



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,

Rhode Island KIDS COUNT is writing to comment on 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 September 10, 2026). We appreciate the opportunity to provide additional input and are grateful for the Census Bureau’s efforts to count all residents of the United States, “once, only once, and in the right place” as required by the U.S. Constitution.

Rhode Island KIDS COUNT is a statewide children’s policy and advocacy organization that works to improve the early learning and development, economic well-being, education, health, and safety of Rhode Island’s 209,785 children,¹ with special attention to the 28,000 children who live in poverty.² We provide credible information on child well-being, which stimulates dialogue on children’s issues and promotes accountability and action across policy areas. Our mission is to advance equitable policies that improve the lives of all Rhode Island children and eliminate disparities through the power of data, advocacy, and civic action. We believe that every child in Rhode Island, regardless of race, ethnicity, disability, zip code, immigration status, neighborhood, or income, should thrive in a community where they are healthy, safe, educated, and economically secure.

Our annual *Rhode Island KIDS COUNT Factbook* is a trusted resource guiding action for children’s well-being. Community leaders, policymakers, advocates, and educators rely on it to drive meaningful change across our state. The Factbook relies heavily on having access to complete and accurate Census data.

The Census shapes the lives of Americans and Rhode Islanders in a variety of ways—the allocation of hundreds of billions of dollars in federal funding; determining congressional representation; and planning at the federal, state, and community level.³ Nearly every part of public life depends on the Census.

If the Census does not count *all* residents, our communities will lose resources to support their schools, hospitals, transportation infrastructure, emergency services, and more. In Fiscal Year 2023, nationally, \$2.24 trillion dollars were allocated from the 371 Census-guided federal assistance programs. As illustrated

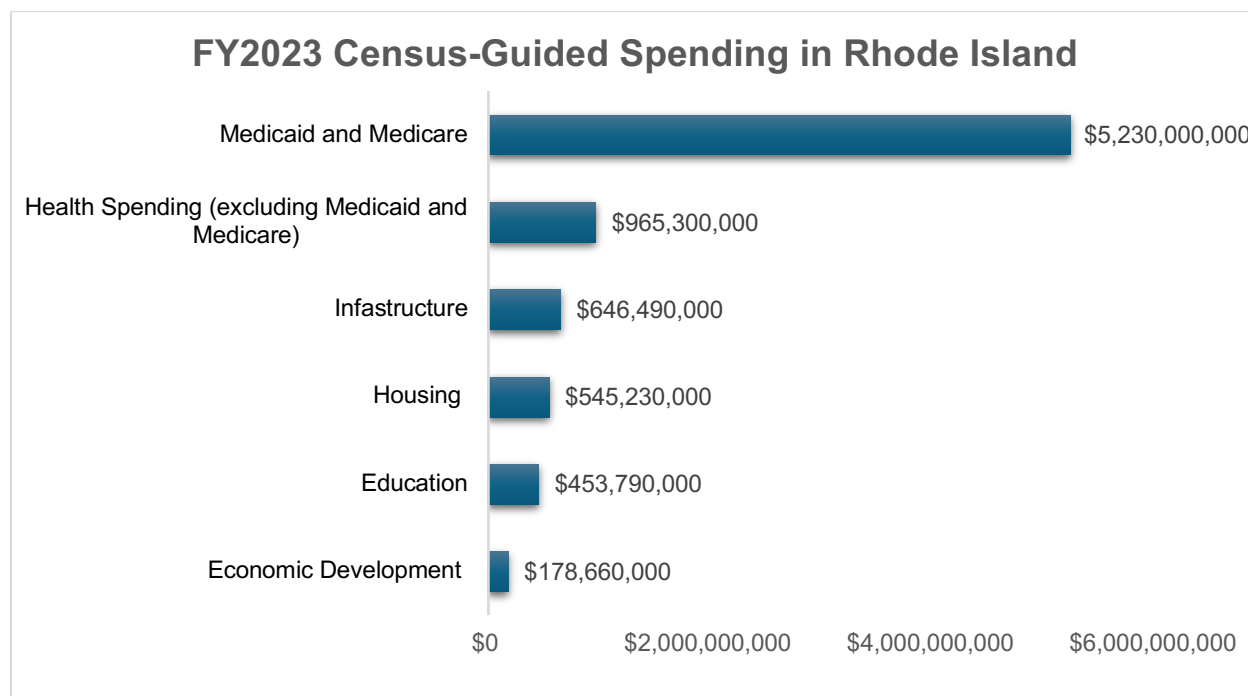
¹ U.S. Census Bureau. (2020). Census Redistricting Data, Summary File, Tables P2, P4.

² Population Reference Bureau. (2025). Analysis of 2020-2024 American Community Survey PUMS data.

³ U.S. Census Bureau. (2026). *Why we conduct the decennial census of population and housing*. <https://www.census.gov/programs-surveys/decennial-census/about/why.html>

in Figure 1. Rhode Island relies on federal funding for many essential programs that support children and families. Children and adults undercounted or missed altogether result in loss of essential funding resources.

Figure 1. Fiscal Year 2023 Census-Guided Spending in Rhode Island



Source: Project On Government Oversight. (2025). Census matters: Census-guided spending.

Certain populations have historically been undercounted in the decennial Census, including young children under age 5, People of Color, immigrants, low-income populations, people experiencing homelessness, people living in non-traditional households, people with disabilities, and people who distrust the government.⁴ **We cannot overstate this:** young children under age 5 are the most highly and consistently undercounted population. The 2020 Census undercounted children under age 5 by an estimated 5.4%--the highest rate of any age group.⁵ Children who aren't counted in the 2030 Census won't be counted again until they are in high school, or even college and beyond. This means that potential funding to enrich their entire childhood will be lost. Even worse, the children that are missed most often are Children of Color.⁶ Thus, children who are already disproportionately poor, vulnerable and most in need of strong communities and services are likely to get less than their fair share of federal and state dollars and adequate services in their communities.

While we support the recent extension of the public comment period until November 2, 2026, 53 days is still not sufficient for the public to review and provide input on this rule given the scope of

⁴ Stempowski, D. (2023). *Counting every voice: Understanding hard-to-count and historically undercounted populations*. <https://www.census.gov/newsroom/blogs/random-samplings/2023/10/understanding-undercounted-populations.html>

⁵ Mather, M. (2026). *Children are already undercounted in the census. Proposed changes could make it worse*. <https://www.prb.org/news/children-are-already-undercounted-in-the-census-proposed-changes-could-make-it-worse/>

⁶ O'Hare, W. P. (2025). *Analysis shows there was an extremely high net undercount of young Black children in the 2020 census*. <https://countallkids.org/resources/analysis-shows-there-was-an-extremely-high-net-undercount-of-young-black-children-in-the-2020-census/>

the proposed changes and the devastating effect they would have on Census data. 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 the Census. **We ask the Census Bureau to extend the comment period until December 10, 2026.**

We also **strongly oppose both part 60 and part 70**, which change residence criteria and demographic items for the 2030 Census. Rhode Island KIDS COUNT is extremely concerned that the proposed residence criteria and changes to demographic questions would undermine the accuracy, integrity, and usefulness of Census data. These changes will lead to an undercount, particularly of young children and children in immigrant families in the 2030 Census, and we submit these comments to identify the features of the proposed rule changes for the Decennial Census that will affect that undercount.

As discussed below, **we urge the Census Bureau and Department of Commerce to:**

- **Continue collecting race and ethnicity demographic data.**
- **Drop the ban on sexual orientation questions.**
- **Abandon any criteria that would exclude U.S. residents, including visa holders, refugees, asylum seekers, and others from the apportionment count.**
- **Do not add a legal status or citizenship question.**
- **Reestablish guidelines for detailed residence situations that encompass varied living arrangements.**
- **Revise language on tax records.**
- **Count incarcerated people at their home rather than their facility.**

Continue collecting race and ethnicity demographic data. Since the first Census in 1790, every single decennial Census has collected race and ethnicity data in some form. Race and ethnicity data are critical for public health as they allow health officials to identify and address differences in health risk factors and civil rights enforcement, helping to ensure fairness. Rhode Island KIDS COUNT consistently looks to the Census race and ethnicity data to inform our policy and advocacy efforts. This disaggregation allows us to understand children living in the state, for example, the 2020 Census reported that nearly half (47%) of Rhode Island children under age 18 were Children of Color.⁷ We're able to dig further into the American Community Survey and learn that between 2020 and 2024, in Rhode Island, 14% of Hispanic children and 8% of children of Two or More Races lived in concentrated poverty compared to only 1% of white children.⁸ The Census' race and ethnicity data allow us to uncover disparities and better advocate for strategic support and measure progress and changes amongst these populations. These data are an irreplaceable benchmark for understanding the population of Rhode Island's children, ensuring that our research is reliable and leads to better outcomes for all.

Drop the ban on sexual orientation questions. There have been significant changes for lesbian, gay, bisexual, and transgender people (LGBT) in the past decade including the passage of marriage equality, increased visibility of transgender people, and passage of the *Equality Act*, however, a persistent lack of routine data collection makes it difficult to understand the changing needs of this population and leaves federal and state policymakers less able to create effective policies for LGBT people and their families.⁹

⁷ U.S. Census Bureau. (2020). Census Redistricting Data, Summary File, Tables P2, P4.

⁸ The Annie E. Casey Foundation. (n.d.). KIDS COUNT Data Center. datacenter.kidscount.org

⁹ Baker, K., & Durso, L.E. (2015). Filling in the map: The need for LGBT data collection.

<https://www.americanprogress.org/article/filling-in-the-map-the-need-for-lgbt-data-collection/>

While not currently asked in the Census, the proposed rule changes would bar the collection of sexual orientation data on future Censuses and could restrict the collection or publication of decennial Census data on same-sex couples. This rule would, without any justification, bar the Census Bureau from adopting such a question in the future, regardless of evolving research and data needs, while also raising important questions about the continued collection and publication of same-sex couple data. Decisions about adding or changing demographic questions on the Census should be guided by a deliberative process that includes rigorous research and testing, consultation with federal agencies about their data needs, and meaningful engagement with subject matter experts and impacted communities.

Abandon any criteria that would exclude U.S. residents, including visa holders, refugees, asylum seekers, and others from the apportionment count. The Constitution requires that every child (and every person) living in the United States be counted. Excluding people who are visa holders, refugees, asylum seekers, and others, will discourage people from responding to the Census and lead to more serious undercount.

In Rhode Island, from 2012 to 2025, the number of public-school students identified as being immigrants has more than tripled (1,893 to 6,105).¹⁰ It's noteworthy that the potential consequences of these exclusions and question reach far beyond immigrants to harm young citizen children by reducing their access to the services and benefits they need to become productive healthy adults. **The likely reduced response rate from the proposed citizenship question will create a severe, negative effect on programs vital to children and families.** Any child living in an area with high numbers of immigrants will suffer because the area will not get the resources it deserves.

Do not add a legal status or citizenship question. The risk of a significant young child undercount in the 2030 Decennial Census is even greater now that millions of immigrant families are likely to be afraid to respond to the Census if it includes a question on citizenship. Even before a potential citizenship question was proposed, Census staff warned that the current political environment would make it harder to persuade people to fill out the Census.¹¹ If the Census form asks about citizenship status, that effect will be much stronger and may result in **11% of all children not being counted.**¹²

This operates in at least two ways:

- Nationally, about 18.3 million children live with at least one immigrant parent, and most are U.S.-born citizens. In Rhode Island, it is estimated that 10% to 24% of children ages 5 to 17 live in mixed-status families.¹³ ¹⁴In the current political environment, many families are afraid to draw attention to an undocumented family member and fear family separation. The uncertainty and distrust of where their information is shared and how it is used by the government may result in U.S.-born citizen children being undercounted.

¹⁰ Rhode Island KIDS COUNT. (2026). Racial and ethnic disparities. <https://rikidscount.org/wp-content/uploads/2026/04/2026-Rhode-Island-Kids-Count-Factbook.pdf>

¹¹ Center for Survey Measurement. (2017). Respondent Confidentiality Concerns

<https://www2.census.gov/cac/nac/meetings/2017-11/Memo-Regarding-Respondent-Confidentiality-Concerns.pdf>

¹² Pillai, D., Pillai, A., & Artiga, S. (2026). Children in immigrant families: Key facts on health coverage and care. <https://www.kff.org/racial-equity-and-health-policy/children-of-immigrants-key-facts-on-health-coverage-and-care/>

¹³ Rhode Island KIDS COUNT. (2026). Racial and ethnic disparities. <https://rikidscount.org/wp-content/uploads/2026/04/2026-Rhode-Island-Kids-Count-Factbook.pdf>

¹⁴ <https://www.migrationpolicy.org/journal/spotlight/frequently-requested-statistics-immigrants-and-immigration-united-states>

- Lawful Permanent Residents (immigrants that have green cards or other documentation authorizing their presence in the country) may be afraid to fill out the citizenship question and the Census. They may fear that policies will change and even lawfully present residents will be at risk.

Reestablish guidelines for detailed residence situations that encompass varied living arrangements. Nationally, roughly 1 in 8 children live in a household headed by someone other than a parent, and children in these arrangements already face higher risks of being missed or counted in the wrong place.¹⁵ In Rhode Island, according to the 2020 Census, over 17,000 children live in multigenerational households.¹⁶ Also, more than 1,400 children in Rhode Island live in out-of-home placements such as foster care.¹⁷ The proposal to drop the specific 2020 guidance for shared custody and other complex living arrangements will lead to substantial undercount, particularly of children. We urge the Census Bureau and Department of Commerce to establish guidelines for detailed residence situations that encompass the varied living arrangements present in the United States such as for people who have recently moved, people in temporary shelters, and children in foster care.

Revise language on tax records. Rhode Island KIDS COUNT also advocates for the Census Bureau and Department of Commerce to revise the proposed language on tax records. The text “A person’s ‘usual residence’ should be consistent with, and evidenced by, their tax records (e.g., tax returns, W-2 forms)” ignores the limitations of tax records. For example, tax records reflect a mailing address (such as post office box, business address, or tax preparer’s address) rather than residential address and thus are inconsistent with residence for many taxpayers, including for many military personnel and their families. Extreme reliance on tax records also risks missing many dependent children in the count.

Count incarcerated people at their home rather than their facility. The current proposal shifts population toward the districts where prisons are built and away from communities where people live, and Rhode Island is a perfect example of this. The Rhode Island Department of Correction’s facilities are located in Cranston, Rhode Island, a suburban community outside of Providence, the capital city.¹⁸ We know that among incarcerated individuals who are parents, 68% live in the five core cities of Rhode Island (the five cities with the highest child poverty rates), compared to just 9% who live in Cranston.¹⁹ If incarcerated people in Rhode Island are counted in Cranston and not in their home communities, the result will be a substantial number of people erroneously counted in one community, a community that they are not from. Counting all people, including incarcerated individuals, in the communities that they are from will yield more accurate Census data and ensure that communities receive the Congressional representation to which they are entitled.

As written, the proposed rule would exclude residents, result in an inaccurate count, and prohibit collection of important data on the characteristics of our population. Such outcomes are

¹⁵ Mather, M. (2026). Children are already undercounted in the Census. Proposed changes could make it worse. <https://www.prb.org/news/children-are-already-undercounted-in-the-census-proposed-changes-could-make-it-worse/>

¹⁶ Rhode Island KIDS COUNT. (2026). Family structure. https://rikidscount.org/wp-content/uploads/2026/04/2026_rhode-island-kids-count-factbook_family-structure.pdf

¹⁷ Rhode Island KIDS COUNT. (2026). Children in Out-of-Home Placement. https://rikidscount.org/wp-content/uploads/2026/04/2026_rhode-island-kids-count-factbook_out-of-home-placement.pdf

¹⁸ Rhode Island Department of Corrections. (2026). Facilities. <https://doc.ri.gov/more-resources/facilities>

¹⁹ Rhode Island KIDS COUNT. (2026). Children with incarcerated parents. https://rikidscount.org/wp-content/uploads/2026/04/2026_rhode-island-kids-count-factbook_incarcerated-parents.pdf

unacceptable and would harm all Americans. A full, fair, and accurate Census is critical for our country and our communities. It will shape the lives of our youngest children at the most critical points in their development and provide important data policymakers, community and business leaders, and researchers need. For the reasons discussed above, we strongly oppose both part 60 and part 70.

Sincerely,

Paige Parks
Executive Director
Rhode Island KIDS COUNT