



# NATIONAL CONGRESS OF AMERICAN INDIANS

December 16, 2021

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Dear Director Santos,

We write to provide comments in response to the **U.S. Census Bureau's proposed 2020 Census data tables for the Demographic and Housing Characteristics File (DHC) and Detailed Demographic and Housing Characteristics File (DDHC)**. We reviewed the 2020 Census Data Product Planning Crosswalk and U.S. Census Bureau webinars related to this request for stakeholder engagement. We also attended the virtual Tribal Consultation webinar on November 18, 2021.

**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. Congratulations on your confirmation 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. While we know that many factors impacted the accuracy of the 2020 Census data, including closures and delays in enumeration related to COVID-19, we are concerned that the differential privacy protections and post-processing implemented compounded and contributed further to poor accuracy and usability of the data.

**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, grant funding applications, allocation of resources, and tracking of data trends. The AI/AN Summary File is particularly important for local tribal governance. We appreciate that the AI/AN Summary File from previous years is being built into the DDHC. However, the DDHC crosswalk includes many “TBD” tables, 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 the 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. The crosswalk grouped age by every 5 years, it is 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 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 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 are unable to determine with the crosswalk tables the degree of accuracy of the data where it says data will be available down to the block level. Metrics are needed to understand and provide feedback on the range of errors at each geographic level due to privacy protections.

We understand that the U.S. Census Bureau is considering whether to release data in microdata format or in tabular format for the DHC and DDHC data. We need to see the relative level of accuracy in demonstrated products you release in 2022 generated each way so we can compare and make meaningful recommendations. We know that many in Indian Country need accurate data down to the block level for the DHC and DDHC data, and we encourage you to find a method that helps Tribal Nations get the 2020 Census data that they need in a usable format that finds a way to ensure that the privacy methods don't render the data unusable.

We also have concerns that if the 2020 Census results in 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 even 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 them 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 encourage you to conduct another tribal consultation webinar when you release the demonstration data in 2022 since the last tribal consultation webinar 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 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 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.

**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. 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.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Dante Desiderio".

Dante Desiderio  
Chief Executive Officer  
National Congress of American Indians