



October 15, 2026

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: FDMS Docket number USBC-2026-0628

Dear Deputy General Counsel Sweeney,

On behalf of the American Council on Education (ACE) and the undersigned higher education associations, we write in response to the proposed rule regarding the Proposed Residence Criteria and Proposed Regulations for Demographic Questions for the Decennial Census of the Population of Americans. We are concerned that the proposed changes will have a negative impact on our institutions of higher education, our communities, and on the programs that depend on an accurate census count for the purposes of federal funding. It is also a foundational data source used by institutions, governments, researchers, and communities to understand population change and make evidence-based decisions. The proposed rule would make two major changes to the Decennial Census: the “usual residence” criteria used in the Census, as well as creating “standards and restrictions for the inclusion of certain demographic questions.” Both of these questions impact higher education, our institutions, and our broader communities.

Regarding the “usual residence” proposed change, the Census Bureau is proposing to “formalize, by regulation, the residence criteria” that “illegal aliens (among others) should not be included in the apportionment count...” Further “the Census Bureau proposes to include lawful permanent residents within the apportionment base, while excluding from the apportionment base illegal aliens and aliens whose legal status is less durable and indefinite in length than lawful permanent resident status.” Because the purpose of the Decennial Census is to create and count the number of people physically within the United States, a person’s legal status should not be considered for the purposes of the Census. Previous versions of the Census did include questions of citizenship, but those responding were still included in the final Census count. In addition, as noted in the September 2026 CRS report on “Citizenship and Residence Criteria for the 2030 Census: Recent Developments,” this exclusion would “potentially cover not only persons unlawfully present in the United States but also some persons lawfully present.”<sup>1</sup> We are especially concerned that this reference to “some persons lawfully present” could lead to faculty and scholars on H-1B visas, or international students studying and residing on our campuses, not counted in the Census. That, in turn, could result in a negative and unrealistic count of the true population of our communities, especially for those institutions with on-campus housing and large international student enrollments.

The second change being proposed is a prohibition on “inclusion of questions about race and ethnicity or sexual orientation on the decennial census short-form questionnaire or any questionnaire used for purposes of the enumeration.” This would be a historic and major change, as the U.S. Census has collected

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<sup>1</sup> September 28, 2026 CRS Report “Citizenship and Residence Criteria for the 2030 Census: Recent Developments”  
[https://www.everycrsreport.com/files/2026-09-28\\_IN12741\\_daae2b708561ee174881210bec4f11365c772661.pdf](https://www.everycrsreport.com/files/2026-09-28_IN12741_daae2b708561ee174881210bec4f11365c772661.pdf)

information on race and ethnicity since its inception in 1790.<sup>2</sup> This historic information has informed policy across the United States, including on health services and health disparities among minority groups nationwide. In addition, prohibiting the collection of this data would eliminate a key source of information that researchers use to understand population demographics and limit the ability to examine trends over time, since the data will not be comparable to earlier versions.

Institutions of higher education use census data to help with future planning, to know what areas are growing and declining in population, to identify workforce needs and related college program offerings, and to understand how much domestic outmigration is occurring with respect to workforce needs. These proposed changes will have a negative impact on those activities. For those reasons we urge the Census Bureau to withdraw the proposed rule. If the Bureau does not withdraw it, then we urge the Bureau to substantially revise the proposal, working with stakeholders such as institutions of higher education, and provide a longer and more meaningful opportunity for public comment.

The Decennial Census must remain a fair, accurate, inclusive, and trusted count of the people living in the United States. Any rule governing residence criteria or demographic questions should strengthen that mission, not weaken it. Thank you for considering these comments.

Sincerely,



Ted Mitchell  
President

On behalf of:

ACPA-College Student Educators International  
American Association of Colleges for Teacher Education  
American Association of Colleges of Nursing  
American Association of Collegiate Registrars & Admissions Officers  
American Association of Community Colleges  
American Council of Learned Societies  
American Council on Education  
Association for Student Conduct Administration (ASCA)  
Association of American Law Schools  
Association of Community College Trustees  
Association of Governing Boards of Universities and Colleges (AGB)  
Association of Jesuit Colleges and Universities  
Association of Public and Land-grant Universities  
Council for Opportunity in Education  
EDUCAUSE  
Hispanic Association of Colleges and Universities  
NAFSA: Association of International Educators  
National Association of College and University Business Officers  
Phi Beta Kappa Society

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<sup>2</sup> Decennial Census of Population and Housing Questionnaires and Instructions, 1790 Census,  
[https://www.census.gov/programs-surveys/decennial-census/technical-documentation/questionnaires.1790\\_Census.html](https://www.census.gov/programs-surveys/decennial-census/technical-documentation/questionnaires.1790_Census.html)