



TRIBAL CONSULTATION SHEET

Preparation of 2013 Labor Force Report

The Indian Employment, Training, and Related Services Demonstration Act of 1992, as amended (Pub. L. 102-477), requires the Department of the Interior to publish, at least once every two years, the *American Indian Population and Labor Force Report*, also known as the “Labor Force Report.” Section 17 of the Act requires the Labor Force Report to be:

- [A] report on the population, by gender, eligible for the services which the Secretary provides to Indian people. The report shall include, but is not limited to, information at the national level by State, Bureau of Indian Affairs Service area, and tribal level for the –
- (1) total service population;
 - (2) the service population under age 16 and over 64;
 - (3) the population available for work, including those not considered to be actively seeking work;
 - (4) the employed population, including those employed with annual earnings below the poverty line; and
 - (5) the numbers employed in private sector positions and in public sector positions.

Questions to Consider for Consultation

In the past, Interior has obtained the Labor Force Report information required by the Act by surveying Tribes. Another option to obtain this data would be to acquire it from the U.S. Census Bureau. We are seeking Tribes’ input on these options for collecting data, and other issues, including:

- (1) To what extent do you have the above-listed population and employment information readily available to respond to a survey?
- (2) Would you be willing to respond to such a survey?
- (3) Is there other information, beyond that which is specifically required by the Act, that you would be willing to provide in a survey, if the information will help federal or tribal programming?
- (4) Should Interior use information from the Census Bureau to answer the questions for the report? If so, what kind of information should be acquired from the Census Bureau’s published statistics? If not, is it a matter of the availability of the Census Bureau’s statistics or a matter of their accuracy (or both)?
- (5) If Interior can obtain all of the information needed for the report from the Census Bureau, should it still conduct a survey to ask tribes for this or other information?
- (6) Regardless of whether Interior uses a survey or Census Bureau data for future reports, Interior is considering using information from the Census Bureau, rather than a survey, for the 2013 report to meet the 2013 deadline.¹ What are your views on this approach?
- (7) Are there other options for obtaining this information that Interior should consider?
- (8) How should “service population” by the “tribal level” be defined for this report? For example:
 - a) Should it include individuals in the tribe’s general location, or should it include individuals enrolled in the tribe who may not be in the tribe’s location but may still be eligible for services?
 - b) If people are in an area where they may receive services from more than one tribe, should they be counted only as in the service population of the tribe in which they are enrolled?
 - c) Should service population be measured in terms of geography as opposed to tribal enrollment?

¹ Producing a report based on survey information will require additional steps that may not be possible by the 2013 deadline, e.g., to develop the survey in consultation with tribes and obtain Paperwork Reduction Act approval.

Background Information

The following documents may serve as useful background information:

[The Dear Tribal Leader Letter of July 2, 2012](#), written by Donald E. Laverdure, Acting Assistant Secretary – Indian Affairs, explained why the 2010 American Indian Population and Labor Force Report was not released. It also discusses the plans being made by Indian Affairs to address previous problems, and presents a draft survey form for comment.

<http://www.bia.gov/cs/groups/public/documents/text/idc-019173.pdf>

[The Federal Register Notice in May 2012 Regarding the Next Survey](#), announced Interior’s intention to revise the survey and to receive comments on the new survey form. This Federal Register Notice identifies Interior’s efforts to obtain comments on the survey form as a requirement of the Paperwork Reduction Act.

<http://www.gpo.gov/fdsys/pkg/FR-2012-05-29/pdf/2012-12906.pdf>

[Public Law 102-477](#) contains the above-mentioned Section 17 requiring the *American Indian Population and Labor Force Report*. It also contains, in Section 17 b, an earlier requirement involving the Census Bureau in which, “The Secretary, in consultation with the Bureau of the Census of the Department of Commerce ... shall prepare a report on the need for comprehensive, accurate and periodically updated information on the size and characteristics of the Indian and Alaska Native population.”

<http://uscode.house.gov/download/pls/25C36.txt>

[The Department of Commerce American Indian and Alaska Native Policy](#) bears directly on how the Bureau of the Census, as part of the Department of Commerce, will interact with Tribal governments in acquiring information on population and employment. For example, it states, “Commerce recognizes that as a sovereign government, the tribe is responsible for the welfare rights of its membership. Therefore, Commerce will seek tribal input on policies, programs, and issues that may affect a tribe.”

<http://www.census.gov/prod/cen2000/d-3288.pdf#Page=34>

[The Census Bureau’s American Indian and Alaska Native Policy](#), and the [reaffirmation of that policy as it related to the 2010 Census](#), mirror the principles expressed in the Commerce Department’s policy. For example, the policy mentions, “The Census Bureau acknowledges its responsibility to provide accurate demographic and economic data on AIAN populations and their businesses. The Census Bureau will work with tribal governments and other partners to encourage the participation of every resident living in AIAN areas.”

<http://www.census.gov/aian/pdf/Appendix-F.pdf>

http://www.census.gov/aian/pdf/2009_AIAN_Reaffirmation.pdf

[The Census Bureau’s 2011 Handbook for Consultation with Federally-Recognized Indian Tribes](#) “outlines the method in which the Census Bureau plans its consultation between federally-recognized tribal governments and the Census Bureau’s national and regional offices.”

<http://www.census.gov/aian/pdf/HandbookforConsultationwithFRITribes.pdf>

[The Census Bureau’s 2010 Census Brief on “The American Indian and Alaska Native Population: 2010”](#) presents the overall findings of the Census Bureau on the AIAN population in the United States, which includes all individuals who have identified themselves as American Indian or Alaska Native. As commonly known, this is not the same population that would be counted under the “service area population” of federally recognized tribes. Nevertheless, the underlying data that was used to generate this report can be used to estimate the service area populations of tribes based on geography of the tribes and the populations surveyed.

<http://www.census.gov/prod/cen2010/briefs/c2010br-10.pdf>

[The Bureau of Labor Statistics Background Website on the Measurement of Unemployment](#) provides helpful information explaining how the federal government measures the labor force and unemployment.

http://www.bls.gov/cps/cps_htgm.htm