National Center for Youth Law

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November 2, 2026

Daniel Sweeney
Deputy General Counsel for 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)

Dear Mr. Sweeney:

We are submitting this comment on behalf of the National Center for Youth Law (NCYL) in opposition to the Proposed Rule, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions" (Docket No. 260903-0005, Document 2026-18481), published in the Federal Register on September 10, 2026 (Proposed Rule). We urge the Census Bureau to withdraw the proposed changes and preserve an accurate, inclusive, and comprehensive Census.

NCYL is a national advocacy organization that is committed to building a future where every child thrives and is supported by families and communities. The decennial census determines how federal funding is distributed to the systems and programs that shape children's lives, including, for example, child welfare, education, nutrition, housing, Medicaid, and the Children's Health Insurance Program (CHIP). Census data are critical to NCYL's work.

In 2023, 70 of the 371 federal assistance programs that received census-guided funding were programs that served children, accounting for almost $800 billion in funds – and 35% of total census-guided funding in that year.[1] The children and families NCYL serves, and the public agencies responsible for them, depend on a complete and accurate count. Any change that causes children or their caregivers to be missed, miscounted, or deterred from responding would directly reduce the resources available to children and to the systems responsible for supporting them.

The Proposed Rule makes three changes that would compromise the accuracy of the 2030 census and harm children: it would redefine how and where a person's usual residence is determined, it would exclude noncitizens from the apportionment count, and it would restrict the collection of data on race, ethnicity, and sexual orientation. Part II of this comment addresses the residence criteria, Part III the exclusion of noncitizens, Part IV the demographic questions, and Part V explains how together these changes would reduce nationwide funding for programs that serve

[1] *See* Project on Government Oversight, *Census Matters: How the Census Shapes Funding for* Children, June 17, 2026, https://www.pogo.org/reports/census-matters-how-the-census-shapes-funding-for-children.

children. NCYL strongly opposes the Proposed Rule and urges the Census Bureau to withdraw it in its entirety.

I. The comment period is too short for meaningful public participation

We first request a further extension to the comment period. While the original comment period was just 33 days, the Department of Commerce and the Census Bureau recently issued a 20-day extension on October 5, 2026.[2] Even with that extension, 53 days is still not sufficient for the public to review and provide input on this rule given the scope of the proposed changes and far-reaching impacts they would have on census data.[3]

Additionally, given the Secretary of Commerce's termination of the Census Bureau's advisory committees, ensuring ample opportunity for the public to respond to the proposed changes is essential for promoting public trust in this census.[4] The Census Bureau should extend the comment period to a full 90 days to provide a meaningful opportunity for public input.

II. The Proposed Rule would undercount children

The Proposed Rule would assign usual residence to the place where a person spent the most days between January 3 and April 1, and would rely on tax records to verify it.[5]

Children and youth are already consistently undercounted in the census. Data indicates that the 2020 Census undercounted children under 18 by 2.1%.[6] As explained below, the Proposed Rule would worsen that undercount, and the effect would fall hardest on the children least likely to stay in one place or appear in an administrative record. The sections below address children and youth in foster care, experiencing homelessness, in juvenile justice facilities, and impacted by trafficking.

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[2] Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions; Extension of Comment Period, 91 Fed. Reg. 63207 (Oct. 5, 2026) (to be codified at 15 C.F.R. pts. 60, 70), https://www.federalregister.gov/documents/2026/10/05/2026-20328/decennial-census-of-the-population-of-americans-proposed-residence-criteria-and-proposed-regulations.

[3] *See* The Leadership Conference on Civil and Human Rights, Request for Extension of Comment Period for Proposed Rule: "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions" (Sept. 16, 2026), https://civilrights.org/resource/request-for-extension/, for a detailed discussion about the insufficient comment period and the need for an extension.

[4] The Leadership Conference on Civil and Human Rights, *Letter regarding the termination of the 2030 Census Advisory Committee, Census Scientific Advisory Committee, and National Advisory Committee on Racial, Ethnic, and Other Populations* (May 7, 2025), https://civilrights.org/wp-content/uploads/2025/05/Updated-Final-LCCHR-Census-Advisory-Committee-Letter-.pdf.

[5] *See* § 60.2 General definition of "usual residence" for conducting the Decennial Census.

[6] Mark Mather, *Children Are Already Undercounted in the Census. Proposed Changes Could Make It Worse*, Pop. Ref. Bureau (Sept. 30, 2026), https://www.prb.org/news/children-are-already-undercounted-in-the-census-proposed-changes-could-make-it-worse/.

A. Children in foster care would be miscounted

The Proposed Rule would exacerbate the issue of undercounting children overall and produce inaccurate data about the specific group of children separated from their families and placed in the foster system. These changes would obscure the true proportion of children living in the foster system as compared to the general population – data that is necessary for federal, state, and local government and community-based supports and services. The changes to redefine "usual residence" during a three-month period, from January 3 to April 1, would compromise accurate counts of children and young people who frequently change residences, especially for those in the foster system.[7] Additionally, the proposed omission of counting certain immigrant parents and youth would further contribute to inaccurate data of children and youth in and out of the foster system.

NCYL relies on comprehensive and available data on children and youth in the foster care system to advocate on behalf of these young people, to ensure that they are able to access necessary mental, reproductive, and other health services, and to uplift disparities in their experiences within the foster care system.

B. Children experiencing homelessness or housing instability would not be counted

Under the proposed changes, students experiencing homelessness would be even more vulnerable to a census undercount than previously documented as a trend for children more generally.[8] Students who frequently move between different housing situations, temporarily stay with friends or family, or live in their cars are especially likely to be undercounted with the proposed change to reliance on tax documentation as residence status.

Undercounting students experiencing homelessness directly impacts education funding streams such as Title I that explicitly intend to close educational gaps for this student group. The federal McKinney-Vento Act's Education for Homeless Children and Youth grant relies on states' Title I, Part A funding proportions to determine state funding allocations. States then grant funding directly to school districts, which often rely solely on this funding source to sustain programs to engage and support students experiencing homelessness. With an increasingly inaccurate count of students experiencing homelessness under the Proposed Rule, states can expect a ripple effect across numerous education funding sources that directly impact service levels for their most vulnerable students.

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[7] Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions, 91 Fed. Reg. 57524 (proposed Sept. 10, 2026) (to be codified at 15 C.F.R. pts. 60, 70), https://www.federalregister.gov/documents/2026/09/10/2026-18481/decennial-census-of-the-population-of-americans-proposed-residence-criteria-and-proposed-regulations.

[8] Count All Kids, *Counties with High Undercounts of Children in the 2020 U.S. Census* (Mar. 2, 2023), https://countallkids.org/resources/counties-with-high-undercounts-of-children-in-the-2020-u-s-census/.

C. Youth in juvenile justice facilities would be counted in the wrong place

Approximately 29,300 children and youth are held in juvenile residential placement facilities in the United States on any given day.[9]

Children temporarily housed in juvenile detention facilities will be inaccurately counted under the proposed changes and will lose the needed resources in the communities in which they live. Children typically return to their communities and don't remain permanently in facilities, and the census data informs the allocation of vital resources and political representation for an entire decade.

Throughout the country, juvenile detention facilities are often located in rural or suburban areas, not near children's home communities. Children may even be placed in facilities outside of their home state. By counting facilities as their "usual residence," the local districts where these facilities are located create a fabricated inflation in the census count. The underinvested, urban communities from which these children come will see a decline in their population counts as a result. When these children return to their communities, the federal and state funding will be unable to support these children upon their release because the funding formulas rely on census counts.

The children's home communities will lose on population-based funding formulas for education, youth services, mental health, community development, and transit. Some states are pushing back. Currently 15 states have changed how they collect this data.[10] Some states subtract incarcerated individuals from facilities and reallocate them to where they resided prior to their incarceration.

The data that NCYL collects on youth juvenile detention populations is critical to our advocacy efforts to reduce the youth prison population and end the cycle of incarceration. The data we request from state and federal entities is information we share with community members and stakeholders is critical to advance policy on the local and state level. This information becomes highly askew not only in states that have enacted laws or implemented guidance modifying how incarcerated children and youth are counted during the redistricting process but in states who count them as residents of the districts where they are incarcerated.

D. Youth impacted by trafficking would be missed or counted in the wrong place

The proposed change would also lead to undercounting of youth impacted by human trafficking, a group of highly vulnerable children who already live in the shadows by virtue of their trafficking victimization, and are frequently missed by the systems intended to protect and

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[9] Off. of Juv. Just. & Delinq. Prevention, U.S. Dep't of Just., NCJ 310732, *Trends and Characteristics of Youth in Residential Placement, 2023* 1 (Sept. 2025), https://ojjdp.ojp.gov/publications/data-snapshot-trends-characteristics-youth-residential-placement-2023.pdf.

[10] Ben Williams, *Reallocating Inmate Data for Redistricting: It's Not a Yes or No Question*, Nat'l Conf. of State Legislatures: State Legislatures News, https://www.ncsl.org/state-legislatures-news/details/reallocating-inmate-data-for-redistricting-its-not-a-yes-or-no-question.

support them. In 2021, the National Human Trafficking hotline identified 16,554 likely victims of trafficking, with nearly a quarter of those being minors when identified – a number that is widely understood to be an undercount of the actual victimization.[11]

Changes to the residence definitions would have a large impact on trafficked youth. Youth impacted by trafficking face high levels of housing instability – through homelessness, foster care system and juvenile justice system involvement. According to the National Survey, 64% of survivors who responded experienced homelessness, houselessness, or housing insecurity at some point in their childhood; 69% reported running away from home. Many trafficked youth also have experience in foster care – data from Los Angeles County's Law Enforcement First Responder Protocol (FRP) for Commercially Sexually Exploited (CSE) Children shows that of 561 children identified by law enforcement, 95% had a prior child welfare referral, with an average of 13.3 prior referrals per child.[12] Placement instability – meaning the frequency at which youth in foster care move from one home to another – is extremely high among all youth in care, and even more so for youth impacted by trafficking. In one study, youth with child welfare system contact who had experienced CSE had four times more housing changes than youth not identified as CSE.[13] The same study showed that 78% of youth in foster care had run away from home or foster care before; that number was 99% for trafficked youth. The new residence definition, which redefines "usual residence" as where the youth was during a three-month period, will mean that trafficked youth who were unhoused or otherwise away from home during that time period will not be counted at all; those who were in foster care or a juvenile justice facility will be counted in those locations, rather than their true residence, diverting resources from their home communities.

Failure to adequately count trafficked youth in the 2030 census will reduce availability of resources for those youth – both to prevent trafficking and to support youth who have been impacted. Youth impacted by trafficking experience significant and long-term negative impacts as a result of their trauma and victimization, including on their health, mental health, and education. To aid in their recovery and healing, many youth rely heavily on programs whose resource allocation is dependent on census counts – Medicaid and CHIP, education services, protections through state child abuse and neglect grants. Victims of Crime Act (VOCA) grants,

[11] Polaris Project, *Polaris Analysis of 2021 Data from the National Human Trafficking Hotline* 1, 10 (2022), https://polarisproject.org/wp-content/uploads/2020/07/Polaris-Analysis-of-2021-Data-from-the-National-Human-Trafficking-Hotline.pdf.

[12] Allison Newcombe, Erin French, Mae Ackerman-Brimberg, Kate Walker Brown (2020) *Los Angeles Law Enforcement First Responder Protocol for Commercially Sexually Exploited Children What We've Learned: A Six Year Review*, Nat'l Center for Youth L. & Los Angeles Cnty Probation Dep't, https://lacounty.gov/wp-content/uploads/2022/02/FRP6Year_210120-1-Final-1.pdf.

[13] Carly B. Dierkhising & Mae Ackerman-Brimberg, *CSE Research to Action Brief: Translating Research to Policy and Practice to Support Youth Impacted by Commercial Sexual Exploitation (CSE)* 10, 14, Nat'l Ctr. for Youth L. & Cal. State Univ., L.A. (2020), https://youthlaw.org/wp-content/uploads/dierkhising-and-ackerman-brimberg_2020-cse-research-to-action-plan-final-1.pdf.

which provide essential services to victims of crime, including victims of human trafficking, are also dependent in part on census data.[14]

NCYL's ability to advocate for and on behalf of youth impacted by human trafficking is dependent on having accurate data. Experts agree that victims of human trafficking are already undercounted - which leads to lack of focused attention on this issue. Data on trafficking prevalence has allowed NCYL to advocate at the state and local level for increased attention in certain geographic areas and among populations that are often ignored, secure funding for specialized programs and services, and successfully pass policies that are critical for preventing and addressing trafficking. Additionally, data on the disproportionate impact of homelessness, foster care and the juvenile justice system has enabled NCYL to focus training and policy development with professionals working in these systems, and has driven advocacy for more investment in community-based programming. The changes to the census definitions would inhibit our ability to conduct this necessary and targeted advocacy.

III. The Proposed Rule's exclusion of noncitizens from the apportionment count is unlawful and would erase children from the census

A. The Proposed Rule would exclude millions of lawfully present and long-settled residents

The Proposed Rule states that "citizens of foreign countries who are also either citizens or lawful permanent residents of the United States" would be "counted at their usual residence," and that all other citizens of foreign countries would not be "counted for apportionment."[15] The Proposed Rule would therefore require the Bureau to exclude many categories of residents from the census, including temporary visa holders, long-term employment-based visa holders, refugees, asylum applicants, undocumented immigrants, foreign students, and others.

Many immigrants who are legally present in the United States would be excluded, such as refugees, visa holders, Deferred Action for Childhood Arrivals (DACA) recipients, Temporary Protected Status (TPS) holders, and students. The Proposed Rule would also exclude U.S. residents, some with U.S. citizen children, who have lived in the country or its territories for decades, paying taxes and contributing to their communities. By excluding millions of lawfully present and long-settled residents from the count, the Proposed Rule would produce an incomplete census that fails the children, families, and communities NCYL serves.

[14] Off. for Victims of Crime, U.S. Dep't of Just., *OVC FY25 Victims of Crime Act (VOCA) Victim Assistance and Victim Compensation Formula Grants Pre-Application Video* (July 29, 2025), https://ovc.ojp.gov/media/video/81826.
[15] *See* § 60.4 Foreign citizens in the United States.

B. The Constitution, the Census Act, and historical practice require counting every resident, regardless of citizenship or immigration status

Excluding noncitizens other than lawful permanent residents from the apportionment count contravenes the U.S. Constitution, statutes, and history of the census.[16] Since its inception in 1790, the U.S. census has counted residents regardless of citizenship or immigration status. [17]

The U.S. Constitution's Fourteenth Amendment requires that the apportionment of House seats be based on a count of "the whole number of persons in each State," regardless of citizenship or immigration status.[18] When drafting the Fourteenth Amendment, Congress specifically chose the broad term "persons" and rejected basing apportionment on the number of "citizens."[19] Census statutes reflect this understanding.[20]

The U.S. Department of Justice, under every prior administration that has reviewed the question, has affirmed that the Constitution requires all people in the United States to be included in the apportionment count, and noncitizens cannot be excluded.[21]

For over fifty years, the U.S. Supreme Court has found it "abundantly clear . . . that in allocating Congressmen the number assigned to each state should be determined solely by the number of the State's inhabitants."[22] In *Evenwel v. Abbott*, the Supreme Court unanimously reaffirmed that the Constitution "select[s] . . . total population as the basis for allocating congressional seats, . . . whether or not [individuals] qualify as voters."[23]

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[16] *See, e.g.,* U.S. Const. art. I, § 2, cl. 3, and amend. XIV, § 2; 13 U.S.C. § 141; Mot. to Affirm or Dismiss of the State of California et al., *Trump v. California*, No. 20-561 (U.S. Nov. 30, 2020), available at https://oag.ca.gov/sites/default/files/20-561%20Motion%20to%20Affirm.pdf.

[17] *See, e.g.,* Br. of Amici Curiae Historians in Supp. of Pls.' Mot. for Partial Summ. J. or Prelim. Inj., *New York v. Trump*, No. 20-cv-05770 (JMF) (S.D.N.Y. Aug. 14, 2020), ECF No. 110-1, available at https://redistricting.lls.edu/wp-content/uploads/NY-ny-20200814-amicus-historians.pdf.

[18] U.S. Const. Art. I, Sect. 2, Cl. 3; U.S. Const., amend. XIV, § 2.

[19] *See, e.g.,* Br. of Amici Curiae Historians in Supp. of Pls.' Mot. for Partial Summ. J., or in the Alternative, Expedited Trial on the Merits, *Common Cause v. Trump*, No. 20-cv-02023 (CRC) (D.D.C. Aug. 26, 2020), ECF No. 40-1, available at https://www.brennancenter.org/sites/default/files/2020-08/AmicusBrief_Historians_2020-08-26.pdf.

[20] *See* 2 U.S.C. § 2a(a).

[21] See, Federal Defendants' Post-Argument Memo, *FAIR v. Klutznick*, No. 79-3269 (D.D.C. 1980); Thomas M. Boyd, Acting Assistant Attorney General, "Letter to Rep. William D. Ford, House of Representatives," June 29, 1988; Carol T. Crawford, Assistant Attorney General, "Letter to Senator Jeff Bingham," September 22, 1989 (135 Congressional Record S12235). Cited in Complaint of Plaintiffs Common Cause et al., *Common Cause v. Trump*, No. 20-cv-02023 (D.D.C. 2020), available at https://www.brennancenter.org/sites/default/files/2020-07/Complaint_%202020-07-23_0.pdf.

[22] *See Wesberry v. Sanders*, 376 U.S. 1, 13 (1964).

[23] *See Evenwel v. Abbott*, 136 S. Ct. 1120, 1129 (2016).

C. Determining legal status through a citizenship question or administrative records would chill census participation, produce errors, and exacerbate the undercount of young children

The Proposed Rule does not specify exactly how the Bureau would determine each person's citizenship or immigration status. It outlines two potential methodologies: 1) a "legal status" (immigration status) question on the census form; and 2) using "administrative records" to determine people's immigration status. Both methods are flawed.

Research has demonstrated that the addition of an immigration status question would have a significant chilling effect on individuals' willingness to fully participate, would likely worsen the existing undercounts of certain populations, including young children, and would put the accuracy and completeness of the census count at significant risk.

Using federal administrative data, research has found that asking a citizenship question would disproportionately increase survey nonresponse among Latino individuals compared to Whites and decrease self-response rates in households with at least one household member who is likely to be undocumented.[24]

The chilling effect of a citizenship question would also likely exacerbate the existing undercount of young children.[25] This group is more likely than other age groups to be in complex living situations, such as multigenerational households and mixed-status households, where older household members who are being asked to complete the survey might be undocumented immigrants while younger household members are U.S.-born citizens.[26] Children ages zero to four were the largest undercount of any age group in the 2020 Census.[27] As discussed below, an undercount of young children has significant consequences for programs that support children and families, such as Medicaid and CHIP, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and Head Start.

The veracity of information gathered based on asking respondents whether they are legal residents should also be questioned. Immigration law is extremely complicated. For many people, immigration status involves frequent changes over time because of renewals, policy changes, or adjustments to permanent residency, which could lead to confusion in how to accurately respond to the question.[28]

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[24] J. David Brown & Misty L. Heggeness, Citizenship question effects on household survey response J. Pol'y Analysis & Mgmt. (March 20, 2025), available at https://onlinelibrary.wiley.com/doi/10.1002/pam.70004.
[25] Eric Jensen, Census Bureau Expands Focus on Improving Data for Young Children, United States Census Bureau (March 10, 2022), available at https://www.census.gov/library/stories/2022/03/despite-efforts-census-undercount-of-young-children-persists.html.
[26] William H. Frey, These are the groups most likely to stop participating in the US census, Brookings (April 6, 2018), https://www.brookings.edu/articles/these-are-the-groups-most-likely-to-stop-participating-in-the-us-census/.
[27] Michelle Dallafior, Why We Must Count All Kids in 2030, First Focus on Children (July 5, 2026), https://firstfocus.org/resource/why-we-must-count-all-kids-in-2030/.
[28] *See* J. David Brown et al., U.S. Census Bureau Ctr. for Econ. Stud., CES 18-38, *Understanding the Quality of Alternative Citizenship Data Sources for the 2020 Census* (2018), https://www.amstat.org/asa/files/pdfs/POL-Understanding-the-Quality-of-Alternative.pdf; Brief of Former Directors of the U.S. Census Bureau as Amici Curiae

Furthermore, federal administrative records on citizenship contain significant flaws and cannot be the basis for an accurate count. Experts have noted the limitations and unreliability of administrative records on citizenship.[29] Existing sources of citizenship data, such as Department of Homeland Security (DHS) and Social Security Administration (SSA) records, are not fully reliable, with information that can be incomplete and often outdated.[30] In addition, the Bureau's ability to "link" or match records across databases has significant limitations. The Bureau itself has previously acknowledged that these records have gaps and cannot accurately determine citizenship status for all people.[31] Thus, these records would further exacerbate the inaccuracies created by this rule and cause significant concerns for census participants.

D. NCYL's work with newcomer immigrant youth shows how the Proposed Rule would erase children from the count and deepen existing needs

As part of our work advancing the rights and wellbeing of children in immigrant and mixed-status families, the National Center for Youth Law has worked with newcomer immigrant youth in California.

Newcomer youth in California include unaccompanied children, refugees, asylees, and undocumented youth, and an estimated 150,000 to 200,000 newcomer immigrant students attend California schools each year.[32] Most of these young people are recent arrivals who are unlikely to hold lawful permanent resident status and would therefore be excluded from the population counted under the Proposed Rule.

In our 2025 report *Newcomer Immigrant Youth in the Bay Area: Uplifting Voices, Identifying Solutions,* we led ten focus groups with 88 newcomer youth and 32 interviews with service providers across Alameda, San Francisco, Marin, and Santa Clara counties.[33] The youth and providers we spoke with described unstable housing, scarce legal and mental health services, and school-based supports that are constantly in danger of losing funding. Those needs are not being met even though the youth are present, in school, and part of their communities. Census data

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in Support of Appellees, *Evenwel v. Abbott,* 578 U.S. 54 (2016) (No. 14-940), available at https://cdn.sanity.io/files/pito4za5/production/aa2e98f9d79848a30e6703ced0c8a4647cf7c552.pdf.

[29] *See* J. David Brown et al., U.S. Census Bureau Ctr. for Econ. Stud., CES 18-38, *Understanding the Quality of Alternative Citizenship Data Sources for the 2020 Census* (2018), https://www.amstat.org/asa/files/pdfs/POL-Understanding-the-Quality-of-Alternative.pdf.

[30] *See* Jasleen Singh & Spencer Reynolds, *Homeland Security's "SAVE" Program Exacerbates Risks to Voters*, Brennan Ctr. for Just. (July 21, 2025), https://www.brennancenter.org/our-work/research-reports/homeland-securitys-save-program-exacerbates-risks-voters; Soc. Sec. Admin., Off. of the Inspector Gen., A-08-06-26100, *Accuracy of the Social Security Administration's Numident File* ii–iii (2006), https://oig-files.ssa.gov/audits/full/A-08-06-26100_0.pdf.

[31] John M. Abowd et al., *Determination of the 2020 U.S. Citizen Voting Age Population Using Administrative Records and Statistical Methodology* (2020), CES Working Paper 20-33, https://www2.census.gov/ces/wp/2020/CES-WP-20-33.pdf.

[32] Sam Finn, Pol'y Analysis for Cal. Educ., *Newcomer Education in California*, 3-6 (May 2023), https://edpolicyinca.org/sites/default/files/2023-05/r_finn-may2023.pdf.

[33] Melissa Adamson, *Newcomer Immigrant Youth in the Bay Area: Uplifting Voices, Identifying Solutions*, National Center for Youth Law, 2025, https://youthlaw.org/newcomerreport.

guide the distribution of the federal resources that fund schools, health care, nutrition, and housing, so erasing these children from the count would deepen these gaps.

As discussed above, the Proposed Rule's effects would also reach beyond those formally excluded. Service providers told us that fear of immigration enforcement already prevents youth and families from attending meetings with their attorneys and going to school, and a Proposed Rule that treats newcomers as outside the census, while expanding the use of administrative records and leaving the door open to a legal-status question, would likely discourage whole households from responding at all, including U.S. citizen children living in mixed-status families.

The youth in our focus groups also described frequent moves between housing placements and living in overcrowded apartments, homeless shelters, or with unfamiliar adults. Many youth told us that they work, or live with caregivers who work, in cash-paid jobs because they lack work authorization, leaving no paystubs or tax records. Forty-two percent of surveyed youth reported helping to pay rent. These are young people with deep ties to their communities, not people who lack a connection to this country. A residence test built around a complicated formula and tax filings would miss them, along with the U.S. citizen children who live in their households.

IV. Restricting race, ethnicity, and sexual orientation data would undermine advocacy, civil rights enforcement, and resource allocation

The Proposed Rule would add a new Part 70 to Title 15 of the Code of Federal Regulations, restricting the demographic questions the Census Bureau may ask. It would bar questions about race, ethnicity, and sexual orientation from the decennial census short-form questionnaire and from any other questionnaire used to enumerate the population.[34]

A. Race and ethnicity data are essential to serving children and enforcing their civil rights

According to the Kaiser Family Foundation, the census serves as the "only source of complete block-level data on race and ethnicity as well as other key sociodemographic characteristics." [35] Demographic data, such as race and ethnicity, are critical in identifying which communities face disproportionate needs and heightened barriers to services and resources in all the systems that NCYL works in, including education, health, child welfare, and juvenile justice.[36] NCYL relies on demographic data that help pinpoint these disparities to guide our advocacy, litigation, and

[34] *See* § 70.2 Restrictions on the inclusions of certain demographic questions.
[35] Kaiser Fam. Found., *Proposed Changes to Demographic Data Collection in the Census Could Impact Efforts to Address Health and Health Care Disparities*, https://www.kff.org/racial-equity-and-health-policy/proposed-changes-to-demographic-data-collection-in-the-census-could-impact-efforts-to-address-health-and-health-care-disparities/.
[36] Kaiser Fam. Found., *Key Data on Health and Health Care by Race and Ethnicity*, https://www.kff.org/racial-equity-and-health-policy/key-data-on-health-and-health-care-by-race-and-ethnicity/?entry=executive-summary-introduction.

policy work. Without this clear picture, tracking and addressing inequities would become even more difficult.

In our work, the presence and availability of demographic data, including race and ethnicity, is crucial when there are clear disparities in various systems, such as the child welfare, foster care, and juvenile justice systems. Children of color, specifically Black and Indigenous children, are overrepresented in the system and experience higher rates of investigation, removal, and termination of parental rights.[37] Once in the system, children both face the trauma of being removed from their families and the harms within the systems themselves, where children face abuse, encounter inappropriate medical treatment, and are put at increased risk of being exposed to trafficking.[38] Because Black, Indigenous, and children of color are at an increased risk of placement into foster care in the first place, they are at greater risk of experiencing these traumas.

Additionally, Black and Latinx youth are disproportionately impacted by trafficking – experiencing trafficking at much higher rates than the share of the population they represent. For example, of youth participating in a 2023–2024 Boston-based survivor empowerment program, 63% were Black, Latinx, or multiracial, despite these groups collectively making up 25% of Massachusetts's population.[39] Of youth identified through Los Angeles County's FRP since 2014, about 70% of the total are Black, despite making up only 8% of the County's population.[40] Similarly, a 2016 study of youth ages 13–24 involved in the sex trade in six U.S. cities found that 70% were Black.[41] Without a clear picture of the racial and ethnic background of the impacted child population, these inequities are likely to increase; furthermore, without accurate data, development of and funding for targeted services and programs to reduce these disparities will be impossible.

Youth of color are also disproportionately impacted by the juvenile justice system. Black young people are 5.6 times more likely, Indigenous youth 3.8 times, and Latino youth are 25% more likely to be detained or committed to juvenile facilities when compared to their white peers.[42]

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[37] Shereen A. White & Stephanie Persson, *Racial Discrimination in Child Welfare Is a Human Rights Violation—Let's Talk About It That Way*, Child.'s Rts. Litig. (Oct. 13, 2022), https://www.americanbar.org/groups/litigation/resources/newsletters/childrens-rights/racial-discrimination-child-welfare-human-rights-violation-lets-talk-about-it-way/.

[38] *See id.*

[39] My Life My Choice, 2023/24 Impact Report (Boston: My Life My Choice, 2024), 3, https://perma.cc/ZDW9-W4MZ.

[40] Allison Newcombe, Erin French, Mae Ackerman-Brimberg, Kate Walker Brown (2020) *Los Angeles Law Enforcement First Responder Protocol for Commercially Sexually Exploited Children What We've Learned: A Six Year Review*, Nat'l Center for Youth L. & Los Angeles Cnty Probation Dep't, https://lacounty.gov/wp-content/uploads/2022/02/FRP6Year_210120-1-Final-1.pdf.

[41] Rachel Swaner, Melissa Labriola, Michael Rempel, et al., Youth Involvement in the Sex Trade: A National Study (New York: Center for Court Innovation, 2016), 50, https://perma.cc/94BZ-BBNP.

[42] The Sentencing Project, *Black Disparities in Youth Incarceration* (Aug. 12, 2025), https://www.sentencingproject.org/fact-sheet/black-disparities-in-youth-incarceration/; The Sentencing Project, *Latino Disparities in Youth Incarceration* (Aug. 12, 2025), https://www.sentencingproject.org/fact-sheet/latino-disparities-in-youth-incarceration/; The Sentencing Project, *Disparities in Tribal Youth Incarceration* (Aug 12, 2025), https://www.sentencingproject.org/fact-sheet/disparities-in-tribal-youth-incarceration/.

Additionally, once detained, Black youth receive longer sentences and both Black and Latinx youth are more likely to be detained in adult facilities than their white peers.[43]

These overlaps in the overrepresentation across these systems are not coincidental. There are well-documented ties between involvement in one system being correlated with higher chances of becoming involved in the other. For example, 50% of foster youth have experienced an arrest, conviction, or overnight stay by age 17.[44]

Racial and ethnic data is also a cornerstone of NCYL's work to support young people's access to safe and quality education. Our Education Civil Rights Alliance (ECRA) team's work is centered on ensuring that the civil rights of historically and presently marginalized students, including students of color, are protected at schools. One essential pillar of this is working to end the School to Prison Pipeline. Demographic data on race and ethnicity is critical in identifying the patterns that indicate that Black, Brown, and Indigenous students are disproportionately impacted by exclusionary disciplinary actions and are more likely to be exposed to school resource officers (SROs) and law enforcement at their schools, which in and of itself, its linked to exclusionary disciplinary practices.[45] Race and ethnicity data continues to be critical in identifying these, and addressing, these disparities in school and educational practices to ensure that all young people retain access to education, especially since educational access and achievement have long-term implications for both a young person's early development and later adult life.

Utilizing data that highlights these racial and ethnic disparities across the child welfare, foster care system, education, and juvenile justice systems, and among experiences such as human trafficking, helps NCYL advocate to address the underlying root causes of these disparities, such as inadequate access to needed health, nutrition, educational, and income supports, that lead to disproportionate involvement with such systems among communities of color. With these data, along with the input from and partnership with young people with lived experience within these systems, NCYL works to advance practices and policies to better support the vulnerable youth involved in these systems.

B. Losing race and ethnicity data undermines civil rights enforcement in education

Federal agencies and advocates use census data to monitor and enforce civil rights laws in education, including making sure schools provide language assistance to English learners and

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[43] Nat'l Ass'n of Crim. Def. Lawyers, *Race and Juvenile Justice* (Nov. 29, 2022), https://www.nacdl.org/Content/Race-and-Juvenile-Justice.

[44] Am. Insts. for Rsch., *Child Welfare and Juvenile Justice Involvement Snapshot* (Aug. 2023), https://www.air.org/sites/default/files/2023-08/CCAS-Child-Welfare-and-Juveline-Justice-Involvement-Snapshot-508.pdf.

[45] Sagen Kidane & Emily Rauscher, *Unequal Exposure to School Resource Officers by Student Race, Ethnicity, and Income*, Urb. Inst. (Apr. 6, 2023), https://www.urban.org/research/publication/unequal-exposure-school-resource-officers-student-race-ethnicity-and-income; ACLU, *School-to-Prison Pipeline*, https://www.aclu.org/issues/racial-justice/school-prison-pipeline.

that students with disabilities receive required services. Race and ethnicity data are how educators identify gaps in student success and meet their legal duty to serve every student fairly.

The administration appears to suggest that the American Community Survey (ACS) can fill the gap, because this Proposed Rule would not impose restrictions on the collection of demographic data in the ACS [46]. However, as former House Census Oversight Staff Director Terri Ann Lowenthal notes, ACS race and ethnicity data are not fine-grained enough to support monitoring and enforcement of civil rights laws, including with respect to equal educational opportunity. Lowenthal also explains that the ACS is a sample, while the decennial census is the benchmark against which every other survey is weighted. Without a universal benchmark, ACS survey results cannot be reliably generalized to the public. In practice, the ACS and other surveys schools and agencies rely on would all become less reliable, not just the census itself.[47]

The undercount risk harms all students in urban and rural districts and falls hardest on immigrant families and students of color. Removing race and ethnicity questions and possibly adding a citizenship question could leave many communities undercounted or invisible. If fear keeps immigrant families from responding, schools will be funded as if their children weren't there. The residence criteria changes in the proposed regulation that would exclude both undocumented immigrants and people who may have status but are not lawful permanent residents compound this risk. Citing a September 2026 Congressional Research Service report, the American Council on Education notes that the apportionment exclusion could reach some people who are lawfully present, not only those without legal status.[48] Rural districts and their students also have a heightened stake in an accurate count. Census-derived data help guide federal funding aimed specifically at rural schools, including the Department of Education's Rural Education program and USDA's Schools and Roads grants to states.[49]

C. Sexual orientation and gender identity data are needed to serve LGBTQ+ youth

As in the case of racial and ethnic demographic data, collection of sexual orientation data enables organizations like NCYL to highlight and address disparities that LGBTQIA2s+ communities face within the systems in which we work to support young people.

LGBTQIA2s+ youth have faced, and are facing, a growing number of anti-LGBTQ+ policies and practices in the many systems that NCYL works in. This includes education, where LGBTQIA2s+ youth are burdened with policies that do not affirm their sexual orientation or

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[46] Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions, 91 Fed. Reg. 57524 (proposed September 10, 2026) (to be codified at 15 C.F.R. pts. 60, 70), https://www.govinfo.gov/content/pkg/FR-2026-09-10/pdf/2026-18481.pdf.

[47] Avery Lotz, "Trump's census plan could reshape voting maps, eliminate race questions," *Axios*, Sept. 10, 2026, https://axios.com/2026/09/10/trump-census-voting-maps-race-questions.

[48] American Council on Education et al., *Comments on the Census Bureau's Proposed Residence Criteria and Demographic Questions Rule* (Oct. 15, 2026), https://www.acenet.edu/Documents/Comments-Census-Residence-Critera-101526.pdf.

[49] U.S. Census Bureau, *Uses of Decennial Census Programs Data in Federal Funds Distribution: Fiscal Year 2021* (June 2023), Table 1, https://www2.census.gov/library/working-papers/2023/decennial/census-data-federal-funds-fy-2021.pdf.

gender identity, bar them from partaking in activities or utilizing school facilities, and fail to protect them from anti-LGBTQ+ bullying and harassment.[50] These policies and practices reflect the stigma and discrimination that LGBTQIA2s+ youth face in schools and communities.

Because of the growing number of discriminatory practices and growing stigma against LGBTQ+ identity, [51]LGBTQIA2s+ youth are also overrepresented among young people experiencing housing instability and homelessness.[52] This is especially true for Native/Indigenous LGBTQ+ youth, 44% of whom have experienced homelessness or housing instability at least once in their life.[53] The underlying causes of these disparities, including familial rejection and lack of support and resources to help families understand their sexual orientation or gender identity, also lead to LGBTQIA2s+ youth being overrepresented in the foster care system. LGBTQ+ youth make up 13.6% of the foster youth population, despite only representing 7.2% of the general youth population.[54] Once in the foster care system, LGBTQ+ youth face further disparities, burdened with hostility within their foster placement and experiencing a higher number of foster placements compared to other youth.[55] Youth who identify as LGBTQ+ also experience trafficking at high rates. Studies across multiple U.S. cities indicate that approximately half of youth impacted by sex trafficking are LGBTQ+.[56] A 2019 survey of Native American students in Minnesota found that LGBTQ+ youth were twice as likely to report having traded sex as cisgender heterosexual girls—and more than three times as likely as cisgender heterosexual boys.[57] Failing to capture data on sexual orientation and gender identity risks further exposing an already vulnerable population to victimization, and eliminating any means of ensuring that victims' services are appropriately tailored for the young people they are intended to serve. Because they experience higher rates of school pushout, housing instability and homelessness, and trafficking, LGBTQIA2s+ youth are disproportionately represented in the juvenile justice system, with 20% of all incarcerated youth identifying at LGBTQ+.[58]

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[50] The Trevor Project, *Anti-LGBTQ School Policies and LGBTQ Young People*, https://www.thetrevorproject.org/research-briefs/anti-lgbtq-school-policies-and-lgbtq-young-people/.
[51] Cal. LGBTQ Health & Hum. Servs. Network, *LGBTQ Youth & the School-to-Prison Pipeline* (2021), https://californialgbtqhealth.org/wp-content/uploads/2022/12/O4MU-SchooltoPrisonPipeline_2021.pdf.
[52] The Trevor Project, *Homelessness and Housing Instability Among LGBTQ Youth* (Feb. 2022), https://www.thetrevorproject.org/wp-content/uploads/2022/02/Trevor-Project-Homelessness-Report.pdf.
[53] *See id.*
[54] Bianca D.M. Wilson, Khush Cooper, Angeliki Kastanis, Sheila Nezhad, *Sexual and Gender Minority Youth in Foster Care: Assessing Disproportionality and Disparities in Los Angeles*, Williams Inst. (Aug. 2014), https://williamsinstitute.law.ucla.edu/wp-content/archive/SGM-Youth-in-Foster-Care-Aug-2014.pdf.
[55]Hum. Rts. Campaign, *LGBTQ Youth in the Foster Care System*, https://hrc-prod-requests.s3-us-west-2.amazonaws.com/files/assets/resources/HRC-YouthFosterCare-IssueBrief-FINAL.pdf.
[56] My Life My Choice, 2023/24 Impact Report (Boston: My Life My Choice, 2024), 3, https://perma.cc/ZDW9-W4MZ.
[57] Katie Johnston-Goodstar, Lauren Martin, G. Nic Rider, et al., *Native+ Students Involved in Trading Sex: Data from the 2019 Minnesota Student Survey* (Minneapolis, MN: University of Minnesota and MYST Native Advisory Board, 2022), 2, https://conservancy.umn.edu/bitstream/handle/11299/227180/UofM-MSS-Native%2B-v9%20FINAL%204-25-2022.pdf.
[58] Movement Advancement Project & Ctr. for Am. Progress, *Unjust: How the Broken Juvenile and Criminal Justice Systems Fail LGBTQ Youth* (Aug. 2016), https://mapresearch.org/report/unjust-how-the-broken-criminal-justice-system-fails-lgbtq-youth/.

As with the racial and ethnic disparities across these systems, the disproportionate burden that LGBTQIA2s+ youth face within these systems is also connected and intersect with each other. Pushout, and lack of support, from schools and their communities lead to more LGBTQIA2s+ youth experiencing housing instability or becoming unhoused, placing them at greater risk of trafficking or being placed in foster care or detained in juvenile detention. The proposed prohibition of any future data collection on sexual orientation on the Census will impact NCYL's ability to serve and advocate on behalf of youth impacted by human trafficking, the juvenile justice system, homelessness, and school pushout. While NCYL currently depends on other data sources to identify the disparities that LGBTQIA2s+ youth face, collection of sexual orientation data on the Census would provide a critical and essential opportunity to have a more complete portrait of the LGBTQIA2s+ youth community across our country. The proposal to bar collection of sexual orientation data would stymie potential progress to address these inequities.

V. The Proposed Rule's combined changes would cut funding for programs that serve children

A. Nutrition programs would lose funding

The Proposed Rule would further harm children and families' access to nutrition. Programs like the Supplemental Nutrition Assistance Program (SNAP) and the National School Lunch Program are both programs that receive census-informed funding.[59] The Proposed Rule would lead to undercounting children and, as a consequence, underfunding of these programs, which in turn would lead to children lacking access to needed nutritious foods.

These changes would come as SNAP participation has already fallen by 5 million people because of H.R. 1, and the decline will likely deepen now that the federal government's share of SNAP administrative costs has dropped, effective October 1.[60] As a critical social determinant of health, access to food is essential to child development, affecting mental and physical health and carrying long-term implications for young people in all of the domains that NCYL works in.[61]

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[59] U.S. Census Bureau, *Census Statistics Used to Plan Healthy Food Programs for Low-Income Households* (Jan. 21, 2020), https://www.census.gov/library/stories/2020/01/census-statistics-used-to-plan-healthy-food-programs-for-low-income-households.html.

[60] Nat'l Ctr. for Youth L., *A Timeline of the Impact of H.R. 1 on the Health and Well-being of Children & Families* (2025), https://youthlaw.org/wp-content/uploads/ncyl-reconciliation-timeline-2025.pdf; Ctr. on Budget & Pol'y Priorities, *SNAP Tracker: People Are Losing Food Assistance as the Harmful 2025 Republican Reconciliation Law is Implemented* (Oct. 23, 2026), https://www.cbpp.org/research/food-assistance/snap-tracker-people-are-losing-food-assistance-as-the-republican-megabill.

[61] Candice A. Myers, *Food Insecurity and Psychological Distress: A Review of the Recent Literature*, 9 Current Nutrition Reps. 107 (2020), https://pmc.ncbi.nlm.nih.gov/articles/PMC7282962/; Off. of Disease Prevention & Health Promotion, U.S. Dep't of Health & Hum. Servs., *Food Insecurity*, Healthy People 2030, https://odphp.health.gov/healthypeople/priority-areas/social-determinants-health/literature-summaries/food-insecurity; Nat'l All. on Mental Illness, *Social Determinants of Health: Food Security*, NAMI, https://www.nami.org/advocacy-at-nami/policy-positions/supporting-community-inclusion-and-non-discrimination/social-determinants-of-health-food-security/.

B. Health care funding for children, including, would be reduced

The undercount these changes would cause would reduce access to health care for the communities NCYL serves. The exclusion of millions of immigrants from apportionment counts could lead to decreases in federal funding and resources, including Medicaid and the Children's Health Insurance Program (CHIP) for states and communities with a higher share of immigrant populations.[62]

In 2024, total Medicaid funding was over $931 billion.[63] Medicaid, the largest program receiving census-guided funding, is the largest payer of maternal health and mental health care for children, meaning that pregnant people, their newborns, and children will bear the brunt of resulting decreases of Medicaid funding.[64] Medicaid and CHIP allow families and children to obtain needed medical care, avoid unnecessary emergency department visits, and lower risks of developing serious illnesses.[65] For children, access to healthcare through Medicaid and CHIP coverage helps them establish a foundation for a healthier adulthood and research indicates that they are more likely to finish school and earn higher wages later in life.[66]

Other funding sources that are critical to reproductive and child well-being, including block grants for prevention and treatment of substance abuse, community health services and maternal and child health services as well as Title X family planning grants and maternal, infant, and early childhood home visiting grants, are all also census-guided programs.[67] Any proposal that would result in an undercount of the population would lead to a decline of funding in these critical services. Since census statistics are also used by health care companies to determine where to build or expand hospitals and clinics, these changes could also lead to a lack of new and needed

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[62] Kaiser Fam. Found., *Proposed Changes to Demographic Data Collection in the Census Could Impact Efforts to Address Health and Health Care Disparities*, https://www.kff.org/racial-equity-and-health-policy/proposed-changes-to-demographic-data-collection-in-the-census-could-impact-efforts-to-address-health-and-health-care-disparities/.

[63] Ctrs. for Medicare & Medicaid Servs., *NHE Fact Sheet*, U.S. Dep't of Health & Hum. Servs. (last modified June 24, 2026), https://www.cms.gov/data-research/statistics-trends-and-reports/national-health-expenditure-data/nhe-fact-sheet.

[64] Medicaid & CHIP Payment & Access Comm'n, *Behavioral Health*, MACPAC, https://www.macpac.gov/topic/behavioral-health/; Policy Ctr. for Maternal Mental Health, *What New Medicaid MCO Data Reveals About Maternal Mental Health Progress and Persistent Barriers* (Oct. 8, 2026), https://policycentermmh.org/what-new-medicaid-mco-data-reveals-about-maternal-mental-health-progress-and-persistent-barriers/.

[65] Am. Acad. of Pediatrics, *What Medicaid and CHIP Mean for Kids' Health: AAP Report*, HealthyChildren.org (Feb. 23, 2026), https://www.healthychildren.org/English/news/Pages/what-medicaid-and-chip-mean-for-kids-health-aap-report.aspx.

[66] Comm. on Child Health Fin., Am. Acad. of Pediatrics, *Medicaid and the Children's Health Insurance Program: Technical Report*, 157 Pediatrics 3 (Mar. 2026), https://publications.aap.org/pediatrics/article/157/3/e2025075749/206458/Medicaid-and-the-Children-s-Health-Insurance.

[67] Project on Gov't Oversight, *Census Matters: How the Census Shapes Funding for Children* (June 17, 2026), https://www.pogo.org/reports/census-matters-how-the-census-shapes-funding-for-children; Georgetown Univ. Ctr. on Poverty & Inequality, *The Census and Health Care* (Apr. 6, 2018), https://www.georgetownpoverty.org/wp-content/uploads/2018/05/GCPI-ESOI-Health-Care-Factsheet-20180406.pdf.

infrastructural resources for those communities.[68] This proposed change to intentionally leave out millions of individuals from the census count will disproportionately impact communities with higher numbers of immigrants at a time when immigrant communities, including immigrant children and children in mixed-status families, are already facing unprecedented challenges to their health and well-being.

Citizen children living with noncitizen parents and noncitizen children already face higher uninsured rates, at 9% and 26% respectively, compared to only 5% of citizen children with citizen parents.[69] A barrage of executive actions, federal legislation, and other federal policies have exacerbated a climate in which immigrant families are unable to access care or are afraid to seek care. This includes changes made by H.R. 1 (2025) that took effect at the beginning of October 2026. For example, H.R. 1 (2025) narrowed eligibility for full-scope Medicaid or CHIP. [70] H.R. 1 (2025) also limited federal reimbursement for emergency Medicaid services provided to noncitizens ineligible for Medicaid to each state's regular Federal Medical Assistance Percentage (FMAP). Since FMAP calculations are based on census population data, they would also be impacted by the proposed exclusion of immigrant populations from the census count.[71]

C. Distorted funding formulas would harm students and schools for at least a decade

The census provides the foundation for education funding at both federal and state levels. For example, in fiscal year 2021, census data helped guide the distribution of $16.4 billion in Title I grants to school districts serving low-income children, $15.5 billion in special education grants to states, and $11.9 billion for Head Start programs across the country. Title I allocations rely primarily on Census Bureau poverty estimates for each school district.[72] Many states also rely on census data for school funding formulas, district boundaries, and school construction planning.

An undercount therefore distorts allocations at every level, and even an undercount in one census will deprive students of critically necessary funding for at least ten years. For example, as the Census Funder Collaborative noted, a 3-year-old child missed in the count for 2030 becomes a

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[68] U.S. Census Bureau, *2020 Census Results Inform Funding for Hospitals and Health Care* (July 2020), https://www.census.gov/library/stories/2020/07/2020-census-results-inform-funding-for-hospitals-and-health-care.html.

[69] Drishti Pillai, Akash Pillai & Samantha Artiga, Kaiser Fam. Found., *Children of Immigrants: Key Facts on Health Coverage and Care* (May 19, 2026), https://www.kff.org/racial-equity-and-health-policy/children-of-immigrants-key-facts-on-health-coverage-and-care/.

[70] Kevin B. O'Reilly, Am. Med. Ass'n, *2 Big Medicaid Changes Taking Effect in October* (Oct 8, 2026), https://www.ama-assn.org/practice-management/medicare-medicaid/2-big-medicaid-changes-taking-effect-october.

[71] Elizabeth Lukanen & Emily Zylla, State Health & Value Strategies, *Proposed Census Data Changes: Downstream Impacts and Opportunities for State Comment* (Sept. 29, 2026), https://shvs.org/resources/proposed-census-data-changes-downstream-impacts-and-opportunities-for-state-comment/.

[72] U.S. Census Bureau, *Uses of Decennial Census Programs Data in Federal Funds Distribution: Fiscal Year 2021* (June 2023), https://www2.census.gov/library/working-papers/2023/decennial/census-data-federal-funds-fy-2021.pdf; Table 1; NCES, *Fast Facts: Title I*, https://nces.ed.gov/fastfacts/display.asp?id=158; American Council on Education et al., *Comments on Proposed Residence Criteria and Demographic Questions* (Oct. 15, 2026), https://www.acenet.edu/Documents/Comments-Census-Residence-Critera-101526.pdf; Cong. Research Service, "Citizenship and Residence Criteria for the 2030 Census: Recent Developments," IN12741 (Sept. 28, 2026).

13-year-old student in 2039 whose district never received the resources meant for them.[73] School leaders also note that districts use census data to forecast enrollment, decide where to build schools and add teachers, and identify where families need language support.[74] And because race data have been collected in some form since 1790, dropping questions pertaining to racial demographic information would break comparability with earlier data. That would undermine efforts to track whether gaps are narrowing or widening over time.[75]

D. Early childhood programs would be underfunded

Census data guides funding for critical programs impacting early childhood education, such as Head Start, special education, and childcare block grants.[76] Head Start, including Early Head Start, and Child Care and Development Block Grants (CCDBG) alone allocate over $10 billion and $7 billion respectively to support families with young children.[77] Head Start is an essential program for families, helping them access high-quality early childhood education as well as critical health, developmental, and family-serving supports. This Proposed Rule would endanger vital federal funding for Head Start, shifting the financial burden to states, local communities, and families who rely on the essential services at a time when other proposed rules are already threatening Head Start standards.[78] CCDBG allows eligible families access to quality, safe, and affordable child care that may otherwise be unavailable to them.[79] Programs and funding such as Head Start and CCDBG are critical lifelines to working families who rely on them to ensure that their children are able to learn and be cared for in safe environments while continuing to pursue employment and economic stability for themselves and their children.

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[73] *See* Census Funder Collaborative, *Why the 2030 Census Matters for Educational Success* (May 2026), https://censusfunders.org/wp-content/uploads/2026/05/CFC01_Education_Factsheet_DIGITAL_FINAL.pdf.
[74] Nat'l Network for Arab Am. Cmtys., *If You Care About How Census Changes Could Impact Education*, Action Network, https://actionnetwork.org/letters/if-you-care-about-how-census-changes-could-impact-educators; Census Funder Collaborative, *Why the 2030 Census Matters for Educational Success* (May 2026), https://censusfunders.org/wp-content/uploads/2026/05/CFC01_Education_Factsheet_DIGITAL_FINAL.pdf.
[75] Amer. Council on Educ. et al., *Comments on the Census Bureau's Proposed Residence Criteria and Demographic Questions Rule* (Oct. 15, 2026), https://www.acenet.edu/Documents/Comments-Census-Residence-Critera-101526.pdf.
[76] U.S. Census Bureau, *Program Benefits*, Statistics in Schools, U.S. Dep't of Com. (last revised May 16, 2025), https://www.census.gov/programs-surveys/sis/about/program-benefits.html.
[77]Census Funder Collaborative, *Why the 2030 Census Matters for Educational Success* (2026), https://censusfunders.org/wp-content/uploads/2026/05/CFC01_Education_Factsheet_DIGITAL_FINAL.pdf.
[78] Hailey Gibbs, *In Rural Communities, Head Start Is Often the Only Licensed Child Care Option*, Ctr. for Am. Progress (Oct. 16, 2026), https://www.americanprogress.org/article/in-rural-communities-head-start-is-often-the-only-licensed-child-care-option/; Reducing Federal Burden for Head Start Programs, 91 Fed. Reg. 51248 (proposed Aug. 7, 2026) (to be codified at 45 C.F.R. pts. 1301–1305), https://www.federalregister.gov/documents/2026/08/07/2026-16134/reducing-federal-burden-for-head-start-programs.
[79] First Five Years Fund, *CCDBG: Overview* (June 8, 2026), https://www.ffyf.org/2026/06/08/ccdbg-overview/.

VI. The Bureau should withdraw the Proposed Rule

We urge the Census Bureau to withdraw the Proposed Rule. In the alternative, we urge the Census Bureau to:

1. **Extend the public comment period to provide at least 90 days for public review.**
2. **Count all people residing in the United States in the 2030 census, regardless of immigration status.** Excluding noncitizens from census apportionment data violates the Constitution and would suppress the count of children and families, erasing them from critical datasets.
3. **Withdraw other proposed changes to residence criteria**, including tying place of residence to tax records and "lawful residence," and the adoption of a three-month enumeration period. The Census Bureau must extensively research and consult with stakeholders about the potential effects of such changes before proposing their implementation in a decennial census.
4. **Continue collecting race and ethnicity information and implement the 2024 OMB SPD 15 standards.** Census race and ethnicity data are essential for important research across many sectors, for upholding civil rights, and for growing the economy. Extensive Census Bureau research and engagement with expert stakeholders show that implementing the modernized 2024 OMB SPD 15 standards for race and ethnicity data collection will yield data that more accurately represent the nation's increasingly diverse population.
5. **Remove the proposed prohibition on future questions about sexual orientation.** Proposed changes to demographic items should be based on research and guided by a deliberative and transparent process, including extensive stakeholder consultation.

We urge the Census Bureau to preserve a Census that accurately counts the children who reside in our communities. The Proposed Rule would undercount children, exclude residents, and prohibit collection of important data on the characteristics of our nation's children.

Thank you for the opportunity to comment on this proposed regulation.

Sincerely,



Rebecca Gudeman
Managing Director of Health & Well-being
National Center for Youth Law