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Submitted electronically

U.S. Department of Commerce
Census Bureau
4600 Silver Hill Road
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Washington, DC 20746

RE: U.S. Department of Commerce, Census Bureau, Proposed Rule titled, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions," RIN number 0607-AA75, FDMS Docket number USBC-2026-0628, 15 CFR Parts 60 and 70 (September 10, 2026)

I. Introduction

ZERO TO THREE appreciates the opportunity to comment on the U.S. Department of Commerce, Census Bureau, Notice of Proposed Rulemaking (NPRM), *Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions*, which proposes changes to the 2030 Decennial Census. Unfortunately, the U.S. Census has had long-standing challenges with under-counting young children; rather than solving this issue, we are deeply concerned that the proposed changes would exacerbate the undercount of infants and toddlers, with profound impacts not only on the nation's understanding of how many young children reside in the country but also on the resources that states, and therefore children within those states, receive to support infants' and toddlers' healthy development. We therefore urge the Census Bureau to withdraw the proposed Rule and return to the 2020 Census residence criteria as well as the demographic characteristics that have been included in past Censuses.

Founded more than 40 years ago, ZERO TO THREE is a national nonprofit organization whose mission is to ensure that all babies have a strong start in life. We translate the science of early childhood development into useful knowledge and strategies for parents, practitioners, and policymakers. We work to make sure that infants and toddlers benefit from the family and community connections critical to their well-being and healthy development. Our comments are based on our experience in gathering information about infants and toddlers in all states to assess how babies are faring and whether they have access to the ingredients all babies need to thrive. The Census and surveys for which it is foundational have been a key part of this work.

In previous comments to this Administration, ZERO TO THREE has laid out a "Framework for Babies," consisting of six principles ZERO TO THREE urges policymakers to consider in any proposed regulatory or policy changes to ensure policies address the needs of infants and toddlers.[1] These include: transparency and engagement; using the science of child development to guide policy; prioritizing the well-being of

[1] ZERO TO THREE (2025). *Public Comment RE: HHS Notice titled "Request for Information (RFI): Ensuring Lawful Regulation and Unleashing Innovation to Make America Healthy Again," Docket AHRQ-2025-0001, 90 Fed. Reg. 20478 (May 14, 2025).* https://www.regulations.gov/comment/AHRQ-2025-0001-0788.

young children; strengthening the family to support the child; the need for knowledge, skills, and training to work with children; and the need to ease the burden of policies on individuals and families, not just systems. Unfortunately, the proposed rule is inconsistent with many of these principles. By exacerbating the undercount of infants and toddlers, including U.S. citizens, this proposal risks setting back the growth and development of the young children by distorting both the information available on young children in the United States and the distribution of resources across the country.

Under the U.S. Constitution, the goal of the Census is to provide an accurate count of all individuals residing in the United States, including by state. This information is then used to determine not only the make-up of the U.S. House of Representatives, but also to collect information that would give a more complete demographic picture of the population and to further inform the distribution of federal resources. Courts have consistently held that such data gathering is constitutional as it assists the government in carrying out other parts of the Constitution.[2] Thus, the Census has long fulfilled two goals: to act at the starting point of democratic government by providing the complete count of all persons who have a vital interest in its laws, as well as a foundational instrument in the development and implementation of those laws by gathering needed underlying information about the population.

No group is more profoundly affected by these dual goals than young children, including infants and toddlers. And no group is in more danger of losing vital supports when that complete count is constricted or information is degraded. Children must depend on adults to represent their interests. This reliance starts with their parents, and through them the children themselves, being counted when determining how many elected representatives a state receives. It extends to those elected representatives understanding the full scope of the very young population they represent, and then taking steps to protect children's interests in policymaking, especially in states where a higher-than-average percentage of young children lack the economic and other resources they need to thrive. Incorrect or incomplete information undermines these goals and risks young children missing out on the policies and resources they need for a strong start in life.

To best promote the interests of young children, we recommend that the Census Bureau:

- Adopt the 2020 Census criteria for usual residence for the 2030 Census and withdraw the proposed change, which is contrary to the Constitution's requirement of a count of all persons for apportionment and would exclude many children, including U.S. citizens.
- Adhere to the statutory requirement for a Census Day and withdraw the proposal to have an extended Census period, which would create unwarranted complexity and errors, likely increasing the undercount of young children.
- Not include questions regarding citizenship or immigration status, which research suggests will suppress participation in the Census as a whole and further increase the undercount of young children.

[2] U.S. Department of Commerce, Census Bureau (2021). *Census in the Constitution: Why Jefferson, Madison and the Founders Enshrined the Census in our Constitution.* https://www.census.gov/programs-surveys/decennial-census/about/census-constitution.html.

- Withdraw the proposal to exclude demographic questions related to race and ethnicity, which would hamper understanding of young children living and growing in the United States and make it harder for policymakers to address their needs.

2. Serious Undercounts Undermine Children's Stake in an Accurate Census

Children under age six have the highest rate of Census undercounting of any age group—in the 2020 Census, an estimated 5.4 percent of children under age six were missed, or not counted, by the Census, and that rate was much higher in many individual states and counties.[3] When young children are missed in the Census count, states may not receive either an appropriate apportionment of representation or an accurate share of resources. When children do not have access to adequate resources, they may miss ingredients they need for healthy development and reaching their potential.

Such serious undercounts of children weaken their political representation and the political power of states with higher percentages of children. It impacts the distribution of resources in the form of federal programs that provide benefits based on states' proportion of children nationally, with some specifically based on the population of children under age five. These distributions depend on a sound Census as well as other data derived from the Census, such as the American Community Survey and the Small Area Income Population Estimates.

Census or Census-derived data are used in the distribution of almost $350 billion in federal funds for children's programs.[4] For infants and toddlers, these programs provide health, early care and learning, family support, and nutrition services vital to the healthy development of young children. They include child care, Supplemental Food Assistance for Women, Infants, and Children, parts of the Individuals with Disabilities Education Act, Adoption Assistance, and the Child and Adult Care Food Program, among others. In California and Texas alone, Census data guides the distribution of almost $7 billion in federal funding that benefit infants and toddlers.[5] In fact, many of the states with the most Census-reliant spending had particularly high undercounts in 2020.[6] For example, in Florida, the undercount rate was almost 10 percent,[7] enough to make a discernable difference in resources allocated to the state. The proposed changes to the 2030 Census would likely exacerbate these undercounts, undermining both legislative representation and programmatic resources.

3. Proposed NPRM Changes Would Exacerbate the Undercount of Young Children and Undermine Federal Efforts to Meet Their Developmental Needs

The NPRM proposes two major categories of changes to the 2030 Census. First, it proposes restricting the number of people counted by the Census, including by redefining "usual residence" and making other changes, such as how residence might be crosschecked through tax records and potentially adding

[3] O'Hare, W. P. (2025). *Data Show Young Children Are Missed In The Census For Different Reasons Than Adults Are Missed*. Count All Kids Campaign. 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.
[4] Dallafior, M. (2026) *Why We Must Count All Kids in 2030.* First Focus on Children. https://firstfocus.org/resource/why-we-must-count-all-kids-in-2030/.
[5] Id.
[6] Id.
[7] O'Hare, W.P. & Quiros, S. (2025). *Socio-Demographic Correlates of State-Level Coverage Rates for Young Children in the 2020 Census.* Count All Kids. https://countallkids.org/wp-content/uploads/2025/12/Socio-Demographic-Correlates-of-State-Level-Coverage-Rates-for-Young-Children-in-the-2020-Census-11-20-2025.pdf.

questions on citizenship and immigration status. Altogether, these changes would reduce the number of people counted for representational apportionment, likely undermining the count of persons mandated by the Constitution and adding to the undercount of young children. Second, the NPRM proposes to eliminate demographic questions related to race and ethnicity from the 2030 Census. Accurate demographic information is essential for policymakers in both Congress and the executive branch to understand how federal programs are impacting different groups, as well as in the enforcement of federal laws such as anti-discrimination provisions.

Taken together, these changes would harm how well children are represented in our government, how resources are allocated to the states in which they live, and the policies that help ensure that every infant and toddler has the opportunity to realize their potential.

Proposed Changes That Would Limit Individuals' Likelihood to be Counted Should Be Reversed

ZERO TO THREE opposes the proposed rule's constricted definition of "usual residence," which would lay the basis for not counting all persons, but rather excluding certain immigrants from the population count used for congressional apportionment. Accurate representation is essentially to ensure that elected officials can properly represent their constituents, including the very youngest of those constituents who cannot speak for themselves, in governance.

Specifically, the NPRM proposes to "Include lawful permanent residents within the apportionment base, while excluding from the apportionment base illegal aliens and aliens whose legal status is less durable and indefinite in length than lawful permanent resident status." It would do through a proposed definition of "usual residence" as "the residence at which they have lawfully spent the greatest number of days during the Census enumeration period," and including foreign countries as the usual residence for anyone not a citizen or lawful permanent resident. This definition would exclude from the apportionment count many immigrants, including undocumented immigrants and those who are lawfully present but without permanent residency, even if such individuals have resided in the U.S. for years or are on a path to citizenship.

Such a change would distort the purpose of using a count for apportioning representation that includes every person affected by the legislative body's decisions. Moreover, excluding some immigrants likely would mean excluding their children, most of whom are U.S. citizens, as adults in these households may not be appropriately asked about citizens in their household, may not understand the nuances of immigration law in enough detail to provide all relevant information, or may be hesitant to respond to immigration and citizenship related questions, particularly for the most vulnerable members of their households. An estimated 91.1 percent of infants and toddlers with at least one immigrant parent are U.S. citizens, but these very children would likely be missed under the proposed definition.[8]

The Constitution's Article 1, Section 2, as well as Section 2 of the Fourteenth Amendment, require that apportionment be based on "the whole number of persons in each State"—not citizens or not legal residents, but "persons." These protections are vital to ensure that young children are effectively counted. ZERO TO THREE therefore urges the Census Bureau to return to the residency criteria in the

[8] Migration Policy Institute (n.d.), *Children in U S Immigrant Families*, https://www.migrationpolicy.org/programs/data-hub/children-immigrant-families.

2020 Census, which counted foreign citizens who were not members of the diplomatic community or visiting for vacation or business to be counted in the states where they lived.[9]

The NPRM further suggests the residency question is not enough by itself to determine who should be included in the apportionment count, raising yet more concerns for an undercount. It expresses the intent to explore avenues to make this determination that include matching with other government records, including and especially tax records, and by potentially including questions concerning citizenship or immigration status. These avenues likely would increase the undercount of children in the Census as a whole by using records that in some cases do not include records of children, introducing the potential for administrative errors, and by chilling the response to the Census in the first place.

Tax records are often inconsistent with actual or current residence, and many, such as W-2's, do not reveal whether an employee has children. Parenting and guardianship status may also change over the course of a year from when comprehensive tax records were last filed, adding further potential for an undercount. While tax records can be an invaluable aid to counting people who do not respond to the 2030 Census for a variety of reasons, such records should not be required or used as proof of residence. In addition, Census research has shown that citizenship questions depress the Census response rate,[10] and thus would add to an undercount of young children. Questions on immigration status, which seem even more likely to lower response rates, to our knowledge have not been tested. As such, ZERO TO THREE opposes any practice that would require household validation through tax records or the addition of questions pertaining to citizenship or immigration status.

ZERO TO THREE further opposes altering the period covered by the residency question from one day—Census Day—to three months. In addition to being contrary to the statutory requirement of a Census Day, this lengthy period would introduce significantly more complexity to determining one's residence, increasing errors and potentially reluctance to completing the form at all. Changes in residency are common, particularly for families most at risk of being missed by the Census, such as those struggling with homelessness—a group that includes a disproportionate number of infants and toddlers. In 2023, nearly 450,000 infants and toddlers in the United States experienced homelessness.[11] Infants and toddlers are the group at highest risk of eviction, and the rate of eviction for families with children (10.4%) was more than double the eviction rate of those without children.[12] Children could be adversely affected not only by confusion over counting unhoused children, but also over whether a jurisdiction considered them "lawfully present." Confusion also could arise over how to count children in foster care, when the foster parents may have no idea where the children have spent the preponderance of their days, and children in joint custody, with time spent between parents. The NPRM further provides no research or other evidence that this change would improve, rather than undermine, an accurate count of persons in the United States.

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[9] U.S. Department of Commerce, Census Bureau. *2020 Census Residence Criteria and Residence Situations.* https://www2.census.gov/programs-surveys/decennial/2020/program-management/memo-series/2020-memo-2018_04-appendix.pdf.

[10] Brown, J.D. & Heggeness, M.L. (2024). *Citizenship Question Effects on Household Survey Response.* U.S. Department of Commerce, Census Bureau. https://www.census.gov/library/working-papers/2024/adrm/CES-WP-24-31.html.

[11] SchoolHouse Connection. (2025). *Infant & toddler homelessness across 50 states: 2022–2023*. https://schoolhouseconnection.org/wp-content/uploads/2025/04/2025-Infant-and-Toddler-Homelessness-Across-50-States-2022-2023.pdf.

[12] Id.

Implicit in the original concept of the Census is the idea that the best way to get the count of people who would be subject to the policies of the country is to take the simplest route—count everyone where they live on a single day. Even that approach obviously still leaves questions, such as for example, for a patient in a hospital. But such confusion would be compounded by the complexities of residency determination for noncitizens and applying a period of time to determining the correct residence of all respondents. The result likely would be fewer adults responding to the Census at all. Thus, more children who would be missed, as administrative approaches to counting missing respondents frequently do not cover children.

Demographic Questions on Race and Ethnicity Should Be Included

ZERO TO THREE opposes the proposal to remove demographic questions related to race and ethnicity from the 2030 Census. Such questions have been included since the Census' inception. As noted above, courts have consistently held that such data gathering is constitutional as it assists the government in carrying out other parts of the Constitution. Ending these questions' inclusion would be particularly concerning for infants and toddlers. More than half of infants and toddlers in the United States are of non-white racial or ethnic backgrounds, as of the 2020 Census.[13] The lack of data on race and ethnicity would hamper an accurate understanding of the U.S. population and make it more challenging to understand the scope or cause of any disparities, particularly among young children. Losing this detail hampers policymakers' ability to assess the direct and indirect impacts of public policies on different groups in the United States.

ZERO TO THREE's past work to create a statistical portrait of babies by state underscored the importance of "seeing" the condition of subpopulations.[14] In some states, looking only at aggregate data gave the impression that the state's infants and toddlers were generally doing well, masking urgent needs among specific subpopulations of children. Understanding those disparities helps communities, states, and the federal government fully understand the impact of current policies and make any necessary adjustments in laws, services, and resource allocation.

The U.S. Census forms the foundation of national data on the U.S. population. While it is crucial to continue allowing surveys such as the American Community Survey to continue collecting demographic data, this limited research would in no way alleviate the gap created by their omission from the decennial Census. These surveys are built on the Census' foundation, collecting statistical samples to update data throughout the decade. The Census, based as nearly as possible on a complete count of every person in the country, provides a course check and correction to ensure that interim statistical adjustments remain as accurate as possible. Without such checks, small deviations could become larger until we have no clear picture of the people whose wellbeing national policies should address.

6. Conclusion

More than any other group, infants and toddlers are wholly reliant on the adults in their lives—including the elected representatives of their communities—to lend a voice to their needs and interests. They do not fill out forms and must rely on their parents feeling secure and confident enough to do so. They do

[13] Rashid, A. & O'Hare, W. P. (2024). *The Changing Young Child Population of the United States: First Data From the 2020 Census*. https://countallkids.org/wp-content/uploads/2024/04/First-Data-on-young-children-from-2020-Census_FINAL-DRAFT_041524.docx.pdf.

[14] ZERO TO THREE (nd). *The State of Babies.* https://stateofbabies.org/.

not speak to legislators, but must rely on their representatives to understand and take their interests into account. These young children have a vital interest in the apportionment of government representation based on the decennial Census, which requires an accurate, unbiased count that is as inclusive as possible of all persons residing in the United States. These policymakers similarly rely on the Census to inform their actions, ranging from broad information on residency to demographic data on age, race, and ethnicity.

The provisions in this NPRM would prevent this complete picture of young children in several ways. Many parents, and thus their children, would be excluded from the apportionment count because they do not fit the criteria set out in the "usual residence" determination, weakening their states' political representation. Many children excluded would be U.S. citizens. Requirements such as having to claim foreign residency or answering citizenship or immigration status questions, as well as the use of tax data and the complexity added by an extended residency period, would likely further exacerbate the undercount of young children, already a growing problem especially in a few large states. Such an undercount can skew both allocation of representation and distribution of resources. In addition, removing questions on race and ethnicity would not eliminate these demographic differences but, rather, simply remove policymakers' ability to fully see and understand them, limiting the ability of local, state, and federal officials to make informed policy decisions.

Young children and their families are best served by a Census that promotes the complete count of all persons living in the United States, as envisioned in the Constitution. ZERO TO THREE therefore urges the Census Bureau to withdraw the proposed rule and proposed changes to exclude certain groups from the 2030 Census, as well as to remove basic demographic questions, and instead to utilize the approach of the 2020 Census in order to ensure a more accurate count of infants and toddlers.