



# NATIONAL CONGRESS OF AMERICAN INDIANS

July 25, 2022

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**NCAI HEADQUARTERS**  
1516 P Street, N.W.  
Washington, DC 20005  
202.466.7767  
202.466.7797 fax  
www.ncai.org

Dr. Robert Santos  
Director  
U.S. Census Bureau  
Office of the Director  
Washington DC 20233-0001

Delivered via email to [robert.l.santos@census.gov](mailto:robert.l.santos@census.gov); [ocia.tao@census.gov](mailto:ocia.tao@census.gov);  
[Dee.A.Alexander@census.gov](mailto:Dee.A.Alexander@census.gov); [2020DAS@census.gov](mailto:2020DAS@census.gov);  
[melissa.k.bruce@census.gov](mailto:melissa.k.bruce@census.gov);

Dear Director Santos,

We write to provide comments in response to the **U.S. Census Bureau's plans for the next 2020 Census data products – the Demographic and Housing Characteristics File (DHC) and Detailed Demographic and Housing Characteristics File (DDHC) and some comments on other census issues.** While we provided some similar comments in a letter to you in December 2021, this letter both emphasizes similar recommendations and provides new ones that focus on the same priorities of ensuring accurate and usable census data for Tribal Nations at the national, regional, and local levels, and the need for meaningful tribal consultation.

**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 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 enjoyed our meeting with you this Spring and we look forward to working in partnership with you in the coming years.

We have stated on numerous occasions and in several prior letters (all published on our NCAI Policy Research Center website at [bit.ly/2N1ICND](https://bit.ly/2N1ICND)) 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 public health surveillance/trend data. Accurate and usable DHC and DDHC data products are critical for use cases 2-4 in the list above. While we acknowledge that the confidentiality of individual census response data is important, these concerns cannot lead to 2020 Census data that is partly or completely unusable for some Tribal Nations.

We have previously stated in our letters to the U.S. Census Bureau **our serious concerns about the potential negative impacts on AI/AN data quality and usability from your plans to implement differential privacy protections on 2020**

**Census data products.** With the release of the 2020 Census P.L. 94-171 Redistricting Data File, our analysis revealed significant and serious issues with data quality and usability for tribal geographies, especially those that are small, rural, and remote. We immediately posted the counts for tribal geographies, and we have heard significant concerns about the lack of accuracy in the 2020 Census counts from Tribal Nations. We are concerned that the differential privacy protections and the post-processing that were implemented compounded and contributed further to poor accuracy and usability of the data, and strongly encourage you to ensure that data in the next 2020 Census data products is more accurate and accessible.

**The detailed data for AI/ANs and tribal geographies in the DHC and the DDHC must be more accurate and of greater quality than the redistricting data, within a reasonable level of privacy.** These data products are used by Tribal Nations and other stakeholders in Indian Country for critical national, regional, and local decision-making, funding formulas, grant funding applications, allocation of resources, and tracking of data trends. The 2010 AI/AN Summary File was particularly important for local tribal governance. We understand that the AI/AN Summary File from previous years is being built into the DDHC. However, the DDHC crosswalk includes many “TBD” tables, and we are concerned that the DDHC will not contain the data that was included in the previous AI/AN Summary File that Tribal Nations need to govern.

In addition to the importance of accurate counts in the numbers of AI/ANs and others living in various geographies and on tribal lands, **information on age, gender, race and ethnicity, and housing are also critically important, as is the quality and accuracy of that data.** For example, while the U.S. Census Bureau is considering grouping data based on age rather than providing all the data on age, Tribal Nations need a variety of age categories for local decision making, grant applications, and local public health surveillance. Tribal Nations require various categorizations for newborns, toddlers, preschool, K-12 education, youth/young adults, teenagers, mid-career workers, and elders to be defined at various ages. Additional categories are defined by Tribal Nations, funders and the federal government. Collapsing age categories to only a few categories would be detrimental to Tribal Nations. While the crosswalk grouped age by every 5 years, it is especially important to Tribal Nations for policy and planning purposes to have access to data for each year for under 5 years of age.

Another consideration raised in the crosswalk is whether certain tables should be available at higher or lower geographies. We understand that the privacy protections must be modified to make data more accurate at lower levels of geographies. **The current plan to only display much of the data to the County or Place geography as the lowest level is unacceptable for Indian Country.** Tribal Nations and federal agencies use census data at the Census Tract, Block Group and Block levels for many critical uses for federal funding formulas, local tribal governance and decision-making, and regional and local public health surveillance. The U.S. Census Bureau should do everything it can to make AI/AN and tribal geography data as accurate and usable as possible down to the census tract level at a minimum, but to the block group level or block level if possible within the constraints to protect individual

confidentiality. It is challenging to separate out which types of data can best be used at which tribal geography levels since all of the 2020 Census data is a critical resource for AI/ANs and Tribal Nations. We recently read that an error was made in the DHC demonstration product and hope that the information provided meant that correcting the error will make data more accurate at lower geographic levels.

We also have concerns that if the 2020 Census produces inaccurate and unusable data for AI/ANs and Tribal Nations, especially at lower geography levels, some federal agencies or others may decide to use data from the American Community Survey instead of the 2020 Decennial Census. As you know, the decennial census is meant to be a “complete count” of all individuals living in the United States, and the American Community Survey, or ACS, is a sample of individuals that is potentially more inaccurate for small, rural, and remote AI/AN populations and communities. Tribal Nations rely on the 2020 Census for accurate data, and given the challenges with COVID-19 during the enumeration period, the errors and undercounts should not be compounded by excessive privacy protections that cause the data to be even more inaccurate and unusable. **The ACS is not a reasonable alternative to the 2020 Decennial Census data in federal funding formulas.**

**We encourage the U.S. Census Bureau to review all the letters sent to date from Tribal Nations in response to the prior tribal consultations on the 2020 Census.** Many of those letters provide specific information on use cases that are applicable to the DHC and DDHC. We were glad to see that you held a tribal consultation session in March 2022 but were disappointed that again, the information presented was at too high of a scientific literacy level. The absence of comments by the audience was likely due to the information conveyed by the U.S. Census Bureau being not understandable to a general audience and not meaningful for government to government dialogue. Again, we suggest in tribal consultation sessions, U.S. Census Bureau staff **avoid using scientific or high literacy level terminology to ensure that the consultation is meaningful** and allows for general understanding of the issues at stake. The last several consultations have been at far too high literacy levels for a lay audience and were therefore not meaningful consultation sessions. We hope that the tribal listening session scheduled for August 18, 2022 and the planned tribal consultation sessions this fall will have information in plain language accessible to a general audience and provide plenty of time for tribal input.

**We have additional concerns since our last letter.** We were told repeated by U.S. Census Bureau staff that the 2020 Census was not used in many **funding formulas** despite our concerns to the contrary. Our research and work since with census stakeholders has revealed that the decennial census is used in funding formulas, plays important roles in adjustments for the American Community Survey, and while not yet used as the base for Population Estimates, the 2020 Census data may play a role at some point in the base or in future adjustments for Population Estimates. We suggest more education of U.S. Census Bureau staff on federal funding formulas and how various census data products play a role and the importance of accurate data to ensure fair funding of all communities, including tribal communities and small, rural, and remote communities. Federal agencies should be working closely with the U.S. Census Bureau to ensure accurate and appropriate use of census data.

We also encourage more education about the appropriate use of census data products and the importance of appropriate disaggregation of data and use of **both AI/AN alone and in combination data** to fully describe the AI/AN population, instead of a narrow use of only AI/AN alone data. While we notice that other census data products increasingly don't include AI/AN data, we encourage you to work to ensure that every census data product provides data on AI/ANs and request funding to conduct oversampling of the AI/AN population. We encourage more research as you review the impacts of an update to the **OMB Standards for the Collection of Race and Ethnicity** to ensure that changes don't adversely impact census data counts for AI/AN populations.

We are also interested in any plans for the U.S. Census Bureau to consult with Tribal Nations on **the use of tribal administrative records in census data products**. As you may know, there are advantages and disadvantages to the use of these records and care must be taken. AI/ANs are usually underrepresented in administrative records due to misidentification or underreporting of AI/AN race, and while they may help with data processing, they may also cause continued systematic underrepresentation of AI/ANs in census data. Tribal Nations will also want to work on appropriate data sharing agreements if they are willing to share their administrative data. We hope you do plan a careful tribal consultation on this issue well in advance of the 2030 Census and before use in other data products.

NCAI also encourages the U.S. Census Bureau to **consult regularly with Tribal Nations on planning, operations, and funding for the 2030 Decennial Census**. The data and experience from the 2020 Census clearly revealed the systemic undercounts of AI/ANs and small, rural, and remote populations from a variety of factors. While COVID-19 played a role, the U.S. Census Bureau must find ways to ensure that everyone is counted. The move towards online completion of the decennial census and reduced staff to conduct field operations disadvantages small, rural, and remote populations. Tribal consultation must occur in addition to general stakeholder input to brainstorm ideas to ensure a fair and accurate count for all communities. The U.S. Census Bureau must propose sufficient funding for this purpose.

**The failure of the U.S. Census Bureau to ensure that AI/AN Tribal Nations have accurate and usable 2020 Census data threatens their sovereign rights and fails to meet the federal trust responsibility.** AI/AN Tribal Nations worked hard to get out the count in the middle of a pandemic, and should not be penalized by inaccurate and unusable 2020 Census data due to overly ambitious privacy protections and other factors that contribute to systematic undercounts. We have given input over the past three years, and while we appreciate that some of our input has been heard, there is much more work to be done to ensure accurate and usable DHC and DDHC data products with a reasonable but not excessive amount of privacy protections. We look forward to continued conversations with the U.S. Census Bureau to find solutions that meet the needs of Tribal Nations and AI/AN communities. We are glad you are planning a tribal listening session in August and have requested to host a tribal consultation on the DHC and DDHC at the NCAI

Annual Convention. Our staff are willing to discuss the possibility of a consultation at the NCAI Annual Convention.

We also want to notify you that our main point of contact, Dr. Yvette Roubideaux, Director, NCAI Policy Research Center, is leaving NCAI on 7/29/2022 to focus on caring for her 91-year-old mother. Until we hire new research staff, please contact our Interim Chief Executive Officer Larry Wright Jr. for any questions at [lwrightjr@ncai.org](mailto:lwrightjr@ncai.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Wright Jr.", written in a cursive style.

Larry Wright Jr.  
Interim Chief Executive Officer  
National Congress of American Indians