October 29, 2026

George M. Cook, Performing the Duties of the Director
United States Census Bureau
4600 Silver Hill Road
Washington, DC 20233

Dear Mr. Cook,

Arkansas Advocates for Children and Families submits these comments in response to the United States Department of Commerce, Census Bureau request for comments on the proposed rule *Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions* (Docket No. 260903-0005, RIN- 0607-AA75).

Arkansas Advocates for Children and Families (AACF) is a non-partisan public policy research and advocacy organization. Our mission is to ensure that all children and their families in Arkansas have the resources and opportunities to live healthy and productive lives and realize their full potential. AACF has worked for almost 50 years to advocate for research-driven policies that have improved the lives of children and families in Arkansas. An accurate decennial census is critical to the well-being of Arkansas's children by ensuring fair appropriation of funding for important programs such as school meals, Child Care Development Block Grant, and Medicaid. The census is also a critical tool for the work of AACF as we strive to understand how children and families in our state are faring. We are concerned that the proposed rules changes, if implemented, would have a detrimental effect on the well-being of children in Arkansas and throughout the United States.

Residence criteria

1. **States will not receive adequate funding to meet population needs**
   The proposed rule changes fail to consider that the constitution requires that census data be used to apportion direct taxes. As further detailed below, the proposed rules § 60.4 (b) and § 60.2 will result in significant population count declines in many states, resulting in decreased funding for the over 50 federal programs that distribute direct taxes based at least in some part to census enumeration data. This includes many programs for children such as: Medicaid, the National School Lunch Program, the Supplemental Nutrition Assistance Program, the State Children's Health Insurance Program, Temporary Assistance for Needy Families, the Child Care and Development Block Grant, among many other programs. This decrease in federal dollars that would have otherwise been distributed without the proposed rule changes, would leave states responsible for making up the difference in funding, or if they are unable to, will result in decreased access to health care;

increased food insecurity; families struggling to find childcare; and other harmful impacts. In either scenario, state budgets will be strained.

2. **Requirement of address matching to tax records will result in an inaccurate count**
The proposed rule change § 60.2 that requires "usual residence" to be confirmed through tax return data will leave out many in the enumeration process, including but not limited to:

- Children in split custody households whose household where they are filed as dependents may vary from year to year
- Young children, who may have been born during the interim period of household filing taxes and being enumerated
- People who have moved since their last W-2 or tax return was filed
- Individuals, such as retirees or people with certain disabilities, who may not be required to file tax returns
- Those who file their tax returns under a corporation or using a P.O. Box.

Others may be counted in the wrong place, such as university students who are listed on their parents' tax returns as a dependent but should be counted where they reside while attending college.

3. **Use of administrative records to determine citizenship status has proved faulty in other situations**
The Department of Homeland Security (DHS) has recently sent states citizenship data for voter registrations rolls. But the accuracy of the data has been called into question after hundreds of thousands of flagged registrations led to a small fraction of prosecutions. DHS has not released its methodology for its citizenship data in some cases or has been delayed in doing so causing further concern over the reliability of the data. If the Census Bureau uses similar data from DHS it could incorrectly categorize the citizenship status of residents.

4. **Excluding legal immigrants will cause a harmful ripple effect**
There are many immigrants living in the United States who are not "lawful permanent residents" but permanently and lawfully reside here. These lawfully residing immigrants pay taxes, are engrained in and contribute to our communities, drive on roads and bridges, and send their children to public schools. Among these legal immigrants living in the United States are Compact of Free Association Migrants such as the Marshallese. Arkansas has the largest population of Marshallese in the United States. Not including the Marshallese – and the many other legal immigrants who reside in our state and country – in the census will result not only in states being underfunded, as referenced above, but will also result in a lack of accurate data on the composition of our communities. Other lawful immigrants who are working towards permanent residency and citizenship such as visa holders and refugees regardless of their citizenship status, will use programs whose funding is apportioned using the census, such as highways. States and local governments will be required to serve more people with less funding. This argument also applies for immigrants

who are not in the United States legally, many of whom, despite their citizenship status, still pay income taxes which is referenced as direct taxes in the constitution.

5. **The plain language of the U.S. Constitution requires the census to count all persons living in the United States.**
   The proposed rules directly violate the constitutional mandate that the "whole number of (free) persons" be counted in the decennial census. More specifically, both the proposed criteria to exclude immigrant groups that are not permanent residents § 60.4 (b) and the proposed change that "usual residence" correspond with tax records § 60.2, violate the Constitution. If the Bureau goes ahead with the proposed changes without a constitutional amendment, it is almost certain to face legal challenges.

Demographic Questions

1. **Surveying on race has long historic precedent**
   The decennial census has included data on race since 1790, long before any debates around diversity, equity, and inclusion (DEI). Simply inquiring about a person's race is not a DEI issue. Moreover, data on race is used for a wide range of purposes outside of anything that has historically been considered DEI.

2. **Census uses outside of constitutional mandate should be considered**
   Data from the decennial census is of critical importance to local governments, researchers, and nonprofits when identifying community needs, potential solutions, and costs. If the proposed changes to the decennial census go into effect, community planning will suffer as local governments and others will not have an accurate representation of the population of their communities to know how many households will be using water infrastructure, schools, and more. Policymakers and nonprofits will have a poorer understanding of the impact of services and programs. For instance, there are many disparities in child well-being seen across racial groups such as the poverty rate. Decennial census and American Community Survey Data on race and income help nonprofits, such as ours, and policymakers better understand the impact of current policies and what policies are needed to ensure all children thrive.

Overlapping concerns

1. **Arguments over demographic data causing privacy concerns conflicts with collection of citizenship data and collection of demographic data on age, gender, and relationship**
   In arguing for the elimination of demographic questions on race, the Bureau highlighted its belief that this was a necessary step in ensuring privacy protections in the decennial census. However, the Bureau did not explain how questions on age, gender, or citizenship status would not result in the same potential concerns regarding privacy. Since the census can safely collect information on age and gender, logic dictates it can also do so with information on race and ethnicity.

Techniques such as disclosure avoidance can protect data privacy and address the Bureau's concerns.

2. **The elimination of disclosure avoidance and uncertainty**
   The long-standing priority of the U.S. Census Bureau is to protect the privacy of all survey respondents, and indeed, everyone in the country. Experts in the Bureau have historically used a variety of "disclosure avoidance methods" to protect privacy. These have been developed, tested, and improved over time. Allowing only certain avoidance methods, and explicitly forbidding the use of more modern, tested methods will result in the public release of much less of the data that local governments, researchers, and nonprofits use to understand our communities and plan for our future.

3. **Administrative data should not be used in-lieu of in-person Nonresponse Follow-Up**
   The proposed rules state the Census Bureau's intention to increase the use of administrative data in conducting the decennial census, but the rules are overly vague in how they would do so and the "situation dependent" circumstances in which they would do so. Nonresponse Follow-Up by enumerators for those households that do not self-respond helps ensure the most current data is used and should not be abandoned for the sole use of administrative records.

Please do not adopt the proposed rule changes for the decennial census.

Sincerely,

Rebecca Zimmermann
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Arkansas Advocates for Children and Families

Pete Gess
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