collect legal-status information should be evaluated not only for the accuracy of the answers obtained, but also for its effects on participation and coverage throughout entire households and communities.

Before using administrative records or questionnaire responses to determine whether a person counts for apportionment, the Census Bureau should publicly establish and test clear standards governing data sources, linkage methodology, evidentiary thresholds, treatment of missing and conflicting information, validation, error rates, and correction procedures. Those evaluations should examine whether errors differ across populations and should be completed before—not after—the methodology is incorporated into the 2030 Census. Where the Bureau cannot reliably determine a resident's status, uncertainty should not become a basis for exclusion. A complete census depends on using data appropriately. The Bureau should not build a consequential new classification system without first demonstrating that the system can make the decisions assigned to it accurately, transparently, and equitably.

PRESERVE DISAGGREGATED DEMOGRAPHIC DATA

Disaggregated demographic data are essential to determining who benefits, who faces disparities, and which inequalities disappear when populations are treated as uniform groups. Decennial race and ethnicity data are part of our nation's civil rights infrastructure. The Census Bureau's redistricting data produced pursuant to [13 U.S.C. § 141\(c\)](#) include race and Hispanic-origin data down to the census-block level. Those data provide critical evidence for evaluating representation and enforcing [Section 2 of the Voting Rights Act](#), among other civil rights laws.

The current proposal nevertheless cites recent changes in voting-rights and equal-protection law (notably the Supreme Court's 2026 decision in [Louisiana v. Callais](#)) as part of its rationale for reconsidering the continued collection of race and ethnicity data. *Callais* substantially narrowed the standards governing Section 2 vote-dilution claims, including by requiring circumstances that support a strong inference of intentional racial discrimination and greater differentiation between racial and partisan voting patterns. However, the Court did not eliminate Section 2, prohibit the collection of racial data, or render racial demographic evidence irrelevant. Its framework continues to require evidence about whether minority populations are sufficiently numerous and geographically compact, whether voting is racially polarized, and whether observed differences are attributable to race rather than other factors. If anything, a more demanding evidentiary standard heightens the importance of reliable and sufficiently granular racial data.

The current proposal therefore makes an unsupported leap from limits on government decision-making based on race to limits on the collection of data needed to determine whether racial inequality or discrimination exists. Those are entirely different functions. Collecting race and ethnicity data does not allocate benefits, impose burdens, or classify people for differential treatment. Rather, it enables government, researchers, communities, and courts to identify disparities and evaluate whether laws and institutions operate equitably. A commitment to equal treatment does not eliminate the need for evidence capable of showing when equal treatment is not occurring.

Proposed § 70.2 would nevertheless categorically prohibit questions about race, ethnicity, and sexual orientation on any questionnaire used to enumerate the population. This is more than a revision of how demographic characteristics are measured. It would establish by regulation that certain characteristics may not be collected through universal enumeration at all. Although the decennial census does not currently ask individuals their sexual orientation, the rule would also foreclose such collection in the future regardless of evolving evidence, statutory needs, or improvements in measurement.

The categorical prohibition on race and ethnicity is particularly difficult to reconcile with the federal government's recent investment in improving those data. The 2024 revisions to SPD 15 followed years of Census Bureau research, federal expert review, and public engagement. The revised standards adopted a combined race and ethnicity question, created a MENA minimum

category, and expanded collection of detailed identities. Census had been [preparing](#) to implement those standards in the 2030 Census to improve the accuracy and detail of information about the nation's diverse communities. The current proposal would not repeal SPD 15. Instead, it would sidestep its application to the decennial census by prohibiting the questions to which those improved standards would apply.

The consequences are far reaching. Disaggregation makes it possible to examine inequality within and across populations. The *2025 Federal Evidence Agenda on Disability*, for example, identified disability as essential demographic information and recommended collecting disability data alongside characteristics such as race and ethnicity. Statistics about disabled people as a whole can conceal substantial racial and ethnic disparities within the disability population. The same problem arises for multiracial and multiethnic populations, detailed racial and ethnic groups, and other communities whose experiences become less visible when data are aggregated too broadly.

Proposed § 70.3 would reinforce this shift by directing the Bureau to prioritize population-count accuracy and prohibiting publication of demographic data when doing so would require introducing uncertainty into national or state population counts. Population-count accuracy is essential, but demographic utility need not be treated as its opposite. The Bureau should pursue both objectives through sound statistical methods rather than resolving the tension by making communities less visible.

This proposal also cites concerns over respondent burden, privacy, disclosure risk, and the potentially sensitive nature of demographic questions. While these are legitimate considerations, but they do not justify a categorical prohibition without demonstrating why less restrictive alternatives, such as improved question design, voluntary response, rigorous testing, and appropriate disclosure safeguards, would be inadequate.

CRDJ therefore urges the Census Bureau to retain direct collection of race and ethnicity in the decennial census, continue implementation of the improved SPD 15 standards, and reject categorical restrictions that would prevent future census methodology from responding to evolving evidence and public needs. The appropriate response to legal questions about how race may be used is not to eliminate the data needed to determine whether racial disparities and discrimination exist. Federal statistical policy should continue toward greater visibility, meaningful disaggregation, and the ability to identify disparities within and across communities, not away from them.

DO NOT TREAT THE ACS AS A SUBSTITUTE

The American Community Survey (ACS) is one of the nation's most important sources of demographic, social, economic, and housing data. However, it is not interchangeable with the decennial census. Proposed § 70.4 states only that the rule would not restrict the Census Bureau's ability to collect demographic information through the ACS, other surveys, or other sources. Elsewhere it is asserted that information affected by the proposed rule "would remain

available or could be obtained in other ways.” The Bureau has not demonstrated that these alternative sources can provide equivalent data.

The most basic difference is methodological. The decennial census seeks to enumerate the entire population, while the ACS surveys a sample of more than 3.5 million households each year. ACS estimates are therefore subject to sampling variability and are published with margins of error. According to [ACS guidance](#), one-year estimates are generally available only for geographic areas with populations of at least 65,000. Smaller areas depend on five-year estimates that pool 60 months of survey responses. These differences become increasingly consequential as researchers disaggregate populations by multiple characteristics.

The geographic difference is equally significant. The ACS does not publish data at the census-block level. Its smallest published geography is the block group, and [block-group estimates](#) are available only through five-year products. Decennial census data, by contrast, have provided basic demographic information at the block level. The loss of universal race and ethnicity data therefore cannot simply be repaired by looking to the ACS. For civil rights analysis, redistricting, local planning, and research involving small or geographically concentrated populations, the difference between block-level enumeration data and sampled block-group estimates is substantive.

These limitations are particularly important for intersectional analysis. Every additional characteristic divides a survey sample into smaller groups. Estimates can become less precise or unavailable even when the underlying population is present. As a result, relying more heavily on the ACS could preserve broad national statistics while making it harder to identify disparities affecting smaller and multiply marginalized populations. This is precisely the problem recent federal efforts toward greater disaggregation sought to address.

Proposed § 70.4 does not guarantee that the demographic data removed from the decennial census will continue to be collected through the ACS in equivalent form. It preserves the Bureau’s authority to ask such questions but does not require particular questions, categories, sample sizes, geographic detail, publication schedules, or data products. Census is currently [preparing to implement](#) the revised SPD 15 race and ethnicity standards in the 2027 ACS, which is important and should continue. However, regulatory permission to collect data later is not a substitute for preserving an existing universal source of those data now.

Moreover, the ACS itself is undergoing significant changes in how its data may be published. In June 2026, the Department of Commerce adopted a new [disclosure-avoidance policy](#) making coarsening the preferred method of protecting statistical data and permitting suppression when necessary. Census has acknowledged that these approaches can reduce the amount and detail of information published, particularly for small geographic areas and population groups, and plans to transition the ACS fully to compliant methods by 2029. The effects are already operational as release of the 2025 ACS 1-year estimates has been delayed while the Bureau develops solutions consistent with the [new policy](#).

Together, the proposed rule would eliminate universal collection of race and ethnicity while directing data users toward a sampled survey that necessarily provides less precision for small populations and geographies; all while Census is simultaneously implementing disclosure rules that it acknowledges may further reduce the detail available for those same populations and geographies. The current proposal does not adequately assess these interacting effects before concluding that demographic information can simply be obtained elsewhere.

Administrative records and other data sources do not eliminate this problem. Such records are generally created to administer particular programs or transactions rather than to provide a representative demographic portrait of the population. Their coverage, definitions, currency, and demographic information vary across systems. They may complement census and survey data, but they should not be presumed equivalent to information collected directly and consistently from the population.

CRDJ therefore urges the Census Bureau not to rely on the continued existence of the ACS, administrative records, or other data sources as justification for eliminating demographic data from the decennial census. Before removing an existing universal data source, the Bureau must demonstrate that any proposed alternative preserves coverage, geographic detail, statistical reliability, disaggregation, comparability, accessibility, and civil rights utility. The current proposal does not. The ACS should remain a complement to, not a substitute for, the decennial census.

KEEP DATA POWER ACCOUNTABLE

The proposed rule would alter not only what Census data are collected and published, but also where demographic knowledge resides and who has the power to produce it. As discussed previously, the current proposal would reduce certain demographic information collected directly through the universal enumeration while expanding reliance on administrative records and linked data to make consequential determinations about individuals. That combination creates an asymmetry whereby communities may become less visible in public statistics at the same time that government systems become increasingly capable of seeing, linking, and classifying individuals.

The Census Bureau already has broad legal authority to acquire and link administrative records for statistical purposes. This proposal emphasizes that its holdings now encompass a “vast and expanding universe” of information, including records from federal, state, local, and tribal governments as well as third-party commercial sources, and describes its data-linkage infrastructure as increasingly sophisticated. ([91 Fed. Reg. 57,524](#)). Administrative data can improve federal statistics and reduce respondent burden. However, the breadth of information available to government is not a justification for expanding how that information is used.

Strong confidentiality protections remain essential. [13 U.S.C. § 9](#) generally prohibits Census from using information supplied under Title 13 for nonstatistical purposes or publishing identifiable individual information. The Bureau also [extends](#) confidentiality protections to

administrative records used for statistical purposes. These safeguards are critical, but confidentiality answers only one part of the data-governance question. Preventing disclosure does not by itself establish that a classification is appropriate, that a particular data source should be linked, that an inference is sufficiently reliable, or that affected communities have meaningful visibility into how government data systems operate.

Accountability must extend beyond protecting information from unauthorized disclosure. When linked data are used to make consequential classifications, Census should provide clear public information about what sources are being used, for what purposes, how classifications are derived, how methods are validated, what limitations are known, and how those methods affect different populations. Use of third-party commercial data warrants particular transparency because information collected in private markets may have been created for entirely different purposes, using definitions and practices that Census did not control. The fact that those data become protected once held by Census does not eliminate questions about their provenance, quality, ethical or appropriate use.

The need for meaningful external accountability is heightened by the current institutional context. The Census Bureau currently has no federal advisory committees. Its former 2030 *Census Advisory Committee* reviewed and provided feedback on 2030 Census planning, its *Scientific Advisory Committee* advised on methodological and statistical issues, and its *National Advisory Committee* provided expertise concerning racial, ethnic, immigrant, tribal, rural, aging, and other populations. All three were [terminated in 2025](#). As Census considers consequential new uses of linked administrative data while simultaneously changing what information will be collected and publicly released, the loss of these standing channels for independent scientific and community input makes other mechanisms for transparency and public participation even more important.

Public statistical data serve a fundamentally different function from government-held microdata. Publicly available, disaggregated statistics allow communities, researchers, advocates, governments, and courts to independently examine social conditions and hold institutions accountable. Administrative records held internally by government may contain more information about individuals while providing the public with less ability to understand patterns across communities. A statistical system should not evolve toward greater government visibility of individuals accompanied by reduced public visibility of inequality.

CRDJ therefore urges the Census Bureau to pair any expanded use of administrative and linked data with robust safeguards for transparency, purpose limitation, methodological review, community and scientific participation, and public accountability. Census should evaluate proposed changes not only by asking whether individual information remains confidential, but by asking a broader data-justice question: who gains the ability to know, classify, and act on information, and who retains the ability to use data to understand and hold institutions accountable? The strength of the federal statistical system depends on both protecting people

from misuse of their data and ensuring that public data remain capable of making communities—and disparities affecting them—visible.

CONCLUSION

The proposed rule would do more than change a questionnaire or revise a residence standard. Taken together, its provisions would change who is represented in the census, what the public can know about the people who make up this country, and how the government determines who people are and whether they count. It would exclude some people who live in U.S. communities from the population used for representation, introduce new and insufficiently tested methods for determining residence and legal status, remove long-collected demographic information from the universal enumeration, and shift greater responsibility to sampled surveys and linked administrative records.

That represents a significant change in direction. For decades, the Census Bureau and the broader federal statistical system have worked to improve how the nation counts and describes its population: moving toward self-identification, refining demographic categories, increasing disaggregation, improving representation of historically overlooked populations, and making data more useful for understanding intersecting forms of inequality. Recent revisions to SPD 15 and the *Federal Evidence Agenda on Disability* continued that trajectory. They recognized that better evidence requires seeing more of the differences within our population, not collapsing them into averages or making them statistically invisible.

The current proposal would reverse important parts of that progress. Its combined effect could be a statistical system in which fewer residents count for representation, less demographic information is collected directly and universally, small and multiply marginalized populations become harder to identify in publicly available data, and government increasingly relies on linked records to determine characteristics and classifications for individuals. That would fundamentally alter the distribution of visibility and power within the federal statistical system.

The consequences extend beyond researchers or data users. An accurate and transparent census is part of the infrastructure of democratic government. Representation depends on knowing who lives in our communities. Civil rights enforcement depends on being able to identify patterns that aggregate statistics can obscure. Governments need reliable information to understand the populations they serve. Communities need data to understand their own conditions, identify inequities, advocate for resources, and hold institutions accountable. When people or disparities disappear from the data, it shapes whose needs are recognized, whose rights can be enforced, and whose experiences become visible in public decision-making.

Recent changes in voting-rights law make that evidence more salient than ever. In *Louisiana v. Callais*, the Supreme Court substantially narrowed the circumstances in which Section 2 of the Voting Rights Act imposes liability and made the evidentiary inquiry more demanding. However, it did not eliminate Section 2 or the need for evidence concerning race, geography, voting patterns, and discrimination. If civil rights claims now require stronger evidence, eliminating one

of the nation's most comprehensive sources of granular racial demographic data works against, rather than responds to, that evidentiary need. Legal limits on how government may use race do not eliminate the need to know whether racial disparities and discrimination exist.

The Census Bureau should therefore not finalize this rule as proposed. It should preserve a residence standard centered on where people actually live, count all residents in the population used for apportionment, reject untested legal-status classifications that could undermine enumeration, retain direct collection of race and ethnicity and continue implementation of improved SPD 15 standards, preserve the ACS as a complement rather than a substitute for universal census data, and ensure that any expanded use of administrative records is matched by meaningful transparency, validation, community participation, and accountability.

The census has always reflected choices about who counts, what becomes visible, and what the nation chooses to know about itself. The answer to legitimate challenges involving privacy, methodology, and the lawful use of demographic information should be to improve the federal statistical system, not to make communities harder to count or inequality harder to see. CRDJ urges the Census Bureau to build on decades of progress toward a census that is more complete, more accurate, more inclusive, and more useful to the people and communities it exists to serve. If you have any questions, please feel free to contact Dr. Kate Caldwell at caldwell@law.ucla.edu.

Sincerely,

Kate Caldwell, PhD

Director of Research & Policy

Collective for Racial and Disability Justice

UCLA School of Law