



## NATIONAL CONGRESS OF AMERICAN INDIANS

July 24, 2019

Dr. Steve Dillingham  
Director  
U.S. Census Bureau  
4600 Silver Hill Road  
Washington DC 20233

Dear Dr. Dillingham:

We are writing to share our concerns about the U.S. Census Bureau's plans to implement differential privacy methods for the 2020 Census and to request that a formal tribal consultation be held immediately on this topic. The National Congress of American Indians (NCAI) is the oldest, largest, and most representative national organization serving the broad interests of American Indian and Alaska Native (AI/AN) tribal nations. Our mission includes protecting the inherent sovereign rights of tribes, including the government-to-government relationship with the United States Federal government, and the need for tribal consultation on issues and decisions that may have an impact on tribal nations. The issue of differential privacy methods for the 2020 Census has the potential to have a significant negative impact on access to tribal data.

To be clear, tribal nations, Native organizations, advocates, and the NCAI strongly support the U.S. Census Bureau efforts to protect the confidentiality of personal information collected from individual AI/AN persons, families, and households. At the same time, Census data, especially the AI/AN summary table data that are made public, are essential for use by tribes, Native organizations serving off-reservation populations, and federal agencies using Census data at all levels of AI/AN geography, including the tribal governments serving Alaska Native Village Statistical Areas. We understand that the current plans to implement differential privacy methods for the 2020 Census will result in certain AI/AN summary tables not being made public. Through consultation and full engagement with tribal nations, and with the advice of those who use these summary tables, the U.S. Census Bureau must find a balance between privacy protection and the availability of data on AI/AN populations at all geographic levels.

We are writing to express our concern about the impacts of the Census Bureau's implementation of a new method of data protection, differential privacy, on the availability of data to support Native community and research needs, and the failure to engage in tribal consultation on this important matter. We are concerned about the impact this could have on the ability of tribal nations to govern using data gathered on their behalf by the U.S. Census Bureau, the ability to conduct accurate research with AI/AN population data, and the ability of federal agencies to make fair and accurate decisions when Census data is included in funding formulas, competitive grants, and other programmatic operations and decisions. Tribes also depend on this data for competitive grant writing, evaluation, economic and business decisions, and tribal government operations.

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Unfortunately, U.S. Census Bureau officials and staff have not responded to multiple inquiries regarding what data files, tables, or levels of geography containing data on the AI/AN population may be affected by the implementation of differential privacy procedures. We strongly emphasize that the U.S. Census Bureau has a responsibility to comply with *Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*, but to date has not consulted with federally-recognized tribes about the decision to enhance differential privacy methods, and the resulting impact of the loss of public release of certain AI/AN summary tables. We strongly recommend that tribal consultation be initiated as soon as possible. We understand that there may be some efforts by the U.S. Census Bureau to initiate an “informal” consultation at tribal meetings this fall, but we urge you to initiate a “formal” tribal consultation, in accordance with Executive Order 13175, immediately so that tribal input is considered before decisions are made on the exact extent of the differential privacy methods.

We also have significant questions regarding the impact of the new differential privacy methods on AI/AN data quality, how the new method will be implemented, and the potential reduction in the usefulness of AI/AN data provided for public users and researchers. In addition to our request for immediate tribal consultation, we are requesting additional information about your differential privacy methods, their implementation, and their impacts:

1. For the Summary File 1, will public users still have access to tables which provide information on the population for “American Indian and Alaska Native alone” as well as for “American Indian and Alaska Native alone or in combination with one or more races” (for example PCT4 from Summary File 1)? If not, what other options will community members and researchers have for accessing this data?
2. Will data for all the levels of AI/AN specific geography continue to be published, including the major levels such as American Indian reservations, OTSAs, ANVSAs, ANRCs, SDTSAs, but also the reservation portions of states and counties, CDPs on tribal lands, and tribal subdivisions?
3. Given that the use of differential privacy methods requires producing fewer data and tables at small levels of geography such as the Census Block, Block Group, and Census Designated Place level, what impact does this have on relatively small communities? For instance, many AI/AN communities are quite small in population size as well as geography. In some cases, these “All American Indian Areas/Alaska Native Areas/Hawaiian Home Lands within United States” units may be as small as Census Blocks or Census Block Groups, or in unincorporated areas such as Census Designated Places; does this mean that some of these communities will have no publicly-available U.S. Census data for 2020 onward? If this is correct, what other options will community and research users have for accessing this data?
4. If data for smaller levels of geography is suppressed, will the suppression affect just data for the individual smaller geographic areas? Will data for larger areas of the same geography still be published in the tables affected, along with totals for all areas in that geography?
5. Is there a plan to convey this information to tribal leaders in a formal tribal consultation in accordance with Census Bureau policy prior to further planning and implementation of the use of differential privacy methods on the 2020 U.S. Census? If so, when will that tribal consultation occur?

6. It is our understanding that Summary File 2 and the AIAN Summary File will no longer be produced. Can this be confirmed? If this is correct, what other options will community and research users have for accessing this data?
7. In an analysis of differential privacy methods, the author used the 1940 U.S. Census and an epsilon of 0.25 (which is in the range of values proposed by the U.S. Census) to estimate the proportion of the population above 18 years old for enumeration districts in Minnesota. The results give erroneous information, including many enumerations districts with 100% adults and enumeration districts with 0% adults.
  - a. Has this type of analysis been conducted for rural or other small population areas such as American Indian or Alaska Native jurisdictions?
  - b. If so, what are the results?
  - c. How does the Bureau intend to make the 2020 results more closely mirror the collected data?
8. Will you provide an analysis of how the loss of data for AI/AN populations affects funding across the federal government, including each of the federal agencies?
9. Will you provide an analysis of how the loss of data will impact funding and resources (formula funding, competitive grants, business impacts) for each of the 573 federally recognized tribes?
10. How will you conduct tribal consultation on this issue, and what is your timeline for how it will inform any decisions on the differential privacy issue?

Access to accurate data on the AI/AN population at all geographies is important to tribal nations, given the multiple uses of the data in governance, research, and federal agency resource allocation and decision-making. Given the high potential for negative impact on federally recognized tribal governments and their citizens, we request that you respond to this letter as soon as possible. If you have any questions, please feel free to contact us at [research@ncai.org](mailto:research@ncai.org).

Sincerely,



Kevin J. Allis  
Chief Executive Officer  
National Congress of American Indians

cc: Census Bureau National Advisory Committee on Race and Ethnicity  
Census Bureau Scientific Advisory Committee