

Written Testimony
Governor Stephen Roe Lewis, Gila River Indian Community

House Oversight & Reform Committee
“Producing an Accurate Census”
September 10, 2020

Thank you, Chairwoman Maloney, Ranking Member Comer, and members of the House Committee on Oversight and Reform, for holding this important hearing on the 2020 census. The 2020 decennial census is very important to all citizens in the United States, but for tribal communities the significant harms of a census undercount are multilayered.

The Census Bureau has acknowledged that interruption of the census was necessary due to the coronavirus pandemic. Despite its earlier statements that extensions were necessary for field operations and reporting deadlines to have an accurate census, the Census Bureau has reversed its position and is instead condensing the census timeframes. The Gila River Indian Community and Indian Country would be irrevocably harmed by these condensed timeframes given the low self-response rates that are currently reported. This undercount would cause substantial underfunding of critical tribal programs, which would not only be in breach of the trust responsibility between the federal government and tribal nations, but would be unconscionable during a global pandemic.

With this testimony, the Gila River Indian Community (“Community”) supports the efforts of this Committee and the House of Representatives to extend the statutory deadlines for reporting of census apportionment counts and redistricting data to April 30, 2021 and July 31, 2021, respectively, and also requests the continuation of census field operations through October 31, 2020.

Gila River Indian Community:

The Gila River Indian Community is comprised of the Akimel O’otham and the Pee-Posh tribes and has over 22,000 enrolled members. Approximately 14,000 of these members live on the Reservation, which is comprised of approximately 2,200 households located on 372,000 acres. The Reservation is divided into seven political districts, with each district having representation on the Community Council based on the population of the district. Five districts are located in Pinal County, and two districts are located in Maricopa County.

As of September 8, the self-response for the Gila River Indian Community is 10.1% compared to a 62.1% response rate for the state of Arizona and a national response rate of 65.6%. This low response rate is not unique to the Gila River Indian Community. Other tribal communities in Arizona are also struggling with self-response rates ranging from 0% for the Havasupai to 65.2% for the Ak-Chin Community. The attached chart shows that of the 19 tribal responders to the census from Arizona, 17 are below a 50% self-response rate and 14 are below a

33% response rate. These low rates of self-response to the 2020 census are found throughout Indian Country.

In part, this can be attributed to the known challenges that plague Indian Country during the decennial census – mistrust of the federal government, the rural location of many tribal communities, multiple families in one household, and this year, the lack of internet access to complete the census questionnaires online as promoted by the Census Bureau.

The Census Bureau estimates that American Indians and Alaska Natives living on reservations were undercounted by approximately 4.9 percent in the 2010 census – more than double the undercount rate of the next closest population group. In addition, a large proportion of American Indians/Alaska Natives reside in states with the highest hard-to-count areas, including Arizona. The Urban Institute estimates that approximately 29% of Arizona’s current population, or 1,997,379 people live in hard-to-count areas.

A report issued by Civis Analytics in March of this year, ranked Maricopa County and Pinal County in the top 20 U.S. counties most at risk of an undercount for the 2020 census, ranking #2 and #13 respectively. Such an undercount could result in up to \$16.5 million of federal dollars not reaching residents of these two counties.

For the Gila River Indian Community, whose reservation spans both Maricopa and Pinal Counties, the undercount could mean inadequate federal representation in Congress. Underrepresentation would dilute the voice of tribal citizens in Congress and undermine the government-to-government relationship that exists between tribal citizens and the federal government.

This undercount would have a devastating on the federal funding the Community receives to provide for its citizens. More than 300 federal programs use census data to determine funding. For tribal communities, many critical programs rely on census data to allocate funding for tribes, such as: the Indian Health Service, the Indian Housing Block Grant program, the Tribal Transportation Program, Violence Against Woman Act grants, Head Start, Special Program for the Aging, and Native American Employment and Training programs. This is not an exhaustive list. An undercount of the census would harm every area of life on the Reservation for our youth, elders, women, workforce, tribal infrastructure and delivery of healthcare.

These programs are very important to the Community. The Community operates a 10-facility healthcare system complete with a hospital, health center, dialysis clinic and the Caring House, our elder facility. That healthcare system delivers healthcare to tribal citizens, urban tribal members from the Community and tribal members from other Arizona tribes with approximately 100,000 tribal members receiving care each year. So an undercount of tribal citizens on the Reservation, in other tribes in Arizona and urban areas would significantly harm the funding of this critical healthcare system that is known as the premier tribal health facility in the Phoenix area.

In addition, the Community runs a shelter called On Eagle's Wings that receives federal funding to care for women and families who are in need of shelter due to violence in the home. The Gila River Transportation Department staff of 45 is responsible for the Community's road inventory which consists of approximately 420 miles of roads and 67 bridges and is funded through state and tribal programs that are based, in part, on population data derived from the census. These are just some of the programs that would be harmed by an undercount in the census.

A contemporary example of the effects of an undercount can be found in the recent allocations from COVID-19-relief legislation. The Community received funding from the CARES Act intended to provide relief to tribal governments to address the effects of the coronavirus pandemic. One particular program, the Tribal Relief Fund that was part of the state, local and tribal relief funding, was disbursed, in large part, based on a population formula that included data derived from census data. That data underrepresented the Community's tribal membership by approximately 8,000 tribal citizens, which resulted in the loss of tens of millions of dollars to the Community intended to provide relief to members due to the global pandemic. In addition, several tribal nations brought litigation because their population numbers were so skewed by population data used in the Indian Housing Block Grant program. And those numbers were the result of a more typical census undercount that was not exacerbated by a pandemic.

Impact of COVID-19 on Census Operations:

The COVID-19 pandemic has created a health and economic crisis in Indian Country. An August 20, 2020, report by the Centers for Disease Control and Prevention showed that American Indians and Alaska Natives are among the most impacted by the COVID-19 with positive cases among American Indians and Alaska Natives 3.5 times that of non-Hispanic whites.

In May, data compiled by the UCLA American Indian Studies Center noted that "if Native American Tribes were counted as states, the five most infected states in the country would all be native tribes, with New York dropping to No. 6." And in July, Arizona was listed as the world's top hotspot for COVID-19.

Since the initial shutdown in the State of Arizona in March, the Community has been combatting COVID-19 on many levels from making sure it has enough ICU beds and hospital rooms to treat patients, making sure students are able to learn virtually despite challenges with internet service and computer equipment, to the closing of the tribal government except for essential personnel, the reopening and closing of economic enterprises multiple times, to mourning Community members who have died from COVID-19 and even ordering a mobile morgue should that be necessary during a spike.

In March of this year, during the initial stages of shutdowns due to COVID-19, the Census Bureau temporarily suspended operations, determining that it was not safe for field operations to continue during the pandemic. On April 13, 2020, U.S. Commerce Secretary Wilbur Ross and Census Bureau Director Steven Dillingham issued a statement to address operations adjustments to census operations due to COVID-19. In that statement, the Census

Bureau stated that field data collection activities would resume as quickly as possible after June 1, 2020, and that the Census Bureau would seek statutory relief from Congress of 120 additional calendar days to deliver final apportionment counts.

Under this plan the Census Bureau would perform field data collection and self-response through October 31, 2020 with apportionment counts delivered to the President by April 30, 2021 and redistricting data to be delivered to the states no later than July 31, 2021.

However, rather than adopting this modified timeframe for field operations and for self-response, the Administration has instead condensed those operations with an end date of September 30, with no extension requested for apportionment counts or redistricting data. That means a quality-control process that generally takes six months and would allow for revisiting areas with significant undercounts like those found in the Community, would need to be completed within three months.

Census field operations that would have been conducted on the Reservation earlier this year were interrupted because of the Census Bureau's suspension of operations. In-person field operations resumed on the Reservation on August 11th but those contacts are complicated by the shelter-in-place status on the Reservation.

Field operations and in-person contact are critical to ensuring an accurate count for the Gila River Indian Community. Although the Community has been promoting completion of census questionnaires through social media, the Community's newspaper and our District Offices, there are a number of residences on the Community that only have a Post Office box. Those households are unable to respond to the census online or via the phone line because a unique geographic identifier is required to locate the physical location of the home. This identifier is provided by census enumerators. This issue, along with the lack of internet service and the pandemic, are the main reasons the self-response rate is so low on the Reservation.

Gila River Indian Community Requests:

Efforts to cease census operations earlier than set out in the Bureau's own COVID-19 census plan, with full awareness that tribal nations are the most undercounted population in the census and also the most impacted by the coronavirus, is a breach of the governmental relationship that exists between the federal government and tribal nations. This action would underfund tribal programs for the next decade, and it would take several decades for tribal nations to recover from what is on track to be the most undercounted census in recent history.

The Gila River Indian Community respectfully requests that Congress take steps to extend the field operations and self-response deadline to October 31, 2020 and extend the statutory reporting dates for apportionment to April 30, 2021 with redistricting data to be delivered no later than July 31, 2021.

Thank you for your attention on the harms a census undercount would cause to tribal nations. I stand ready to answer any questions you may have.