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October 21, 2026

Deputy General Counsel Daniel Sweeney
Economic, Statistical, and Regulatory Affairs
Office of the General Counsel, Department of Commerce
14th and Constitution Avenue NW
Washington, D.C., 20230

RE: Proposed Rule Regarding the Decennial Census of the Population of Americans, Docket number USBC-2026-0628

Dear Deputy Counsel Sweeney,

Independent Women submits this comment on the proposed rule regarding the decennial census, specifically about residence criteria for apportionment. Millions of women are impacted by the processes by which the census counts the population and the subsequent determinations of congressional representation and federal resource allocation. Women deserve to know the census is conducted in a fair manner that serves all Americans in the best way possible. This proposed rule would prohibit the inclusion of noncitizens—both those here illegally as well as lawful temporary residents—from the final numbers used for apportionment.

The proposed rule would remove noncitizens from apportionment by clarifying the definition of "usual residence" to specify that people whose allegiance or citizenship is in another country are tied to that country. "Usual residence" does indeed mean more than mere physical presence. The rule is clear in citing the historical and legal justifications for this definition, including refuting the claim that the Constitution demands all people present in the United States for whatever reason or length of time be counted for the purposes of apportionment.

Illegal aliens and lawfully present temporary residents should not be counted for apportionment of congressional representation. By federal law, they cannot vote in federal elections; neither should they be included in the equation that determines federal representation allocations. Including foreign nationals who do not have citizenship in the United States dilutes the voting power of Americans; if one congressional district is comprised of 30% noncitizens, and its neighboring district is comprised of 5% noncitizens, the American citizens residing in the first district have

much more voting power per person over their congressional representation, leading to unequal representation of American voices in the federal government.

No American woman should be subject to the dilution of her voice or vote, at any point, for any reason.

The inclusion of the citizenship question on the census form is the best method to implement the proposed changes in this rule, and the Census Bureau should consider adding this question. The 2019 U.S. Supreme Court case ***Department of Commerce v. New York*** held that the Department of Commerce may include the citizenship question on the form if justified appropriately. Citizenship and birthplace questions **have** a long history in the decennial census. The census first collected citizenship-related information in 1820, and citizenship or naturalization questions appeared in numerous subsequent censuses, including every decennial census from 1900 through 1950. Citizenship questions later appeared on the census long form, including in 1970, 1980, 1990, and 2000. Thus, collecting citizenship information as part of the decennial census is hardly unprecedented. Once collected, citizenship data owned by the Department of Commerce is confidential, designated for specific census purposes, and cannot be shared with other government agencies, such as immigration law enforcement.

In conclusion, Independent Women strongly supports the proposed rule to bring better processes to the decennial census, prioritizing American citizens for the purposes of apportionment. American voters should be the ones represented by their government; non-citizens cannot vote for representation, and neither should that representation be afforded to non-citizens numerically. This rule, if enacted, will serve American voters well.

Respectfully submitted,

Carrie Lukas

Carrie Lukas
President
Independent Women