



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PDX-20-007

TITLE: Extending Census Reporting Deadlines to Ensure a Fair and Accurate Census

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, Article I, Section 2 of the United States Constitution mandates the “actual Enumeration” of the “whole number of persons” every 10 years to provide a basis to apportion representatives in the U.S. House of Representatives among the states; and

WHEREAS, the Census Act (13 U.S.C. § 141) further requires the U.S. Secretary of Commerce (Secretary) to take a decennial census of population every 10 years; and

WHEREAS, the Census Act (13 U.S.C. § 141(b)) requires the Secretary to tabulate the total population by state for congressional apportionment, a task that “shall be completed within 9 months after the census date” of April 1, or by December 31; and

WHEREAS, census data is used to determine Congressional representation, and is the basis for allocation of federal funding for tribal programs including healthcare, education, housing, transportation, and economic development; and

WHEREAS, in the 2010 Census, American Indians and Alaska Natives living on reservations or in Native villages were undercounted by approximately 4.9 percent, more than double the undercount of the next closest population group; and

WHEREAS, 2020 is a decennial census year and the coronavirus-19 (COVID-19) pandemic caused an interruption in the census count with census operations temporarily suspended in March 2020; and

WHEREAS, on April 13, 2020, the United States Commerce Secretary and Census Bureau Director adopted the COVID-19 Plan to continue census field operations through October 31, 2020, and recommended that Congress act to extend the statutory reporting deadline for the apportionment counts to be delivered to the President by April 30, 2021, and the reporting deadline for redistricting data be delivered to the states no later than July 31, 2021; and

WHEREAS, on August 3, 2020, the Census Bureau abruptly reversed its plan, adopted a new schedule, and stated that field operations would end on September 30, 2020; and

WHEREAS, in response to the revised plan, compressed timeframe during a pandemic, along with the issues associated with historic barriers that result in undercounts in tribal communities, the Gila River Indian Community and the Navajo Nation joined as plaintiffs in federal litigation *National Urban League v. Ross*, Case No 5:20-cv-05799 (N.D. Cal.) to extend census field operations to October 31, 2020 in compliance with the original COVID-19 Plan and to extend the apportionment reporting date to April 30, 2021; and

WHEREAS, on September 24, 2020, the U.S. District Court for the Northern District of California ruled in favor of the plaintiffs and prevented the federal government from implementing its revised deadlines; and

WHEREAS, on September 30, 2020 and October 7, 2020, the Ninth Circuit declined the federal government's requests to stay the District Court's decision as to the September 30, 2020, revised data collection deadline; and

WHEREAS, on October 13, 2020, the Supreme Court granted the federal government's application for a stay of the District Court's decision pending disposition of the appeal in the Ninth Circuit, thereby allowing the Census Bureau to cease data collection field operations; and

WHEREAS, the Census Bureau subsequently announced that census operations would cease on October 15, 2020; and

WHEREAS, the Census Act imposes a duty of accuracy, reflecting Congress' finding that, "it is essential that the decennial enumeration of the population be as accurate as possible, consistent with the Constitution and laws of the United States"; and

WHEREAS, after census data collection operations cease, the next phase of the census is the process that ensures accuracy and quality control of census data; and

WHEREAS, in its COVID-19 Plan the Census Bureau anticipated six months would be needed to ensure adequate time to process the data and provide quality control; and

WHEREAS, the time between the census operations ending and the statutory apportionment reporting deadline is now only two and a half months; and

WHEREAS, according to the Commerce Department Inspector General, "[t]he streamlined data processing under the accelerated [census] plan poses a myriad of risks to accuracy and completeness"; and

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) supports legislative efforts to extend the statutory reporting deadline of apportionment counts to be delivered the President to no later than April 30, 2021, and the reporting deadline for redistricting data to be delivered to the states to no later than July 31, 2021, to ensure an accurate and complete census for Indian Country; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2020 Annual Session of the National Congress of American Indians, held Nov 8, 2020 - Nov 13, 2020, with a quorum present.



Fawn Sharp, President

ATTEST:



Juana Majel Dixon, Recording Secretary