

Sep 15, 2026
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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”

VIA ONLINE SUBMISSION (WWW.REGULATIONS.GOV)

The Leadership Conference on Civil and Human Rights and the undersigned organizations are writing to request an extension 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 by 60 days, providing a total of **90 days** for an *adequate and meaningful opportunity* for public review and comment as well as sufficient time to engage in meaningful, transparent, interactive, informed, and pre-decisional consultation with Tribal Nations given the complexity and potential significant consequences of the proposed changes.

The proposed rule has sweeping implications with changes that would alter the form and content of the decennial census in a marked departure from the content of the decennial census over the course of nearly 250 years and 24 censuses. Given the deviation from norm and precedent, as well as the gravity and import of the changes, a 30-day comment window is insufficient for the public to adequately and meaningfully evaluate, engage with and respond to the proposed changes in a way that demonstrates fidelity to the role of the decennial census and the importance of public engagement in the democratic process. Given that, in particular, the Secretary of Commerce has terminated Census Bureau advisory committees, ensuring that there is ample opportunity for the public to respond to these changes is paramount in helping promote public trust in the decennial census. As the proposed rule itself notes, the Census Bureau seeks to count everyone once, only once and in the right place: a goal that implicitly requires that accuracy be a lodestar for the Census Bureau. The public, including state, local, and Tribal governments, businesses, demographers, civil rights and other

nonprofit organizations, researchers, and legal scholars, needs sufficient time to evaluate and comment on these changes with that lodestar guiding such analysis.

While we will look to further comment on the rule, we note four items in particular at this time.

1. Consideration of legal and data quality implications in changing the apportionment base.

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; such as visa holders, refugees, and asylees, from the apportionment base. These proposed criteria are implicated by legal, constitutional and statutory precedents, and need to be evaluated on those bases. Additionally, there is no research on the effect of such an action, differential or otherwise, on response rates or accuracy, which must be considered.

2. Understanding the effect of failing to collect demographic data and seeking alternatives.

Proposed 15 CFR § 70.2 would outright prohibit questions regarding race, ethnicity, and sexual orientation from appearing on the short-form decennial census questionnaire or any questionnaire used for enumeration. The decennial census has collected data on race and ethnicity in some manner since the first census in 1790. The decennial census is **the only source** for detailed data at the block level. Such a sea change in the collection of demographic data should not proceed without serious consideration, research, testing, evaluation and assessments as to the repercussions and implications throughout all sectors of society, including, but not limited to, formula funding calculations, public health, housing, transportation, and emergency management.

3. Significant rulemakings, such as this one, must have longer comment periods.

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

4. The 30-day comment period is insufficient to ensure meaningful Tribal consultation as required by EO 13175 and existing Department of Commerce consultation policy.

The Department of Commerce and the Census Bureau must extend the comment period for the proposed rule to allow sufficient time for meaningful Tribal consultation. This is not simply a request for more time to submit comments; it is necessary to uphold the federal government’s government-to-government relationship with Tribal Nations. Executive Order 13175 calls for meaningful and timely Tribal input on policies with Tribal implications, and the Department of Commerce’s Tribal Consultation and Coordination Policy similarly recognizes the importance of engaging Tribal governments in the development of policies that affect them. Given the potential impact of this proposed rule, Tribal Nations require adequate time to review the proposal, consult with their leadership and citizens, coordinate with other Tribal Nations, and determine their positions. Meaningful consultation cannot be accomplished on the currently proposed and compressed timeline.

We urge Commerce to extend the comment period to 90 days to provide Tribal governments the adequate and meaningful time needed to engage fully in the process and to ensure their perspectives are considered before

the proposed rule moves forward. If you have any questions about the issues raised in this letter, please feel free to contact Meeta Anand, senior program director of census and data equity at The Leadership Conference, at anand@civilrights.org.

Signatories:

Arab American Institute
Asian Americans Advancing Justice | AAJC
Association of Population Centers
Association of Public Data Users
The Census Project
Coalition on Human Needs
Movement Advancement Project
NALEO Educational Fund
National Redistricting Foundation
Population Association of America

cc: The Honorable Howard Lutnick, Secretary of Commerce

George Cook, Deputy Under Secretary in the Office of the Under Secretary for Economic Affairs at the U.S. Department of Commerce, U.S. Census Bureau

Mark Paoletta Administrator (performing delegated duties, Office of Information and Regulatory Affairs, Office of Management and Budget)