October 26, 2026

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

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

Dear Mr. Sweeney:

We are writing to comment on the proposed rule "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions" (Docket No. 260903-0005, Document 2026-18481, published September 10, 2026).

We are DC Action, a nonprofit that uses research, data, coalition building, advocacy, and a racial equity lens to break down barriers that stand in the way of all kids reaching their full potential. We are also the home of DC KIDS COUNT, an online resource that tracks key indicators of child and youth well-being in the District of Columbia. We care about a fair and accurate census both because we want to ensure that funding decisions accurately reflect the number of vulnerable children in each place, and because of the impact on the longer-term quality of data about child and youth well-being that are used for policy decisions.

First, we ask the Census Bureau to further extend the comment period until December 10, 2026. The extension to November 2, 2026 is welcome, but significant regulatory actions such as this one deserve a full 90-day public comment period.

More broadly, DC Action urges the Census Bureau to fully withdraw the proposed rule and return with substantial revisions, including:

- For purposes of the census' the apportionment count, we urge the Bureau to abandon any criteria that would exclude data on non-U.S. residents, such as visa-holders, refugees, asylum seekers, and others. The purpose of the census is to count all people and to accurately track population and demographic changes over time.

- Retain a more inclusive and activity-based definition of “unusual residence” to best capture the varied living arrangements present in the United States. As proposed, the rule could create Census survey confusion - and thereby exclusion - for people who have recently moved, people living in temporary shelters, children in foster care, and more. We are particularly concerned that youth experiencing homelessness and children in foster care could be undercounted in Census data, resulting in less access to dollars and services that are needed to help these youth transition successfully to stable adulthood.

    - We are additionally concerned about the use of the phrase “lawful” with respect to determining residency and with the larger changes to residence categories that could create a unique confusion for residents of the greater Washington region when completing the census. People in our region regularly move across state lines and move within a jurisdiction, yet it may take many months to update a driver’s license or be recognized on a lease. We caution that the use of the term “lawful” will have a chilling and confusing impact on someone couch surfing or who recently moved from VA to DC to take over an apartment lease with a new roommate or on a young person moving back in with their parent, though they may be *unlawfully* not listed on a parent’s housing voucher. Given that complex living situations have been identified as one reason that a million young children were missed in the Census count, enacting the proposed rule changes to residence definitions and categories would likely exacerbate that problem.

- Eliminate the three-month “enumeration period” so that no one (people who have recently moved, seasonal workers, foster youth, people with second homes, shelter residents, and others) is accidentally excluded from the count on Census Day. We are especially concerned about the risk of missing youth experiencing homelessness, children who split their time between parental homes, and children in foster care if the Census Bureau proceeds with unprecedented and untested changes like this.

- Remove language on tax records to determine residence. Reliance on tax records risks missing many young people in the count, particularly babies (who may not be noted on parents’ taxes yet) and the many college students in the District who may be claimed as dependents on their parents’ filings in another state or who use their parent’s address in their own filings. Additionally, there are many very, very low-income individuals who may not file taxes who risk exclusion in the census with the proposed rule change.

- Count incarcerated people at their home rather than their facility. The current proposal shifts population counts toward the towns where prisons are built and away from home communities where people live. Because D.C. does not have a state prison system, District residents convicted of serious felonies serve their sentences in the Federal Bureau of Prisons and are sent to states around the country to serve their time, making the District particularly vulnerable to population undercounts.

- Retain and improve upon important demographic questions. The U.S. has asked about race in every census since our first in 1790 and that is because the Census’ race and ethnicity

data are essential to understanding population changes over time, advancing public health, fairly enforcing laws, conducting research across many sectors, and investing in communities. Extensive Census Bureau research and engagement with expert stakeholders previously showed that implementing the Office of Management and Budget's modernized Statistical Policy Directive 15 for race and ethnicity data collection would yield data that more accurately represents the nation's increasingly diverse population, and we urge the Bureau to implement these best practices for the 2030 Census, rather than seeking to ban critical demographic data collection. Similarly, sexual orientation, while not currently asked in the census, should not be barred from future censuses. The 2030 Census should also work toward remedying the undercount of young children and, to do that, the census must retain demographic data that can identify where and why certain populations of young children are being missed.

While all of these concerns impact the reliability of the decennial census count, we are also very concerned about the impact on long-term data integrity in the American Community Survey, Current Population Survey, and other surveys that use the census as their benchmark to weight responses so that they can scale them up to the full population. At DC Action, we use Census surveys to answer questions like how many youth are unemployed, how many families with children are housing burdened, and how many children are in families with incomes that would make them eligible for the child care subsidy program. If we cannot trust Census data, it will be harder to make informed policy decisions that set up all children to thrive.

As written, the proposed rule would exclude numerous residents, result in inaccurate counts, and impair the quality of important data on child and youth well-being. Such outcomes are unacceptable and would harm all Americans. We urge the Census Bureau to rescind the proposed rule changes and instead advance census rules that are inclusive, accurate, and meet data integrity best practice principles.

Thank you for considering our comments for the record.

Sincerely,



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