

Congress of the United States

Washington, DC 20515

August 8, 2025

The Honorable Robert F. Kennedy, Jr.
Secretary
U.S. Department of Health and Human Services
200 Independence Ave. SW
Washington, D.C. 20201

RE: Comments to Proposed Program Changes – Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); Interpretation of “Federal Public Benefit” published in the Federal Register on July 14, 2025 [Docket ID AHRQ–2025–0002]

Dear Secretary Kennedy:

We write to express significant concerns about your proposed Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) interpretation of “Federal Public Benefit,” published in the Federal Register on July 14, 2025 [Docket ID AHQR-2025-0002]. This notice reclassifies Head Start as a “federal public benefit,” and would exclude some immigrant children from its classrooms. Head Start is a critical early childhood education program designed to promote school readiness, not a means-tested public benefit. The proposed change would limit educational opportunities for children, worsen the child care crisis, and add financial burden for all taxpayers while ignoring the urgent challenges Head Start actually faces.

Since its founding in 1965, Head Start has served approximately forty million children and has produced well-documented improvements to children’s health, educational attainment, and long-term financial stability.¹ Lawmakers on both sides of the aisle have long agreed that investing in Head Start is fiscally responsible. The program increases the likelihood of college attendance and completion, boosts adult earnings and economic self-sufficiency, improves health outcomes later in life, and reduces rates of child abuse, neglect, and dependence on public assistance. Every dollar invested in Head Start and Early Head Start yields an estimated \$7-9 in returns.² By preparing children to meet academic challenges early on, Head Start reduces the need for costly remedial education and health care services later. Restricting some immigrants from participating in Head Start would not only limit their future success but would hurt everyone and impose a far greater financial burden on taxpayers over time.

The Department of Health and Human Services’ (HHS) proposed change threatens to exclude an estimated 115,000 children.³ It would primarily harm children who are applying for legal protection in the United States, including those seeking asylum or protection from deportation, along with TPS holders, student visa holders, U visa holders, and undocumented kids, all of whom already face major barriers to stability and opportunity.⁴

¹ Serbin, Bianca. (2025, June 24). *Debunking Myths About Head Start: How the Program Promotes Opportunity and Strengthens Families, Communities, and Economies*. Center for American Progress. <https://www.americanprogress.org/article/debunking-myths-about-head-start-how-the-program-promotes-opportunity-and-strengthens-families-communities-and-economies/>

² *Id.*

³ Geduld, A. (2025, July 16). *Parents, Head Start Providers Challenge New Rule Barring Undocumented Families*. The74million.org. <https://www.the74million.org/zero2eight/parents-head-start-providers-challenge-new-rule-barring-undocumented-families/>

⁴ *Id.*

In addition, excluding some immigrant children from early education may create greater costs over time. Children who enter kindergarten without access to preschool are more likely to need additional support in foundational areas such as literacy, social skills, and basic health care; services that are often addressed in Head Start through early learning and screenings.⁵ Keeping immigrant children from participating in Head Start programs would not address the long waitlists nor alleviate limited program availability. Further, this change is at odds with the 1982 Supreme Court *Plyler v. Doe* decision in which the justices ruled that children have a right to a free public education regardless of immigration status.

The proposed changes may also have wide-reaching consequences for both families and the labor market. Without access to affordable, reliable child care, thousands of parents – many of whom work in essential industries – will be forced to leave their jobs or abandon job searches to care for their children. This disruption will hit hardest in sectors that depend heavily on immigrant labor, such as agriculture.⁶ For instance, the Migrant and Seasonal Head Start program offers full-day care from 6:00am to 6:00pm, October through April, specifically to support farmworker parents who work long hours. Eliminating this support would significantly hinder the ability of migrant and seasonal farmworkers to maintain their employment, causing a ripple effect through the agricultural economy. Reclassifying Head Start as a federal public benefit – and thereby restricting immigrant participation – threatens these jobs and weakens the vital infrastructure supporting low-income and working-class families.

Denying some immigrant children access to the Head Start program would further marginalize immigrant communities who contribute significantly to our economy. Contrary to common misconceptions, undocumented immigrants pay substantial taxes, estimated at nearly \$100 billion in federal, state, and local taxes in 2022 alone.⁷ Despite paying income and payroll taxes, as well as property, sales, and other local taxes, undocumented immigrants receive few, if any, public benefits in return. They are ineligible for key federal programs such as Social Security, Medicare, SNAP, TANF, and health care subsidies. Stripping access to Head Start would undermine early childhood development and deepen social and economic inequities in our communities.

In addition to its harmful effects on the workforce and children’s academic readiness, reclassifying Head Start as a federal public benefit directly contradicts the intent of Congress. Since the passage of PRWORA more than thirty years ago, Head Start has never been classified as a “federal public benefit” under 8 U.S.C. § 1611(c).⁸ The reclassification to condition access to Head Start on immigration status undermines the program’s core purpose as passed into law by bipartisan lawmakers: to provide free, comprehensive early childhood education and care to low-income families.⁹ At no point in its legislative or regulatory history has immigration status been a requirement for participation. This proposed reclassification represents not only a departure from longstanding policy, but a direct attack on the vulnerable communities the program was designed to serve.

⁵ Belsha, K., & Rami, N. (2025, July 10). *Head Start preschools to bar undocumented children under new Trump rule*. Chalkbeat. <https://www.chalkbeat.org/2025/07/10/no-head-start-for-undocumented-immigrant-parents-trump-administration-rules/>.

⁶ *Id.*

⁷ Tax Policy Center. (2024, December 17). *Yes, Undocumented Immigrants Pay Taxes—and Receive Few Tax Benefits*. Tax Policy Center. <https://taxpolicycenter.org/fiscal-facts/yes-undocumented-immigrants-pay-taxes-and-receive-few-tax-benefits>

⁸ *NOTICE OF MOTION AND MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT NOTICE ON MOTION CALENDAR*. (n.d.). Retrieved July 18, 2025, from <https://assets.aclu.org/live/uploads/2025/07/head-Start-Motion-fo-Amend-Complaint-1.pdf>

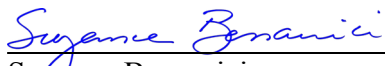
⁹ *Office of Head Start*. (2022). Acf.gov. <https://acf.gov/ohs/comms-fact-sheet/office-head-start>

Head Start faces real challenges that we could work together to address. For example, staffing issues persist and lead to wait lists. According to the National Head Start Association, the top reason for staff vacancies is low compensation, cited by 51 percent of programs.¹⁰ Keeping some immigrant kids out of Head Start will not fix staffing or other resource constraints and problems.

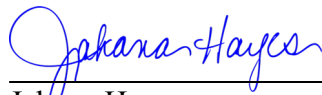
We strongly urge you to cease efforts to reclassify Head Start as a federal public benefit and restore program access to immigrant children, who should not be punished for their family's immigration status. Insufficient investment in children's early years ultimately costs taxpayers far more in the long run by increasing the burden on the education and health systems and shortchanging vulnerable families trying to meet their most basic needs. Head Start programs are critical to overall child care landscape and the proposed change will further exacerbate pervasive challenges in the child care sector, hinder labor participation, and limit educational opportunities for our nation's youngest.

Thank you for your attention to this matter.

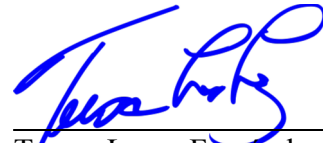
Sincerely,



Suzanne Bonamici
Member of Congress



Jahana Hayes
Member of Congress



Teresa Leger Fernandez
Member of Congress



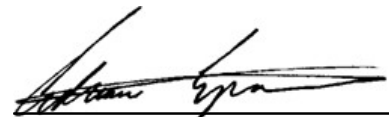
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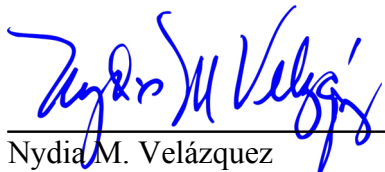
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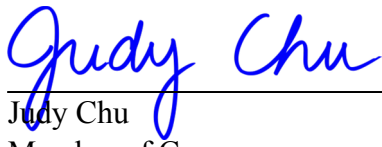


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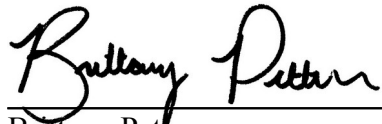
¹⁰ National Head Start Association (Oct. 2023), An Update on Head Start's Ongoing Workforce Crisis. National Head Start Association. <https://nhsa.org/wp-content/uploads/2023/11/2023.10-Workforce-Brief.pdf>.



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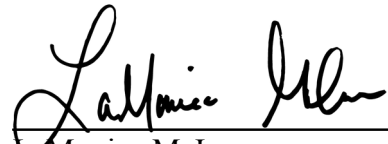
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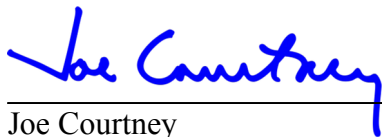
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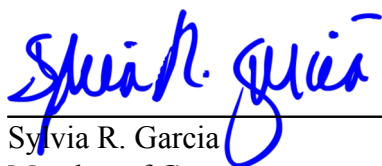
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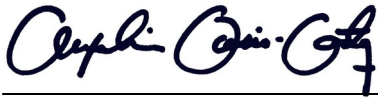
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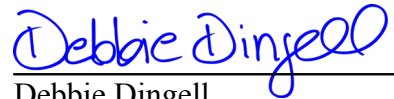
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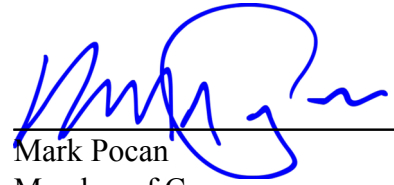
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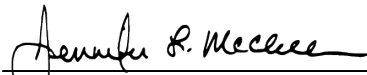
Mark Pocan
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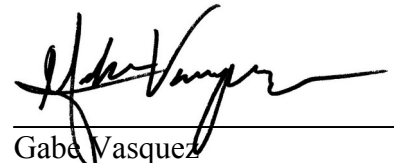
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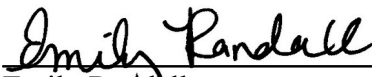
Mark Takano
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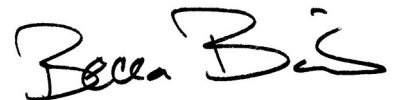
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