



# NATIONAL CONGRESS OF AMERICAN INDIANS

June 25, 2020

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Dear Director Dillingham:

We write to provide urgent recommendations on the U.S. Census Bureau's **proposed 2020 Census Disclosure Avoidance System (DAS)**. In our last letter sent to you on April 23, 2020, we requested meaningful consultation on a number of issues and challenges. A Census Roundtable Discussion was held on May 25, 2020, but we believe it was not a meaningful session and did not adequately address the issues and challenges we expressed in our letter. We are writing to demand immediate, meaningful tribal consultation solely on the DAS so that our priority use cases for American Indian and Alaska Native (AI/AN) data can be addressed as soon as possible.

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 data about their nation produced from the decennial census. We have clearly stated in multiple meetings with the U.S. Census Bureau since last year that the 2020 Census data must be accurate 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.

Despite multiple reassurances from U.S. Census Bureau staff over the past five months, we are disappointed to learn that plans to address tribal priority use cases, including the need for data for local tribal governance, are no longer being addressed. U.S. Census Bureau staff informed NCAI and tribal leaders in the Census Roundtable Discussion that a new geographic spine strategy would be tested to address the priority use cases for political and legal entities

and would place AI/AN data on the geographic spine, make AI/AN data within a state invariant, and would give AI/AN geographies their own direct allocation of the privacy loss budget. While we were interested to see how this proposed plan would fare in Sprint II, we were recently informed that the new geographic spine was not tested and instead was dismissed by U.S. Census Bureau officials as “too hard” to implement.

While our team was repeatedly assured by U.S. Census Bureau staff in numerous calls, meetings, and virtual workshops since January that our concerns were being addressed, we recently learned the information that was provided to us was in fact, not true. This lack of transparency is even more concerning since the metrics associated with the recent data in Sprint II showed the error measures to be even worse for AI/AN data as well as for other impacted small, rural, and remote populations compared with prior demonstration product data.

We are losing confidence in your efforts to make adjustments to the DAS and are concerned that our priority use cases are not being addressed. Even your own staff admitted after the December 2019 National Academy of Sciences, Engineering, and Medicine workshop that the results of applying the DAS to the 2010 demonstration product were “unacceptable.” It is now six months later, and the results of Sprint II are even more inaccurate. We are losing confidence that your team can correct these unacceptable outcomes in the short time remaining. However, this concern does not alleviate the U.S. Census Bureau from their duty to consult with tribal nations on a government-to-government basis in a meaningful manner. To date, this has not occurred.

Therefore, we demand that you adopt the following recommendations immediately:

- Provide an immediate response to our last letter dated April 23, 2020, and to this letter;
- Provide an immediate and transparent update to all tribal nations on your current plans to improve the DAS to ensure accurate and accessible decennial census data for the priority use cases relevant to tribal nations;
- Detail how you plan to ensure that tribal nations receive the same focus and considerations for ensuring accurate data as states;
- Schedule a tribal consultation session within the next two weeks that focuses solely on the DAS and does not include other census updates or topics and allows for adequate time for discussion and questions;
- Prepare background materials in plain language for the consultation and disseminate them at least one week prior to the consultation;

- Provide a detailed explanation of why the prior plan to include AI/AN Tribal Areas in the geographic spine for the DAS in the 2020 Census was not tested and implemented, and what alternatives you are currently considering;
- Extend the timeline for the decision on the Disclosure Avoidance System algorithmic structure, including geographies and invariants, from September to December 2020;
- Release a demonstration product after each sprint that is similar to the 2010 demonstration product released in October 2019 – the microdata file is not sufficient for comparison and not useful to a lay audience; and
- Delay a final plan for implementing the DAS until meaningful tribal consultation results in a plan that ensures accurate and accessible data for AI/AN and tribal nation priority use cases.

Access to accurate data on the AI/AN population at all geographic levels is critical to tribal nations, given the multiple uses of the data for redistricting, governance, research, and federal agency resource allocation and decision-making. Given the high potential for a negative impact from the DAS on federally recognized tribal governments and their citizens, as we learned from the 2010 Demonstration Products and the latest round of metrics from Sprint II, we request that you respond to and implement the recommendations in 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 Allis  
Chief Executive Office  
National Congress of American Indians

CC: The Honorable Carolyn Maloney, U.S. House of Representatives  
The Honorable Jim Jordan, U.S. House of Representatives  
The Honorable Ron Johnson, U.S. Senate  
The Honorable Gary Peters, U.S. Senate  
Mr. Tyler Fish, Executive Director, White House Council on Native American Affairs