AMERICAN PUBLIC HEALTH ASSOCIATION
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George Cook

Deputy Under Secretary

U.S. Census Bureau, Department of Commerce

1401 Constitution Ave NW, Washington, DC 20230

Regarding: RIN 0607-AA75, Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions

The American Public Health Association strongly opposes the U.S. Census Bureau's proposed rule (RIN 0607-AA75) that would remove non-U.S. citizens without a green card from the Census apportionment count and remove race and ethnicity demographic questions from the Census. This rule would weaken the Census in a way that harms federal data collection, health research, congressional representation, voting rights, federal safety net programs, and, ultimately, public health.

Research consistently shows that voting access for legal U.S. citizens and political representation are deeply tied to public health – cities and states with more inclusive voting policies show better health outcomes than those with restrictive policies, and communities with more civic engagement have more control over how policies are written and enacted that affect their health, housing, education, and more. The change made in this proposed rule to redefine "resident" – and thereby exclude international students, H-1B visa holders, undocumented people and others – would severely affect the Census apportionment process in a way that would lead to undercounting the number of real, living people that live in each congressional district. Not only would this lead to certain communities having less representation by leaders elected to the U.S. House of Representatives, but the way that federal programs disperse their funds to states and communities would also be affected – programs like Medicaid, the Children's Health Insurance Program, and the Supplemental Nutrition Access Program would all be disseminating funds based on inaccurate numbers, putting communities at risk of receiving less funding than they need to provide care and support for those who need it.

This proposed rule is not the first attempt to make this change to the definition of "resident" and exclude certain groups of people who live in the United States – previously, members of Congress have introduced bills including:

- H.R.7109, the Equal Representation Act from the 118th Congress, which would exclude non-citizens from apportionment counts,
- H.R.8845, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2027, which would ban the Census Bureau from including noncitizens without legal status in the 2030 apportionment counts,
- H.R. 151 and S.2205, the Equal Representation Act from the current Congress, which would exclude non-citizens from apportionment counts and goes one step further to even exclude green-card and visa holders.

After multiple failed legislative attempts, the Census Bureau has now proposed a rule to enact a similar change to the U.S. Census. However, the Constitution makes clear that Congress, not the President, has final authority over the Census and its enumeration.

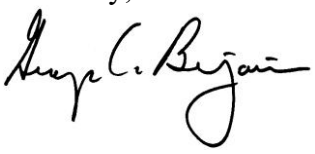
The proposed rule would also prohibit race and ethnicity questions from being included. Demographic data on race and ethnicity has been collected by the Census since 1790, and is essential for many purposes, including for tracking trends in public health and biomedical research. Losing this data would have wide-ranging impacts, including making research on health disparities more difficult and making it harder to track the progress of anti-discrimination policies. Unfortunately, this effort is part of a wide-ranging attempt to eliminate race and ethnicity data – the Trump administration proposed another rule in July that would rescind the U.S. Equal Employment Opportunity Commission's race and sex reporting requirements, another change that would threaten the collection of important data that's used to understand trends in discrimination and its impacts. The rule would also prohibit questions asking about sexual orientation, which has not been included on previous Census forms but would, if included in the future, help track inequities faced by the LGBTQ community.

Ultimately, the changes made in this proposed rule would lead to a loss of real and important demographic data – data currently used to shape how we are represented by Congress, how federal safety net programs help people in need, and how research is conducted to understand disparities and inequities. Losing this data would severely harm the health and wellbeing of our communities. As such, APHA strongly opposes this rule and recommends that the Census Bureau rescind it.

APHA appreciates the opportunity to share our comments on this important proposal. We look forward to working with the U.S. Census Bureau on rules and regulations affecting public health in the future.

Please feel free to contact me with any questions regarding our comments.

Sincerely,



Georges C. Benjamin, MD
Chief Executive Officer