# Summary: U.S. Census Bureau Tribal Consultation

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

**Proposed Rule**

*91 Fed. Reg. 57524 (Sept. 10, 2026), Docket No. USBC-2026-0628I*

**Helpful Resources**

- **Federal Register Notice (FRN) Proposed Rule Changes to Demographic Questions (9/10)** ..... qrco.de/census1026-frn
- **Dear Tribal Leader Letter (DTLL) Tribal Consultation Notification (9/18):** ..... qrco.de/censusconsult1026-dtll
- **NCAI Letter - Request for Additional October Consultations (9/23):** ..... qrco.de/censusconsult1026-ncailetter
- **NCAI Summary of Proposal (9/29):** ..... qrco.de/censusconsult1026-summary
- **NCAI Comment Letter to Census:** ..... *forthcoming*

## Background

On October 2, 2026, the U.S. Census Bureau (Bureau) held the ***first and only*** consultation regarding the Notice of Proposed Rulemaking (published September 10, 2026) to permanently change residency requirements and eliminate the "race/ethnicity" question from the decennial census. The Bureau provided notice of the Tribal consultation via DTLL on September 18, 2026, giving Tribal Nations and Tribal-serving organizations only two weeks' notice to prepare for Tribal consultation. This was the only opportunity for Tribal Nations to provide the Bureau with comments and to pose questions regarding the implementation of the Bureau's proposed rule changes to the 2030 Decennial Census.

## Why Does This Matter?

The Bureau has collected race and residency data for over 230 years beginning in 1790. However, if implemented, the proposed rule will permanently change data collection requirements for the decennial census. These changes will primarily impact data related to: 1) existing residency criteria; and 2) the "race/ethnicity" demographic question currently included on the census form.

This is highly problematic for Indian Country. The proposed rule completely eliminates the "race/ethnicity" demographic question on the decennial census, removing the Bureau's longstanding requirement to collect American Indian / Alaska Native (AI/AN) demographic data utilized to distribute **an estimated $37.5 billion in federal funds for Tribal-serving programs annually.**

Additionally, if implemented, the newly proposed census changes suggest the Bureau will **require Tribal governments to collect data from at least 20 other federal agencies and subagencies to supplement the lost census data.** Currently, there are no consistent data collection mechanisms across federal agencies. Thus, this would serve as an unreliable substitute for the Bureau's accurate decennial enumeration — the primary purpose of the census — of AI/AN populations. Among other issues, the proposed rule fails to identify the "other government agencies" or "tax records" it suggests as a substitute to *accurately* establish residency for populations living on Tribal lands.

# Tribal Consultation Summary

## Attendees

**U.S. Census Bureau Participants**

- Dee Alexander, Tribal Affairs Coordinator, U.S. Census Bureau
- Joyce Meyer, Under Secretary of Economic Affairs, U.S. Department of Commerce
- George Cook, Deputy Under Secretary, Performing the Non-Exclusive Functions and Duties of the Director, U.S. Census Bureau
- Dan Sweeney, Deputy General Counsel for Economic, Statistical and Regulatory Affairs, U.S. Department of Commerce

**Tribal Leaders, Tribal Nations, and Tribal-serving Organizations:**
Over 800 people registered for the virtual consultation and nearly 550 people attended. Due to the format of the consultation, it was unclear how many Tribal Nations were represented or which listeners were Tribal leaders.

## Logistics and Timing

The consultation lasted approximately two hours. Only 19 Tribal Leaders, Tribal Nation designees, and representatives from Tribal-serving organizations were able to testify before the consultation abruptly terminated, with at least 10 people still in the queue waiting to comment. The Bureau published the public notice for Tribal consultation in a DTLL on Thursday, September 18. The consultation was held only 11 workdays later on Friday, October 2.

## Questions

The Bureau did not include any consultation questions in the DTLL. The Bureau asked specific Tribal consultation questions at the end of their presentation with no prior notice for Tribal Nations to adequately prepare any answers. The Bureau welcomed Tribal input on these questions, in addition to all aspects of the FRN:

1. **Should the short-form decennial census questionnaire continue to include some question related to tribes and, if so, how should it be worded?**
   - Should it use the phrase “American Indian and Alaska Native”?
   - Should it be in terms of “race and ethnicity”?
   - Should it be in terms of Tribal “citizenship,” “membership,” “enrollment,” or “affiliation”?
2. **Are tribes interested in contributing their own enrollment records?**

# Summary: Census Bureau Remarks

*Participating Census Bureau staff is listed above.*

## The Bureau proposes

**Redefining Residence Criteria:** Redefining "usual residence" based on the greatest number of days spent during the enumeration period (using tax records and other sources) along with eight special criteria. These criteria apply neutrally to all individuals, without any separate rules based on Tribal status or identity.

NOTE: *The Census representatives did not address how individuals would be counted if they do not file taxes, nor how these other records and sources would create an accurate count of the United States population, which is the mandate of the decennial census.*

**Restricting Demographic Questions:** Restricting certain demographic questions on the main decennial census questionnaire to prioritize the core headcount and apportionment task, reduce privacy and disclosure risks, and ease response burden. Specifically, the Bureau proposes prohibiting questions about race, ethnicity, or sexual orientation on the short form. The Bureau also clarifies that demographic data can still be collected through other surveys (such as the American Community Survey) or administrative records.

## Summary: Census Bureau Remarks, cont.

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- **Separating the Tribal Enrollment Question:** Providing questions about Tribal enrollment separately from questions about race/ethnicity. The Bureau considers Tribal affiliation and Tribal identity to be "separate concepts" and does not prohibit questions about Tribal citizenship, membership, or enrollment.

- **Optionalizing Demographic Questions:** Removes the mandatory legal requirement to answer questions regarding race and ethnicity. Responses would instead be optional and voluntary.

- **Collecting Data and Ensuring Confidentiality:** Various technological options are being considered for the 2030 Decennial Census, and the Bureau will comply with the confidentiality restrictions of 13 U.S.C. § 9 as well as any applicable statutes, regulations, and data sharing agreements. The Bureau noted that this includes no prohibition on its ability to collect demographic data, including Tribal data, through a combination of questionnaires and other sources.

  NOTE: *The Bureau did not identify a legal authority to use Tribal enrollment records. Additionally, the Bureau did not identify how it would utilize Tribal enrollment records or acknowledge how, or even if, it would address issues regarding privacy protection and data sovereignty.*

### The Bureau also discussed

- **Key Areas for Tribal Feedback:** The Bureau welcomed feedback on whether the short-form questionnaire should continue including a Tribe-related question (and how it should be phrased) and whether Tribal Nations are interested in contributing enrollment records. This was the first time the Census Bureau asked specific questions for Tribal feedback. *(See Questions on previous page.)*

- **Timeline for 2030 Decennial Census:** The Bureau must report proposed topics to Congress by April 1, 2027, and final proposed questions by April 1, 2028.

## Summary: Tribal Comments

Tribal Nations and Tribal-serving organizations **STRONGLY OPPOSE** the proposed changes to the 2030 Decennial Census and **request its immediate withdrawal**. There were no comments in support of the proposed rule; Tribal Leaders expressed significant frustration at the limited time allotted for oral comments and questions, as multiple participants were in the queue when the Bureau ended the consultation.

### Tribal Consultation

- Tribal leaders and other commenters stated that this meeting could not be considered government-to-government consultation as the notice was insufficient, the consultation was virtual and lasted only two hours, and not all Tribal leaders were able to provide their comments.

- Given the substantial and unique impact the proposed changes would have on various Tribal communities, there must be additional consultation opportunities.

# Summary: Tribal Comments, cont.

## Tribal Consultation, cont.

- Tribal leaders and other commenters expressed frustration that the Bureau failed to provide the consultation questions and background information prior to the call, denying Tribal leaders and other representatives the opportunity to formulate thorough, thoughtful feedback.
- One commenter specifically referenced the NCAI letter requesting additional consultation sessions and asked that the Census Bureau respond to the request.
- At the end of the consultation, Tribal leaders expressed frustration that 10 people remained in queue, leaving essential questions unanswered by the Bureau's representatives.

## Usual Residence Requirement

- Several leaders raised concerns that the proposed usual residence criteria — including reliance on legal residence and administrative records — could fail to accurately reflect Native peoples' living arrangements.
- The Navajo Nation specifically questioned how Tribal enrollment would be verified, noting that some elders lack state-issued birth certificates and could be omitted from the census entirely if such documentation were required. Other leaders warned that tax records and conventional residential data may not reflect the circumstances of rural, remote, or mobile Native populations.
- Leaders called for clear explanations of how people would be counted, which records would be used, and what safeguards would prevent Native people from being excluded or misclassified.

## Removal of the Race/Ethnicity Question

### Retaining Native identification in the decennial census

- Tribal leaders stressed that AI/AN identity cannot be reduced to racial or ethnic classifications. Tribal nations are sovereign political entities with distinct government-to-government relationships with the United States.
- Leaders expressed concern that removing the current AI/AN identification question — even if a separate Tribal citizenship question remains permissible — would make Native populations less visible in federal data.
- Several emphasized that Tribal enrollment alone cannot capture the full Native population, including descendants, citizens of multiple Tribal Nations, and Native peoples otherwise not formally enrolled.

### Protecting federal funding and the trust and treaty responsibility

- Leaders highlighted the extensive use of census data in federal funding formulas, program eligibility, resource allocation, and assessments of community needs. They identified potential impacts on:
  - Native housing programs, including the Indian Housing Block Grant;
  - Indian Health Service and other health programs;
  - Tribal transportation, roads, and infrastructure;
  - Education, workforce development, and broadband; and
  - Public safety, economic development, and other essential services.

## Removal of the Race/Ethnicity Question, cont.

### Retaining Native identification in the decennial census, cont.

- Several leaders cautioned that the proposed changes could reduce the accuracy of population-based funding formulas, potentially resulting in fewer resources for Tribal governments and Native communities.
- They stated the federal government cannot adequately evaluate or fulfill its trust and treaty obligations without reliable data on the populations it serves.

### Recognizing the limitations of alternative data sources

*Census data cannot be replaced by surveys or Tribal enrollment records.*

- Tribal representatives questioned whether the American Community Survey, administrative records, or Tribal enrollment data could adequately replace a full decennial census count.
- Leaders from Alaska Native villages and rural Tribal communities emphasized that even small errors in population estimates can represent a significant proportion of their communities. They also noted that sample surveys can have substantial margins of error for small populations.
- Tribal enrollment records — while potentially useful to improve data accuracy — do not identify all Native people or reflect the broader populations living, working, and receiving services in Tribal communities. Leaders stressed that Tribal data sharing must be voluntary, respect data sovereignty and confidentiality, and never replace individuals' ability to self-identify.

### Protecting voting rights and political representation

- Leaders emphasized that AI/AN demographic data is critical to protecting voting rights, preventing vote dilution, supporting redistricting, and ensuring AI/AN populations and communities have meaningful political representation.
- Representatives described how census data has supported voting rights litigation and efforts to establish districts where AI/AN voters can elect candidates of their choice.
- Attendees raised concerns that reduced demographic data could weaken the ability of Tribal Nations to identify discriminatory voting practices, support claims under Section 2 of the Voting Rights Act, and assess language assistance needs.

### Recognizing distinct circumstances between American Indian and Alaska Native communities

- Tribal leaders cautioned against applying uniform data collection approaches without accounting for the diversity of AI/AN communities. Small Alaska Native villages, rural reservations, urban Native populations, and large Tribal nations have different demographic, geographic, and administrative circumstances.
- Tribal leaders from Alaska highlighted the difficulty of collecting reliable residential data in communities accessible only by boat or plane, while other Tribal leaders noted that Tribal citizens are dispersed across the country and frequently live outside Tribal lands.
- Leaders urged the Census Bureau to ensure that any revised methodology accurately captures these diverse populations and does not disproportionately disadvantage historically undercounted communities.

## NCAI Recommendations and Next Steps

### 1 Request additional Tribal consultations.

Write the Bureau to request more Tribal consultation sessions, since only one insufficient session was scheduled. Tribal Nations agree that the October 2 consultation was not "formal" consultation. Any changes to the completeness or accuracy of AI/AN population data must be carefully considered with full input from Indian Country, as these changes have significant implications for Tribal Nations.

**Template Tribal Consultation Letter:** NCAI submitted a letter to the Bureau requesting two additional consultation sessions that can be used as a template. ***View the NCAI letter at qrco.de/censusconsult1026-ncailetter.***

### 2 Encourage others to submit written comments.

### 3 Submit letters opposing the proposed rule. (Deadline: November 2, 2026)

**Urge the Bureau to immediately withdraw the proposed rule** due to its foreseeable and permanent impact on approximately **$37.5 billion in annual federal funding for Tribal serving programs**, particularly given the Bureau's failure to conduct *meaningful and timely* Tribal consultation as required under Executive Order 13175 and its failure to follow its own requirement for *early engagement* under the U.S. Department of Commerce Tribal Consultation Policy (78 Fed. Reg. 33340).

**Request the Bureau to provide Tribal Nations with a comprehensive analysis of the impacts of its proposed rule**, including a Tribal-specific analysis and administrative record addressing how the proposed rule will change or impact

1. AI/AN population count, including undercounting, both in urban areas and Tribal lands;
2. federal funding, including effects on Census-dependent funding formulas and allocations for Tribal serving programs, both direct and indirect;
3. programmatic impacts on federal services and Tribal programs;
4. the ability to identify and address civil-rights disparities affecting AI/AN populations;
5. geographic data, including Tribal lands, boundaries, and statistical areas;
6. Tribal sovereignty and government, including additional resources and requirements needed if census residency data is outsourced to "other administrative agencies" and/or "tax records"; and
7. all federal programs and Tribal funding formulas with Tribal implications affected by the proposed rule's elimination of the demographic question, as part of the rulemaking process.

**Request the Bureau disclose the evidence and methodology used to support the proposed changes to usual residence**, including how the limitations of using administrative records will impact the accuracy of this data point, alternatives considered, foreseeable fiscal consequences, and impacts on Tribal Nations, as well as provide the underlying data and results of Tribal-specific testing and validation to ensure that the new definition used for usual residence will not result in undercounting or invalid data.

**U.S. Census Written Comment Deadline: November 2, 2026**

***Electronic Submission:*** *Submit via the Federal e-Rulemaking Portal.*

- *Go to regulations.gov and enter "USBC-2026-0628" in the search box.*
- *Click on the "Comment" icon, complete the required fields, and enter or attach your comments.*

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