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U.S. Census Bureau
U.S. Department of Commerce

Re: Proposed Rule, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions," 91 Fed. Reg. 57524 (Sept. 10, 2026); Docket No. USBC-2026-0628; RIN 0607-AA75

To the U.S. Census Bureau:

The Central Council of Tlingit & Haida Indian Tribes of Alaska (Tlingit & Haida) submits these comments opposing the proposed rule governing residence criteria and demographic questions for the 2030 Decennial Census. The proposed rule would change how the Census Bureau determines a person's "usual residence" and establish restrictions on demographic questions included in the decennial census questionnaire.

Tlingit & Haida is a federally recognized Tribal government representing nearly 39,000 Tribal Citizens across Southeast Alaska and beyond. The Bureau's proposal to remove race and ethnicity questions would eliminate a direct and foundational source of American Indian and Alaska Native (AI/AN) demographic data. These two changes are distinct, but both risk making Alaska Native people and the communities to which they belong less visible in the data used to guide public policy, allocate resources, and enforce civil rights protections. **Tlingit & Haida urges the Census Bureau to withdraw the proposed rule and retain the existing approach unless and until it has conducted meaningful government-to-government consultation, completed a transparent assessment of impacts on Tribal Nations and Alaska Native communities, and demonstrated that any alternative will produce accurate, comparable data.**

I. The Proposed Rule Would Fundamentally Change How People Are Counted and How Demographic Data Are Collected

The proposed rule would establish two new regulatory frameworks for the 2030 Decennial Census. Proposed 15 CFR Part 60 would formalize new criteria for determining each person's "usual residence," while proposed 15 CFR Part 70 would prohibit questions about

race, ethnicity, and sexual orientation on the decennial census questionnaire and restrict the publication of certain demographic data.

Under proposed 15 CFR § 60.2, a person's usual residence would be the residence where they lawfully spend the greatest number of days during a new enumeration period running from January 3 through April 1 of the census year. A day would count toward a residence if the person were physically and lawfully present there for at least one hour. The proposed rule would also require the residence determination to be consistent with and evidenced by tax records, such as tax returns and W-2 forms. Although the Bureau indicates that the evidentiary weight of administrative records will depend on their purpose, timing, and reliability, the proposal would establish a new framework that could affect where people are counted.

Separately, proposed 15 CFR § 70.2 would prohibit questions about race and ethnicity on the decennial census questionnaire, eliminating the direct collection of this information through the nation's primary decennial population count. Proposed § 70.3 would further restrict the publication of individual demographic data when doing so would require introducing uncertainty into population counts at the national or state level. Although proposed § 70.4 would preserve the Bureau's ability to collect demographic information through the American Community Survey and other surveys, it does not guarantee that alternative sources would provide equally reliable or detailed information about small and rural populations.

These changes raise distinct but interconnected concerns for Tribal Nations. The proposed residence criteria could misrepresent the populations of Alaska Native communities whose citizens travel temporarily for health care, education, employment, and subsistence activities. At the same time, removing direct race and ethnicity questions could make it more difficult to identify Alaska Native populations and document their needs using consistent decennial data. Tlingit & Haida opposes these changes because the Bureau has not demonstrated that the proposed approach will preserve accurate population counts and reliable demographic information for Tribal governments and the communities they serve.

II. Impacts of Proposed Changes on Tribes and Alaska Native Communities

The proposed definition of "usual residence" in 15 CFR § 60.2 would determine residence based on where a person lawfully spends the greatest number of days during the January 3–April 1 enumeration period, with tax records serving as evidence of residence. These criteria risk misrepresenting Alaska Native communities, where citizens may travel seasonally for subsistence activities, temporarily stay in Anchorage for medical care, or live elsewhere for employment or education while maintaining enduring ties to their home communities. For example, a Tribal Citizen who spends much of the enumeration period away from their village to access specialized health care or seasonal employment could be counted elsewhere, potentially reducing the village's reported population. In small, remote communities, even modest changes in population counts can affect planning for housing, health care, public safety, infrastructure, and other services. The Bureau should demonstrate how its proposed criteria will account for these circumstances and prevent

temporary absences or administrative records that do not reflect actual living arrangements from producing inaccurate community-level counts.

III. Accurate Census Data Are Essential to Alaska Native Communities

The proposed 15 CFR Part 70 rests on the premise that demographic questions are unnecessary to the decennial census's primary purpose of congressional apportionment and may increase response burden and disclosure risks. However, the consequences of removing these questions extend beyond apportionment. Direct race and ethnicity data help Tribal governments document the populations they serve, identify disparities, evaluate community needs, and support equitable public policy and civil rights protections. The Bureau should not assume that eliminating these questions will preserve the usefulness of census data simply because demographic questions may remain available through other surveys. It must demonstrate how the proposed approach will maintain accurate, comparable, and sufficiently detailed information about American Indian and Alaska Native populations, including in small and rural communities.

The decennial census is not merely a population count. Census data informs federal funding formulas, congressional appropriations, program eligibility and planning, civil rights enforcement, and decisions about public services and infrastructure. The Census Bureau has reported that decennial census and related data were used in 353 federal assistance programs distributing more than $2.8 trillion in fiscal year 2021.[1] Programs that rely on census-derived data include housing, transportation, community development, health, education, workforce development, water and environmental programs, and other services that support Tribal communities.

For Alaska Native communities, the consequences of inaccurate or incomplete data can be especially serious. Many communities are small, rural, remote, and geographically dispersed. Modest errors in population counts can have substantial effects on planning, funding allocations, and a community's ability to demonstrate need. A reduction in the visibility of Alaska Native people in census data could impair the ability of Tribal governments and service providers to document unmet needs and advocate for adequate resources.

As mentioned, Tlingit & Haida's Tribal Citizens maintain relationships with their home communities even when they must temporarily live elsewhere for work, education, health care, caregiving, military service, incarceration, or housing-related reasons. People may travel to larger communities or out of state to access services that are unavailable locally. A census methodology that treats these circumstances as evidence that a person's connection to their home community has diminished could distort the count and make the needs of Alaska Native communities appear smaller than they are.

[1] https://www.census.gov/newsroom/press-releases/2023/decennial-census-federal-funds-distribution.html

IV. Removing AI/AN Demographic Questions Would Create a Serious Data Gap

Proposed 15 CFR § 70.2(a) would prohibit questions about race and ethnicity on the decennial census short-form questionnaire and any other questionnaire used to enumerate the population. This would eliminate the direct collection of American Indian and Alaska Native (AI/AN) race and ethnicity data through the decennial census. Proposed § 70.3(b) would further prohibit the publication of individual demographic data when doing so would require introducing uncertainty into population counts at the national or state level. Together, these restrictions raise serious concerns about the availability and usefulness of demographic data needed by Tribal governments to document community needs, identify disparities, and advocate for equitable resources and protections.

Tribal citizenship and AI/AN demographic identity are distinct. Tribal Nations determine their own citizenship under their own laws, and self-identification as AI/AN in the census does not establish Tribal citizenship. Conversely, Tribal enrollment records do not capture everyone who identifies as AI/AN, including multiracial Alaska Native people and people who are not enrolled citizens of federally recognized Tribes. Eliminating direct demographic questions would therefore create a significant data gap that cannot be resolved simply by relying on Tribal citizenship records. Accurate demographic data and respect for Tribal sovereignty are complementary, not competing, obligations.

Proposed § 70.4 would preserve the Census Bureau's ability to collect demographic information through the American Community Survey and other surveys not used for population enumeration, as well as to receive demographic data from other sources. However, the continued availability of these sources does not establish that they can replace the direct, decennial collection of AI/AN demographic data. The American Community Survey is sample-based and can have substantial margins of error for small populations and rural communities. Administrative and tax records may not consistently identify AI/AN people, capture multiracial identities, or reflect the populations Tribal governments and programs serve. The Bureau has not demonstrated that these alternatives would provide equally reliable, comparable, and sufficiently detailed data for Alaska Native communities.

The proposed rule also raises concerns about the use of Tribal governmental records as an alternative source of demographic information. Tribal enrollment and citizenship records are subject to Tribal authority and data-governance requirements and must not be treated as a default substitute for voluntary, direct demographic identification. Any use of Tribal data must respect Tribal consent, confidentiality, sovereignty, and control over governmental information.

Before finalizing proposed §§ 70.2 and 70.3, the Census Bureau must identify the federal programs, funding formulas, statistical products, and civil rights enforcement activities that rely on AI/AN demographic data; assess how the proposed restrictions would affect those functions; and demonstrate that alternative sources can preserve accurate, comparable information about AI/AN populations, including at the community level. The Bureau must also explain how it will apply the proposed restriction on publishing demographic data

when disclosure safeguards introduce uncertainty into population counts. No existing AI/AN demographic measure should be eliminated without a transparent impact assessment, validated alternatives, and meaningful government-to-government consultation with Tribal Nations.

V. Proposed Residence Criteria Could Misrepresent Alaska Native Communities

Proposed 15 CFR § 60.2 would replace the existing approach to determining "usual residence" with criteria based on where a person lawfully spends the greatest number of days during a defined census enumeration period, January 3 through April 1 of the census year. Under proposed § 60.2(b), a person would be considered present at a residence for a day if they were physically and lawfully present there for at least one hour, and a day could count toward more than one residence. Proposed § 60.2(a) further provides that a person's usual residence should be consistent with, and evidenced by, tax records, such as tax returns and W-2 forms. These criteria raise concerns about whether the proposed methodology will accurately reflect the residential circumstances of Alaska Native people and the communities to which they maintain enduring ties.

Alaska Native people may temporarily leave their home communities to access specialized health care, pursue higher education, obtain employment, secure safe and stable housing, or care for family members. Seasonal subsistence activities and travel between rural villages and urban hubs are also integral to life in Southeast Alaska and throughout the state. For example, a Tribal Citizen who spends much of the January–April enumeration period in Anchorage to receive medical care or temporarily resides elsewhere for employment could be assigned a different usual residence under the proposed criteria. Tax records may also identify an address that does not accurately reflect a person's living arrangements or enduring ties to their home community. These circumstances reflect the geographic and structural barriers facing Alaska Native communities, not necessarily a diminished connection to their traditional homelands.

The proposed rule also raises a separate concern about who will be included in the population used for congressional apportionment. Proposed 15 CFR § 60.4 would count foreign citizens who are U.S. citizens or lawful permanent residents at their usual residence but would exclude other foreign citizens from the apportionment count. The Census Bureau also indicates that it is considering using administrative records to determine individuals' legal status, including certain state, local, and Tribal records. Tlingit & Haida is concerned about the potential consequences of expanding reliance on administrative records without sufficient transparency, safeguards, and assessment of effects on Tribal communities. The Bureau must explain how these provisions would operate in practice, what records it intends to use, and how it will protect the confidentiality and appropriate use of information.

The Census Bureau should not assume that a person's temporary absence from a Tribal community means that the community is no longer their meaningful home or that its population and service needs should be reduced accordingly. Tlingit & Haida is not asking for people to be counted twice or in a place where they do not reside. We are asking for a methodology that accurately counts people and accounts for the realities of Alaska Native

communities. Before finalizing proposed Part 60, the Bureau should conduct Tribal-specific testing that includes Alaska Native villages, rural communities, and urban Alaska Native populations; examines seasonal and temporary mobility; and compares population counts under the existing and proposed criteria. The Bureau should disclose its methods, assumptions, modeled results, and limitations and provide affected Tribal governments sufficient time to review and respond.

The Bureau should also demonstrate how it will evaluate the reliability of tax records and other administrative information when determining usual residence, rather than treating those records as conclusive evidence without appropriate validation. Any use of Tribal governmental records must respect Tribal sovereignty, confidentiality, and data-governance requirements. The Bureau should improve enumeration and address undercounting, not adopt criteria that could make existing disparities worse. Tlingit & Haida urges the Census Bureau to withdraw the proposed residence criteria unless and until it can demonstrate, through transparent analysis and meaningful government-to-government consultation, that the proposed methodology will produce accurate and equitable population counts for Alaska Native communities.

VI. The Consultation Process Has Not Been Meaningful or Timely

The proposed changes to 15 CFR Parts 60 and 70 have significant foreseeable implications for Tribal sovereignty, community representation, federal funding, public services, and the federal government's government-to-government relationship with Tribal Nations. Proposed Part 60 would establish new criteria for determining usual residence and who is included in the apportionment count. Proposed Part 70 would prohibit race and ethnicity questions on questionnaires used for decennial enumeration and restrict the publication of certain demographic data. These are consequential policy changes that warrant meaningful Tribal consultation before the Census Bureau makes final decisions.

The opportunity for Tribal governments to review and respond to the proposal has been inadequate. As reflected in the circumstances surrounding the October 2, 2026, consultation session, Tribal governments received limited advance notice and insufficient time to review the proposed regulatory language, assess potential consequences for their citizens and communities, consult internally, and develop an informed governmental position. Although the Census Bureau subsequently extended the written comment deadline to November 2, 2026, additional time to submit written comments does not replace meaningful government-to-government consultation. Tribal governments must have a genuine opportunity to influence the development of federal policy, not merely respond to a proposal after the Bureau has established its preferred approach.

Tlingit & Haida urges the Census Bureau to provide additional formal consultation opportunities specifically addressing the proposed residence criteria and demographic restrictions. Consultation must include a substantive discussion of the January 3–April 1 enumeration period; the proposed reliance on lawful physical presence and tax records to determine usual residence; the proposed exclusion of certain foreign citizens from the apportionment count; the prohibition on race and ethnicity questions under proposed § 70.2; and the restrictions on publishing demographic data under proposed § 70.3. The

Bureau should also explain how it intends to use administrative records, what safeguards will apply, and how it will ensure that alternative data sources preserve accurate and comparable information about American Indian and Alaska Native populations.
Before taking final action, the Census Bureau should conduct and publicly share a comprehensive assessment of the proposed rule's effects on Tribal Nations and Alaska Native communities. This assessment should include comparative testing of the proposed residence criteria in Alaska Native villages and urban communities, an evaluation of the effects on community-level population counts, and an analysis of the consequences of removing direct AI/AN demographic questions from the decennial census. Tribal governments should receive the Bureau's methods, assumptions, findings, and limitations in sufficient time to review the information and provide meaningful input.

The federal trust responsibility and government-to-government relationship require more than a single virtual session and an opportunity to submit written comments. Tlingit & Haida urges the Census Bureau to engage directly with Tribal governments, provide adequate advance notice, and maintain meaningful consultation opportunities throughout the decision-making process. No final rule should be issued until Tribal governments have had a genuine opportunity to assess the proposed changes, understand their potential consequences, and influence the Bureau's approach.

VII. Tlingit & Haida's Recommendations

Before finalizing proposed 15 CFR Parts 60 and 70, the Census Bureau must conduct a comprehensive, transparent assessment of the proposed changes and their impacts on Tribal Nations and Alaska Native communities. This assessment must include comparative testing of the proposed usual residence criteria under § 60.2, an evaluation of the proposed apportionment eligibility criteria under § 60.4, and a thorough analysis of the consequences of eliminating direct race and ethnicity questions under § 70.2 and restricting the publication of demographic data under § 70.3. The Bureau must demonstrate that any alternative methodology will preserve accurate, comparable, and sufficiently detailed population and demographic data, particularly for small and rural Alaska Native communities. Tribal governments must receive the findings and supporting analyses with adequate time to review and provide meaningful input through government-to-government consultation before any final rule is issued. Until these requirements are met, Tlingit & Haida urges the Census Bureau to withdraw the proposed rule and retain the existing regulations.

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Richard J. Peterson
President

Cc: Senator Lisa Murkowski, Senator Dan Sullivan, Congressman Nick Begich