October 31, 2026

Daniel Sweeney
Deputy General Counsel
Economic, Statistical, and Regulatory Affairs Office of the General Counsel
U.S. Department of Commerce
Washington, DC 20230

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

Dear Mr. Sweeney:

I am writing on behalf of Women for American Values and Ethics Action Fund (WAVE Action Fund) to comment on the proposed rule published September 10, 2026. **We oppose the proposed changes to the residence criteria and demographic questions for the 2030 Census.**

WAVE Action Fund is an advocacy organization in Orange County, California with over 2400 supporters, including many elected officials. We work on public schools, women's rights, migrant rights, gun safety, the environment, social justice and government integrity. Almost all of ***our work depends on knowing who lives in our communities and whether they are getting the services and funding they need, and the census is our main source for that.*** Orange County has large immigrant communities, many mixed-status families, and a population that keeps getting more diverse. **An inaccurate count here would affect school funding, health care, and representation for the next ten years.**

WAVE Action Fund strongly opposes this rule as its implementation would result in an inaccurate count. Our five main concerns are:

First, excluding noncitizens who are not lawful permanent residents from apportionment counts is unconstitutional. The Fourteenth Amendment requires apportionment based on "the whole number of persons in each State," and the statutes and case law are consistent with that. The harm also goes beyond the people the rule targets. Research has shown that asking about citizenship on the census lowers response rates. Many households in Orange County include U.S.-citizen children living with a parent who is not a permanent resident, and if that family is afraid to fill out the form, the children go

uncounted too. Families in our area rely on programs that are funded using census data, including Title I, school lunch, Head Start, Medi-Cal, CalFresh, and federal transportation funding. An undercount would reduce all of them.

Second, the rule would end the collection of race and ethnicity data, which every census has collected in some form since 1790. That record is why census data serves as the benchmark for most other federal datasets and population surveys, and losing it would make research in health, education, housing, and employment less reliable. It would also conflict with statutes that depend on this data. In our own issue areas, health officials use race and ethnicity data to track and address differences in maternal health outcomes. School districts and advocates use it to evaluate whether funding and resources are distributed fairly. Violence prevention programs use it to decide where to focus, and environmental justice analyses use it to see who lives near freeways and industrial sites. The same data is needed to enforce civil rights laws, and local governments, nonprofits, and businesses all use it to plan. WAVE Action Fund uses census race and ethnicity data to measure the gap between need and resources in our communities and to track whether that gap is closing.

Third, the rule would tie where people are counted to tax records and "lawful" residence instead of where they actually live and would replace the April 1 Census Day with a three-month enumeration period. Neither change has been researched or tested. Many people don't file tax returns or file from an old address, including older residents on fixed incomes, workers paid in cash, college students, and young adults leaving foster care. Housing costs in Orange County lead many renters to move often or double up with relatives, and a family that moves during a three-month window could be counted twice or missed. Seasonal workers, shelter residents, and people who split time between two homes face the same problem.

Fourth, the rule would bar the Census Bureau from ever adding a question on sexual orientation. The decennial census does not ask about sexual orientation now, but the rule offers no justification for ruling it out permanently, regardless of future research or data needs. It also raises questions about whether the Bureau will continue collecting and publishing data on same-sex couples. Decisions about demographic questions should go through the Bureau's usual process of research, testing, consultation with federal agencies, and input from experts and affected communities. Without reliable data, it is much harder to see whether LGBTQ residents in our communities, including students and families in our public schools, are being served fairly.

Fifth, the original 33-day comment period was too short for a rule this large. We appreciate the extension to November 2, but 53 days is still not enough. This is especially true now that the Secretary of Commerce has terminated the Census Bureau's advisory committees, which were one of the main ways experts and community groups could give

input on census design. School districts, county agencies, community clinics, immigrant-serving nonprofits, and the volunteer networks that help hard-to-count families respond all need more time to review this rule. **We ask the Department and the Census Bureau to publish a Federal Register notice extending the comment period to at least December 10, 2026.**

WAVE Action Fund asks the Department of Commerce and the Census Bureau to:

1. Count everyone living in the United States in the 2030 Census, regardless of immigration status.
2. Continue collecting race and ethnicity data and implement the 2024 OMB SPD 15 standards, which the Bureau's own research shows produce more accurate data.
3. Withdraw the proposed changes to the residence criteria, including the use of tax records and "lawful" residence and the three-month enumeration period, until they have been researched, tested, and reviewed with stakeholders.
4. Remove the provision barring a future question on sexual orientation and continue collecting and publishing data on same-sex couples.
5. Extend the comment period to at least December 10, 2026.

Thank you for considering these comments.

Sincerely,

Amy Luna Capelle
Executive Director
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