



The Navajo Nation **DR. BUU NYGREN** **PRESIDENT**
Yideeskáadi Nitsáhákees **RICHELLE MONTOYA** **VICE PRESIDENT**

Submitted via email to: infocollection@acf.hhs.gov

April 30, 2024

Director Shawndell Dawson
Office of Family Violence Prevention and Services
Mary E. Switzer Building
330 C Street, SW
Washington, DC 20201

Re: Proposed Information Collection Activity; Family Violence Prevention and Services Grants to States; Native American Tribes and Alaskan Native Villages; and State Domestic Violence Coalitions

Dear Director Dawson,

The Navajo Nation appreciates the opportunity to submit public comments regarding the use extension of data collection to American Indian and Alaska Native ("AI/AN") groups. The Navajo Nation ("Nation") is the largest tribal nation in the United States, with over 400,000 enrolled members, approximately half of whom live across more than 27,000 square miles of land in three states – Arizona, New Mexico, and Utah – an area larger than the state of West Virginia. The Nation entered a treaty ("Treaty") with the United States government in 1868, promising health care, education, agricultural assistance, protection, and the continued improvement of the wellbeing of the Navajo people – the Diné – in perpetuity. Based on the Treaty, the United States government is legally and morally bound with its responsibility and trust obligation to support the Nation in securing and developing land and resources to improve the quality of life for its people. It is in the spirit of our government-to-government relationship with the United States, stemming from the Treaty of 1868, that we provide this feedback.

Topic 1: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility.

The Nation recognizes the significance of detailed data collection and analysis in its practical utility, as well as the strategic approach of policy reform that required data collection may cause to existing models and systems. The Nation, however, is concerned that the proposed data collection, which in its essence is a forced attempt to shift from strength-based practices to a more assimilated evidence-based model, 1) is not defined nor developed by any collaboration from the Nation or other AI/AN groups, and 2) does not recognize culture as the greatest protective factor in supporting victims and families experiencing violence and trauma. Moreover, the shift for proposed collection of information across tribal grantees, which is a faint attempt for tribal grantees to change their existing models to more

“streamlined” approach based on required data elements for reporting, may be more detrimental to Native American tribes. Tribes vary greatly in culture, practice, and governance across the continent. Furthermore, this shift imposes a western based intervention model.

Topic 2: The accuracy of the agency’s estimate of the burden of the proposed collection of information.

The Nation does not agree with the accuracy of the estimate as it does not consider time, labor, and consequently, costs, to assess and develop necessary changes to existing technical and program structures/systems to account for the proposed data collection to integrate any new requirements. The burden of the proposed collection for the Nation would be higher upfront, despite the Nation having the existing infrastructure to support the collection of information. For tribes that do not have such infrastructure, the burden estimate would presumably be higher. The Nation recommends technical assistance and additional funding be provided to support tribes through these assessment and development stages.

Topic 3: The quality, utility, and clarity of the information to be collected.

While the Nation has the infrastructure to collect the data, the quality of the data needs further definition from the Administration of Children and Families (“ACF”) in terms of measurement, utility, and clarity. Would these definitions include competency and consultation with tribes? From existing required data collection to ACF via Adoption, Foster Care Analysis Reporting Systems (“AFCARS”), the degree of validity and reliability is very meticulous in terms of its collection and reporting, with very few amendments that have occurred in the past 25 years. The Nation recommends further clarity be provided in the manner of the “quality, utility, and clarity” before further recommendation from the Nation.

Topic 4: Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

The Nation recommends submission of data collection similar to that of the AFCARS files to ACF Children’s Bureau. While the Nation is in a position to submit data collection using its infrastructure, an online Office of Family Violence Prevention and Services (“OFVPSA”) developed system, similar to the Comprehensive Child Welfare Information System (“CCWIS”) system state child welfare use, would be the most feasible for tribes in terms of cost efficiency. The Nation recommends OFVPSA develop a system for tribes to use at no cost to tribes, or award tribes additional funds for IT support needs to allow for tribes to collect and submit data, to meet “the quality, utility, and clarity of the information to be collect(ed)”.

Other considerations regarding the use of Navajo data.

ACF should explore alternative models of how to most accurately collect and aggregate data on Native Americans. Other countries have taken steps to separate data collection around Indigenous populations from racial identity. Creating a separate question (or questions) to

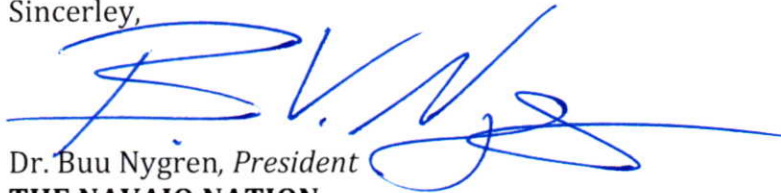
ask about Native American identity—with a write-in for tribal affiliation—in addition to the current racial question could be one way to begin delinking the concept of indigeneity from “race,” as well as get a more accurate picture of the total Native American population.

ACF should do more to empower tribes to collect and manage data about their own populations and territories. The growing data sovereignty movement emphasizes that tribes themselves are sovereign entities that share a nation-to-nation relationship with the United States government, and therefore should be empowered to lead on data collection about their own lands and citizens. Partnerships to support greater data sovereignty should provide input into how government and non-government data can better meet tribal needs and experiences, rather than just the needs of the federal government.

Regardless of how ACF chooses to proceed, it is clear that the current practice of measuring Native Americans using mutually exclusive, single-race data is not working well. Moreover, the growing population of mixed-race Native Americans may foreshadow broader demographic trends in the country as a whole. Given that, it is time for the federal government to both rethink how it measures Native American identity, as well as reconsider the broader use of mutually exclusive single-race categories upon which U.S. data publication has long relied.

We again thank you for the opportunity to submit these comments. If you have any further questions or concerns, please do not hesitate to reach out to Mr. Justin Ahasteen, Executive Director of the Navajo Nation Washington Office, via email at jahasteen@nnwo.org or via phone at (202) 847-4806. *Ahéhee'* (Thank you).

Sincerley,



Dr. Buu Nygren, *President*
THE NAVAJO NATION