NC DOA
Department of Administration

Josh Stein
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November 2, 2026

George M. Cook, Deputy Under Secretary Performing the Non-Exclusive Functions and Duties of the Director of the U.S. Census Bureau
Census Bureau, U.S. Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230

RE: Decennial Census of the Population of Americans: Proposed Residence Criteria and Proposed Regulations for Demographic Questions [USBC-2026-0628]

Dear Mr. Cook,

The North Carolina Department of Administration (DOA) strongly opposes the US Census Bureau's proposed changes to the residence criteria and demographic questions for the decennial census. If adopted, these rules would prevent North Carolina's three federally recognized tribes – Catawba Nation, Eastern Band of Cherokee, and Lumbee Tribe of North Carolina – and six state-recognized tribes – Coharie Tribe, Haliwa-Saponi Indian Tribe, Meherrin Indian Tribe, Occaneechi Band of the Saponi Nation, Sappony, and Waccamaw Siouan Tribe – from obtaining complete and accurate census counts. Incomplete and inaccurate census data could significantly impact American Indians' political representation and access to federal funding, while limiting the State's ability to appropriately plan and deliver essential programs and services to American Indians across North Carolina.

1. Proposed Residence Criteria Likely to Cause Confusion & Contribute to Undercount of North Carolina's American Indian Population

The proposed changes to residence criteria will make it harder for North Carolina's tribal members to participate in the census and be counted fully and accurately. NC DOA strongly opposes the proposed residence criteria changes and urges the Census Bureau to adopt the same usual residence criteria used in Census 2020.

American Indians and Alaska Natives have historically been undercounted by the decennial census. While no state-specific estimates exist, the Census Bureau estimated that 0.9% of all American Indians were missed in the 2020 count. Some 5.6% of American Indians living on reservations were excluded, as was 0.8% of the American Indian population living on non-tribal lands, such as urban areas.

In part, American Indians are apt to be undercounted since they tend to live in rural census tracts that are considered hard to count – meaning tracts with low rates of self-response to the census. In advance of Census 2020, the Leadership Conference Education Fund estimated that 23.3% of North Carolina's American Indians lived in

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hard-to-count tracts – the ninth-largest share of any state. Similarly, a post-census review of data by researchers at the City University of New York found that multiple census tracts in Robeson County, a population center for the now federally recognized Lumbee Tribe of North Carolina, had exceptionally low rates of census participation in 2010 and 2020.

Today, consistent with practices used in every census since 1790, all persons, including American Indians, are enumerated at their "usual residence," which has been defined as "the place where they live and sleep most of the time" relative to April 1st of the census year. The proposed rule to change the definition of a person's "usual residence" to the one "at which they have lawfully spent the greatest number of days during the census enumeration period," and which "should be consistent with, and evidenced by, their tax records (*e.g.*, tax returns, W-2 forms)" does not appear to take into consideration that American Indians and Alaska Natives often perform seasonal work, away from their primary home, to hunt, fish, or work in the construction trades, but return to their primary homes on a daily or weekly basis. Expecting individuals to track their daily locations over a three-month census enumeration period (January 3 to April 1) is burdensome and impractical.

Additionally, NC DOA is concerned about the Census Bureau's plans to increase its use of administrative records for conducting the decennial census. Administrative records like tax filings are ill-suited to the purpose of confirming a person's state residence. There is no set linkage between a person's physical residence and tax address – for example, the Internal Revenue Service accepts mailing addresses that may differ from physical residences. And in some tribal areas, like parts of the Qualla Boundary, the land trust for the Eastern Band of Cherokee Indians, the majority of residents rely on post office boxes to access their mail rather than home delivery. Similarly, the proposal does not address how people who earn too little to file taxes, transitory workers, or people experiencing homelessness could prove residency. Further, the proposed rule does not address how the Census Bureau would match records and handle discrepancies. Would an affected person be notified and able to correct a mistake, or would they simply be removed from the official count? Doing so could further the likelihood of undercounting American Indians and Alaska Natives.

Additionally, NC DOA is concerned about the proposed rule's potential impact on American Indians who live in the 26 counties in western North Carolina declared eligible for all forms of federal public assistance after Hurricane Helene in 2024[1] – a region home to the trust land and population centers of the Eastern Band of Cherokee Indians. These communities were among the most difficult to enumerate before the storm due to the area's rural, mountainous landscape and a population that is older and more apt to have disabilities. Two years after the storm, numerous residents have been unable to return to their homes and are living in temporary or atypical housing situations. The proposed usual residence rules fail to consider such unusual living conditions. Excluding such people from the statewide and local counts due to problems

[1] *FEMA Designated Areas: Disaster 4827.*

matching administrative records would generate miscounts that distort political representation and the allocation of state and federal funds to recovering communities.

2. Proposed Changes to Demographic Questions Will Limit Understanding of the American Indian Population & Ability of Government to Deliver Services

The proposed prohibition of questions on race and ethnicity would deprive the State of North Carolina and tribal, federal, and local governments of vital demographic data and information needed to understand local needs and effectively administer public programs that serve American Indians. NC DOA strongly opposes the proposed changes to demographic questions and recommends the 2030 Census form instead incorporate the race and ethnicity categories established in the revised version of Statistical Policy Directive #15 adopted by the Office of Management and Budget in 2024.

As described by the Congressional Research Service[2], "There is no uniform definition of [American Indian and Alaska Native] populations or tribal enrollment, and federal agencies rely on different sources for these data." While imperfect, the self-reported race and ethnicity information collected by the Census Bureau is the broadest source of information about the American Indian population and serves as a foundation for promoting equal representation and treatment of American Indians and their communities.

The value of collecting such demographic information far outweighs any of the cited justifications for prohibiting the inclusion of race and ethnicity questions in the decennial census. Comprehensive race and ethnicity data are indispensable to drawing fair political districts, enforcing civil rights laws, delivering public services on an equal basis, understanding health disparities, and, for tribal communities, ensuring that governments' special obligations to them are honored.

Additionally, NC DOA is concerned about the combined impacts of this proposed rule and the U.S. Department of Commerce's new privacy disclosure standards.[3] Most of North Carolina's six state-recognized tribes have relatively small numbers of people who identify as being part of these tribes; in 2020, the numbers ranged from 3,127 people identifying as Haliwa-Saponi Tribe to 157 people identifying as Sappony. While significant improvements to the measurement of tribal communities are needed, banning the collection of race and ethnicity will deprive tribes and civic leaders of what is currently the broadest data source.

In Census 2020, over 130,000 North Carolinians self-identified solely as American Indians or Alaska Natives, which constituted the second-largest tribal population east of the Mississippi River; of those residents, 71,000 identified as members of one of the state's at-the-time eight federally and/or state-recognized tribes. Another 188,000

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[2] *Congressional Research Service Brief: American Indian, Alaska Native, and Tribal Population Data. Released March 12, 2024.*
[3] *US Department of Commerce Disclosure Avoidance for Statistical Products. Description by NC Office of State Budget & Management: Federal Policy Will Limit the Public Data Available to NC Communities | NC OSBM*

people self-identified as being both American Indian or Alaska Native and part of another racial group. Prohibiting census questions on race and gender would severely limit the State's ability to understand the scope and needs of American Indians across North Carolina and eliminate the most reliable and accessible data source available to track education, economic, and social outcomes.

As a state agency operating various programs to serve American Indians across North Carolina – including workforce development, low-income energy assistance, support for students, housing/rental assistance, and the prevention of domestic violence, sexual assault, and human trafficking – in addition to being home to the North Carolina Commission of Indian Affairs, NC DOA depends on census data and federal funding to effectively plan for and deliver essential programs and services.

Altogether, the proposed residence criteria and prohibition on including questions on race and ethnicity in the decennial census will harm American Indian communities in North Carolina and across the county. NC DOA urges the Census Bureau to withdraw the proposed changes. Thank you for your consideration.