Submitted via regulations.gov

November 2, 2026

Daniel Sweeney
Deputy General Counsel for Economic, Statistical, and Regulatory Affairs
Office of the General Counsel, Department of Commerce
1401 Constitution Ave. NW
Washington, DC 20230

Re: Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions (91 Fed. Reg. 57524; FR Doc. 2026-18481; Docket No. USBC-2026-0628; RIN 0607-AA75)

Dear Mr. Sweeney:

The American Association of University Women (AAUW) opposes the proposed changes to the residence criteria and the removal of demographic questions. We urge the Department of Commerce and the Census Bureau to withdraw this rule.

The census belongs to everyone who lives in the United States. It is the constitutional basis for representation, directs public resources to communities, and provides the baseline for measuring whether women and their families are treated fairly. Part 60 of the proposal would change who counts when House seats are divided among the states, known as apportionment, and where people are counted. Part 70 would limit which demographic questions the census can ask. Decisions about how to count people and what to ask should rest on evidence, and the Bureau should show how any change improves accuracy without causing more people to be missed or misplaced. This proposal does not meet that test. Both parts should be withdrawn.

An inaccurate count has consequences for a full decade. In fiscal year 2021, 353 federal programs used census information to distribute more than $2.8 trillion to states and communities. These include Title I funding for high-poverty schools, child care, Medicaid, food assistance through SNAP, and services for survivors of domestic violence and sexual assault. Leaving people out does not remove them from classrooms, clinics, or roads. It only takes resources away from the communities where they live.[i]

I. Count every person who lives in the United States

The Fourteenth Amendment directs that representation be apportioned according to the "whole number of persons in each State." It says persons, not citizens or lawful permanent residents. The proposal would exclude noncitizens without green cards from the apportionment count. That includes many people who live here lawfully, including international students, workers on temporary visas, refugees, asylum seekers, people with Temporary Protected Status, Deferred Action for Childhood Arrivals (DACA) recipients, and people waiting for a green card. It also excludes undocumented residents.[ii]

AAUW's history shows why political status should not decide who counts. Women were counted in the census long before most women could vote. When Congress wrote the Fourteenth Amendment, it chose "persons" and rejected proposals to count only voters. In *Evenwel v. Abbott*, the Supreme Court affirmed that representatives serve all residents, not only those eligible to vote. A change this basic to who counts should not come through a regulation.[iii]

The exclusion would also shortchange families and communities. International students, for example, live and study in U.S. communities, yet they would not count toward apportionment under the proposal. For more than a century, AAUW has supported international women who are not U.S. citizens or permanent residents to study full time in this country. In the 2024-2025 academic year, international students contributed $42.9 billion to the U.S. economy and supported 355,736 jobs.[iv]

In 2023, about 5.3 million U.S.-citizen children lived with at least one undocumented parent. If a parent fears that answering, or a linked government record, could expose a family member, the whole household may skip the census or leave people off the form. In 2019, Census Bureau researchers predicted that a citizenship question would lower response by about 8 percentage points more in households that may include noncitizens than in all-citizen households. A later study by Census Bureau economists found that a citizenship question made households with likely undocumented members more likely to leave someone off the form.[v]

AAUW urges the Bureau to count every person living in the United States for apportionment, regardless of citizenship or immigration status. A resident's contribution to a community and need for representation do not depend on eligibility to vote or permanent immigration status.

II. Count people where they actually live

For generations, the census has counted people where they live and sleep most of the time as of Census Day, April 1. This is known as "usual residence." Proposed § 60.2 would instead count a person where they "lawfully spent the greatest number of days" from January 3 through April 1 and says tax records should back that up. It would also assign many dependents to a provider's residence. No census has tied usual residence to lawful status or tax records in this way.[vi]

Tax records are not a reliable substitute for asking where people live. Tax forms may list a preparer's address, a P.O. box, an old address, or the address of a parent who claims someone as a dependent. Tax filings miss people who do not file, including many low-income seniors, people with disabilities, and young adults. They also miss people with unstable housing. Records can be out of date, and the proposal does not explain how anyone could correct a mistake.[vii]

Consider students, survivors, and caregivers. A college student may live in campus housing while appearing as a dependent on a parent's return in another state. A survivor fleeing an abusive home may have no safe, stable address reflected in tax files. A woman caring for a relative across state lines may spend part of the winter away from the home where she usually lives. Under the proposal's three-month window and tax-record test, these women could be counted in the wrong community or missed altogether. The proposal also drops specific guidance that the 2020 census rules gave for groups such as foster children and people in domestic violence shelters.[viii]

When people are counted in the wrong place, the local numbers used to plan schools, health care, shelters, child care, and other services are wrong too. The Bureau should keep the long-standing usual-residence standard, restore clear guidance for students, foster children, people in shelters, and others, and count incarcerated people in their home communities rather than at prisons. The rules should reflect how people actually live, not what a government file says.[ix]

III. Keep race and ethnicity questions to protect civil rights and keep women of color visible

The proposal would ban race and ethnicity questions from the census forms used to count the population. The 2030 Census would be the first in more than two centuries not to ask about race or ethnicity. These data help us find unequal outcomes and enforce civil rights laws.[x]

Census race and ethnicity data help enforce the Voting Rights Act because they provide counts for every city block in the country. States use those data to draw districts, and courts use them to assess whether maps weaken the votes of communities of color. Federal agencies also use census information to identify and address housing discrimination and to understand who lives and works in an area when they look into employment discrimination. Census counts are necessary to measure progress across race, ethnicity, and sex.[xi]

AAUW's research on the gender and racial pay gaps relies on Census Bureau data. We need an accurate count and good demographic data to do this work. Women cannot challenge barriers they cannot see.

Our research shows why data must capture women's experiences across race and ethnicity. In 2024, women working full time, year round earned 81 cents for every dollar earned by men. Black women earned 65 cents and Hispanic or Latina women 58 cents compared with white, non-Hispanic men. These gaps reflect concentration in lower-paying jobs, uneven access to hiring and promotion, discrimination in pay decisions, and penalties for caregiving. Looking only at sex can hide differences among women, and looking only at race can hide gender gaps within racial and ethnic groups. The American Community Survey (ACS), the Current Population Survey, and other surveys are checked against population estimates built from the census. If the census is weakened, the surveys we use to measure pay gaps and other outcomes become less reliable.[xii]

The Bureau's own preliminary analysis admits that there is no comparably accurate, comprehensive source to replace decennial race and ethnicity data and that population estimates and the ACS would become less reliable without them. Government records cannot fill the gap. They miss people and may not reflect how people identify themselves. A survey of some households cannot replace a count of every block. Without that full count, communities and policymakers cannot accurately measure gaps.[xiii]

AAUW urges the Bureau to keep the race and ethnicity questions and adopt the federal standards for these data issued in 2024 after years of research and public comment. The Bureau should protect privacy with strong safeguards and clear communication about confidentiality. It should not eliminate the information needed to identify discrimination and unequal access. Eliminating data does not eliminate discrimination. It eliminates accountability.[xiv]

IV. Count LGBTQ+ households and leave room for better data

The proposal would permanently prohibit any sexual-orientation question on a decennial census form. The census does not ask people about their sexual orientation today. But its question about how household members are related gives the only direct census count of same-sex couple households. The proposal limits that question to checking data and leaves it unclear whether those counts will continue. An analysis of the 2020 Census found about 1.17 million same-sex couples across the country, and nearly one in five were raising their own children.[xv]

These data help make LGBTQ+ women and families visible in research and public planning. AAUW supports careful testing, privacy protections, and meaningful consultation before adding any question. A permanent ban would end that work before it starts. The Bureau should keep the current relationship categories and remove the proposed prohibition on sexual-orientation questions.

V. Protect a trusted census and give the public more time

The census works when people trust that it is a neutral count, conducted by experts and protected by law. This proposal would narrow who counts, rely more on government records, and invite a question about

legal status. That would weaken trust, especially in immigrant families. Fear does not stop with the person whose status is at issue. Parents may leave themselves or their children off the form.[xvi]

The Bureau has not shown that the new residence test has been adequately tested, or that prohibiting demographic questions would make the census more accurate. It has not shown that removing race and ethnicity questions would increase response rates enough to make up for what we would lose. Changes this big should follow research, testing, expert review, and public input. The 53-day comment period has not given communities, states, researchers, and civil rights organizations enough time to assess what this rule would do. AAUW calls for extending the period through at least December 10, 2026, and for real consultation with Tribal Nations and affected communities.[xvii]

The census should never be used as a political tool. The Bureau should base decisions about how to count people and what to ask based on evidence, and it should show how any change improves accuracy without causing more people to be missed or misplaced.

Conclusion

AAUW urges the Department of Commerce and the Census Bureau to withdraw both parts of the proposed rule. The Bureau should count every person who lives in the United States for apportionment; keep the long-standing usual-residence standard and its guidance for people with varied living arrangements; continue asking race and ethnicity questions and implement the 2024 standards; and preserve same-sex household data and the ability to test future sexual-orientation questions. The Department should extend the comment period through at least December 10, 2026, and ensure real expert and public review before making changes to the 2030 Census.

The census belongs to all of us. Everyone who lives here should be counted. With a complete count and good data, women and their communities get the representation and resources they are due.

Sincerely,

Meghan Kissell
Senior Director, Policy & Member Advocacy
American Association of University Women

[i] U.S. Census Bureau, "Census Bureau Data Guide More Than $2.8 Trillion in Federal Funding in Fiscal Year 2021" (June 14, 2023), https://www.census.gov/newsroom/press-releases/2023/decennial-census-federal-funds-distribution.html; National Women's Law Center (NWLC), Comment on Census NPRM 14–15 (Oct. 29, 2026); Institute for Women's Policy Research, Comments on Census Proposed Rule 2–5 (Nov. 2, 2026).
[ii] U.S. Const. amend. XIV, § 2; 91 Fed. Reg. 57524, 57529 (Sept. 10, 2026) (proposed § 60.4); NWLC, supra note i, at 2–3.
[iii] Act of Mar. 1, 1790, ch. 2, § 1, 1 Stat. 101; U.S. Const. amend. XIX; Evenwel v. Abbott, 578 U.S. 54, 64–67, 74 (2016).
[iv] AAUW, International Fellowships, https://www.aauw.org; American Council on Education et al., Comments on Proposed Census Residence Criteria (Oct. 15, 2026), https://www.acenet.edu/Documents/Comments-Census-Residence-Critera-101526.pdf; NAFSA, International Student Economic Value Tool (2025), https://www.nafsa.org/sites/default/files/media/document/EconValue2025_v01_11-12-2025.pdf.
[v] NWLC, supra note i, at 17–18 (citing Migration Policy Institute); J. David Brown et al., Predicting the Effect of Adding a Citizenship Question to the 2020 Census, U.S. Census Bureau Working Paper CES-19-18 (June 2019), https://www.census.gov/library/working-papers/2019/adrm/ces-wp-19-18.html; J. David Brown & Misty L.

Heggeness, Citizenship Question Effects on Household Survey Response, 45(1) J. Pol'y Analysis & Mgmt. 70004 (2025), https://doi.org/10.1002/pam.70004.
[vi] 91 Fed. Reg. at 57529 (proposed §§ 60.2–60.3); The Leadership Conference on Civil and Human Rights, Coalition Comment Letter 18–19 (Nov. 2026).
[vii] The Leadership Conference, supra note vi, at 8, 20; NWLC, supra note i, at 12, 14.
[viii] NWLC, supra note i, at 15, 19; The Leadership Conference, supra note vi, at 21.
[ix] 91 Fed. Reg. at 57530 (proposed § 60.9); The Leadership Conference, supra note vi, at 21–22.
[x] 91 Fed. Reg. at 57530 (proposed § 70.2(a)); The Leadership Conference, supra note vi, at 10.
[xi] The Leadership Conference, supra note vi, at 13–16; NWLC, supra note i, at 9.
[xii] AAUW, The (Not So) Simple Truth About the Gender Pay Gap: 2026 Update 4, 8–10 (2026), https://www.aauw.org/app/uploads/2026/03/The_Simple_Truth_Gender_Pay_Gap_2026.pdf; U.S. Census Bureau, Preliminary Regulatory Impact Analysis (PRIA), Docket No. USBC-2026-0628-0002, at 15 (Sept. 2026); NWLC, supra note i, at 13.
[xiii] PRIA, supra note xii, at 12–15; NWLC, supra note i, at 12–13.
[xiv] 89 Fed. Reg. 22182 (Mar. 29, 2024); AAUW, Comments on Removal of Reporting Requirements, RIN 3046-AB37 (Aug. 24, 2026), https://www.aauw.org/app/uploads/2026/08/AAUW-Comments-EEOC-RIN-3046-AB37.pdf.
[xv] 91 Fed. Reg. at 57530 (proposed § 70.2); Williams Institute, UCLA School of Law, "2020 Census: 57% of same-sex couples in the U.S. are married, 22% of them are raising children," https://williamsinstitute.law.ucla.edu/press/2020-census-press-release/; NWLC, supra note i, at 13, 20.
[xvi] 91 Fed. Reg. at 57526; Brown & Heggeness, supra note v.
[xvii] PRIA, supra note xii, at 11, 16–17; NWLC, supra note i, at 5; Roadmap to the 2030 Census, "Oppose the Proposed Changes to Our Census," https://censusroadmap.org/2026-residence-rule/.