



August 13, 2025

Electronic Submission

The Honorable Robert F. Kennedy, Jr.
Office of the Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington DC, 20201

**Re: Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA);
Interpretation of “Federal Public Benefit,” RIN: 0991-ZA57**

Dear Secretary Kennedy:

High-quality early learning services, family and community growth, and economic well-being are priorities for the Center for American Progress – an independent, nonpartisan policy institute dedicated to optimizing policies and practices that help all families thrive. It is clear, based on our work and extensive research by the early childhood community, that the notice issued [Docket No: AHRQ-2025-0002] will have a severe and negative impact on the communities served by programs that advance these outcomes, including Head Start.

This notice represents a stark departure from established precedent regarding what constitutes a federal public benefit and who should qualify and, consequently, **our organization, alongside a broad coalition of early childhood advocacy partners strongly urges you to immediately withdraw it.** This reversal on a nearly 30-year-old interpretation of PRWORA violates statutory requirements for changes to eligibility for the Head Start program, and is both broadly counterproductive and harmful to serving vulnerable children and their families – including those who would still be eligible for Head Start under the new interpretation.

This comment details a series of concerns related to the notice and the impacts it will have on the Head Start community. In particular:

1. The notice represents a violation of the Head Start Act and, in a reversal of 30-year established precedent, would meaningfully limit access to vulnerable families – counter to Head Start’s Congressional mandate, with long-term consequences for the program.
2. The notice, even with an active stay of enforcement through September 10th, 2025, exerts a chilling effect on families, who fear repercussions by the administration for seeking early education services for their children.
3. The notice mischaracterizes Head Start as a welfare program, fundamentally misunderstanding the purpose of Head Start as an early education program whose family and community services are offered in service of its mandate to prepare young, low-income children for school.
4. The notice imposes significant costs and administrative burdens on Head Start programs which have never, in the 60-year history of the program, been required to verify citizenship status.

The early years represent a period of significant and rapid development, during which high-quality early education programs can have particular effect in supporting children's long-term outcomes. Imposing arbitrary and harmful limitations on access to a program that has supported school readiness for millions of children will have consequences not only for those children and their families, but for whole communities now and in the future. Please see below for additional detail.

Sincerely,

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I. The notice represents a violation of the Head Start Act, and in a reversal of 30-year established precedent, would meaningfully limit access to vulnerable families – counter to Head Start's Congressional mandate, with long-term consequences for the program.

Head Start is a community-led, education program that helps low-income families access early learning services that prepare their children for school by supporting their cognitive, social, and emotional development.¹ It remains unique for its focus not just on child care as a way to help parents work, but as a holistic program dedicated to early education and development.² The program has never, in its 60-year history, conditioned eligibility on citizenship status and, like many parts of the child care and early learning sector, depends on the work of immigrant early educators and may serve immigrant children and their families.³ Imposing a restriction on access via this notice is a violation of the Head Start Act of 1965, which requires changes to eligibility to go through regular notice and public comment rulemaking. The re-interpretation of the statutory requirements on which the 1998 notice was based overturns 30 years of standard Head Start practice, and fails to account for broader societal and economic consequences posed by a reversal of this practice.

The notice is premised on the speculative assertion that limiting access to Head Start will deter migration at the southern border. In fact, this notice targets undocumented immigrant children as part of the administration's broader anti-immigrant policies aimed at immigrants across the country.⁴ However, while the notice provides no evidence that changes in Head Start eligibility will have any meaningful impact on fixing the broken immigration system, it will pose significant negative consequences for families who

¹ Office of Head Start, Administration for Children and Families, [“Head Start Services”](#); Head Start Policy and Regulation, [“Sec. 636 \[42 U.S.C. 9831\] Statement of Purpose”](#); Center for American Progress, April 16, 2025, [“5 Things to Know About Head Start.”](#)

² Education Writers Association, July 29, 2025, [“A Timeline of Federal Early Childhood Policy.”](#)

³ National Women's Law Center, April 21, 2025, [“Four Things You Should Know About How Immigration Impacts Care Work.”](#); Hechinger Report, Jul 16, 2025, [“America's Child Care System Relies on Immigrants. Without Them, It Could Collapse.”](#)

⁴ American Immigration Council, July 23, 2025, [“Mass Deportation: Analyzing the Trump Administration's Attack on Immigrants, Democracy, and Americans.”](#)

depend on Head Start, alongside broader negative impacts on public health and economic stability. Immigrants make significant federal, state, and local tax contributions,⁵ helping to indirectly fund programs like Head Start for every eligible family, including American children. The enrollment of immigrant families in Head Start does not come at a unique cost to U.S. citizens and it does not threaten the program's integrity. Head Start is designed to serve children who come from families with low incomes, those who are experiencing homelessness, or who are enrolled in the foster care system. The program has always abided by this design, regardless of the child's or family's citizenship status. Administrative actions that drive away still-eligible families, including mixed status families, and wrongfully make eligibility changes through improper regulatory means only make it harder for programs to meet their statutory requirement to prepare children for school, including through services supporting families' health and economic wellbeing.

Head Start investments generate strong and long-lasting returns for children, their families, and their communities.⁶ Improving children's school readiness through high-quality early education services helps to support better outcomes throughout school and beyond, including by increasing graduation rates and adult earnings; early intervention services, developmental screenings, and access to preventive pediatric care helps reduce the need for special education services later on; and parents' trust that their children are in a safe, enriching environment at Head Start helps them pursue work, school, and job training opportunities that improve overall economic stability. The same is true for immigrant families who rely on programs like Head Start to care for their young children as they work and contribute to the country. By design, Head Start programs are embedded in the community, drawing on parent participation in order to reflect the needs of the families they serve – this design helps them to provide education services most effectively and foster better outcomes for the children in their care. This notice threatens these critical goals, weakening access to crucial early learning services.

Head Start also connects families with low incomes to health services, including prenatal and preventive care, which are provided in support of eventual school readiness by improving healthy development early in life. It can be expected that preventing access to these services from low-income families will mean that they will struggle to secure care for their children, including immunizations for communicable diseases that pose a broader risk to public health. The cognitive and physical foundations for learning, social relationships, health, and well-being are built in infancy and early childhood, which impact long-term life outcomes. Programs like Head Start are vital for fostering strong early development, and taking these opportunities away from the most vulnerable families could lead to generational harm.

II. The notice, even with an active stay of enforcement through September 10th, 2025, exerts a chilling effect on still-eligible families, who fear repercussions by the administration for seeking early education services for their children.

There is no evidence to suggest that noncitizen or immigrant families take Head Start slots away from eligible U.S. citizens – but this notice does risk deterring all families, including those who would still be deemed eligible, from seeking services. This chilling effect endangers the stability of Head Start

⁵ American Immigration Council, [“Map the Impact”](#)

⁶ Center for American Progress, June 24, 2025, [“Debunking Myths About Head Start: How the Program Promotes Opportunity and Strengthens Families, Communities, and Economies.”](#)

programs, harming the communities that depend on them for early childhood education and supports for healthy child development. Moreover, the children and families targeted by the notice will certainly experience chilling effects, afraid of facing a penalty from the administration for securing early education services to which they should, statutorily, continue to have access.

There is no way for Head Start grantees to implement this notice without contributing to the deterrence of participation for all families. Adding citizenship verification requirements to the Head Start enrollment process will create obstacles for families and Head Start staff alike. The additional red tape associated with producing citizenship verification documents will be a deterrent for any families who have difficulty obtaining documentation, including those who lack stable housing, children engaged in the foster care system, families in rural areas, and families with low-incomes – a criteria for Head Start eligibility – who are unable to pay the fees associated with acquiring documentation or otherwise do not have access.

This notice will also impact agricultural communities where migrant farmworker families rely on Migrant Seasonal Head Start (MSHS), a program tailored to the needs of the communities it serves by offering extended hours of care and a calendar aligned with harvest seasons.⁷ MSHS provides essential child care for families while they work in the fields. Because migrant workers move seasonally, finding early care and learning opportunities in a new community can be difficult⁸ and the paperwork required to enroll, especially under the new proposed rule requiring families to disclose citizenship status, can create additional barriers. The proposed rule heightens fear and confusion, for immigrant and non-immigrant families, and could lead families to stop using programs like MSHS, forcing parents to reduce their work hours or, with no other options, bring their young children into the fields where they face serious risks from pesticides, farm equipment, and extreme heat.⁹

The chilling effects experienced by eligible Head Start families not only jeopardize the programs themselves by reducing enrollment and participation necessary for their operation but also destabilize broader community access to vital early learning and health services. This can have detrimental consequences even for families who do not utilize Head Start services.

III. The notice mischaracterizes Head Start as a welfare program, fundamentally misunderstanding the purpose of Head Start as an early education program whose family and community services are offered in service of its mandate to prepare young, low-income children for school.

The definition of “federal public benefit” in Section 401(c) of PRWORA, alone, did not provide sufficient guidance for programs or providers to make independent determinations about who should qualify, as evidenced by a two-year period following the passage of PRWORA during which time HHS received numerous inquiries related to the application of the terms “federal public benefit” and “eligible entity.”¹⁰ Consequently, HHS issued the 1998 interpretation of PRWORA¹¹, clarifying that Head Start, among a

⁷ *National Migrant and Seasonal Head Start, “MSHS Programs”*

⁸ *Center for American Progress, April 16, 2025, “5 Things to Know about Head Start”*

⁹ *Ibid.*

¹⁰ *Department of Health and Human Services, Office of the Secretary, August 4, 1998, “Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA): Interpretation of Federal Public Benefit”*

¹¹ *Ibid.*

number of other programs, is exempt. In the case of Head Start, it is because it is an early education program – not one that provides direct cash relief to families, as is the case for other non-exempt public benefit programs. Furthermore, as an early education program, Head Start is also not subject to PRWORA’s explicit identification of “postsecondary education” services as among those for which citizenship is an eligibility requirement – this is not an erroneously narrow interpretation but rather a factual recognition that Head Start, being neither a postsecondary program itself nor directly offering such services, does not meet the definition of “other similar benefit.”

The notice of interpretation also explicitly states, with reference to §1611(c)(1)(B), that a benefit may be considered a “federal public benefit” as long as the benefit “is ‘provided to’ one of three types of recipients: (i) ‘an individual,’ (ii) ‘a household,’ or (iii) a ‘family eligibility unit.’”¹² In the case of Head Start, the recipients of federal funds, who then use those funds to administer early education services, along with other related services for the benefit of qualifying families, may include school districts, nonprofits, private entities, local governments, Tribal organizations, and religious institutions.¹³

Because the language in PRWORA referring to ‘grants’ is also broad and nonspecific, the 1998 notice rightfully clarifies that, as a pass-through entity which delivers services to child beneficiaries, Head Start is not classified as a grant recipient and should not be subject to new, expansive, costly, and burdensome verification protocols. This notice therefore reflects a misunderstanding of the nature of the program and who it is designed to serve.

IV. The notice imposes significant costs and administrative burdens on Head Start programs who have never, in the 60-year history of the program, been required to verify citizenship status.

Verifying the citizenship status of every applicant family will create additional program costs and administrative burdens. This will divert time and funds away from school readiness activities and hinder eligible children from accessing services.¹⁴ Moreover, based on the notice’s associated Regulatory Impact Analysis (RIA), it is unclear how the agency calculated its projected expenditure effects, which are anticipated to range anywhere from \$184 million to \$1.8 billion. These figures purportedly reflect the proportion of Head Start beneficiaries who are non-citizens, despite the fact that citizenship status verification has never been a program requirement, making this information unavailable.

The agency also projects an annual cost of \$21 million for associated administrative expenses, encompassing "opportunity cost of time, review of program eligibility, and transition costs associated with revising standard operating procedures." However, this estimate lacks an explanation of its calculation and an analysis of the financial burdens on families, local businesses, health and education systems, and the broader economy due to restricted program access. Additionally, the RIA equates time spent on verification of immigration status with that of employment eligibility verification, with no rationale for why it should be assumed that the two are equivalent. It also suggests that participants can

¹² Department of Health and Human Services, Office of the Secretary, July 14, 2025,

¹³ U.S. Department of Health and Human Services, “Grant Application,” <https://headstart.gov/grant-application>

¹⁴ Center for the Study of Child Care Employment, April 22, 2025, [“Immigration Policies Harm the Early Educator Workforce and the Communities They Serve.”](#)

complete their immigration status verification in approximately 9 minutes per child,¹⁵ but this is based on the problematic assumption that all families can easily access, read, and comprehend the form instructions, and that they possess all necessary supporting documentation. It is more reasonable to assume that the actual time burden on participants will be substantially greater.

It should also be assumed that both the financial and time costs imposed on Head Start programs to verify immigration status will be considerably higher than what is detailed in the RIA. The anticipated federal costs associated just with immigration status verification are already, per the RIA, expected to divert funds away from implementing Head Start's mission and are expected to result in the loss of services to 1,118 children and pregnant women – an unacceptable outcome for eligible families who depend on Head Start.¹⁶ The inclusion of this estimate in the RIA further showcases that the intent of the notice is to harm Head Start and the families who need its services.

Conclusion

Investments in young children's health and wellbeing generate significant and long-lasting positive outcomes – and the economy, and society as a whole, benefits from the contributions of immigrant families nationwide. Stripping them of crucial support programs is both senseless and harmful to the communities to which these families belong. This notice risks devastating Head Start programs, and the communities they serve, across the country. The reversal on a nearly three-decade-old interpretation of PRWORA violates statutory requirements for changes to Head Start program eligibility, and is both broadly counterproductive and harmful to these crucial programs that serve vulnerable children and their families. We strongly and unequivocally urge you to withdraw this notice.

¹⁵ See “Supporting Statement For Employment Eligibility Verification Omb Control No.: 1615-0047 Collection Instrument(s): Form I-9” page 7, <https://reginfo.gov/public.do/DownloadDocument?objectID=139141501>

¹⁶ See “Final Regulatory Impact Analysis, Docket No. AHRQ-2025-002,” page 13, <https://www.regulations.gov/document/AHRQ-2025-0002-0002>