



August 5, 2020

The Honorable Mitch McConnell
 Majority Leader
 U.S. Senate
 S-230, The Capitol
 Washington, D.C. 20510

The Honorable Nancy Pelosi
 Speaker of the House
 U.S. House of Representatives
 H-232, The Capitol
 Washington, D.C. 20515

The Honorable Charles E. Schumer
 Minority Leader
 U.S. Senate
 S-220, The Capitol
 Washington, D.C. 20510

The Honorable Kevin McCarthy
 Minority Leader
 U.S. House of Representatives
 H-204, The Capitol
 Washington, D.C. 20515

Native American Groups Urge Congress to Honor the October 31, 2020 Census Date to Count Native Americans Ravaged by COVID-19 and to Provide Contingency Funding

Dear Leader McConnell, Leader Schumer, Speaker Pelosi, and Leader McCarthy:

The undersigned tribal nations, and national and regional tribal organizations write to advocate for a complete count of all American Indians and Alaska Natives living in the United States. We urge you to honor the previously announced completion date of the 2020 Census operations of October 31, 2020 and to extend the statutory deadlines for the apportionment counts and redistricting data. We further ask that you allocate \$400 million to address continued 2020 Census challenges brought about by the coronavirus pandemic as part of any COVID-19 relief package. We also request that tribal nations be given the option of supplementing data collected by the Census Bureau with tribal membership data, to help secure an accurate count.

On April 13, 2020, Commerce Secretary Wilbur Ross and U.S. Census Bureau Director Steven Dillingham recognized that the COVID-19 pandemic required modification of the timeline for the 2020 Census operations. They announced that the enumeration period for both self-response and Non-Response Follow-Up (NRFU) would be extended through October 31, 2020. As a result of the delayed enumeration, they requested extension of the statutory deadlines “for apportionment counts to be delivered to the President by April 30, 2021, and redistricting data to be delivered to the states no later than July 31, 2021.”¹

Indian Country poignantly illustrates the need for those extensions. American Indians and Alaska Natives have been ravaged by the pandemic. Native people are experiencing one of the highest fatality rates among all population groups from the novel coronavirus, which now accounts for nearly 20 percent of all deaths of American Indians and Alaska Natives. Adjusted for population, the “Navajo Nation has seen more virus deaths than any U.S. state,” with 453 fatalities as of last week. In New Mexico, “where Native Americans are 9 percent of the population, they make up 75 percent of the state’s deaths.”²

For months, American Indian and Alaska Native tribal governments have relied in good faith upon the Census Bureau’s extended window of October 31, 2020 to complete the Census. Since the Bureau’s April 13th announcement, dozens of Native villages and Indian Reservations have been closed, to mitigate the virus’s impact and to protect the health and safety of vulnerable populations. American Indians and Alaska Natives suffer from chronic diseases like diabetes and heart disease, which place them at a higher risk of infection. These underlying health conditions are exacerbated by lack of access to testing, personal protective equipment, and accessible quality health care.³

The impact of the pandemic-related closures is evident in the exceptionally low self-response rates throughout Indian Country. As of July 31, 2020, among the reservations in the Lower Forty-Eight states for which self-response rates are reported, only 12 (4.3 percent of all reservations) are at or above the national rate of 62.8 percent. Sixty-five percent of all reservations are more than 20

¹ “U.S. Department of Commerce Secretary Wilbur Ross and U.S. Census Bureau Director Steven Dillingham Statement on 2020 Census Operational Adjustments Due to COVID-19,” U.S. Census Bureau, 13 April 2020, <https://2020census.gov/en/news-events/press-releases/statement-covid-19-2020>.

² Reis Thebault & Alyssa Fowers, *Pandemic’s weight falls on Hispanics and Native Americans, as deaths pass 150,000*, WASHINGTON POST (July 31, 2020), available at <https://www.washingtonpost.com/health/2020/07/31/covid-us-death-toll-150k/?arc404=true>.

³ Monika Kakol et al, *Susceptibility of Southwestern American Indian Tribes to Coronavirus Disease 2019 (COVID-19)*, WILEY PUBLIC HEALTH EMERGENCY COLLECTION, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7264672/>.

percent below the national rate, with many in the single digits or teens. The Navajo Nation, which comprises hundreds of thousands of people living in Arizona, New Mexico and Utah, is at just 13.1 percent. The Crow and Northern Cheyenne Reservations in Montana are at only 7.1 percent and 6.0 percent, respectively. The most populous reservations in South Dakota, such as Cheyenne River, Pine Ridge and Rosebud, are all below 22 percent.⁴

The exceptionally low self-response rates in Indian Country reflect just the beginning of the Census as reservations open up on a limited basis for enumeration. The NRFU period is the only time that dozens of tribes will have any opportunity to have their citizens counted.

Tribal nations have spent months coordinating with the Census Bureau and preparing their Census campaigns around the October 31, 2020 deadline. The efforts to get out the count are just beginning in earnest, and will require the full benefit of the Bureau's adjusted October 31, 2020 deadline for in-person enumeration of American Indians and Alaska Natives. Now is not the time to cut short the Census to the exclusion of America's First Peoples, who suffered the highest undercount of any population group, estimated at 4.9 percent for reservation areas in the 2010 Census.

Failure to get a complete and accurate count of American Indians and Alaska Natives will impact reapportionment counts. In particular, Arizona and Montana, which are each projected to gain a congressional seat, could lose that seat given the historically low counts among residents living on reservations in those states.

In addition, the Census Bureau has exhausted much of its contingency fund for the 2020 Census due to operational changes necessitated by the pandemic. We urge you to replenish that funding to give the Bureau the flexibility it needs to secure a complete count by the October 31, 2020 deadline.

Finally, we ask that the COVID-19 relief package include a provision allowing a tribal nation to provide its membership data to the Census Bureau to supplement the count taken by the Bureau. This provision would be in effect only for the 2020 Census because of the deleterious impact the pandemic has had on the count on American Indians and Alaska Natives and would be limited to "Indian Tribes," which are defined as any individually identified and federally recognized Indian or Alaska Native Tribe, band, nation, pueblo, village, community, affiliated tribal group, or component reservation in the list published pursuant to the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131(a)). Each Tribe could choose whether and how much of its data to provide to the Census Bureau. Any data that is provided would be subject to the full privacy and non-disclosure requirements of Title 13, United States Code.

Article I, Section 2 of the United States Constitution requires an "actual enumeration" of all people living in the United States. We urge you to help the Census Bureau meet this constitutional mandate by honoring the deadline for completing the Census through October 31, 2020, adjusting the deadline for reporting reapportionment numbers to April 30, 2021, and extending the deadline for providing the redistricting data until July 31, 2021. A fair and accurate Census is critical to Indian Country, as it is to all Americans.

⁴ U.S. Census Bureau, Self-Response Rates, available at <https://2020census.gov/en/response-rates.html> (visited July 30, 2020).

We thank you in advance for your commitment to secure an accurate count of all people in the United States, especially vulnerable American Indians and Alaska Natives.

For more information, please contact National Congress of American Indians CEO Kevin Allis, at kallis@ncai.org. Alaska Native specific questions or comments can be addressed to Alaska Federation of Natives President Julie Kitka at jkitka907@gmail.com.



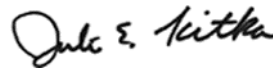
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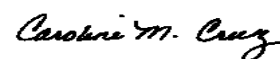
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