Council on Foundations

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November 2, 2026
United States Department of Commerce
Attention: United States Bureau of the Census
Docket No. 260903-0005
RIN 0607-AA75

RE: Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions

To Whom It May Concern:

The Council on Foundations is writing to provide comments to the Department of Commerce (Commerce) and the Census Bureau's proposed rule, *Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions*. We offer comments based on the implications of how the proposed changes will impact our foundation members and their nonprofit partners.

The Council is a nonprofit membership association that serves as a guide for philanthropies as they advance the greater good. Building on our 75-year history, the Council supports over 1,000 organizations in the United States and around the world to build trust in philanthropy, expand pathways to giving, engage broader perspectives, and co-create solutions that will lead to a better future for all.

An accurate census is an essential infrastructure tool for the philanthropic sector. Foundations and their nonprofit partners rely on the census to understand who lives in a community, how community needs are changing, and what service gaps exist. The census allows funders to determine where limited charitable assets can produce the greatest benefit and outcomes. It also enables nonprofits to better partner with government to provide services and resources to underserved communities—particularly rural regions. These use cases rely not only on accurate population counts, but also on detailed demographic data that allows charitable organizations to assess how their work impacts different communities.

Preparing for, conducting, and analyzing the census requires years of planning and coordinating: any significant changes now could affect the Census Bureau's ability to launch the next census in time. They could also affect an individual's trust and willingness to complete the questionnaire. The proposed changes to the decennial census would decrease the reliability of census data, undercount

vulnerable populations, and decrease government resources to certain areas, increasing reliance on philanthropy—while making it harder for foundations to assess the needs of those areas.

The Council recommends withdrawing the full proposed rule; however, we have particular concerns regarding Sections 60.2(b), 60.4, 70.1, and 70.2 of the proposed regulation and detail them in our comment. We also address Commerce and the Census Bureau's request for comments concerning the inclusion of a legal-status question.

Section 60.2(b) & Section 60.4:
The Council recommends removing these sections and continuing to provide a complete count of the population of the United States.

By counting only U.S. citizens and lawful permanent residents, the decennial census would deliver a count that does not reflect the full population of the U.S., including refugees and asylees who have yet to receive permanent status but require services from both the government and local nonprofit organizations.

Currently, the decennial census is the most complete and accurate count of individuals residing in the U.S. Rather than wasting resources combining a patchwork of different surveys and information sources, philanthropic organizations rely on the census to determine how to allocate limited charitable dollars. Without an accurate population count, nonprofits lack the information they need to make decisions about which regions need additional investment.

Government also uses the population count to allocate resources. Undercounting the population will not result in lower need; it will only reduce the resources allocated to these regions, increasing strain on government services and demand for philanthropic dollars. These service gaps will amplify existing imbalances, at the same time as the incomplete population count may suggest philanthropic organizations should invest elsewhere.

Undercounting the population or reporting a population count that deliberately excludes large swaths of the population, will hurt not only the undercounted communities but also the citizens and permanent residents they share resources and services with.

It is unclear how Commerce and the Census Bureau will establish the legal status of given individuals, or whether Commerce will issue a full population count in addition to the more limited count used for

House apportionment. It is also likely that some of the methods Commerce and the Census Bureau propose for identifying the legal status of each individual resident could hurt trust in government and lead to an undercount.

Section 70.1 & Section 70.2:
The Council recommends removing these sections and continuing to include questions about race, ethnicity, and sexual orientation in the decennial census questionnaire.

The decennial census provides the most complete and reliable information about demographics in the U.S. This allows foundations and their nonprofit partners to allocate resources to the communities that are most in need, and it allows them to assess how those resources impact the communities they are intended to reach.

Eliminating the race, ethnicity, and sexual orientation questions in the census would make it harder for nonprofits to address at least one charitable purpose: the pursuit of eliminating prejudice and discrimination. Currently, nonprofits use census data to both pursue this purpose and evaluate the impact of the programs they support. Reducing their access to this data would reduce nonprofits' effectiveness at addressing this charitable purpose and create inefficiencies. While the American Community Survey and other surveys collect demographic information, none collect it as thoroughly and in as much detail as the decennial census.

This requires community-level demographic data, not individual data. The census has always been the most consistent and reliable source of this information—and historically has protected individuals' privacy even while reporting this information.

Section 70.3:
The Council strongly supports maintaining individuals' privacy, particularly with sensitive demographic information. We encourage the Census Bureau to continue to report community-level demographic data that allows foundations and their nonprofit partners to better evaluate the impact of their work.

Regarding Commerce and the Census Bureau's request for comments about identifying individuals' legal status
The Council does not recommend adding a legal status question to the decennial census questionnaire. As many organizations informed Commerce and the Census Bureau in response to the 2018 notice, *Proposed Information Collection; Comment Request; 2020 Census*, the inclusion of a legal status

question would reduce participation in the decennial census and compromise the entire dataset. Communities with full legal status may still mistrust or fear the government, especially those who are already susceptible to being miscounted: rural families, families with mixed immigration status (even if all residents have legal status), families with young children, and others.

If the Census Bureau proceeds with limiting the population count to only citizens and lawful permanent residents, it is imperative that the Census Bureau conduct rigorous analysis, including field testing, to demonstrate that a legal status question would not reduce participation even among citizens and lawful permanent residents.

The Council does not have a recommendation on the administrative data the Census Bureau should use to determine individuals' legal status. However, we are concerned about the potential privacy implications associated with using records unrelated to legal status or House apportionment to extrapolate individuals' legal status. Using information from across various federal agencies is likely to chill future record collection, making it harder for government and the charitable organizations it partners with to do their jobs.

Conclusion

Thank you for this opportunity to submit comments regarding this proposed regulation. The census is a critical tool that organizations throughout the country rely on to allocate resources, prioritize grantmaking, coordinate with government, and assess impact. It is crucial that the Census Bureau conduct a complete and accurate census in 2030. We would welcome the opportunity to discuss any of these matters with Commerce and the Census Bureau. Please contact me for more information or analysis at govt@cof.org.

Sincerely,

Jenn Holcomb
Vice President, Public Policy & Legal Resources
Council on Foundations