Comments on the September 10, 2026 Federal Register Notice on the "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions", FR Doc. 2026-18481

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FDMS Docket number USBC-2026-0628

The undersigned 68 organizations that serve or advocate for children and families submit these comments in response to the Commerce Department's Notice published in the *Federal Register* on September 10, 2026 (FDMS Docket number USBC-2026-0628), regarding the harmful impact of the Proposed Residence Criteria and Proposed Regulations for Demographic Questions for the 2030 Census on children.

The proposed residence criteria and proposed regulations for demographic questions would exclude many children, count other children in the wrong residence, further harm children by failing to count others in their communities, and result in serious degradation of data that are essential for child well-being. The decennial census and surveys conducted by the Census Bureau already miss young children (from birth through age four) at very high rates; this residence rule will make the problem even worse.

We urge the Bureau to revoke this rule.

The Proposed Rule Would Make the Count of Young Children Even Worse

The proposed changes to the Census residence rule would exacerbate the problems counting young children.[1] The count of young children in the decennial census has been a growing problem since 1980 even as the count of adults has improved. In 2020 the net undercount for young children (5.4 percent) was much higher than any other age group. The undercount of young children was more than twice as high as the next highest age group and more than three times the net undercount rate of the next oldest age group (age 5 to 9).[2] In 2020, the net undercount rate for young children was higher than it was in the 1950 Census.[3] The count of young children can be much worse in many communities; five counties had an undercount in 2020 worse than 20% and 195 counties with young child undercount rates of 10 percent or more.[4]

The proposed rule would make the count of young children worse because it would depress the count of both citizen and immigrant children in immigrant or mixed status families, and because the proposed tax record evidence requirement would exclude many

[1] Children Are Already Undercounted in the Census. Proposed Changes Could Make It Worse. - Population Reference Bureau

[2] *Data Show Young Children Are Missed In The Census For Different Reasons Than Adults Are Missed,* William O'Hare, April, 2025, https://countallkids.org/wp-content/uploads/2025/04/Data-Show-Young-Children-Are-Missed-in-the-Census-for-Different-Reasons-Than-Adults-Are-Missed.pdf .

[3] Ibid.

[4] https://www.census.gov/library/visualizations/interactive/net-coverage-error-young-children.html

children and adults from the Census; both of these concerns are discussed below. In addition, eliminating the race and ethnicity question from the Census would, as acknowledged by the Census Bureau, degrade the accuracy of other surveys of importance for children, including the American Community Survey. Finally, the proposal to use a three-month period to determine residency, in addition to violating the statute, would result in missing children or counting children at addresses that are not their residence.

Making the count of young children worse has several problematic consequences for children. In addition, anything that harms the counts of the adults in their family and community also has severe negative impacts on children. Some of the largest harmful impacts of undercounts of young children and their family members include:

- Weakening the political power of communities with large numbers of children in the state, local and school redistricting process.
- Depriving states and communities with many children of their fair and statutorily required share of funding for a wide range of federal programs where the funding is allocated either using decennial census data and the associated vintage population estimates, or using other data derived from the decennial census such as the American Community Survey and the Small Area Income Population Estimates (SAIPE). Of the 371 census-guided federal assistance programs operating in fiscal year 2023, 70 supported children. These programs accounted for $792.77 billion in funds disbursed to all 50 states and Washington, DC, representing 35% of the total census-guided funding in FY 2023.[5]
- In particular, when the Census produces inaccurately low total population counts for states, it deprives states of their fair and statutorily required funding for Medicaid, CHIP, part of child care, foster care, and adoption. The Federal Medicaid Assistance Percentage (FMAP) is used to determine the federal share of costs for these five programs. If a state's total population is not fully counted, that will reduce the percentage of federal assistance for these programs, straining state budgets and potentially forcing states to cut back services to children funded by these programs.[6]
- Depriving states, communities and child serving organizations of essential data for managing a wide range of government services and programs, such as predicting school population sizes to allocate school classrooms, or using the American Community Survey to establish community eligibility for the Child and Adult Care Food Program.

[5] *Census Matters: How The Census Shapes Funding for Children,* Project on Government Oversight, June 2026, https://www.pogo.org/reports/census-matters-how-the-census-shapes-funding-for-children
[6] *Estimating Fiscal Costs of a Census Undercount to States,* Andrew Reamer, March 2018, GWIPP Reamer Fiscal Impacts of Census Undercount on FMAP-based Programs 03-19-18.pdf

The Proposed Rule Would Unconstitutionally Exclude Millions of Children and Family Members

We oppose the proposed rule's exclusion from the population count used for congressional apportionment of everyone who is not a U.S. citizen or green card holder because it will result in the exclusion of millions of citizen children in addition to their immigrant family members who are entitled by the Constitution to be counted and included in the numbers used for apportionment. We further oppose the proposed addition of a question to determine citizenship or immigration status on the 2030 Census, which would further reduce response rates.

Data on Race and Ethnicity Are Particularly Important for Children, Especially Young Children

We oppose the proposed elimination of the race and ethnicity questions from the 2030 Census. Our nation has collected this data in every census since 1790.

Children are the most diverse age group in our country, and young children are even more racially and ethnicity diverse than older children. This age group also has the highest number of multi-racial and multi-ethnic individuals. In 2020 fewer than half of all young children were white. This diversity of children is growing.[7]

Because children are a subset of the total population, for smaller communities, the sample size for data derived from the American Community Survey and other surveys that will still include data on race and ethnicity will not be able to accurately reflect the full range of this age group's diversity.

Secondly, the decennial census is the benchmark for every other demographic survey conducted by the Census Bureau, and race and ethnicity are key elements for ensuring that other surveys are using an appropriate survey frame. The Census Bureau itself acknowledges that by removing the race and ethnicity question from the decennial census, the Bureau would be degrading the quality of every other survey they conduct. The loss of accurate survey data would also greatly harm children.

A less accurate American Community Survey and other Census Bureau surveys would cause significant harm to children. ACS data is used for a wide range of purposes, many of which benefit children.[8] To give just a few examples, some federal programs use the ACS to allocate federal funds and if the data used to allocate these funds is less accurate, the

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[7] *What New Census Bureau Population Projections Tell Us About The Future Of Young Children In The U.S.*, March 26, 2024, By Dr. William P. O'Hare, https://countallkids.org/resources/what-new-census-bureau-population-projections-tell-us-about-the-future-of-young-children-in-the-u-s/.

[8] *America's Essential Economic and Social Data at Risk - 2025 Update The Urgent National Need to Protect and Enhance the American Community Survey Data*, https://thecensusproject.org/wp-content/uploads/2025/03/Census-ACS-Report-2025-v5.pdf

funds will not go in the same quantities to the children who most need them and who are supposed by statute to get them. Examples include:

- Child care:
    - Mandatory child care funding is allocated to states based on state median income from the ACS as well as the number of children under 13 from Population Estimates (which comes from the total census count).
    - Discretionary (appropriated) child care funding is allocated to states based on three factors, the state's share of children younger than age 5 (from the decennial census and estimates for subsequent years based on the decennial), the state's share of children receiving free or reduced-price lunch, and the state's per capita income (averaged over 3 years) from the ACS
- WIC: a state's fair share target funding for food (70% of WIC funds) is based on the ACS data reporting its share of the nation's infants and children (ages 0-4) at or under 185 percent of poverty.
- Title I funds for low income schools: While ACS data is not used directly, ACS income and poverty estimates by age are used to model the income and poverty estimates of each public school system's school-aged population. SAIPE is used for allocating these funds, and SAIPE data accuracy would undoubtedly suffer from the same degradation of accuracy.
- IDEA: funding increases to states are based on the number of children in school and the number of poor children from the ACS.
- School meals: SNAP data and ACS data income, and poverty status helps communities streamline administration of the school lunch program by providing estimates of students eligible for free and reduced price meals.
- Child and Adult Care Food Program: program administrators can use ACS data to document community eligibility that lets them feed all children in a child care program using these funds, rather than needing to document individual children's eligibility.

Developing and Implementing Appropriate Questions on Sexual Orientation for the Decennial Census Would Benefit Children and Youth

Many children are being raised by LGBT families. Collecting sexual orientation data on the Decennial Census would provide a more accurate count of how many children are being raised by these families. If the same question was then added to the American Community Survey, we would also have better data on how many of these families are living in poverty and on other aspects of their well-being.

The addition of a sexual orientation measure on future decennial censuses also would be critical for assessing how many youth are at risk for suffering significant consequences based on their sexual orientation. We know that LGBTQ youth appear at very high rates in state systems. Between 19 and 32% of foster youth identify as LGBTQ—most of them girls,

most of them children of color.[9] Similarly, 12-20% incarcerated youth in juvenile facilities identify as LGBTQ- 58% of incarcerated girls and 7% of boys. Data show these children fare particularly poorly in state systems. Similarly, LGBTQ youth between 18 and 25 are 120% more likely to report incidence of homelessness in the past year.[10] But what we don't have precise data on—what a properly constructed decennial census question on sexual orientation could tell us—is how this compares to the general youth population or at least the young adult population. It could also tell us about the family structure of LGBTQ youth who are living with their families or with others—for example, how many LGBTQ youth are living with friends or independently rather than with a parent? These are essential questions for serving the needs of these youth.

If Census Enumeration Does Not Remain Based on Actual Residence on April 1, Many Children Will Be Missing or Inaccurately Counted

We oppose the proposed change to how the Census Bureau determines "usual residence," specifically the new 90-day "census enumeration period" running from January 3 to April 1 (§ 60.2(c)) . We also note that the rule refers to "providers" rather than parents and guardians. Most children are in the care of parents or guardians and that is the terminology people are accustomed to. We do not know of any research on whether people would understand the term provider in the same way, and we believe that the Bureau should conduct such research before using the term.

The proposed rule is troublingly silent about many residence situations where children may be missed or proposes to count them in places where are not their true residence. For example, children who are in residential medical care, such as those being treated for cancer or behavioral health or substance abuse, would not be counted in the homes of their parents or guardians, and unhoused children and their families may not be counted anywhere in many cases. This rule would even result in the peculiar requirement that children in joint custody, who spend roughly equal time with each parent, but attend school or day care, will be required to be counted at school or daycare. That is clearly not their residence.

We also note that this rule poses particular problems for counting children in foster care. If a foster parent gets a child in, for example, March, they will not necessarily know where the child spent the prior two months, and whether that was in one location or several, so they will have no way of knowing whether to count that child.

The Proposed Rule Must Be Withdrawn Because It Would Be Unconstitutional, Violate the Statute, Make the Census Less Accurate, and Significantly Degrade All Demographic Surveys

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[9] LGBTQ youth in state systems, https://www.nationalacademies.org/cdn/materials/9fba0795-6480-4e20-b271-4a0e1e59f37b

[10]Missed Opportunities: Youth Homelessness in America National Estimates, https://www.chapinhall.org/wp-content/uploads/ChapinHall_VoYC_NationalReport_Final_Web.pdf

We urge the Department of Commerce to withdraw the proposed rule; any changes should be in full compliance with the Constitution and the law and based on research that shows that the new approach will produce a more accurate count than the historical approach.

Signed organizations:

Allies for Children

American Friends Service Committee

Americans for Tax Fairness

Autistic Self Advocacy Network

Census Quality Reinforcement (CQR) Task Force

Center for Law and Social Policy

Center for Science in the Public Interest

Center for the Study of Social Policy (CSSP)

Child Welfare League of America

Children's HealthWatch

Coalition on Human Needs

Colorado Children's Campaign

Common Cause

Common Good Iowa

Empowering Pacific Islander Communities (EPIC)

Equality California

Fair Count

Family Centered Treatment Foundation

Food Bank of Northern Nevada

Goddard Riverside

Hunger Solutions Consulting

Illinois Partners for Human Service

Just Solutions

Justice + Joy National Collaborative

LaCroix-Dalluhn Consulting

LatinoJustice PRLDEF

League of Women Voters of the United States

LIFT Inc

Long Beach Gray Panthers

MACS 2030 - Minnesotans for the American Community Survey & 2030 Census

Maine Children's Alliance

Marion County Commission on Youth (MCCOY)

Massachusetts Law Reform Institute, Inc.

Michigan League for Public Policy

Minnesota Association for Family and Early Education (MNAFEE)

National Association for Family Child Care

National Association of Counsel for Children

National Center for Children in Poverty

National Center for Healthy Housing

National Center on Adoption and Permanency

National Diaper Bank Network

National Women's Law Center

Northside Achievement Zone

O'Hare Data and Demographic Services, LLC

Organization for Latino Health Advocacy

Partnership for America's Children

Pennsylvania Child Care Association

Pennsylvania Partnerships for Children

PML Agency

Prison Policy Initiative

Public Advocacy for Kids (PAK)

RESULTS

Rob Paral and Associates

San Diego for Every Child

Schubert Center for Child Studies, CWRU

Simply Put

Society for Research in Child Development (SRCD)

Southern Echo

St. Louis Park Family Services Collaborative

The Children's Partnership

The Karabelle Pizzigati Initiative in Advocacy for Children, Youth, and Families at the University of Maryland

Unitarian Universalists for Social Justice

United Church of Christ

United Ways of California

Utahns Against Hunger

Voices for Children in Nebraska

Worcester County Food Bank

Youth Law Center