



# NATIONAL CONGRESS OF AMERICAN INDIANS

March 5, 2021

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Dear Acting Director Jarmin,

We write to provide comments in response to the U.S. Census Bureau Tribal Consultation on the 2020 Census Disclosure Avoidance System (DAS). We are grateful that you held a Tribal consultation webinar on February 18, 2021 to give Tribal Nations an opportunity to provide input virtually. We are responding to the request for written input by March 5, 2021.

We submitted several letters to the U.S. Census Bureau over the past two years with serious concerns about the potential negative impacts on American Indian/Alaska Native (AI/AN) data quality and usability from your plans to implement the DAS using Differential Privacy. We continue to be concerned about data quality, usability, and the unacceptable impact inaccurate 2020 Census data may have on Tribal Nations.

The National Congress of American Indians (NCAI) is the oldest, largest, and most representative national organization serving the broad interests of AI/AN Tribal Nations and advocates to uphold and strengthen tribal sovereignty. Every Tribal Nation, as a sovereign nation, has the right to be counted and to have accurate and usable data about their nation produced from the decennial census. We have clearly stated in multiple meetings and letters to the U.S. Census Bureau that the 2020 Census data must be accurate and usable for the following priority use cases: 1) reapportionment and representation; 2) federal funding formulas and decision-making; 3) local tribal governance; and 4) AI/AN research and surveillance data.

We strongly recommend the U.S. Census Bureau implement the following recommendations:

**Tribal consultation must be held after the upcoming Privacy Protected Microdata File (PPMF) is released to provide an opportunity for tribal input to inform any decisions that will be made at the June 2021 Data Stewardship Executive Policy (DSEP) Committee.** Tribal Nations need to be reassured that 2020 Census data will be accurate and usable for their priority use cases. The U.S. Census Bureau has not released any information on how the most recent changes to

the DAS will impact the quality and usability of AI/AN data and tribal geographies and address the use cases listed above. Given that analysis of the previous demonstration products revealed detrimental impacts to AI/AN data quality under the DAS and Differential Privacy, Tribal Nations require time to analyze the next data release and the opportunity to formally provide input through consultation BEFORE the planned DSEP decisions in June 2021.

**The U.S. Census Bureau must clarify what processes are in place for Tribal Nations and data users to indicate any unacceptable impacts in data released after the DSEP decisions in June 2021 and before the final processing of the 2020 Census data.** We have concerns that any changes and decisions yet to be made in the DAS will significantly impact the AI/AN data quality and have the potential for significant harm to Tribal Nations. We understand that there will be a data release after the DSEP makes its final decisions in June 2021, and stakeholders will have an opportunity to flag any unacceptable impacts to the data before the final data is processed. Tribal Nations need to have an opportunity to comment and flag any unacceptable impacts before final processing begins, and this opportunity would be a part of the tribal consultation process, not a part of general stakeholder input.

**The U.S. Census Bureau must provide to Tribal Nations in detail what changes have been made to prevent significant 2020 Census data population losses in tribal geography data. What are the safeguards to prevent large significant losses in counts to Tribal Nations?**

- In the most recent demonstration product data release, all of the Montana Tribal Nations lost AI/AN alone population counts, over 20 Tribal Nations lost 100 percent of their AI/AN alone population, and some Tribal Nations continued to lose hundreds of AI/AN alone population counts. We urge the U.S. Census Bureau to ensure there are safeguards to protect Tribal Nations from these significant losses in population counts.
- What changes have been tested to meet priority use cases, and how will these changes impact Tribal Nation data quality and usability?

**The U.S. Census Bureau must share information gathered from federal agencies on how DAS may impact the quality of census data used for federal funding formulas and how the U.S. Census Bureau plans to ensure accurate and usable data for those funding formulas.** We heard on the tribal consultation webinar that only five federal agencies responded to the U.S. Census Bureau's request for information on funding formula impacts: Department of Justice, Centers for Disease Control and Prevention, Department of Housing and Urban Development, Indian Health Services, and Department of Labor. Tribal Nations rely on accurate data for federal funding formulas to ensure they get their fair share of resources. Losses in counts for Tribal Nations may result in hundreds, thousands, even millions of dollars of lost funding if 2020 Census data is not accurate. Therefore, we urge the Census Bureau to provide responses to the following questions:

- How has the funding formula information received from federal agencies been incorporated into the DAS algorithm and prioritization?
- Does the U.S. Census Bureau have data to show that the DAS will not result in federal funding formula inaccuracies or losses for Tribal Nations?
- The federal agencies and departments contain many offices and divisions that use different formulas for grants, analyses, and programming. What offices/divisions for these departments and agencies responded and what information has not been received?

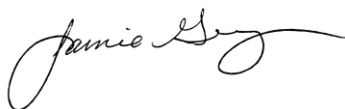
**Data quality for Tribal Nations needs to be accurate and usable beyond merely total population counts.** During the February 18, 2021, Tribal Consultation Webinar, tribal leaders identified expansive census data needs. They also identified a wide range of geographies and demographic characteristics that are essential for their use. Further, tribal leaders made the following comments pertaining to the need for accurate data at all levels:

- Tribal Nations identified the need for accurate data at the Block level, Census Tract level, County level, Place level, and American Indian/Alaska Native/Hawaiian Homelands.
- Tribal Nations identified the need for accurate data on total population, AI/AN alone population, AI/AN alone and in combination population, age, gender, household size, and household structure at specific geographic levels. Funding and resource allocation at the tribal level requires accurate data for resource allocation for certain age groups such as children, youth, and elders.
- Data must be improved in quality and usability at all levels of geography and characteristics identified by Tribal Nations.

Access to usable and accurate data on the AI/AN population at all geographic levels is critical to Tribal Nations given the identified needs by tribal leaders during consultation and the priority uses of data for redistricting, governance, research, and funding. We encourage the U.S. Census Bureau to continue to work to improve the 2020 decennial census data quality and usability and to continue to consult and work with the Tribal Nations to find solutions that do not cause data losses and harm. We would appreciate a response to the questions posed in this letter as soon as possible.

If you have any questions, please feel free to contact our NCAI Policy Research Center team at [research@ncai.org](mailto:research@ncai.org).

Sincerely,



Jamie Gomez  
Chief of Staff  
National Congress of American Indians

