

Submission Instructions & Template Letter for Philanthropy: Census Bureau Proposed Residence Rules

Background

On September 10, 2026, the U.S. Census Bureau issued a Notice of Proposed Rulemaking (NPRM) titled *Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions*. If adopted, the rule would make two unprecedented structural changes to the census:

1. Redefine “usual residence” to **exclude undocumented residents and temporary noncitizen visa holders from the congressional apportionment base**.
2. **Ban questions about race, ethnicity, and sexual orientation** from the decennial census short-form questionnaire.

The Census Bureau is accepting public comments through **October 13, 2026**. Comments become part of the official public record and must be addressed by the agency before issuing a final rule. Comments do not need to be long or comprehensive of all the issues. This public record is often reviewed by the courts in any subsequent litigation over a new federal regulation or rule. CFC opposes the rule and encourages funders to submit substantive comments.

Submitting a letter to support or oppose administrative agency rules or regulations is **not considered lobbying** under federal tax law. More here:

- [Administrative Advocacy - Alliance for Justice](#)
- [Being a Player: A Guide to IRS Lobbying Regulations for Advocacy Charities](#)
- [Investing in Change: A Funder's Guide to Supporting Advocacy](#)

About this Document

This template was prepared by the Census Funder Collaborative. If you have questions about this document, are interested in more detailed or technical letter content, or would like to discuss funding partnerships, please contact:

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- Melina Sanchez, CFC Funder Liaison, mlorraine1020@gmail.com

Submitting a Comment: A Three-Step Process

Step 1: Draft your letter outline using this template with the relevant reference information.

[ORGANIZATION LETTERHEAD]

September [SUBMISSION DATE], 2026

Mr. Daniel Sweeney
Deputy General Counsel for Economic, Statistical, and Regulatory Affairs
Office of the General Counsel, Department of Commerce
4600 Silver Hill Road
Designation: ADDEMO/FRN
Washington, DC 20746

Re: “Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions” (Docket No. 260903-0005; RIN 0607-AA75)

Dear Mr. Sweeney:

[ORGANIZATION NAME] is writing in response to [OR TO OPPOSE] the Department of Commerce and the Census Bureau’s proposed rule published on September 10, 2026, titled *Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions* (Docket No. 260903-0005).

Our organization’s mission is [A PARAGRAPH ABOUT YOUR INSTITUTION]. We are commenting on the proposed rule because of the harmful impact it would have on the communities we serve, as well as the broader impacts on public data, representation, and resource allocation that benefit every community. [ADD A SENTENCE EMPHASIZING WHY YOU ARE COMMENTING ON THE PROPOSED RULE].

[A FEW PARAGRAPHS OUTLINING YOUR KEY POINTS. SEE EXAMPLES ABOVE].

Given the above concerns, [ORGANIZATION NAME] respectfully requests that both parts of the proposal published on September 10 be withdrawn.

Thank you for your consideration of this request.

Sincerely,

[SIGNATURE]

Step 2: Identify Key Points for Your Letter: Consider focusing on why an accurate and complete count is important to your institution, grantees, and community and why you think the proposed changes will lead to an undercount, loss of important data, and other societal harms. This part of your letter can be short. It could be one key point, one specific example, or one powerful story. You can develop your own ideas or use ideas from this list.

Race & Ethnicity Data

- Eliminating census race and ethnicity data collection is unprecedented and would have widespread consequences for communities.
- Race data is important to help us:
 - Understand how the population is changing over time
 - Monitor health outcomes, life expectancy, and disease prevention
 - Track disparities in educational outcomes, employment and economic mobility, and small business ownership
 - Enforce Section 2 of the Voting Rights Act and implement a broader set of civil rights laws.
- The census is the nation’s denominator. Removing data from the decennial has ripple impacts across sectors, impacting everything from trend analysis to market research and the viability of local-level data for small populations.

- Sample surveys like the American Community Survey are no substitute for the decennial census. In fact, other surveys rely on the decennial to improve their accuracy.

Excluding a subset of noncitizens from apportionment

- This proposal goes against the U.S. Constitution and the history of the census, which has counted residents, regardless of legal status, since the first census in 1790.
- Excluding broad swaths of people from the census count harms everyone.
- Immigrants are part of our communities. They contribute to our society and economy in meaningful ways, including through the taxes immigrant households pay. Excluding people from the data makes it harder for government, philanthropy, service providers, and others to plan and meet community needs.
- Immigrants and mixed-status families are deeply fearful of any contact with the government, so there is ample reason to believe that a legal status question will undermine the count. Even the Census Bureau's own research demonstrated a drop off in participation when a citizenship question was added.
- Given the deep distrust of government and complexity of immigration policies, the addition of a "legal status" question to implement this proposal would likely lead to an undercount—impacting everyone. Undercounts risk resource shortfalls for local infrastructure, schools, hospitals, roads and social safety net programs.

Additional Ideas

- Collectively, these proposals will undermine the fairness and accuracy of the count, which is the foundation for accurate information about the nation's population, representative government, and fair distribution of federal funds. For example, in Fiscal Year 2023, more than \$2.2 trillion in federal funding that went to states (e.g., Medicaid, Title I education, highway planning, housing grants) is informed by census data.
- Accurate census data are essential to all sectors, including philanthropy, governments, businesses, researchers, health officials, and others. Inaccurate or incomplete data impacts strategy development, planning, research, evaluation, and more.
- Ban on sexual orientation questions: The proposal to bar sexual orientation questions on the decennial census is unclear, unnecessary, and could have detrimental impacts, further undermining trust in the government.
- Process: The use of this Census Bureau proposed rule to advance sweeping proposals that would undermine the foundation of representative government is unacceptable.
- Operations: Proposals such as the linkage of residency to tax records and basing residency on a new enumeration period will cause operational challenges and confusion.

Step 3: Submit Your Letter: Submit Comments by October 13 electronically via the Federal e-Rulemaking Portal: <https://www.regulations.gov/commenton/USBC-2026-0628-0001>.