Papa Ola Lokahi
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Department of Commerce, Census Bureau
4600 Silver Hill Road, Designation: ADDEMO/FRN
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Regarding

Docket No. 260903-0005

Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions" in the Federal Register (91 FR 57524).

RIN 0607-AA75

Mahalo for the opportunity to provide written comments regarding the proposed changes to 15 CFR Parts 60 and 70. Papa Ola Lōkahi (POL), the Native Hawaiian Health Board, provides the following comments related to both the Proposed Residence Criteria and the Proposed Restrictions on the Inclusion of Certain Demographic Questions in the Decennial Census Operation.

POL was congressionally and statutorily created in 1988 to improve the health status of Native Hawaiians, through the passage of the Native Hawaiian Health Care Act, which was later reauthorized as the Native Hawaiian Health Care Improvement Act ("NHHCIA"). The NHHCIA provides for: 1) Coordination, implementation, and updating of a comprehensive Native Hawaiian health care master plan (operationally known as "E Ola Mau"), including identification and research of diseases most prevalent among Native Hawaiians (NH); 2) Establishment of a network of health resources, services, and infrastructure, through five island community-based health organizations, commonly known and referred to as the Native Hawaiian Health Care Systems ("NHHCSs" or "Systems"); and 3) Administration of scholarships via the Native Hawaiian Health Scholarship Program ("NHHSP"). POL is authorized, in and by the NHHCIA, to do the described work, and no other entities are statutorily or legislatively designated with this Trust responsibility.

We want to begin by noting that the federal government has an obligation to hold consultation with native peoples, including Native Hawaiians. These obligations are reinforced by specific Acts, such as the NHHCIA, which require certain agencies to act in consultation with designated Native entities. These changes have been proposed without consultation with us or our native relatives,

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American Indians and Alaska Natives. We urge the Census Bureau to halt any changes until meaningful consultation occurs.

These proposed changes to the federal rules will have significant impacts on the health and well-being of Native Hawaiians.

The decennial Census plays a critical role in helping the federal, state and local governments, and communities to budget, plan, and address the needs of our residents. Data gathered as part of the Census instructs how and where the federal government—both Congress and the executive branch—directs spending on programs that are vital to the health and well-being of communities. Additionally, local governments and communities use the information collected to plan everything from transportation infrastructure to housing and research. Errors and inaccurate Census data have significant impacts downstream. As the Census occurs only every 10 years, it is difficult to reverse or otherwise correct data problems.

For these reasons, the Census Bureau should be most concerned with securing a complete and accurate count. **Both proposals threaten the Census Bureau's ability to carry out its kuleana (responsibility) to achieve that complete and accurate count.**

Proposed Residence Criteria

Our concern regarding the proposed Residence Criteria arises less from the letter of the proposed rule and more from the practical implications of carrying out these changes. Using data surveillance or verification, the proposed question on legal status or other similar methods will have an alarming effect for communities that tend to include immigrants—whether they are present legally or not. Additionally, asking census workers to participate in the determination of immigration status of a person would almost certainly result in racial profiling and ultimately inaccurate counts.

The impact of such a chilling effect and inaccurate counts will have ripple effects for generations. Accurate and complete counts allow the federal government to understand health disparities and allocate money accordingly. Census data, particularly of children under the age of 10, contributes to the overall budgeting and administration of government services, some of which are constitutionally guaranteed, like education. The proposed residence criteria and associated implementation protocols will devastate the federal government's ability to get a complete and accurate count during the 2030 census.

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Proposed Restrictions on the Inclusion of Certain Demographic Questions

Similarly, our concerns for the proposed restrictions on the inclusion of demographic questions about race, ethnicity and sexual orientation mirror those that we have about the residence criteria. These proposed restrictions will have crushing impacts for years to come.

Removing questions about race, ethnicity, and sexual orientation will impact federal, state, and local governments' ability to understand the make-up of their constituencies. This will hinder efforts to direct funds, plan research, and otherwise provide programming that addresses each community's unique needs. Medicine will be imprecise.

The absence of reliable demographic data also carries substantial financial costs. It increases the risk that already limited resources will be misallocated, further compounding systemic inequities and widening the gap between existing health disparities. Without reliable demographic data, programs are left to be designed without sufficient information about the communities they are intended to serve. It also shifts the burden to state and local community organizations, like Papa Ola Lōkahi, to collect data to supplement the loss of the Census data.

More importantly, though, the elimination of questions about race, ethnicity, and sexual orientation will have significant impacts on Papa Ola Lōkahi's ability to carry out its Congressionally directed duties to coordinate, implement, and update the comprehensive Native Hawaiian health care master plan as well as to act as a clearinghouse. Reliable and disaggregated race and ethnicity data is foundational to this responsibility. As a clearinghouse, POL is responsible for five key functions regarding the NHHCIA: data collection, disease research, tracking of publications, research collaboration, and information dissemination. Census data informs all of those functions by serving as population denominators and enabling geographic analyses, identification of underserved communities, monitoring of demographic changes, and assessment of health and socioeconomic inequities. It will also have an impact on our Native Hawaiian Health Scholarship Program, which we jointly administer with the Health Resources and Services Administration (HRSA). Scholars are committed to two or more years of service in medically underserved areas. These Census questions help us identify areas of need and allow us to best match clinicians and allied health professionals to serve these areas.

Understanding where Hawaiians live is critical to POL's ability to carry out its work. More than 680,000 Native Hawaiians live in the U.S. More than half of those Native Hawaiians live outside Hawai'i, across other states and territories. NHHCIA obligations do not begin and end at the edges of our archipelago. They extend wherever Native Hawaiians exist in the U.S. We rely on Census

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data to understand where our community lives across the other 49 states and territories. We use this knowledge to direct funding and programs in Hawai'i and across the nation to help improve the health and well-being of our people, as we've been charged with doing since 1988.

As noted earlier, the Native Hawaiian Health Care Improvement Act requires that the Department of Health and Human Services act in consultation with POL in carrying out the mandates of the Act. As Census data is critical to our understanding of those we serve, we believe that the spirit of NHHCIA requires that meaningful consultation occur before the federal government takes action that could greatly impact our and the federal government's ability to carry out Congress' will. We believe the proposed Census changes—especially the race, ethnicity, and sexual orientation questions—will have a significant impact on the work we are mandated to carry out. To this date, neither the Census Bureau nor the Department of Health and Human Services has engaged our organization in meaningful consultation on these changes.

For all of the above reasons, **we seek meaningful consultation before implementing the proposed changes to the Federal Register**. Please focus instead on ensuring the Census Bureau has the resources and capacity to carry out a complete and accurate count in 2030.

We call on the Census Bureau and Department of Commerce to:

1. Count all people residing in the United States in the 2030 Census, without regard to immigration status. The proposed question on legal status will have a chilling effect on communities that tend to include immigrants—whether they are present legally or not. A chilling effect and inaccurate counts will ripple through generations. Accurate and complete counts allow the federal government to understand health disparities and allocate money accordingly.

2. Continue collecting race and ethnicity data and implement the 2024 OMB SPD 15 standards. Census race and ethnicity data are essential for important research across many sectors, for upholding civil rights, and for growing the economy. More importantly, eliminating questions about race, ethnicity, and sexual orientation will significantly affect Papa Ola Lōkahi's ability to carry out its Congressionally directed duties to coordinate, implement, and update the comprehensive Native Hawaiian health care master plan, as well as to act as a clearinghouse.

Mahalo for the opportunity to comment.