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**U.S. House of Representatives
Committee on Oversight and Reform
Oversight Hearing on Reaching Hard-to-Count Communities in the 2020 Census**

**Written Testimony of Kevin J. Allis, Chief Executive Officer
National Congress of American Indians
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Good morning Chairwoman Maloney and Ranking Member Jordan. I am Kevin Allis, and I am a member of the Forest County Potawatomi Community and the Chief Executive Officer of the National Congress of American Indians (NCAI). On behalf of NCAI, I thank you for holding this hearing on reaching hard-to-count communities in the upcoming 2020 Census. American Indians and Alaska Natives (AI/AN) are among the most hard to count populations, and failure to fully enumerate the AI/AN population could have devastating consequences. Tribal nations rely on the U.S. Census Bureau to make sure that the count for Indian Country is accurate and complete to ensure proper representation and redistricting, equitable federal funding decisions and formulas, and access to accurate census data for local tribal governance.

Founded in 1944, NCAI is the oldest, largest, and most representative national organization serving the broad interests of tribal nations and communities. Tribal leaders created NCAI in response to termination and assimilation policies that threatened the existence of AI/AN tribal nations. Since then, NCAI has fought to preserve the treaty and sovereign rights of tribal nations, advance the government-to-government relationship, and remove historic structural impediments to tribal self-determination.

Like all other governments, tribal nations strive to build strong economies and ensure the health and wellbeing of their citizens and are assuming greater levels of responsibility to meet the needs of their citizens. However, tribal nations receive inadequate federal funding and resources for roads, schools, housing, education, healthcare, and other public services, and any undercount of the AI/AN population threatens the equitable allocation of federal funding through programs and formulas intended for tribal communities. The prospect of an undercount and its impact on funding is particularly troubling because federal law and policy have resulted in tribal nations lacking tax bases that state and local governments enjoy.

Tribal nations continue to honor their treaties and agreements with the United States, and only seek those things promised to them and their citizens in treaties and agreements. These obligations are the foundation of the government-to-government relationship that exists between tribal nations and the United States. The U.S. Census Bureau, as a federal agency, must uphold its trust responsibilities to tribal nations. The 2020 Census is a critical event for AI/ANs that requires action by the U.S. Census Bureau to ensure an accurate and complete count for Indian Country, and consultation where U.S. Census Bureau decisions could impact tribal nations and their citizens, especially those with implications for the next several decades.

U.S. Census and Importance for Indian Country

The Census is a critical and powerful source of data that will significantly influence United States federal policy for the coming decade. It is mandated in Article 1, Section 2 of the U.S. Constitution, and is central to our representative form of government. A fair democracy requires an accurate and complete population count.

The U.S. Census Bureau conducts the Decennial Census, and its goal is to enumerate the entire U.S. population every 10 years. The Decennial Census questionnaire asks basic information about the number of people living in each household, other household characteristics, and demographic characteristics such as age, gender, and race/ethnicity. Other descriptive characteristics of the population are gathered in the annual American Community Survey, but this survey only includes a sample of the population each year. The 2020 Census is critical because it is the only complete enumeration or count of the U.S. population. Therefore, the 2020 Census is our only chance in the next 10 years to have a complete and accurate count of the AI/AN population.

Redistricting and Voter Representation Impacts

The importance of the 2020 Census to Indian Country cannot be overstated. A full and accurate count is needed to ensure that AI/AN voters have an equal voice and are accurately represented in the political process. The 2020 Census data will be used for allocation of seats in the U.S. House of Representatives, and will be used in political redistricting efforts on the state and local levels. The 14th Amendment to the U.S. Constitution guarantees equal representation, and therefore, congressional districts must have roughly equal numbers of people. Decennial Census data is used to draw these district lines.

P.L. 94-171 governs the release of census data for redistricting at the federal, state, and local levels. An accurate count is necessary to ensure that AI/AN voters have a fair and equal voice in the political process for non-tribal elections. An accurate count is also necessary to ensure that jurisdictions use census data to comply with the Voting Rights Act, such as making sure that AI/AN voters have access to language assistance when they cast their votes in an election. AI/AN people deserve to have fair and accurate voting representation, especially since the Native vote has increasingly been a swing vote in several recent elections. It is imperative that the AI/AN data must represent an accurate and full count in the P.L. 94-171 redistricting file, which is sent to the President and Congress at the end of 2020.

Federal Funding Impacts

The 2020 Census will also be important to Indian Country because census data play a key role in the fair distribution of billions of dollars to tribal nations and AI/AN communities across the United States. Census data are used in federal funding decisions, and formulas for housing, healthcare, education, schools, water and sewage projects, roads, and economic development programs. These federal resources are a part of the federal trust responsibility, and the U.S. Census Bureau has a responsibility to ensure that the 2020 Census is an accurate and full count of the AI/AN population. In many cases, years of underfunding have left tribal nations with critical infrastructure and programmatic needs. An undercount would further exacerbate the funding gaps that were highlighted in the *Broken Promises* report released by the U.S. Commission on Civil Rights in

December 2018. Indian Country cannot afford an undercount that denies tribal communities millions of dollars in federal funding that could improve the lives of tribal citizens.

Local Tribal Governance

The 2020 Census is also critical for tribal sovereign decision-making, as census data informs local tribal governance decisions and programming. Tribal nations use census data to understand their community needs, for programmatic and resource decision-making, and to justify requests for grant funding and other resources. Undercounts of the AI/AN population hamper the ability of tribal nations to express their sovereign right to govern and accurately meet the needs of their citizens. Census data are also used by researchers to better understand the population demographics and needs in Indian Country. A complete and accurate count of the AI/AN population is essential for tribal sovereignty and governance.

American Indians and Alaska Natives are a Hard-to-Count Population

Certain population groups are at higher risk of being missed in the Decennial Census, and these groups are considered “hard-to-count” (HTC). AI/AN people, especially on reservations and in Alaska Native villages, have been historically underrepresented in the Census. In the 2010 Census, the U.S. Census Bureau estimates that AI/ANs living on reservations or in Native villages were undercounted by approximately 4.9 percent, more than double the undercount rate of the next closest population group.

The net undercount for American Indians living on reservations was also very high in 1990, with an estimated 12.2 percent missed. About one in three Native people live in HTC census tracts.ⁱ The U.S. Census Bureau identifies twelve characteristics that are associated with census undercounts, including linguistic isolation, poverty, low educational attainment, lacking a telephone, unemployment, and others. A recent report found that although the rural population is generally easier to enumerate than the urban population, certain rural areas will be difficult to count in 2020, such as American Indians on reservations and Alaska Natives, as well as Hispanics in the Southwest, residents of Appalachia, migrant workers, and African Americans in the rural South.ⁱⁱ

A large proportion of AI/ANs in certain states live in HTC tracts. For example, in New Mexico, the percent of AI/AN people living in HTC tracts is 78.6 percent, with high percentages of HTC tracts found in the following other states: 68.1 percent in Arizona, 65.6 percent in Alaska, 52.4 percent in South Dakota, and 49.9 percent in Montana.ⁱⁱⁱ

Hard-to-Count Risk Factors

It has been proven households living in poverty are very hard to count. In 2015, 38.3 percent of Native individuals on reservations were living in poverty compared to the national rate of 13 percent.^{iv} Young children are also undercounted at disproportionately high rates compared to other age groups, and Native people on reservations have a median age nine years lower than the national average.^v The poverty rate is 46.3 percent for AI/AN-alone youth ages 0 to 17 in reservation areas.^{vi} Many of the characteristics that make AI/ANs an HTC group persist, such as economic hardship and education. As such, we are disappointed that the U.S. Census Bureau did not conduct end-to-end testing with an AI/AN community, as it did in the past, and now may not have adequate resources to enumerate accurately the AI/AN population in the 2020 Census.

In the 2020 Census, new methodologies for enumerating the U.S. population could further put HTC populations at risk. The 2020 Census will begin its in-person count in Alaska this month, and will begin mailing information to households in March to encourage them to complete the census questionnaire online, by phone, or in person. The online questionnaire is a new option for the 2020 Census, and the U.S. Census Bureau apparently has planned its operations with the assumption that most households will complete the questionnaire online. The resources and staff dedicated to in-person enumeration is far less than utilized in past Decennial Censuses. While some tribal nations in rural and remote communities have chosen to have an actual enumeration instead of the mail option, most AI/AN households in urban and rural areas are included in the plan to encourage taking the Census online, by mail, or by phone. This decision by the U.S. Census Bureau to focus efforts on online enumeration is a significant risk for a greater undercount of the AI/AN population since many communities and individual households do not have access to broadband or other internet coverage.

The U.S. Census Bureau conducted the Census Barriers, Attitudes, and Motivators Survey (CBAMS) to inform work on the 2020 Census Integrated Partnership and Communications Plan. While attitudes and the political climate may have changed since the 2010 CBAMS, the results of the last study are informative as baseline data to understand the critical need for effective education and outreach activities for 2020. Some relevant findings include the following:

- Concerns of privacy proved to be the most cited barrier with most ethnic groups, including AI/ANs, and participants agreed about “not feeling comfortable divulging personal information to an unknown enumerator” and “explicitly called for enumerators to come from their own ethnic group;”
- Native people reported that “trusted voices” are important in messaging about the importance of Census and participation in the survey;
- AI/AN participants expressed concern around filling out the form and cited the fear of repercussions based on ethnicity and worried, “even though it’s not my family right now, it could be;”
- Many participants voiced concerns regarding older generations and language translation, expressing that assistance was necessary or some, “may forgo the Census all together;” and
- Like the 2010 CBAMS results, AI/ANs still do not tend to consider it a “civic responsibility” to answer the Census, but answering the Census reflects pride in oneself.

The 2020 CBAMS report suggested that AI/AN people, especially young people, exhibited a lack of knowledge about the Census, indicating that they did not know when or how to complete the Census. Overall, AI/AN people expressed a heightened concern around confidentiality and privacy. The report recommended focusing on knowledge of the Census and its impact, evidence of community benefits, and a better future for AI/AN communities.

These results are important since many aspects of public life have changed since the last Census, with heightened concern around security of digital data, federal government agency breaches, as well as the perception of increasingly strained race relations. These new elements of the social landscape may exacerbate some of the barriers to Census participation, especially mistrust of government and the perception that participation in the Census may not lead to improvements in one's community. Finding the trusted messengers in Indian Country is critical to an effective public education and outreach campaign, especially for AI/AN people.

NCAI conducted its own message testing in a series of focus groups in 2018, and the AI/AN participants noted the following challenges to participation in the 2020 Census: a general distrust of government, low awareness of the purpose of the Census, prior claims of benefits not being delivered, concerns over the accuracy of the data that would be collected, and literacy issues such as language accessibility. Participants also indicated the importance of trusted sources to help with the count in their communities.

As mentioned above, an undercount would be devastating for the AI/AN population and tribal nations. A complete count is needed for fair and accurate voting representation, fair allocation of federal resources, and accurate data for local tribal governance. The U.S. Census Bureau needs to do much more to address the needs of HTC populations as it begins its work on the enumeration for the 2020 Census.

U.S. Census Bureau Challenges

Careful planning and adequate funding are essential to minimizing undercounts of the AI/AN population. Clearly, there is still a lot of work to be done to ensure a full and accurate count of the AI/AN population. We are concerned that the process for hiring partnership specialists and other census jobs was more burdensome this year, and there have been significant delays due to the new online application and required clearances. As we move into 2020, and are weeks away from enumeration in the Yupik Alaska Native village in Toksook Bay, planning, funding, and employment of enumerators for the U.S. Census Bureau appears to be a significant problem.

Hiring is vital for a complete and accurate count in AI/AN communities. The U.S. Census Bureau planned to hire "hundreds of thousands of positions," yet the hiring process has been sluggish at best, requiring applicants to wait weeks or even months before hearing back about open positions. The U.S. Census Bureau has not indicated how close they are to their hiring goal for enumerators for AI/AN communities, and we urge the Committee to exercise its oversight authority to ensure Indian Country and Congress are apprised of the status of hiring activities. As mentioned in the CBAMS report, AI/AN citizens are more likely to respond to the survey if they are approached by a "strong trusted voice" from their community.

Unfortunately, the government shutdown of 2019 resulted in critical delays in U.S. Census Bureau efforts to execute communications plans to HTC populations, hire enumerators, and determine key logistics such as Question Assistance Center placement. Up until the federal budget was signed on December 20, 2019, funding levels and distribution to governmental programs was still unclear even though Alaska enumeration was a mere 32 days away on January 21, 2020.

The U.S. Census Bureau's advertising plan includes a total of three phases (Awareness, Motivation, and Reminder) with a five-month cycle, and they recognize this plan as a "key component" of the

overall campaign. Although the standard for executing this campaign was set at a five month cycle, the Alaska paid media campaign began December 18, 2019, leaving only a four-week turnaround time to fulfill the entire cycle of messaging. The delay in advertising will likely cause an undercount among already HTC communities.

The U.S. Census Bureau must urgently elevate its efforts to address these issues that threaten to result in an even greater undercount of the AI/AN population in the 2020 Census. We encourage the Committee to conduct additional oversight on the U.S. Census Bureau's plans and activities over the next few weeks and months to ensure the concerns above are addressed.

NCAI Indian Country Counts Initiative – Ensuring a Full and Accurate Count

NCAI is working to help ensure that the 2020 Census results in a complete and accurate count of the AI/AN population. We believe that our efforts can help encourage tribal nations and AI/AN communities to assist with efforts to ensure a complete and accurate count for Indian Country. In April 2019, NCAI launched our legacy campaign, Indian Country Counts, to help get out the count for the AI/AN population. Our campaign is based on our message testing and makes the case that AI/ANs should participate in the 2020 Census for our families and generations now and in the future. AI/ANs need to be fully counted, need to be visible and heard, and need accurate data when resources are on the line and for our votes to matter. The Indian Country Counts tag line is “Our Nations. Our People. Our Future.”

NCAI's Indian Country Counts Initiative includes three key components: outreach and education, coalition building, and community engagement. In terms of outreach and education, NCAI developed messaging and promotional materials, toolkits, and other resources that local communities can use to encourage participation in the 2020 Census. NCAI is launching its own media campaign in partnership with Native Public Media to ensure that AI/AN HTC communities receive culturally-appropriate messaging to inform and educate on the importance of the 2020 Census. NCAI is also working to build a coalition of national, regional and local/tribal organizations and advocates to help with this work. NCAI is working with communities to engage grassroots coordinators and tribal leaders to take a pledge to participate, encouraging communities to form tribal complete count committees, and conducting trainings in person and via webinar.

Our efforts do not absolve the U.S. Census Bureau of its responsibility to use its staff and resources to ensure a full enumeration of the AI/AN population. NCAI recommends that the U.S. Census Bureau take immediate steps to implement the following actions:

- Immediately address delays in hiring AI/AN enumerators and partnership specialists to enhance the utilization of trusted sources for the AI/AN population count;
- Reallocate resources to address needs for more communication and actions to ensure a complete enumeration of the AI/AN population in the initial phase from January to May 2020 and especially during the non-response follow up phase from May to July 2020;
- Increase communications to AI/AN communities on what resources are available to ensure their participation in a complete count;

- Increase media buys in more diverse areas for AI/AN communities, especially in HTC tracts; and
- Ensure that data collected about AI/AN households and individuals is accurate and accessible after implementation of planned new disclosure avoidance methods.

Concerns over Differential Privacy Implementation

NCAI agrees with the U.S. Census Bureau’s goal of protecting the confidentiality of individuals and their information that they submit when they respond to the 2020 Census. However, we have significant concerns about the U.S. Census Bureau’s plans for implementing a new statistical method called “differential privacy” that will help protect census data against new threats to privacy from the availability of high-powered computing combined with third party data sources.

While we agree that the U.S. Census should do everything it can to protect privacy, we are concerned that this new statistical method will cause some data to be altered, especially for small, rural, and remote populations. We understand that depending on the level of privacy protection, some census data tables and products that were available in the past will not be made available to the public, including AI/AN summary tables, and data for small, rural, and remote tribal nations.

Census data must be accurate for all AI/AN individuals and tribal nations for three purposes: 1) redistricting file (P.L. 94-171) – the count for AI/ANs must be accurate to ensure proper representation in legislative districts; 2) federal policy decisions and funding formulas – the count for AI/ANs must be accurate to ensure that all tribal nations and communities receive their fair share of resources; and 3) local tribal governance – tribal nations need accurate local data at least down to the census tract or block level for local governance.

NCAI assembled a group of statisticians and demographers earlier this year who use AI/AN census data and met to relay our concerns to the U.S. Census Bureau and encouraged them to consult with tribal nations. The U.S. Census Bureau initiated a tribal consultation in September 2019, and held in person sessions at the Alaska Federation of Natives Annual Convention and the 2019 NCAI Annual Convention. They have requested information on data table usage from tribal nations and use of census data in federal funding formulas from federal agencies. During a recent National Academy of Sciences Committee on National Statistics Workshop, additional concerns about data availability were discussed after analysis of the U.S. Census Bureau 2010 demonstration product released in October with differential privacy applied for AI/ANs and other small, rural, and remote populations.

NCAI continues to work with the U.S. Census Bureau to encourage solutions that respond to the critical needs for accurate and accessible data for tribal nations and tribal consultation must continue until adequate solutions are developed. The outcome of the tribal consultation is pending a response from the U.S. Census Bureau and a decision must be made before the 2020 Census begins. Tribal nations must have access to accurate data for local governance, use in redistricting, and fair federal decisions and funding formulas.

The U.S. Census Bureau must continue to consult with tribal nations to develop an acceptable solution to ensure that AI/AN census data is both private and accurate, and census data must be

accessible and as accurate as possible for redistricting purposes, federal funding decisions, and local tribal governance needs.

Conclusion

On behalf of NCAI, I again thank you for holding this hearing to ensure Indian Country counts. The Decennial Census is a foundational tenet of American democracy and central to our representative form of government. A fair democracy requires an accurate population count, including throughout Indian Country for the AI/AN population. We urge the Committee to address the concerns raised in this testimony as soon as possible to ensure a full and accurate count of the AI/AN population. We look forward to working with the Committee on a bipartisan basis to ensure that the federal government fulfills its treaty and trust obligations to tribal nations by performing a complete and accurate count in the 2020 Census.

ⁱ Leadership Conference Education Fund. (2018). Table 1a. States Ranked by Number of American Indian/Alaska Natives (race alone or in combination) living in Hard-to-Count (HTC) Census Tracts. Accessed at <http://civilrightsdocs.info/pdf/census/2020/Table1a-States-Number-AIAN-HTC.pdf>.

ⁱⁱ O'Hare, William. (2017). 2020 Census Faces Challenges in Rural America. National Issue Brief #131. University of New Hampshire, Carsey Research.

ⁱⁱⁱ Leadership Conference Education Fund. (2018). Table 1a. States Ranked by Number of American Indian/Alaska Natives (race alone or in combination) living in Hard-to-Count (HTC) Census Tracts. Accessed at <http://civilrightsdocs.info/pdf/census/2020/Table1a-States-Number-AIAN-HTC.pdf>.

^{iv} "Table B17001C: Selected Population Profile in the United States: 2015 American Community Survey 1-Year Estimates." U.S. Census Bureau. Accessed at https://factfinder.census.gov/bkmk/table/1.0/en/ACS/15_1YR/B17001C/0100000US|0100089US.

^v The Native median age on reservations is 29.1 years compared to the U.S. median age of 37.8 years. "Median Age by Sex (American Indian and Alaska Native)." U.S. Census Bureau, Retrieved 2017. Accessed at https://factfinder.census.gov/bkmk/table/1.0/en/ACS/15_1YR/B01002C/0100000US|0100089US.

^{vi} 2012-2016 5-year ACS estimates by land area.