October 30, 2026

The Honorable Howard Lutnick
Secretary
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

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

Dear Secretary Lutnick:

On behalf of the National Association of Development Organizations (NADO), we appreciate the opportunity to submit comments on the United States Census Bureau's proposed rule titled, *Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions*, published September 10, 2026 (91 FR 57524).

Introduction

Founded in 1967, NADO is a national association representing more than 500 Regional Development Organizations (RDOs). These organizations, depending on their state, are often known as Councils of Governments (COGs), Planning and Development Districts (PDDs), Regional Planning Councils (RPCs), Area Development Districts (ADDs), or other similar names.

RDOs serve as a critical link between federal agencies and local governments, helping counties, municipalities, and tribal governments identify, plan and apply for, and administer federal grant programs. This support is especially important in rural, small, and economically distressed communities that often lack the staff capacity to navigate complex federal requirements on their own.

This work produces a range of planning documents and activities, including Comprehensive Economic Development Strategies (CEDS), hazard mitigation and resilience plans, and regional transportation, housing, broadband, and workforce plans. Many RDOs also host rural transportation planning organizations (RTPOs) or metropolitan planning organizations (MPOs), and many administer federal programs such as the

Community Development Block Grant (CDBG), serve as an area agency on aging (AAA) or operate revolving loan funds.

The quality of this work is predicated on the use of reliable census data. RDOs depend on it for various activities including population and economic forecasting, needs assessments, grant applications and countless other services to support communities with limited local capacity, or access to accurate locally sourced data.

NADO acknowledges the Bureau's extensive work in reviewing the decennial census, and we recognize the significant planning and diligence that goes into any change of this scale. Because so many federal programs and local planning efforts build on census data, we are writing to share our thoughts about how the proposed changes could impact the regions our members serve.

Summary of Concerns

The need for road repairs, a new water line, expanded emergency services, or an updated housing plan is driven by the people who are physically present regardless of whether, where, or how completely the census counts them. What the census determines is a community's share of finite federal and state resources, and the quality of the evidence its leaders can use to plan and compete from them. Small and rural communities have little capacity to absorb a shortfall, so for them any gap between who is present and who is counted directly impacts their ability to provide quality services for their constituents.

The proposed rule makes three major changes: who is counted for apportionment, where people are counted, and how much is known about them. Each raises concern individually, but the effects of each also compound. Our comments follow the structure of the proposed rule.

Part 60: Residence Criteria

Part 60 changes who is counted for apportionment and where people are counted. Both changes fall hardest on rural and small communities that host noncitizen workers, seasonal residents, students, and other mobile populations. The service costs those residents generate continue year-round, whether or not, or where, they are counted in the survey.

Apportionment and Population Count [§ 60.4]

For the first time, the proposed rule would limit the population counted toward apportionment to only include U.S. citizens and lawful permanent residents, excluding other foreign citizens residing in the United States.

Although this change applies only to apportionment, it may create confusion or even discourage participation in the broader count, especially if the Bureau relies on

administrative records or a legal-status question to implement it. Further, the impacts of this change will fall hardest on rural communities whose recent growth and workforce depend on immigrant residents. Many regions in our membership rely on noncitizen workers in the agriculture, meatpacking, and hospitality industries, and because these jurisdictions are small, even a modest exclusion or undercount can meaningfully distort the population data they depend on.

As you consider the final rule, we ask that the Bureau explain how full population data, including for residents excluded from the apportionment count, will be collected, reported, and communicated, and confirm whether the separate statistics will include them. The Bureau should publish a complete resident population at small-area levels, clearly distinguished from the apportionment population, with the methodology and appropriate uses of each measure documented, and explain how housing-unit and vacancy data and small-area disclosure protections will be handled. Finally, we ask that the Bureau state how many people in rural and small communities it anticipates would be affected.

Legal-Status Question [§ 60.4]
The preamble also raises the possibility of adding a legal-status question to the census questionnaire, in addition to using administrative records. Similar proposals considered for the 2020 Census were not adopted following concerns that they could reduce participation, particularly among immigrant and mixed-status households.

Any decline in response rates would undermine the accuracy of the population count for the entire community and could reduce the resources available to vulnerable families and communities in need. **We ask that you clarify whether a legal-status question will be added to the 2030 Census. If so, we urge you to publish any analysis of its expected impact on self-response rates and follow up costs and explain how the Bureau would weigh that impact against the anticipated benefit of the added data.**

Usual Residence and the Enumeration Period [§ 60.2]
The proposal seeks to define the term “usual residence,” as the place where a person lawfully spent the most days between January 3 and April 1. This is a departure from the 2020 criteria, where people are counted at the place they live and sleep most of the time, even if that is not their legal or voting residence, and people who live at more than one place are counted where they live most of the time. Under the proposed rule, a person is considered to have spent a day at a residence after as little as one hour. The proposed rule also provides no specific rules for college students, healthcare facilities, shelters, or people experiencing homelessness, leaving it unclear how those populations would be counted.

Counting residents based on where they spend the most time during a three-month winter window, rather than their usual residence throughout the year, could affect the count for communities with large in- or outflows of seasonal residents. Because the proposal does not require a person to spend a majority of the window at one residence, where someone is counted may not match where they live most of the year. Regional plans and forecasts are built to reflect year-round conditions, so a count shaped by a winter window may not line up with them.

We ask that the Bureau evaluate the operational and data-accuracy effects of the January 3 to April 1 enumeration period and explain the rationale for it with empirical analysis, including how it performs where seasonal movement are more prominent. We also ask that the Bureau clarify how the one-hour rule and multiple-residence provision apply to seasonal and migratory populations, define "lawfully spent" and "physically and lawfully present," and identify how group quarters populations will be represented in published data.

Reliance on Administrative Records [§ 60.2(a)]

The Bureau is considering using administrative records to determine legal status and residence. The preamble lists Treasury, HHS, DHS, State, Department of War, and USPS records, certain state, local, and tribal records, and third-party commercial data. It also intends to consider tax records filed after April 1. Proposed § 60.2(a) provides that usual residence should be consistent with, and evidenced by, tax records. The Bureau says the weight given to any record will depend on its purpose, timing, and reliability.

Increased reliance on tax, immigration, health, and other administrative records raises concerns about undercounting people who are not consistently represented in those records, including low-income households, college students, non-filers, and children. These groups are more common in transient, seasonal, and rural populations. It also raises practical questions when the records and the day count disagree. A person's tax address may differ from where they actually live, and the proposal does not make clear what happens when the two conflict. The proposal also does not describe any process for a resident who believes they have been counted incorrectly.

We ask that the Bureau provide more detail on the record sources to be used and when they will be used and state their expected accuracy for small and rural populations, including how they will ensure accurate counts for populations with less reliable records. We also ask that the Bureau explain how it will handle conflicts between the day count and tax or other records, as well as records that are incomplete or unmatched. Finally, we ask that the Bureau describe the process available to residents who believe they were counted incorrectly or excluded in error.

Part 70: Demographic Questions and Data Disclosure

Demographic Questions [§70.2–§70.4]
The proposal prohibits questions on race, ethnicity, and sexual orientation on the short-form questionnaire and any other questionnaire used for enumeration (§ 70.2(a)). Questions on biological sex, date of birth, and household relationships may still be included, but responses to all other demographic questions would be voluntary (§ 70.2(b)-(c)). The Bureau would also bar publication of individual demographic data where doing so requires introducing uncertainty into population counts at the national or state level (§ 70.3(b)).

Accurate demographic data is essential to planning and service delivery. Understanding who lives in a region allows local and regional entities to plan for current residents and anticipate future community needs. Our members use this data in various federal planning documents, grant applications, needs assessments, and Title VI and other civil rights analyses, which depend on the race and ethnicity data the decennial census would no longer collect. Housing-unit and vacancy data likewise inform housing needs assessments, infrastructure investments, and hazard mitigation planning in our members' regions. Rural areas may be affected most. Their small populations already produce wide margins of error and oftentimes rely on data that depends on the use of statistical disclosure protection methods like noise infusion. We recognize that the American Community Survey (ACS) remains available, but its small-area estimates carry wide margins in rural places and depend on decennial-based population controls. Because it is a sample survey rather than a full count, it cannot replace the decennial census as the benchmark.

We ask the Bureau to share the nonresponse rates anticipated for voluntary questions and describe what demographic data will remain available for local planning, including at the tract and block levels, and how reliable small-area data will be preserved for rural communities. The Bureau should confirm that date-of-birth data will be published at the detail needed for age associated programs like Older Americans Act services, workforce programs and childcare, while maintaining nationally consistent population and demographic products so that state, regional or local entities do not need to develop their own supplemental datasets.

We also ask that the Bureau share any analysis of how the proposal would change federal formula allocations and eligibility thresholds or say whether such an analysis will be conducted before the rule is finalized.

Finally, we ask that the Bureau clarify which population base the Population Estimates Program and the ACS will use and which base federal agencies should us in their formulas, coordinating with USDOT, HUD, EDA, USDA and other agencies that use

census data so entities have consistent guidance and as much advance notice as possible. Lastly, the Bureau should also release the 2030 results on both the current and proposed residence bases, or provide a bridging methodology and clear documentation, so communities can track change over time and tell method-driven changes from real ones.

Combined Effects

Census data informs funding for programs including Community Development Block Grants (CDBG), Older Americans Act (OAA), Workforce Innovation and Opportunity Act (WIOA), among others. Eligibility thresholds may also be affected, including economic distress criteria, per capita income and poverty measures, entitlement status, MPO and Transportation Management Area (TMA) designation thresholds, and rural and urban designations. State funding allocations also depend, in many cases, on accurate census data. Most formula programs distribute a fixed pool of funding, so a community that gains eligibility or share may do so at another's expense, and some communities could lose entitlement status. Transportation, housing, workforce, and infrastructure projections, which RDOs and the MPOs they host produce, could also be affected if counts differ from conditions on the ground.

Planners build forecasts on trends across census years. When a population definition changes between censuses, it becomes hard to tell whether a community grew or shrank or whether the method changed. A break between the 2020 and 2030 benchmarks, whether from the residence rules, the apportionment base, or the demographic questions, could affect population projections, CEDS and other regional plans, and the ability to show whether investments are working. It could also force RDOs to apply correction factors to familiar figures like resident population and then explain those adjustments to the local elected officials who govern them and to the public.

A nationally consistent census dataset provides an important common foundation for community and economic development planning. National methodology and shared infrastructure also create economies of scale that individual states and regions cannot replicate. If agencies must increasingly supplement Census products with administrative records, local surveys, or independently developed population and demographic estimates, differences in methodology, geographic coverage, and resolution could make regional and national comparisons more difficult.

Developing those alternatives can also require significant staff time and financial resources, which many RDOs, particularly those serving rural regions, have limited capacity to provide. Reconciling competing datasets also adds time to planning and project development, which can slow the projects communities are trying to move forward.

Conclusion

NADO appreciates the opportunity to provide comments on the proposed changes to the decennial census. We urge the Bureau to consider the concerns outlined above, and stand ready to work with you to understand how these changes will affect rural and small communities and the federal programs that serve them. Should you have any questions regarding these comments, please contact Michael Matthews, NADO's Director of Government Relations, at mmatthews@nado.org.

Sincerely,



Joe McKinney
Executive Director