



The Colorado Health Foundation™

September 28, 2026

Mr. Daniel Sweeney  
Deputy General Counsel for Economic, Statistical, and Regulatory Affairs  
Office of the General Counsel, Department of Commerce  
4600 Silver Hill Road  
Designation: ADDEMO/FRN  
Washington, DC 20746

Submitted electronically via [Regulations.gov](https://www.regulations.gov)

**RE: Comments on Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions (Docket No. 260903-0005; RIN 0607-AA75)**

Dear Mr. Sweeney,

Thank you for the opportunity to provide comments on 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 Colorado Health Foundation ("CHF" or "the Foundation") is a statewide, nonprofit and nonpartisan philanthropic organization with a mission to improve the health and well-being of Coloradans. Through community engagement, research, grantmaking, and private sector investments, the Foundation aims to ensure that everyone in Colorado has what they need to be healthy.

The Foundation strongly opposes the proposed changes to the decennial census because they would undermine the completeness of the population count and reduce public access to critical demographic data. Accurate, comprehensive, and publicly available census data are essential to advancing health and health equity. Census data allow communities, public agencies, researchers, philanthropic organizations, and other institutions to understand who lives in a community, identify disparities, assess community needs, and make informed decisions about programs, services, policies, and distribution of resources. The proposed rule would weaken this critical data infrastructure by changing who is included in the population used for congressional apportionment and restricting the demographic information the Census Bureau may collect through the decennial census. The Foundation respectfully urges the Census Bureau to withdraw these proposed changes and retain the longstanding residence-based approach to apportionment and the collection of race and ethnicity data through the decennial census, while preserving the Bureau's ability to evaluate and consider additional demographic questions in the future.

As outlined below, the Foundation is concerned that:

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- Excluding certain noncitizen residents from the population used for congressional apportionment would depart from the longstanding residence-based approach to the census and could result in population counts that do not fully reflect the people who live in communities across the country.
- Restricting the collection of race and ethnicity information through the decennial census could make it more difficult for public agencies, researchers, community organizations, and philanthropic institutions to identify disparities, understand changing community needs, and direct programs and resources effectively.
- Categorically prohibiting the collection of sexual-orientation information through the decennial enumeration could unnecessarily constrain the Census Bureau's ability to evaluate evolving data needs and consider future improvements to the census.

If implemented, these changes could reduce the availability and utility of population and demographic data used to inform public health, civil rights protections, resource allocation, community planning, and efforts to advance health and well-being in communities across the country. The Foundation therefore urges the Census Bureau to withdraw these proposed changes and engage with states, local and TRIBAL governments, community organizations, researchers, philanthropic institutions, and other members of the public on approaches that preserve a complete and accurate population count and reliable demographic data.

**The decennial census should provide a complete and accurate picture of the people who reside in each state regardless of immigration status.**

The proposed rule would establish new residence criteria under which certain noncitizen residents would be excluded from the population used for congressional apportionment. The proposal would exclude broad categories of people, including temporary visa holders, long term employment-based visa holders, refugees, asylum applicants, and other noncitizens who are neither U.S. citizens nor lawful permanent residents. Excluding people who live and contribute to communities from the population used for congressional apportionment would represent a significant change from the longstanding residence-based approach to determining who is counted.

This proposed change raises important questions about the relationship between the residence criteria and the constitutional framework governing apportionment. The Fourteenth Amendment directs that Representatives be apportioned among the states according to their "respective Numbers, counting the whole number of persons in each State." <sup>1</sup> The Census Bureau has historically based the apportionment population on the concept of "usual residence," a principle established in the first Census Act of 1790 and

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<sup>1</sup> <https://www.law.cornell.edu/constitution/amendmentxiv>



applied in each subsequent census.<sup>2 3</sup> Under this approach, “usual residence” generally refers to the place where a person lives and sleeps most of the time, rather than on citizenship or immigration status.<sup>4</sup> Under longstanding Census Bureau practice, noncitizens living in the United States have been included in the population count regardless of their immigration status.<sup>5</sup>

The proposed rule would therefore depart from the longstanding practice of determining whether a person is included based primarily on where that person resides. Instead, it would establish immigration status as a basis for excluding certain people who live in and are part of communities across the country. For a population count intended to provide an accurate accounting of all people residing across the country, this represents a fundamental weakening of how communities and their populations would be accurately counted.

The central concern with this proposed change is how this change could affect the completeness of population data. Because census population data inform federal resource allocation and public planning, as well as determine political representation, an accurate and comprehensive count is critical. All people who live in a community contribute to and rely upon that community’s schools, health care systems, transportation infrastructure, housing, emergency services, and other public systems, and therefore should be included in the decennial count. A population count that excludes some residents based solely on immigration status could provide an incomplete picture of communities, which would produce inequities in the distribution of essential resources and political representation..

**Informed decision-making and health equity rely on complete demographic data.**

The proposed rule would also prohibit questions about race, ethnicity, and sexual orientation from the decennial census questionnaire. If implemented, this change could make it more difficult to understand how communities are changing over time, identify disparities, and assess differences in health outcomes, life expectancy, disease prevention, educational outcomes, employment, economic mobility, and other measures of well-being. Complete and reliable demographic data are also important to civil rights analysis and enforcement, including voting rights and fair housing protections.<sup>6 7</sup> For example, the Census

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<sup>2</sup> <https://www.pewresearch.org/feature/what-census-calls-us/>

<sup>3</sup> <https://www.census.gov/topics/public-sector/congressional-apportionment/about/historical-perspective.html>

<sup>4</sup> <https://www.census.gov/programs-surveys/decennial-census/decade/2020/about/residence-rule.html>

<sup>5</sup> <https://www.census.gov/programs-surveys/specialcensus/faqs.html#accordion-2f419afa62-item-445c03e221>

<sup>6</sup> <https://www.congress.gov/crs-product/R47520>

<sup>7</sup> <https://www.justice.gov/crt/fair-housing-act-1>



Bureau produces Citizen Voting Age Population data by race and ethnicity for voting rights analysis, with data available at highly granular geographic levels.<sup>8</sup>

Race and ethnicity data are particularly important for policymaking and program planning, particularly at the local, state, and tribal levels. Understanding who lives in a community and how different populations are distributed across geographic areas allows public health agencies, researchers, community organizations, businesses, and other institutions to identify disparities and better understand the populations experiencing them. Without reliable demographic information, disparities can become more difficult to measure, trends can be more difficult to assess, and communities can have fewer tools to determine where resources may be needed.

The proposed prohibition on sexual orientation questions presents a similar concern. Sexual orientation has not historically been collected on the decennial short-form census. However, the proposed rule would categorically prohibit the Census Bureau from collecting information about sexual orientation through the decennial enumeration in the future. Establishing such a restriction could unnecessarily limit the Bureau's ability to respond to evolving data needs and to evaluate, test, and consider future questions that could help provide a more complete understanding of the population.

Taken together, these proposed changes could create significant gaps in our understanding of the communities we seek to serve. Those gaps could make it more difficult to identify disparities and make informed decisions about public health, civil rights, economic development, education, housing, and other areas that directly affect people's well-being. They could also make it more difficult for nonprofits, public agencies, researchers, businesses, and other institutions to plan services, evaluate programs, and direct resources based on a full and accurate understanding of individuals and communities.

For the Foundation, advancing health equity requires having a full and accurate picture of communities across Colorado. We cannot effectively identify opportunities or disparities, evaluate programs, or assess whether resources are reaching communities equitably without reliable information about the populations and communities those decisions affect.

## **Conclusion**

The decennial census provides a critical source of information about the people and communities of the United States. The proposed changes would alter both who is included in the population used for apportionment and the demographic information collected through the decennial enumeration. For the reasons described above, the Foundation urges the Census Bureau to withdraw these proposed changes

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<sup>8</sup> <https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html>



and preserve a decennial census that provides communities with complete and reliable population and demographic information.

Specifically, the Foundation urges the Census Bureau to:

- Retain a residence-based approach to apportionment that counts the whole number of persons residing in each state, consistent with the longstanding concept of usual residence and without excluding residents based on immigration status; and
- Preserve the collection of race and ethnicity information through the decennial census and avoid prohibiting the future collection of sexual-orientation information through the enumeration so that communities retain access to demographic information needed to understand population characteristics, identify disparities, assess community needs, and inform equitable decision-making.

Accurate and comprehensive population data are essential to healthy communities and fair political representation. The Foundation urges the Census Bureau to withdraw this proposed rule because of the significant implications it would have for health equity, public health, civil rights, community planning, and whether all communities have access to the resources and political representation they need to thrive.

Thank you for the opportunity to provide public comments. We appreciate your consideration. If you have any questions, please contact Kyle Rojas Legleiter, the Colorado Health Foundation Senior Director of Policy, at [klegleiter@coloradohealth.org](mailto:klegleiter@coloradohealth.org) or (303) 953-3618.

Sincerely,



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