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Challenges and Options in Developing Future American Indian Population and Labor Force Reports: An Issue Paper

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Executive Summary

In December 2017, with the enactment of the Indian Employment, Training and Related Services Consolidation Act (Public Law 115-93), the U.S. Department of Labor (DOL) became responsible for developing and publishing biennial reports with data on American Indians and Alaska Natives who are members of federally recognized tribes. As articulated in the law, these reports, referred to as the American Indian Population and Labor Force Report (AIPLFR), must be developed in consultation with tribes, the Department of the Interior (DOI), and the U.S. Census Bureau (Census Bureau), and include information on five measures related to the population, employment, and unemployment, at multiple levels of government. As the law states:

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.

Since the early 1980s similar data were collected and reported by DOI based on a range of data sources, such as records compiled by DOI's Bureau of Indian Affairs (BIA) field offices, data submitted by tribes on a standardized form, and in later years, from the Census Bureau's American Community Survey (ACS). Although these reports were intended to provide the most accurate estimates possible, some were subject to substantial criticism from tribes and other stakeholders regarding population undercounts, the accuracy and timeliness of the data, and the burden for tribes, due to lack of sufficient resources and trained personnel, in reporting the data to the Federal Government.

This paper explores those past efforts and critiques, describes key issues and challenges for DOL in developing useful, accurate, and verifiable data in future reports, and concludes by identifying options and considerations for meeting the requirements of the law. The paper is informed by input from tribal stakeholders gathered from two tribal consultation meetings (held in March 2021), tribal responses to a Request for Information (RFI) in 2021, informal listening sessions with tribal data specialists in 2020, discussions with federal agencies including BIA and the Census Bureau, responses at other meetings, such as DOL's Native American Employment

and Training Council (NAETC),¹ a review of research reports produced over many years by various organizations, including the National Congress of American Indians (NCAI), and from materials provided to the Secretary of Labor in 2020 by NCAI and a group of tribal representatives.

Past American Indian Population and Labor Force Reports

From 1982 to 2013, BIA produced 13 reports² on the American Indian/Alaska Native (AIAN) population and labor force in federally recognized tribes, for the same jurisdictional levels (national, state, BIA service area, and tribal level) and for the same five measures as under the 2017 law. Early versions of the reports were not required under law but became required for DOI on October 23, 1992, with enactment of the Indian Employment, Training, and Related Services Demonstration Act (Public Law 102-477).³ Past reports relied on different data sources, and for most years, defined the service population by residence on or near tribal areas for those who could reasonably be expected to use tribally administered services. The first seven reports, produced from 1982 to 1995, provided estimates based on data compiled by local BIA offices. For the five reports issued from 1997 to 2005, BIA required tribes to submit their own data using a standardized reporting form (sometimes referred to as a survey) on tribal enrollment, the “resident” or “eligible” population, and the labor force measures. There was no independent data validation conducted to verify the accuracy of the data or consistency across tribes. There was also confusion among some tribes over whom to include in the service population.

In 2010, BIA again collected data from tribes using a standardized form and produced a report summarizing the resulting data, but it was not approved for publication due to concerns about the accuracy of the data. To address these concerns, BIA published a report in 2013 which used new methods and data sources, including “pooled” 5-year data from the Census Bureau’s ACS and the 2010 Decennial Census, as well as data from the 2010 survey forms. The report was met with strong criticism, including from some in the tribal community. Since that report

¹ These meetings included a meeting of the Data Committee of the Tribal-Interior Budget Committee (TIBC), three sessions of DOL’s Native American Employment and Training Council, and meetings of the “477” Tribes.

² These and other AIPLFR reports can be accessed at <https://www.bia.gov/knowledge-base/american-indian-population-labor-force-reports>.

³ Found at <https://www.govinfo.gov/content/pkg/STATUTE-106/pdf/STATUTE-106-Pg2302.pdf>. The law also created a demonstration project that allowed tribes to combine funds from federal employment, training, and education programs under four federal Departments and report only to BIA for these “477” program.

and the subsequent transfer of authority for the AIPLFR to DOL, there has not been another published report.

Data Elements in Past Reports and Current Law

The population and labor force elements, defined in the 2017 law and used in BIA reports going back to 1982, include several measures that differ from those that are used by DOL’s Bureau of Labor Statistics (BLS) in the Current Population Survey (CPS). Most prominently, most past reports and the law did not use a common definition of unemployment, which, by focusing on individuals actively seeking work, would have excluded those who were not seeking work due to lack of job opportunities on tribal lands. However, prior to the development of the first reports, BLS had developed alternative measures of labor underutilization providing insight into a broad range of labor market problems encountered by workers.⁴ One measure (“U6”) now includes those who currently are neither working nor looking for work but indicate that they want and are available for a job and have looked for work sometime in the past 12 months. The U6 measure most closely approximates the third measure required for the AIPLFR. Other elements in the law, which may have been designed to accommodate the various types of source data then available, differ substantially from common categories currently used by BLS in the CPS⁵ and other data collections.

Also, some required data are not available in the form required in the law, such as the fourth measure – the employed population, including those employed [*individuals*] with earnings below the poverty line – rather than employed individuals in *households with income* below the poverty level, since poverty is collected by the Census Bureau on households, using monetary thresholds based on family size and household income.

⁴ The alternative measures of labor utilization date back to the 1970s. The current U-1 through U-6 measures were implemented with the Current Population Survey redesign in 1994.

⁵ Found at <https://www.bls.gov/cps/definitions.htm>.

Tribal Stakeholder Views on Past and Future AIPLFRs

DOL obtained input in 2021 through formal tribal consultation meetings and a Request for Information⁶ published in the *Federal Register*. Key responses from the tribal stakeholders include the following:

- Stakeholders who had used prior AIPLFRs noted using it for discretionary grant applications, planning and decision-making regarding economic development and services, distribution of funds, and to determine if services were improving workforce outcomes. However, several noted they had not used the past reports at all.
- Some tribal stakeholders were concerned that the AIPLFR data might be used “inaccurately or inappropriately” by federal agencies and Congress to inform funding decisions.
- A number of respondents favored an expanded scope for future AIPLFRs beyond the legislative requirements, to include data on measures such as poverty, educational attainment, occupational credentials, disability status, age, and employment by occupation and industry.
- Several respondents highlighted the need for data to be recent and relevant.
- Overall, most tribal stakeholders suggested that tribally generated data was the best existing source of data for tribal membership and some recommended use of other data sources, such as administrative data on participants in various federal programs.
- There were mixed opinions on the use of data from the ACS and other sources, with suggestions that these sources could complement tribally collected information, while others preferred such data not be used at all.
- Stakeholders were asked about tribal capacity for data and five tribes offered examples of direct tribal data collection. Several highlighted potential issues with expanding tribal data collection since not all tribes currently have the capacity for such an activity due to costs, lack of technical knowledge, and the significant time and effort involved.
- Stakeholders expressed mixed views about whether data standards need to be developed and by whom and raised concerns about tribal sovereignty in regard to standards and allowing the tribes to submit their best estimates on population and labor force data. Some argued there is a need for a common, consistent approach across tribes.
- Several respondents recommended establishing a Tribal Workgroup (composed of tribal leaders and data specialists), which could advise DOL at every stage of the design, data collection, production, and dissemination of the report.

Potential Data Sources and Data Standards

A key issue in the development of future AIPLFRs concerns the underlying data sources to use in generating the population and employment information required in the 2017 law. In

⁶ Found at <https://www.federalregister.gov/documents/2021/03/10/2021-04938/request-for-information-concerning-a-report-on-labor-market-information-on-the-native-american-work>.

identifying data sources for the reports, there are also important requirements which DOL must observe, concerning data quality, objectivity, and integrity, as found in the guidance from the Office of Management and Budget⁷ (implementing Public Law 106-554) which highlights the need for reliable data sources, sound analytical techniques, review by qualified individuals, and adherence to “generally accepted statistical and scientific standards.” Also critically important are privacy and data security requirements found in multiple federal laws and regulations to which DOL must adhere.

In regard to data sources for future AIPLFRs, there have been several important changes in federal information collection systems in recent years. These include, for example, allowing respondents to self-identify as being AIAN either “Alone” or select multiple races. Data on both those groups are combined and identified in the federal statistical system as being “AIAN Alone or in Combination,” abbreviated as “AIAN AOIC.” Another potentially important change is the development of geospatial data programs that may allow for identifying census tracts near tribal lands and thus potentially allowing collection of data on AIAN who live near tribal boundaries.

Potential data sources examined for AIPLFRs, albeit not exhaustive, include:

- ***The Decennial Census***, conducted every 10 years by the Census Bureau, via a questionnaire sent to all U.S. households, to determine population counts at multiple jurisdictional levels and to identify key demographic characteristics, using geospatial identifiers that are critical pillars in the federal statistical system. Since data are collected every 10 years regarding the population (and not on employment or unemployment), they are of limited utility for future AIPLFRs.
- ***The American Community Survey*** (ACS) is conducted every year by the Census Bureau to collect key social, economic, housing, demographic, and employment characteristics from a sample of about 3.5 million (or 2.9 percent) households, including those of Native Americans, defined as AIAN. The survey instrument includes a question about tribal affiliation, and the data are coded for multiple aspects of the location of each household – specifically census tracts, municipalities, counties, states and AIAN federal and state recognized legal and statistical areas. Estimates using ACS data for geographic areas with populations of 65,000 or more (such as states, and counties, cities, and tribal areas with large populations) are typically based on data from a single year. For areas with smaller populations, as for most tribal areas, “pooled” data across five years of ACS samples (called “5-year data”) are used in developing estimates. ACS includes data on employment (and some unemployment measures) and may be a possible source of data to

⁷ Office of Management and Budget, *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies*, (Federal Register, February 22, 2002), <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/assets/OMB/fedreg/reproducible2.pdf>.

provide *approximations* for key elements required for the reports, for many tribal areas. However, the ACS survey instrument lacks a question that can identify individuals who are available for but not actively seeking work, as required for AIPLFRs. ACS data on tribal areas can already be accessed at the “*My Tribal Area*” site found at <https://www.census.gov/tribal>) and includes estimates on employment and unemployment for all who live in a tribal area (rather than only for AIAN AOIC).

- ***Tribally Collected Survey Data.*** Feedback from consultations and the RFI show that there is a strong and continued interest among tribes in collecting and providing data for future AIPLFRs, including conducting their own surveys. Further, there is a recognition that some tribes face significant barriers due to lack of staff capacity and expertise, as well as funding, to conduct such surveys. These challenges are likely greater in areas where there is limited or no access to broadband and other issues related to the digital literacy gap. However, a number of tribal data collection activities have been undertaken, as described by tribal leaders during the consultation meetings and documented in prior research.⁸ A number of tribal surveys have been conducted in partnership with other organizations, such as universities, and in one case, a state workforce agency.
- ***Participant Data from Federal Programs,*** routinely collected by tribes and reported to multiple federal agencies, have been proposed as a possible source of data for future AIPLFRs. As described in a 2017 report from NCAI’s Policy Research Center, these data appear to include participant counts⁹ but do not appear to include employment and unemployment data. However, they may be useful to tribes in identifying service counts for a particular type of program, and might help in verifying at least a floor for the number of individuals within a given service area. Further exploration is needed on whether and how these data might be used in future reports.
- ***The Current Population Survey (CPS),*** one of the primary sources for BLS, is based on data collected monthly from about 60,000 households, on employment, unemployment, occupation and industry of employment, and educational attainment, among many other variables. CPS’s monthly sample is too small to produce estimates for AIANs, but pooled data can be used for national estimates as was done in a 2019 article in *The Monthly Labor Review* (published by BLS).^{10,11} In light of concerns about a too restrictive definition of unemployment, the article offered an “alternative measure of labor underutilization” similar to the measure required for the AIPLFR.

⁸ NCAI Policy Research Center, Recommendations from Tribal Experiences with Tribal Censuses and Surveys. (Washington, D.C.: National Congress of American Indians, October 2017), https://www.ncai.org/policy-research-center/initiatives/Tribal_Experiences_10_31_2017_FINAL.pdf.

⁹ NCAI Policy Research Center, Meeting the Reporting Requirements of Federal Agencies. (Washington, DC: National Congress of American Indians, October 2017), https://www.ncai.org/policy-research-center/initiatives/Federal_Reporting_Requirements_FINAL_10_31_2017.pdf.

¹⁰ Mary Dorinda Allard and Vernon Brundage, “American Indians and Alaska Natives in the U.S. Labor Force.” Monthly Labor Review (Washington, D.C.: U.S. Bureau of Labor Statistics, November 2019), <https://www.bls.gov/opub/mlr/2019/article/american-indians-and-alaska-natives-in-the-u-s-labor-force.htm>.

¹¹ BLS publishes annual average estimates for AIAN at the national level in its time series database (<https://data.bls.gov/PDQWeb/In>), as well as publishing AIAN data annually in its “Labor force characteristics by race and ethnicity, 2019” report, <https://www.bls.gov/opub/reports/race-and-ethnicity/2019/pdf/home.pdf>.

- ***Native American Labor Market Dashboard***,¹² developed by the Minneapolis Federal Reserve Bank’s Center for Indian Country Development, provides three metrics at the national level: the labor force participation rate, the employment rate, and the unemployment rate. The dashboard displays interactive graphs which can be adjusted by time period and location (for all areas or by metropolitan and non-metropolitan ones). The dashboard, based on a sample of publicly available CPS microdata from BLS and the Census Bureau, shows either annual averages or a lagging three-month moving average of monthly estimates (since the monthly CPS sample sizes for AIAN population are small). The dashboard does not, however, provide data at the state or tribal area level.
- ***Quarterly Census of Employment and Wages (QCEW)*** is one of several BLS programs that generate information on wages. The QCEW involves collection of quarterly data on quarterly wages for establishments covered by Unemployment Insurance (UI) as well as monthly counts of employment in covered establishments. These administrative data are collected for tax purposes and cover more than 95 percent of U.S. jobs. These data are not available below the county level, and thus are insufficient for the purposes of the AIPLFR.
- ***Potential New Data Collection Based on Features of the National Agricultural Workers Survey (NAWS)***¹³ which has been conducted annually by DOL since 1988, includes features that might be used for collecting data at the tribal level, such as use of trained contractor staff, deputized by BLS, who collect data from a representative sample of crop workers, via face-to-face interviews, using a computer-based survey (on a tablet) with data uploaded over the Internet. Data are collected over three cycles per year, to reflect the seasonality of crop worker employment.

Exploration of ACS Data for Future AIPLFRs

Among the possible data sources, only two appear to have the potential to be able to provide data on both population and labor force measures at the tribal level: the ACS and tribally collected data from surveys. To learn more about the adequacy of ACS for use in future AIPLFRs, DOL acquired “5-year” ACS data (collected between January 1, 2014 and December 31, 2018) on AIAN AOIC, to conduct an exploratory analysis, with key results as follows:

- The total estimated population of AIANs AOIC in the U.S, regardless of tribal affiliation or residency on federal tribal lands, was approximately 5.6 million individuals in the ACS data provided.¹⁴ It should be noted that this is much higher than those that live only

¹² Found at: https://www.minneapolisfed.org/indiancountry/resources/native-american-labor-market-dashboard?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term.

¹³ For more information, see: [National Agricultural Workers Survey | U.S. Department of Labor \(dol.gov\).](#)

¹⁴ This figure is roughly consistent with results from the 2010 Census. This follows structurally from the use of population estimates that are extrapolated from the latest decennial census (coming from the Census Bureau’s Population Estimates Program, or PEP) to control the ACS data. Counts from the 2020 Census identify 9,666,058 AIAN AOIC.

on tribal lands (approximately 1.1 million) summed from the tribal level data analyzed here.

- There were 590 federal tribal areas identified, out of a total of 695 tribal areas (which included not only federal but also state recognized tribal and Hawaiian areas).
- In regard to the population among all federal tribal areas, the median population estimate was 235, meaning half had estimates below this figure. Given the sizable margins of error, this may also reflect low sample sizes rather than the true size of the populations.
- The six largest tribal areas accounted for approximately 47 percent of the population.
- Only three federal tribal areas had populations above 65,000, for which one-year ACS data could be used. The distribution of the remaining tribal areas by population was as follows:
 - Five tribal areas (0.8 percent) had population estimates greater than 40,000.
 - Nine tribal areas (1.5 percent) had population estimates between 10,000 and 40,000.
 - Twenty-three tribal areas (3.9 percent) had population estimates between 5,000 and 9,999.
 - Fifty-four tribal areas (9.2 percent) had population estimates between 1,500 and 4,999.
 - The remaining 499 tribal areas (84.6 percent) had population estimates below 1,500.
- The ACS data file did not have reportable estimates for all required AIPLFR data elements for some tribal areas, due to such factors as large margins of error, estimates of zero, or an absence of a numerical estimate (due to suppression of cells based on privacy rules). Findings from the analysis of federal tribal areas in the data set include:
 - 84.2 percent had a reportable estimate for their total population while 15.8 percent did not;
 - 76.3 percent had population estimates that would allow for identification of those ages 16-64 and 76.6 percent had reportable data on those employed. Similarly, 76.1 percent had data on the proxy measure for those available for work but not seeking it (created for the analysis here);
 - 67.8 percent had reportable estimates regarding individuals employed in the private sector, while only 62.7 percent had such estimates for those in public sector jobs;
 - Only 43.9 percent of tribal areas had meaningful estimates of the number employed living in households with income below the poverty level; and
 - Overall, 39.5 percent of the tribal areas had estimates for **all** data elements, and 57.3 percent of the areas had estimates for six elements (excluding the number employed but living in poverty households).

Key Issues and Challenges

In developing future AIPLFRs, there are multiple intertwined issues and challenges relating to its purpose, content, and use. Potential audiences for the reports include not only federally recognized tribes, but also researchers, advocacy organizations, and policy makers at multiple levels of government. The issues and challenges are discussed below.

Issues Related to the Content of Future AIPLFRs: Key issues fall into the following domains:

- **Definitional issues** as to who is to be counted in the “service population,” particularly at the tribal level, i.e., whether to continue the historic focus on geography and tribal members living on or near tribal areas (including how to determine what constitutes “near” such areas) or, conversely whether to include data on all enrolled members of tribes even if not full-year residents on tribal lands, and whether to also include individuals who self-identify as AIAN but are not enrolled members of any tribe. Another issue concerns whether to include supplemental data, as is permissible under the law, on AIAN living away from tribal areas (including in urban areas), or to include state-recognized or Hawaiian Home Lands.¹⁵
- **Population and Labor Force Data Elements**, including whether these elements or measures should conform strictly to what is in the 2017 law, or be expanded to include counts and percentages aligned with the standard terms and definitions used by BLS, or other data collections. (A table with exploratory data on the national and state level, using ACS data, is included in Appendix B, showing different definitions for labor force and employment.)
- **Scope and Frequency of the Reports**, including whether to expand the scope of data to be presented in the AIPLFR to include other important data elements beyond those in the law, such as educational attainment, health, disability and poverty status; whether to collect and report data every two years as called for in the law, or less frequently; or to include data on non-tribal jurisdictions with high levels of AIAN, or on those in state recognized tribes or Hawaiian native associations.
- **Data Sources**, including those best suited to the tribal level or the national, state, or BIA region levels. Concerning sources for *tribal level* population and labor force data, options include: tribally-conducted surveys, administrative program data (already collected by tribes or received by federal agencies), and the ACS. Two of these options (ACS and tribal surveys) are discussed in greater depth below.
- **Data Quality** issues concern what level of accuracy and precision is needed in regard to the data, consistent with requirements to which DOL and other federal agencies are subject. A related issue concerns how, if tribes collect and provide data for the AIPLFR, will the quality of the data be validated and verified. Also relevant to collection and display of data is how to meet requirements on privacy and data security.
- **Content and Format**, which concern whether the AIPLFR should be primarily a source of data or also include analyses and discussions on trends (or other areas of interest), similar to an article in BLS’s *Monthly Labor Review*, for example, or an academic journal. Also, the format for data displays could be in a single “flat file” document (as was the case for past reports), an Excel file, or an interactive database, similar to what is currently available for the Census’ “*My Tribal Area*” site or a dashboard similar to the Minneapolis Federal Reserve Bank’s Center for Indian Country Development Native American Labor Market Dashboard.

¹⁵ Those residing in Hawaiian Home Lands would be classified by BLS as Native Hawaiian/Pacific Islander, rather than AIAN.

Process Issues in Designing and Producing Future AIPLFRs: Resolving the issues discussed above and collecting, verifying, analyzing, and presenting data in future reports will require consultations with tribes and other federal agencies, as well as with other organizations. Key issues regarding each group are as follows:

- **Roles for Tribes and Tribal Organizations**, which concern the nature of the involvement of tribal leaders and data specialists, as well as tribal advocacy groups, in the development of the parameters for the reports, and later, in implementing data collection and using the reports. Options include: a) creation of a tribal “working group” to advise DOL and develop solutions that will be acceptable to and implementable by a large proportion of tribes, b) additional tribal consultations and formal requests for comments, and c) conducting surveys of tribes to ascertain their interest in and capacity to collect and report on key population and labor force measures. Other options and considerations concern the possible role for tribal data experts in providing training and technical assistance to other tribes and sharing their information and experiences with them, providing feedback to DOL during implementation of data collection and in reviewing various products, and finding ways to assist in encouraging tribal members to respond to surveys.
- **Involvement of other Federal Agencies**, such as the Census Bureau and DOI, but also possibly other departments, such as Health and Human Services (which fund programs of vital importance to tribes) may be important to DOL, in order to understand the data collected for other programs, to explore the possibility of more comprehensive or more frequent data collection, and to identify potential sources of technical assistance regarding data collection methods and procedures (if tribes are to be engaged in data collections). Options in regard to the role of other federal agencies include establishing routine interagency discussions and consultations, or task forces.
- **Role of Academic, Research and Philanthropic Organizations**, which include universities with departments devoted to Native American studies, multiple research organizations with experience in providing technical assistance and conducting collection and analysis of data; and philanthropies that have funded services and research to aid Native Americans and their communities. Academic, research and philanthropic organizations could play important roles in working with tribes to develop their data collection capacity, educate new data collection specialists, or even assist in data collection so that resulting estimates will be more accurate and useful.

Considerations Regarding Data Sources

Providing biennial reports with data at the national, state, BIA region, and tribal level requires clarifying the key factors for utilizing one or more data sources, including the availability or accuracy of the data for the key AIPLFR measures and costs and time in acquiring such data. While reasonably precise and low-cost data are available at the national and state levels that is not the case for data at the tribal level. The discussion below explores key

considerations for the two most promising data sources with population and labor force data at the tribal level.

The **ACS Data** provide reasonable estimates regarding population and labor force measures for larger, more populous tribal areas (though not for those living near to such areas) and can provide at least some of the data required for approximately 60 percent of tribal areas, though with large margins of error. However, the data are relatively inexpensive to acquire, are collected and analyzed using established methodologies in accordance with federal standards, do not burden tribes with additional data collection and analysis, and might be acceptable to at least some tribes.

There are, however, several unresolved issues that need to be addressed, to enhance the utility or accuracy of ACS data including clarifying what constitutes a definition of “near” to tribal areas, and if tribes could request additional data on AIAN in census tracts that might qualify (and which DOL could acquire). Another issue is the lack of data collected specifically on those who are available but not actively seeking work due to lack of available jobs in a tribal area. A possible solution might be to add several questions to the ACS survey instrument on longer-term unemployment without job search activity that would clearly address this requirement for the AIPLFR.

Given the issues with the ACS, it is important to determine what might be viable alternatives for obtaining reliable and accurate counts at the tribal level for future AIPLFRs. **Tribally Collected Data** has been included in multiple prior iterations of the AIPLFR, but there have been concerns about data quality. Several tribes indicated they had experience, interest¹⁶ and capacity for data collection¹⁷ as indicated in several NCAI reports, which also underscored supporting tribes to conduct their own surveys could be critical not only for generating the data for service planning and economic development, but also to support tribal sovereignty and self-determination.

¹⁶ NCAI Policy Research Center, *Recommendations from Tribal Experiences with Tribal Censuses and Surveys*.

¹⁷ NCAI Policy Research Center, *The State of Tribal Data Capacity in Indian Country: Key Findings From The Survey Of Tribal Data Practices* (Washington, D.C.: National Congress of American Indians, October 2018), https://www.ncai.org/policy-research-center/research-data/prc-publications/Tribal_Data_Capacity_Survey_FINAL_10_2018.pdf.

However, the role of tribal sovereignty regarding estimates for the AIPLFR would have to be resolved even if geographic areas for residents living on or near tribal lands are to be used as the basis for identifying population and labor force data. Since tribes are independent entities that have the right to govern themselves, there are understandably concerns about prescriptive requirements as to what represents the boundaries for what is “near” any given tribal area. Assuring consistency across tribes would require developing acceptable and standardized data definitions and data collection procedures, while demonstrating sensitivity to tribal concerns about sovereignty. However, any data collection at the tribal level would, in light of statutory requirements for DOL, have to ensure there was objectivity, integrity, and adherence to scientific data collection methods as well as to privacy and data security protections.

Stakeholders noted that lack of funding was a primary limiting factor for tribes to engage in data collection and analysis, affecting tribes’ overall technological infrastructure and their ability to adequately train staff to manage, collect, analyze, and report data. Further, this problem is often particularly acute for smaller tribes that have more limited resources. To understand these perspectives and other needs, a first step might be to conduct a survey of current data collection and data collection capacity across all tribes (both federal and state-recognized), which could then help identify which tribes are in greatest need of technical assistance, funding, staff, or all of the above.

Conclusion

In developing biennial AIPLFRs, DOL faces multiple challenges, including, among others, data definitions, quality standards, scope, and the content and format for future reports. However, there are two primary considerations going forward: a) what data should be used to develop estimates, particularly in regard to the tribal level, and b) how to respect tribal sovereignty.

As noted above, the likely sources for tribal level data (ACS data and tribally collected data) each have significant benefits and drawbacks. ACS data are relatively inexpensive, easily accessible, and currently exist, but lack data on key elements for many tribal areas and estimates for most tribes are somewhat out of date, as they are based on data aggregated across five years. Tribally collected data, which have the potential to be more accurate and timely, are not yet available and will require substantial time and additional resources for technical assistance and

possibly funding for tribes with more limited resources, and the development of an acceptable approach to standardization across tribes, with consistent definitions and data collection procedures, detailed instructions and training, and procedures to validate the accuracy of any data collected and assure privacy is protected and data are secure.

However, even with such tribal input, a key challenge will be how to respect tribal sovereignty and yet also allow for accurate and validated data consistent with federal data standards (to which DOL must adhere). The aforementioned potential data sources may be acceptable to most tribes but perhaps not to all. Other solutions may need to be considered, such as allowing individual tribes to decide, in regard to each report cycle, which data source they want to use for the tribal-level measures, or even to opt out of having data used for some, or all, of the elements.

Finally, given the time and expense of creating future AIPLFRs with meaningful population and labor force data, it may be worth clarifying the rationale for the reports. With the transfer of the responsibility for the reports to DOL, and the fact that the purpose of the report has never been clearly articulated, DOL may want to consider how to make the report more useful. That might be related to broadening the data in future reports, to include data on poverty, educational attainment, or other measures of interest, consistent with responses from a number of tribal respondents. Other possibilities include data on Native Americans who live in jurisdictions other than federal tribal areas (which contain less than a quarter of that population nationally), or who may be members of state-recognized tribes or Native Hawaiians (whose data are similarly available in ACS, with many of the same caveats described above). These changes might be worth considering, in light of other DOL activities, since the department, under the Employment and Training Administration (ETA), provides funding to organizations on and outside of federal tribal areas, based on a formula using population, poverty and unemployment data (including for the “477” tribes that consolidate funds from multiple programs) and, under BLS, has periodically produced articles on the Native American labor force and employment. Further, broader, accurate data might also be of interest to additional federal agencies and researchers, among other potential audiences. Overall, these changes may be worth exploring, if they could increase the likelihood that future AIPLFRs will become critical, well-used sources of information on the employment and economic circumstances of Native Americans and their communities, wherever found.

Chapter 1: Introduction

In December 2017, with the enactment of the Indian Employment, Training and Related Services Consolidation Act (Public Law 115-93),¹⁸ the U.S. Department of Labor (DOL) became responsible for developing and publishing biennial reports with data on American Indians and Alaska Natives who are members of federally recognized tribes. As articulated in the law, these reports, referred to as the American Indian Population and Labor Force Report (AIPLFR), must be developed in consultation with tribes, the Department of Interior (DOI), and the Census Bureau, and include information on five measures related to the population, employment, and unemployment, at multiple levels of government. Specifically, the law states:

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.

Since the early 1980s similar data were collected and reported by DOI based on a range of data sources, such as records compiled by the Bureau of Indian Affairs (BIA) field offices, data submitted by tribes on a standardized form, and the Census Bureau's American Community Survey (ACS). Although these reports were intended to provide the most accurate estimates possible, some were subject to substantial criticism from the tribes and other stakeholders regarding population undercounts, the accuracy and timeliness of the data, and the burden for tribes, due to lack of sufficient resources and trained personnel, in reporting the data to the Federal Government.

This paper explores the past efforts and critiques, describes key issues and challenges for DOL in developing useful, accurate, and verifiable data in future AIPLFRs, and concludes by identifying options and considerations for meeting the statutory requirements. It attempts to do so in a clear and transparent manner for multiple audiences, including policy makers at all levels, tribal leaders and administrators, data specialists and statisticians within tribes and beyond, and those who are new to the AIPLFR and its history.

¹⁸ Enacted on December 18, 2017.

This paper is informed by input received from stakeholder engagements including tribal consultation meetings,¹⁹ tribal responses to a Request for Information (RFI), informal listening sessions with tribal data specialists, responses at other meetings such as DOL’s Native American Employment and Training Council (NAETC),²⁰ a review of research reports produced over many years by various organizations, including the National Congress of American Indians (NCAI), and from materials provided to the Secretary of Labor in 2020 by NCAI and a group of tribal representatives, and discussions with federal agencies such as BIA, the Census Bureau, and within DOL, the Employment and Training Administration’s Division of Indian and Native American Programs (DINAP).

Economic Context for the American Indian Population and Labor Force Report

The role of biennial reports on the population and employment statistics for federally recognized tribes and tribal areas needs to be understood within the context of the socioeconomic conditions affecting Native Americans in the U.S. more generally. Native Americans rank at or near the bottom of several social, health, and economic indicators. For example, in 2019 (as per ACS data), 12.3 percent of U.S. households had income below the poverty level, but for Native Americans, that rate was 23 percent,²¹ almost twice the national average. Native Americans also experienced higher rates of mortality associated with various illnesses than other groups, high rates of youth who were neither working nor in school, and the lowest rates of on-time high school graduation.²² The unemployment rate among Native Americans in 2017 was 7.8 percent, considerably higher than the overall unemployment rate (4.4 percent).²³ However, as past AIPLFRs have shown, unemployment rates vary widely across tribes and tend to be substantially higher for Native Americans who live in tribal areas (i.e., on a federal American Indian

¹⁹ Tribal consultations are required under the 2017 Act and were conducted as part of the Department’s commitment to meaningful dialogue with Indian tribes, both formally and informally, on matters affecting tribal communities.

²⁰ These meetings included the August 2021 meeting of the Data Committee of the Tribal-Interior Budget Committee (TIBC), three sessions of the NAETC, and the October 2020 meeting of the “477” Tribes and related federal agencies (including the Employment and Training Administration in DOL). The informal listening sessions involved tribal data specialists who had in-depth knowledge of the salient issues related to prior AIPLFR and had worked with tribal governments and advocacy organizations.

²¹ See: <https://data.census.gov/cedsci/table?q=poverty%20by%20race%202019&tid=ACSST1Y2019.S1703>.

²² 2019 Opportunity Index at <http://opportunityindex.org/wp-content/uploads/2020/08/2019-Opportunity-Index-Briefing-Book.pdf>.

²³ Mary Dorinda Allard and Vernon Brundage, “American Indians and Alaska Natives in the U.S. Labor Force.” Monthly Labor Review (Washington, D.C.: U.S. Bureau of Labor Statistics, November 2019), <https://www.bls.gov/opub/mlr/2019/article/american-indians-and-alaska-natives-in-the-u-s-labor-force.htm>.

reservation, off-reservation trust land, tribal statistical area, or Alaska Native village statistical area) than for Native Americans who live in other areas.²⁴ In 2016–2018, Native Americans residing in tribal areas had a jobless rate almost twice as high as those who did not live in such areas.²⁵

While there are no formally accepted indicators of economic opportunity, some analysts have suggested that Native Americans who live on tribal lands are particularly disadvantaged economically, since these areas are rural and distant from economic areas that offer easy access to goods, services, and better paid jobs.²⁶ As one subject matter expert mentioned: “To the extent that reservations have high unemployment, low-paying jobs, and low access to higher education, this will increase poverty among Indians living in these areas.”²⁷

Indigenous communities on tribal lands are also among the most underserved in terms of broadband deployment and adoption in the U.S.,²⁸ one of the many disparities that became even more evident during the COVID-19 pandemic. Digital inclusion encompasses not only access to the Internet but also the availability of hardware, software, digital content, and affordable access, as well as digital literacy for effective use of information and communication technologies. Problems related to the lack of broadband and the technical infrastructure not only affect the ability of tribal members to access vital information and services, but also the ability to efficiently collect labor force data on a routine basis, necessary for some of the options discussed later in this paper.

These structural conditions, compounded by economic recessions—the Great Recession as well as the recession due to the pandemic—continue to be an important backdrop against which future labor force reports will be produced. As discussed in the chapters that follow, tribal stakeholders view future reports as being of value for accurately describing employment,

²⁴ Ibid, p.1.

²⁵ Ibid, p.18.

²⁶ Beth Redbird, “Islands of labor: Reservation labor markets and American Indian well-being.” (Washington, D.C., Chief Evaluation Office, U.S. Department of Labor, undated), <https://www.dol.gov/sites/dolgov/files/OASP/legacy/files/Islands-of-Labor-D4.pdf>.

²⁷ Ibid, p.7.

²⁸ Brian Howard and Traci Morris “Tribal Technology Assessment: The State of Internet Service on Tribal Lands.” (Paper presented at the 47th Research Conference on Communication, Information and Internet Policy, 2019), <https://ssrn.com/abstract=3427547> or <http://dx.doi.org/10.2139/ssrn.3427547>.

unemployment, and poverty in their communities, in order to plan for services, engage in economic development, and monitor the success of these efforts over time.

Roadmap for this Paper

The intent of this paper is to clarify the challenges and issues which DOL will need to address so that future AIPLFRs meet the statutory requirements and prove useful to tribes and other users of the data. To that end, this paper is organized into several brief chapters, starting in Chapter 2 with a brief history of AIPLFRs, the data on which they relied, and critiques and concerns about the prior reports. Next, Chapter 3, discusses the rationale for and uses of the AIPLFR, summarizing tribal views on those topics as well as on the scope of the data and desired frequency. Chapter 4 provides an overview of and summary information on various data sources and their limitations and challenges in meeting the statutory requirements. Chapter 5, presents findings from an analysis of the adequacy of data from one of the primary potential data sources (the American Community Survey, or ACS), and discusses the substantial complications and limitations in using data from that source. The paper concludes by discussing the issues, challenges and options in developing future reports, which will require decisions from key policy makers in DOL, DOI, and tribes, as well as additional time and dedicated resources to produce a useful and accurate report.

Additional detailed information can be found in the appendices, which include: a glossary of common terms and technical definitions related to the AIPLFR; further displays of data available by state on the Native American population and labor force (including notes on data sources and methodology); a summary of responses from the RFI and the tribal consultation meetings along with supporting documents; and a list of references used to inform this paper.

Chapter 2: A Brief History of American Indian Population and Labor Force Reports

Reports with data on the American Indian and Alaska Native (AIAN) service population and labor force in federally recognized tribes have a long history. The reports relied on a variety of data sources, which changed over time as did the data displayed in them. The past reports and their evolution over time highlight many ongoing challenges affecting the development of future reports.

Between 1982 and 2013, BIA produced 13 reports,²⁹ which provided data on AIAN in federally recognized tribes (which excluded Native Hawaiians³⁰ and state recognized tribes). The early reports included columns showing population data for all enrolled members of each tribe and for those living on or near tribal lands (sometimes called “Resident Indians” in the older reports). There were also columns with employment and unemployment data, and the reports included data for the same jurisdictional levels (national, state, BIA service area, and tribal level), and for the same measures as currently required of DOL under the 2017 law. It should be noted, however, that the meaning of the “tribal level” was never explicitly defined in legislation and was subject to slightly different interpretations in prior reports over time, but focused on individuals living on or near tribal lands who could reasonably be expected to use tribally administered programs.

The first seven reports, produced from 1982 to 1995, provided estimates of individuals living on tribal lands and compiled, as per the notes in one of the publications, by local BIA offices using “diverse sources and methods” such as “house-to-house surveys conducted by tribal programs and contracts, school records, employment records, tribal election statistics, and tribal membership rolls.”³¹ Several of the reports noted that the accuracy of the estimates varied across tribal areas. Two of these reports appeared to be appendices to other reports (including several

²⁹ These reports can be accessed here <https://www.bia.gov/knowledge-base/american-indian-population-labor-force-reports>. The reports had various titles, including The Indian Labor Force Report, The Indian Population and Labor Force Report, and The American Indian Population and Labor Force Report.

³⁰ Native Hawaiians (NH) are not members of federally recognized tribes, but rather members of Native Hawaiian organizations (NHO) on homelands which are part of Trust administered by the State of Hawaii, under the authority of the U.S. Department of the Interior.

³¹ Bureau of Indian Affairs, Indian Service Population and Labor Force Estimates, p. 2 (Washington, D.C.: U.S. Department of the Interior, January 1989), <https://www.bia.gov/sites/bia.gov/files/assets/public/pdf/idc-001770.pdf>.

identified as being produced by BIA's Office of Financial Management), with the last five being freestanding reports.

As with all subsequent reports, the earlier reports noted that the definition used for unemployment did not conform to what was then used by BLS. Instead, the reports used a definition of unemployment which included individuals who were able to work but were not seeking employment due to a known lack of job opportunities in a tribal area. These individuals would have been considered under BLS' primary definition of unemployment to be out of the labor force rather than "unemployed."³² The use of a definition of unemployment that excluded such workers, according to one subject matter expert,³³ would have significantly underestimated the depth of joblessness and the challenging economic conditions for many tribes, and thus resulted in a significant undercount of the unemployed population.³⁴

Production of the reports by the DOI became a requirement with the enactment of the Indian Employment, Training, and Related Services Demonstration Act (Public Law 102-477) on October 23, 1992.³⁵ The 1992 law specifically required that the Secretary of the Interior "in a consistent and reliable manner, develop, maintain and publish, not less than biennially, a report on the population, by gender, eligible for the services which the Secretary provides to Indian people" for the same measures that are now required in the 2017 law for the DOL.

The first free-standing report which cited the new law was published in 1997 and, for that report and the subsequent four reports published between 1999 and 2005 (for a total of five reports), BIA relied on different methods for collecting the data than had been used previously. Instead of compiling data from "diverse" sources, BIA required tribes to submit their own data using a standardized reporting form (sometimes referred to as a survey) on tribal enrollment, the "resident" or "eligible" service population, and the labor force measures. Also, estimates for the service population were to include not only the tribes' enrolled members but also members from

³² Those available for work, but who have not looked for a job in the prior 12 months, are defined as being "marginally attached" and are not considered to be in the labor force (and thus not unemployed) in the CPS terminology.

³³ Norm DeWeaver, The American Community Survey: Serious Implications for Indian Country. (Policy Research Center, National Congress of American Indians, October 11, 2010), https://ihbgrulemaking.org/images/Library/Needs_workgroup_handout_4-24-14_ACS_SeriousImplications.PDF.

³⁴ Norm DeWeaver. DOL Version of the American Indian Population and Labor Force Report. (Paper submitted as an attachment to letter to the Secretary of the U.S. Department of Labor, July 21, 2020) (Unpublished).

³⁵ Public Law 102-477, <https://www.govinfo.gov/content/pkg/STATUTE-106/pdf/STATUTE-106-Pg2302.pdf>.

other tribes who lived “on-or-near” the reservation and who were eligible to use the tribe’s BIA-funded services.³⁶ The aggregated total of those eligible to use the services constituted, for the purposes of the report, the tribe’s “service population.”

However, several of the five reports produced between 1997 and 2005 suggested there were practical difficulties with defining the “service population.”³⁷ First, there was no definition as to what constitutes “near” a reservation, and it seemed likely that it would be difficult to develop acceptable, common parameters, given tribal lands of vastly different geographic sizes and population densities. Second, service areas of nearby tribes often overlapped, presenting the possibility of double-counting some individuals who lived in such areas. Further, there were potential definitional issues concerning how to interpret who should be counted as “eligible” for DOI services, and included in the “service population,” such as whether that included those eligible by virtue of being enrolled members of a federally recognized tribe, or those determined to be eligible for services or receiving services. Should the latter definition be used, it would create other challenges, according to one subject matter expert, since “...the only way one might accurately estimate the service population of each tribe is neither by geography nor by membership but by the observed receipt of the services themselves.”³⁸

Despite the challenges in defining the service population, tribal response rates in providing the requested data for these five reports were generally high, ranging from 73 to 83 percent, though that meant that, for some tribes, no data was provided to DOI and thus none was presented in the reports. Tribal leaders and/or their representatives were required to certify that the data were accurate, though there was no independent data validation conducted to verify the accuracy of the data or consistency across tribes, and BIA generally accepted the data as provided. Nonetheless, some concerns over data accuracy were mentioned in the 2005 report.³⁹ The authors of that report noted that the BIA’s instructions were not consistently followed by all tribes, in many cases due to confusion over whom to include as eligible for services (and the

³⁶ Bureau of Indian Affairs, Indian Labor Force Report: Portrait 1997, (Washington, D.C.: U.S. Department of the Interior, 1999).

³⁷ Steven Payson, “Alternative Measurements of Indian Country: Understanding their Implications for Economic, Statistical, and Policy Analysis,” Monthly Labor Review, U.S. Bureau of Labor Statistics, November 2021.

³⁸ Ibid, p. 14.

³⁹ Bureau of Indian Affairs, American Indian Population and Labor Force Report, (Washington, D.C.: U.S. Department of the Interior, 2005), <https://www.bia.gov/sites/bia.gov/files/assets/public/pdf/idc-001719.pdf>.

inclusion in some instances of data on all enrolled members, even those living quite distant from the tribal land). Further, the sources for the underlying employment and unemployment data submitted by the tribes are not described in any of these five reports, so it is unknown the extent to which the data were collected consistently across tribes, or the extent of measurement, sampling, or other sources of error within the data.

In 2010, BIA collected data from tribes via a standardized form, produced a report summarizing the resulting data, and then submitted the report for clearance by DOI and the Office of Management and Budget (OMB). During the clearance process, however, concerns were raised about the accuracy and consistency of the data collected from the tribes, and the report was not approved for publication. To address these concerns, BIA used new data sources and methods in the next iteration of the report, published in 2013. The data sources in that report included the information provided by federally recognized tribes using the 2010 collection form, but also were expanded to include data from the 2010 Decennial Census, as well as from “pooled” 5-year data from the Census Bureau’s American Community Survey (ACS). The ACS data was provided for federally recognized tribal *areas* and nearby counties, and included AIAN individuals who self-identified as such, and who may or may not have been members of, or served by, the local federally recognized tribe. The report also presented other data based on new methodologies. These included, for example:

- Estimates of service populations based on county-level ACS data from an approximation of the geographic boundaries of tribal areas and nearby counties;
- Estimates which combined individuals who identified themselves as being only of AIAN heritage as well as those who identified as being of combined racial heritages (called AIAN “Alone or in Combination” with another race or “AOIC” by the Census Bureau); and
- Estimates on the likely *percentage range* of employment in the public or private sector and for those at or below the poverty line, calculated by extrapolating from national level trends, rather than by providing estimates on the *number* of individuals falling into the various categories.⁴⁰

The 2013 report was met with strong criticism, including from some in the tribal community, concerning possible undercounts due to the use of the ACS data, the substantial

⁴⁰ The 2013 report involved creating the estimates of percentages among the employed for the various subgroups in required for the AIPLFR, based on publicly available statistics, rather than providing information on the numbers of individuals in the various groups.

margins of error due to extremely low sample sizes for many tribes, and the presentation of data that was confusing and difficult to understand.⁴¹ The critiques voiced in regard to the report suggest that a number of tribes were concerned that the report might be used for allocation purposes and thus affect the funds received from the Federal Government for various programs.

Since the 2013 controversy, and the subsequent transfer of authority for the AIPLFR report to DOL, there has not been another published report. This paper represents an effort to systematically explore the nature of the challenges in producing future AIPLFRs with accurate, verifiable data, but also presents options and opportunities for addressing those challenges and for making the reports more useful to tribal communities and other potential users of the data.

Data Elements and Definitions in AIPLFRs

The population and labor force elements defined in the 2017 law and used in BIA reports going back to 1982, include several measures that differ from those that are used by DOL's Bureau of Labor Statistics (BLS) in the Current Population Survey (CPS). Most prominently, past reports and the law did not use a common definition of unemployment, which by focusing on individuals actively seeking work would have excluded those who were not seeking work due to lack of job opportunities on tribal lands. However, prior to the development of the first reports, BLS had developed alternative measures of labor underutilization providing insight into a broad range of labor market problems encountered by workers.⁴² One measure ("U6") now includes those who currently are neither working nor looking for work but indicate that they want and are available for a job and have looked for work sometime in the past 12 months. The U6 measure is similar to the third measure required for the AIPLFR. Other elements in the law, which may have been designed to accommodate the various types of source data then available, differ substantially from common categories used by BLS in the CPS and other data collections.

Also, while the law does require information on those available for work (though not actively seeking it), it does not explicitly require a display of the number of AIAN individuals *in the labor force*, i.e., the sum of the unemployed and those unemployed yet available for work,

⁴¹ DeWeaver, DOL Version of the American Indian Population and Labor Force Report.

⁴² The alternative measures of labor utilization date back to the 1970s. The current U-1 through U-6 measures were implemented with the Current Population Survey redesign in 1994.

nor require a calculation of the unemployment level as a percentage of the labor force (for which there are now a range of six alternative measures within the CPS, none of which match exactly the definition specified for the report, though the U6 measure is a close approximation). Also, the prior reports and the law do not include percentages among the employed for those in poverty and in public or private sector employment. Overall, such percentages are a means to help readers interpret raw data and compare information over time and among different states, tribes, or tribal areas, and some of the more recent AIPLFRs did include many of these percentages.

Other elements in the law, which may have been designed to accommodate various types of source data then available, differ substantially from common categories used in the CPS. For example, the reports must include data on individuals younger than 16 and older than 64 years of age, rather than for prime age adults, data for which are often broken out by 5-year age groups and for youth 16 to 19 years old in various BLS data collections. Also, some requirements are not available in the form required in the law, such as the number of employed *individuals with earnings* below the poverty line rather than employed individuals in *households with income* below the poverty level, since data on poverty is collected by the Census Bureau on households, using monetary thresholds based on family size and household income.⁴³ Also, no data was provided by gender in the DOI reports though required in the law, nor was any explanation offered as to why. Nonetheless, the requirement to report the data by gender was dropped in the 2017 law, as was language requiring that reports be developed “in a consistent and reliable manner.”

The Rationale for AIPLFRs

While the past reports on the population and labor force statistics for AIAN in federally recognized tribes included descriptions of the data sources, they did not specify how these reports were to be used. Since many of the early reports (from 1982 to 1995) appear to have been produced by the Office of Financial Management at BIA, they may have been used in analyzing spending or for funding allocations during that time. Whatever role these reports played in the

⁴³ Poverty classification, used by Census, involves monetary thresholds for annual income that vary with the makeup of the family. For example, in 2019 the weighted average poverty threshold for a family of four was \$26,172, while for single unrelated individuals, it was \$13,011. Poverty thresholds are updated each year, but do not vary geographically. For more information, see *Income and Poverty in the United States: 2019*, at: www.census.gov/content/dam/Census/library/publications/2020/demo/p60-270.pdf.

past, DOI currently uses other data sources for determining allocations for their programs, including tribally-provided enrollment data, past service-level data, and Decennial Census data, among other sources, as do other federal agencies, such as the U.S. Department of Health and Human Services (HHS).

The rationale for requiring *in law* a report with data on the population and labor force statistics on federally recognized tribes was never specifically stated. Of interest, however, it should be noted that the requirement was included originally in the 1992 law, which also created a demonstration project that allowed tribes to combine funds from federal employment, training, and education programs under four federal departments. Under the demonstration, tribes delivered services using those blended funds, and reported only to a single agency, the BIA in DOI,⁴⁴ which served as the lead agency in administering the “477” program.⁴⁵ The amendments in the 2017 law (P.L. 115-93) made what had been a demonstration project in blending funds a permanent option for tribes. It also expanded the number of participating federal departments to twelve, even as it transferred the responsibility for producing the AIPLFR to DOL. However, none of the programs administered by the federal agencies that participate in the “477” program, including DOL’s Indian and Native American (INA) program (authorized under Section 166 of the Workforce Innovation and Opportunity Act) have ever used data from prior AIPLFR in their formula-funded allocations. The INA program conducts its own data analysis, using both Decennial Census and ACS data for determining population, poverty, and unemployment for their funding formula.

⁴⁴ See: <https://www.doi.gov/ocl/tribal-477-programs>.

⁴⁵ As part of the 477 Program, the Secretary of the Interior and the heads of the other agencies signed an Interagency Memorandum of Agreement which encouraged collaboration between DOI and the 477 tribal working group to update the program’s statistical reporting to improve mechanisms for federal oversight and monitoring.

Chapter 3: Tribal Stakeholder Views on Past and Future AIPLFRs

In developing future AIPLFRs that will have useful and accurate data available on a timely basis, it is important for DOL to understand tribal stakeholders' views on potential uses of the reports, as well as on different data sources and other possible data elements of interest. To gain such understanding, DOL solicited input on those and other topics through formal tribal consultation meetings and a [Request for Information](#)⁴⁶ (RFI) published in the *Federal Register*. Responses from those activities are summarized below, along with input provided by NCAI and a group of tribal representatives in a 2020 letter to the Secretary of Labor. This chapter also discusses findings from a national survey of tribes NCAI undertook in 2018 which includes topics similar to those raised in DOL's consultations.

DOL held two tribal consultation meetings in early March 2021 and published the RFI shortly afterward. The meetings (which were identical in content but on two separate days to allow for greater participation) were attended by a total of 115 stakeholders. DOL received eight written responses to the RFI, including from consortia of tribes, thus representing the views of multiple tribes (see Appendix C and Appendix D).

The topics and questions discussed with stakeholders in the tribal consultation meetings and the RFI included:

- 1) **Use of the Report** in the past and expected uses of them in the future,
- 2) **Scope and Frequency of Reports**, including what other data, beyond the required elements might be useful, and whether reports should be provided every two years, or more or less frequently,
- 3) **Data Sources and Quality**, including the best *existing* sources of data, for assuring accuracy and consistency (such as that from the ACS, tribal enrollment and membership records, or some combination of existing sources),
- 4) **Tribal Data Collection and Capacity**, including tribes' experiences with conducting their own data collection, and what types of training and technical assistance might be most useful were tribes to undertake such collections,
- 5) **Data Privacy and Protection**, including data security concerns, and
- 6) **Technical Issues**, including consistency across tribes for population and labor force counts, especially the number counted in the "service population," whether there should

⁴⁶ See: <https://www.federalregister.gov/documents/2021/03/10/2021-04938/request-for-information-concerning-a-report-on-labor-market-information-on-the-native-american-work>.

be a single data source or multiple possible data sources used in the report, and whether data definitions and standards should be developed, and if so, by whom.

Tribal views on those and other topics, as expressed during the consultation meetings and in response to the RFI, are discussed below.

Use of the Data in the AIPLFR

Based on the opinions expressed during the consultations and in the RFI responses, some tribal stakeholders believe that the AIPLFR plays a role in determining funding allocations. For example, one respondent said: “Since federal agencies are also using the AIPLFR for reference purposes or to directly inform how they determine funding and programmatic allocations in their respective agencies, DOL must provide clarity and further detail regarding its definitions and what they represent.” Another respondent encouraged DOL to carefully consider how the information in the report is used to inform funding, noting that, “It is critically important that AIPLFR data is not inaccurately or inappropriately used by federal agencies and Congress to inform funding allocations and programmatic services to Tribal Nations.” Other respondents said they were unsure about how the report would be used within DOL and would like to see more transparency.

Some tribal stakeholders also underscored concerns regarding the accuracy of the data from the 2020 Census, given the impact of the pandemic on tribal nations. One response to the RFI noted, “In addition to ongoing concerns related to Census and other federal data sets, there have been particular concerns from Indian Country regarding the accuracy of the upcoming publication of 2020 Census data. The COVID-19 pandemic contributed to Tribal government shutdowns, stay-at-home orders, and Tribal governmental functions directed to COVID-19 response in our communities. These impacted the capability of both Tribal Nations and Census workers to do door-to-door visits and provide assistance with filling out 2020 Census forms.”

Tribes’ Use of Past and Future Reports

Another topic area discussed during the tribal consultations and in responses to the RFI centered on how information from past reports has been used, and what tribal stakeholders anticipate will be the most important uses of the report in the future. Even prior to those consultations, tribal stakeholders stated that, while it is important to have an AIPLFR that meets its statutory intent, having a report that provides practical benefits to tribal nations, leaders, and

its citizens is desirable.⁴⁷ Regarding uses of the report, stakeholders at the consultations described using the AIPLFR in the past as a resource for multiple purposes. These included for discretionary grant applications, decision-making at the local level regarding services and plans to report on employment outcomes, for data verification, and comparing data on their tribe with nearby tribes, the Census Bureau or ACS data to note discrepancies. Other responses regarding the uses for the data in the AIPLFR, included:

- Planning, economic and community development projects, tribal per capita payments, legal cases, minor distribution of funds, special projects, and grant applications, and
- Biennial comparisons to “determine if existing programs and services are improving workforce outcomes for Native Americans in our service area.”

Over 40 percent of stakeholders said their tribe did not use information from the report at all while others used only very limited information from past reports.⁴⁸ One stakeholder noted the report has not been a useful product for them and stated, “[Our tribe] has never used past AIPLFRs unless it was a mandatory part of a funding application or some other administrative process. The AIPLFR product has always been abysmal and a disservice to tribes who need this type of information to demonstrate their critical need for federal support for tribal employment programs, because the prior process undertaken at the Bureau of Indian Affairs failed to incorporate tribal feedback and relied on inaccurate census data.”

Some tribal stakeholders at the consultations raised the problem of outdated labor force data. One said their numbers have not changed in 15 years, since the last published report, another said the DOL is using 2000 Census data for its summer youth program which greatly underestimates their current numbers, and a third said their tribe uses the total service population data from the 2005 AIPLFR to analyze the needs component within the Department of Housing and Urban Development’s (HUD) Indian Housing Block Grant (IHBG) program, which is then used by HUD to proportionally distribute funding among tribes who share overlapping IHBG formula areas.

One stakeholder said their tribe has not used the report because the data are inaccurate and not as good as those obtained from other sources. This individual also noted that, while they

⁴⁷ Allis, K. et al, Letter to the Secretary of Labor, in regard to the DOL Indian Labor Force Report, July 21, 2020 (unpublished).

⁴⁸ Finding from a poll conducted during the consultations.

use ACS data directly or the Census Bureau's *OnTheMap* site (<https://onthemap.ces.census.gov>), they remain cautious about using this data, questioning its accuracy due to sampling and definitional issues regarding who is counted.

Respondents to the RFI noted that the data in future reports could help provide an “opportunity to pursue goals related to employment and education” and inform “economic development and enterprise expansion justifications.” The AIPLFR could thus not only help with planning services and addressing workforce development, but also implementing economic development activities. One response to the RFI mentioned that the hope is for the report to “establish a solid foundation for addressing workforce development and reporting in Indian Country in the AIPLFR.” Further, during consultations a stakeholder noted that future reports could help inform economic recovery, stating, “[G]iven the devastation exacerbated by the pandemic. For example, [the report could] assess the number of jobs lost due to the pandemic and the number of members coming back into the workforce during recovery.”

Finally, one respondent to the RFI noted that the production of the AIPLFR represents “a unique opportunity to fulfill the obligations set forth by this administration and to improve federal government data that will inform federal solutions for historically underserved, marginalized, and adversely affected tribal communities,” and was an opportunity to improve datasets in measuring and advancing equity.

Scope and Frequency of Future Reports

Prior AIPLFRs have focused on the five primary data elements identified in the law and listed in Chapter One. Tribal stakeholders were asked if there might be other data that would be helpful to have, given the potential uses of future reports.

One stakeholder noted that the “data on unemployment was very helpful” in past reports, but some stakeholders highlighted the importance of two related issues in presenting data on unemployment. First, it can be difficult to calculate unemployment for some tribes (especially smaller ones) and, second, that the very definition of unemployment is often contested. One stakeholder mentioned that perhaps an alternative measure of unemployment could be derived that better fits the reality of Native American individuals. Another stakeholder mentioned the need to take a more comprehensive view of employment and consider how to properly classify those who only work seasonally and use Unemployment Insurance benefits at other times of the

year. This issue was identified in one RFI response. Specifically, “Definitions regarding ‘seasonal workers’ are particularly important, since many Tribal Nations operate enterprises that employ seasonal workers and Tribal citizens have occupations in seasonal fishing, hunting, farming, and gathering. These definitions differ across Tribal Nations and could, therefore, affect measures in the AIPLFR.”

Two respondents mentioned that they currently access related economic and labor market data from economists in their state’s labor agency. However, some other respondents noted that key data—such as unemployment—are not available for all tribes and many tribes are not able to access local data sources. Another mentioned the importance of accurate estimates for those in public and private sector employment.

Several stakeholders said that the report needed to provide more useful and robust information about the economic conditions of the tribes.⁴⁹ One respondent emphasized that this was even more important because of the pandemic and the need to inform future economic recovery in tribal lands. As another respondent noted, “Getting a clearer and more accurate picture about how many folks lost their jobs and how many folks are coming back when the recovery starts is key.”

Overall, a number of stakeholders favored an expanded scope for future AIPLFRs given the different potential uses of the reports and suggested that data beyond the legislative requirements would be helpful to include. As one stakeholder stated, “Tribal leaders have consistently communicated that an accurate and annually updated profile of the conditions is essential to understand the needs and deficiencies of our American Indian and Alaska Native communities.”

In addition, several respondents noted that poverty and income-related information need to be understood within the economic context of the tribes. Several respondents mentioned the importance of having data on the poverty rate for all households in a tribe in addition to the proportion of those employed living in households below the poverty level. Another respondent said that it would be helpful to have information on how many hold jobs with poverty-level wages, or what jobs with “livable wages” are available in their areas. As one of the respondents

⁴⁹ For example, of the eight responses from the RFI, only one noted prior reports were helpful.

stated, “One of the most important things to see is an accurate depiction of poverty and labor force, especially during this time [of the pandemic] when [they] don’t have a lot of local data sources.”

Since one of the key purposes for AIPLFRs mentioned was to provide accurate data for service planning, several stakeholders at the consultations and respondents to the RFI said that future reports may have a lot of potential to help in planning services (e.g., to ensure proper training is made available to their community) if additional data elements could be added. Related to this, several stakeholders mentioned that data on educational indicators would be useful including data on educational attainment of tribal members, the types of skills among tribal members, and data on whether tribal members have an occupational certificate or credential.

In addition to data that would help plan for economic recovery and inform service programming, several tribal leaders expressed a desire for subsequent reports to include information on the proportion of their tribal population with disabilities or who are institutionalized and plan to return home for integration/reintegration or who will transition to receiving benefits from Temporary Assistance for Needy Families (TANF) or general assistance. Others suggested that the data include information on long-term TANF recipients and loss of driving privileges. There was also interest in having data broken down by age, as well as educational attainment, and for employment by occupation and industry. Finally, some tribal representatives identified important considerations for any data included in the reports and stated that there should be commonalities on the data to be collected for different federal programs, as well as at different jurisdictional levels.

Regarding the frequency of future AIPLFRs, there were mixed views. Some stakeholders at the consultations said a biennial report was acceptable. Two stakeholders expressed the need for the report to be published consistently so “tribes can get back on board and into a rhythm for collecting data,” while two other stakeholders said that the reports should be produced annually. Several stakeholders noted that having a report every two years is required by the law and that it should be produced accordingly. Another stakeholder suggested having two reports – one with less detailed information one year and a more detailed report the following year. Yet another stakeholder suggested having a report every three years, as that would lessen the burden for

smaller tribes (assuming that tribes would be responsible for some portion of the data collection). Some said the frequency of the reports needs to be balanced with quality of the information in them, as well as with the existing capacity of the tribes, and there should not be undue stress placed on tribes in collecting and reporting the data.

The need for current data was viewed as important by several stakeholders. As one noted, “Data increases in value when it is recent and relevant; if tribes expect to use the AIPLFR to plan their economic development activities, the information must be constantly updated. Outdated information could misinform tribal leaders and result in investments that are poorly aligned or not needed.”

Tribal Views on Data Sources

Stakeholders shared their thoughts on the data sources and other data collection methods that would produce more accurate population and labor force estimates. Overall, stakeholder feedback from the consultations and respondents to the RFI suggested that tribally generated data was the best existing source of data for tribal enrollment and membership records. Three stakeholders described how they use their tribal enrollment and membership records while one said that since their service delivery area consists of other AIAN members, they have to “guestimate” their proportion of the tribal population.

There were mixed opinions on the use of data from the Decennial Census and the ACS, with some indicating that data from these sources could complement information as needed, while others preferred such data not be used at all. One stakeholder said they use their tribal enrollment records as well as Census data to account for members of other tribes. Two other stakeholders indicated they use other locally available data; one said they learn about local economic conditions from their local regional economist, and another uses their own employment data.

Some stakeholders recommended other potential data sources, such as administrative data from TANF, state unemployment insurance systems, as well as the U.S. Department of Agriculture’s (USDA) Supplemental Nutrition Assistance Program (SNAP) and Food Distribution Program on Indian Reservations (for which income data are regularly collected). Two stakeholders recommended using an amalgam of data sources that are collected by and for different agencies, including not only data for programs under the U.S. Department of Health

and Human Services (related to TANF and Social Security) but also from the U.S. Department of Education, DOL (for employment trends), and other data sources related to the COVID relief funds. One stakeholder noted that having better data would be beneficial and “would certainly help us to create reports that we’re more confident in when we’re applying for grants or doing strategic planning and making data-driven decisions about what our population needs in order to actually participate successfully in the workforce.”

Tribal Data Collection Capacity

Since various forms of data are viewed as critically important by tribes, a number of them have implemented their own surveys to obtain such data. For example, one tribe, in partnership with a local university, conducts a survey focused on population within tribal areas, taking a broader perspective on economic indicators (e.g., housing, employment, health, social services, and education). Other examples included:

- A “Quality-of-Life survey” that includes questions related to social and cultural health, economic, education, as well as demographic questions such as employment status, marital status, household income, gender, and age, with demographic questions largely taken from the Census for comparison purposes;
- A survey related to a tribe’s Community Economic Development Strategy, to collect critical data to inform their local strategy; and
- An annual, mailed survey with 45 questions, sent to tribal members and their children, to collect data on key demographics (such as gender) and on a broad range of topics such as communication, veteran status, education, income data and employment data, health services, and benefit usage.

Over 10 examples and strategies for tribal data collection can be found in a report⁵⁰ from NCAI’s Policy Research Center, several of which are identified in the above text box. However, several tribal stakeholders highlighted potential issues with expanding such efforts. One said that not all tribes have the capacity to engage in this kind of data collection because it is costly and requires significant technical knowledge to carry out, and wondered how achievable it would be across tribes, given the vastly different levels of resources available to tribes of different sizes and economic conditions. Others flagged potential challenges in actually conducting data collection. One respondent noted that, while experiencing success in collecting data on several

⁵⁰ NCAI Policy Research Center, *Recommendations from Tribal Experiences with Tribal Censuses and Surveys*. (Washington, D.C.: National Congress of American Indians, 2017), https://www.ncai.org/policy-research-center/initiatives/Tribal_Experiences_10_31_2017_FINAL.pdf.

hundred tribal households through face-to-face interviews (and achieving a 40 percent response rate among the universe of households), this required significant time and effort (over 1,000 hours for data collection and input). Other tribal stakeholders noted that such data collection can represent a “daunting task” and that it is “very difficult” to collect information from every tribal household. Further, several stakeholders said that direct data collection with tribal members requires the existence of high levels of trust with a person well-known to the member. However, as noted below, that approach also raises privacy concerns.

Examples of Tribal Economic Data Collection Efforts
• The <i>Wind River Indian Needs Determination Survey</i> was conducted at least three times to address a critical need for accurate data on tribal populations, characteristics, and identified needs in the community. • The <i>Navajo Nation Housing Needs Assessment and Demographic Analysis</i> involved use of a survey instrument that drew on Census Bureau questionnaires used the Decennial Census and the American Community Survey and modified to reflect reservation circumstances. The survey instrument covered basic demographic information (e.g., age, gender) as well as items on socioeconomic characteristics (e.g., education, employment, and income). • The data collection work at <i>Ysleta del Sur Pueblo (YDSP)</i>, the southernmost of the pueblos along the Rio Grande River, produced some of the most dramatic results of any of the tribal censuses. Using their own data collection and generating their own YDSP Socio-Economic Profile, the tribe was able to apply for HUD funds that were previously denied. The Pueblo was able to demonstrate that the 2000 Decennial Census count used by HUD did not accurately reflect the number and income levels of the tribal population.

Privacy and Data Protection

In general, stakeholders during the consultations provided fewer comments on data privacy and protection than for other topic areas. Although some noted that surveying by a trusted individual may lead to greater data accuracy, there may be drawbacks in potentially compromising privacy, since those collecting the data live in the same community and are likely known by the survey respondents.⁵¹ One stakeholder stated that having policies and procedures in place for data privacy and protection is very important across the spectrum—including federal agencies, state agencies, educational entities, and tribes.

⁵¹ It should also be noted such an approach runs counter to the anonymity and privacy standards typically required in federal collections, such as for the Decennial Census.

Consistency and Data Standards

Importantly, several stakeholders during the consultations and respondents to the RFI noted concerns about consistency across tribes in regard to population and labor force counts. A few noted that one of the main issues is the diversity among tribes as to their size, location, economic status, and so forth, and that “a one size fit all” approach may not be possible. All tribes are different, and they may have significantly different values, and varying capacities to gather and collect relevant data, as well as different levels of funding available, which could pose challenges to collecting data in a uniform and consistent manner. In addition, a few RFI responses showed there are different interpretations among tribes about key definitions that would determine who gets counted, particularly, whether these counts would be based on tribal enrollment, service population, service area, or a combination of these. As one RFI respondent noted, “Past report data requests did not indicate if only enrolled members of the tribe should be included or if all American Indians in the service area should be included.” Another RFI respondent mentioned that a key issue is that their “tribal members feel like they should be assisted no matter where they live in the United States.” The topic of ensuring that samples are of sufficient size was also mentioned. An RFI respondent noted, “...[S]ome Tribal Nations will require assistance from DOL to ensure reported population samples are of sufficient size and representativeness that translate into accurate reporting results.”

In response to questions about whether data standards need to be developed and by whom, there were mixed views among stakeholders at the tribal consultation meetings, though more consistency among respondents to the RFI. At the consultation meetings, stakeholders raised concerns about tribal sovereignty in regard to data, including who is to determine the standards, definitions, and data sources, and the need for tribes to define their own geographic areas for reporting, who is to be included in the counts, and the importance of allowing the tribes to submit their best estimates on population and labor force data. Other respondents argued that there was a need for a common and consistent approach across tribes, since the data in the past (both self-reported and ACS data) were problematic, and that DOL should develop data standards in consultation with tribes. One respondent summarizes this sentiment, noting that, “While these required reporting elements [in the AIPLFR] provide a foundation for the report, there remains a lack of clarity in intent and scope, as well as in how these elements are defined. DOL must work with Tribal Nations to provide consistency, specificity, and standardization to

the AIPLFR, while acknowledging and accounting for the diverse circumstances across Indian Country.”

Those who expressed a strong preference for involving tribal stakeholders in the design of the AIPLFRs, and in development of data definitions and other critical aspects of the reports, also proposed an ongoing consultation process that includes multiple listening sessions and formal consultations to elicit substantial input from tribal leaders. Several respondents recommended establishing a Tribal Workgroup (composed of tribal leaders and data specialists with expertise in tribal population and labor force data generation and analysis) with which DOL could confer for advice at every stage of the design, production, and dissemination of the report.

Additional Information on Tribal Views Regarding Data Collection Capacity

While the information received during the consultation meetings and from responses to the RFI is the primary source used in this paper on tribal views, only a relatively small number of tribal leaders, administrators and data specialists provided input on this topic. However, information from a larger number of tribes on their data needs and capacity for and interest in data collection can be found in several research reports developed by NCAI’s Policy Research Center. One report, *The State of Tribal Data Capacity in Indian Country: Key Findings from the Survey of Tribal Data Practices*,⁵² published in 2018, covers topics similar to those raised in DOL’s consultations and RFI. The report presents findings from the Tribal Data Practices Survey (TDPS) conducted between October 2016 and April 2017. While only a quarter of tribes completed the TDPS survey, the results echo remarks and responses provided in DOL’s stakeholder engagements. Not only did most of the survey respondents express a desire for more data on employment, they were also interested in data on educational attainment as well as on multiple other areas related to the needs of tribal populations such as on health, housing and even basic demographics. Also of note, regarding the potential for tribes to collect their own data for the AIPLFR, almost half the tribes that responded to the TDPS survey had conducted a census or survey of their members in the previous five years, and 75 percent expressed an interest in doing so in the future.

⁵² Found at: https://www.ncai.org/policy-research-center/research-data/prc-publications/Tribal_Data_Capacity_Survey_FINAL_10_2018.pdf.

Chapter 4: Potential Data Sources for American Indian Population and Labor Force Reports

As noted in the prior chapter, tribes would like to have data that are accurate and timely on the required AIPLFR measures, but many are interested in other relevant data. However, providing information on any measure requires a data source, as well as financial resources and time for acquiring, analyzing, and reporting on the data. These considerations exist whether data are collected via national surveys, by tribes themselves, or through some other method.

Collecting data on AIAN at the tribal level also requires resolving a variety of challenges associated with definitional issues, such as who is to be counted (enrolled members on or near federal tribal areas, anyone who self-identifies as AIAN in those areas, enrolled members in other locations, including urban areas, etc.), how to account for part-year residents, part-time employment or seasonal employment, overlapping service boundaries, and how to collect sufficient data on the many AIAN tribes and tribal areas with small populations, that often cover large geographic areas and have a limited technological infrastructure.

This chapter first identifies issues related to DOL's obligations in regard to data quality and highlights some of the recent changes in data collection that may have a bearing on future AIPLFRs. It then explores a variety of sources that could provide population and labor force data on Native Americans, whether at the national or state levels, for those in federally recognized tribes, living on tribal lands or near to them, and those who live in other jurisdictions as well.

Data Quality Requirements for DOL

An important consideration in selecting data sources for the AIPLFR are the requirements governing federal agencies which include standards on utility, objectivity, integrity, transparency, and reproducibility prior to publicly disseminating information. Such requirements, rooted in law and OMB guidance, underscore the importance of using reliable data sources, sound analytical techniques, and proven methods, all subject to review by qualified individuals.⁵³ Of particular relevance to any future data collection are requirements to assure a high quality of

⁵³ Office of Management and Budget. (2001). Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies. Public Law 106-554.

information by following “methodologies that are consistent with generally accepted statistical, and scientific standards for all aspects of survey development, including sample frame development, statistical design of the survey sample, questionnaire design and testing, data collection, sampling and coverage errors, non-response analysis, imputation of missing data, weights and variance estimates.”

Also relevant to potential data sources (and displays of data) in future AIPLFRs are requirements on privacy and data security (beyond protecting Personally Identifiable Information), governing federal agencies, and which were discussed briefly during stakeholder consultations. Of particular interest, in light of concerns expressed during the consultations, is preventing the possible misuse of data by other federal departments or agencies, as the data may be taken out of context.

New Developments in Regard to Data Sources

In recent years, there have been a number of important changes to aspects of the information collection systems managed by statistical agencies like the Census Bureau and BLS and which are relevant to future AIPLFRs. These include:

- (1) Changes on major surveys related to self-identification by race, allowing those with mixed race heritage to so identify themselves (and resulting in significantly larger population counts of AIAN individuals, called “Alone or In Combination” or “AOIC” by Census);
- (2) Introduction of the ACS to collect key data on a sample of households each year, instead of through the “long form” previously collected on a sample households every 10 years (as part of the Decennial Census);
- (3) The development of geospatial data programs that may lead to improvements in mapping and precision in population estimates related to tribal lands and areas near to them;
- (4) The Census Bureau’s creation of an online data portal, [My Tribal Area](https://www.census.gov/tribal/),⁵⁴ which provides on-demand access to ACS data on tribal areas’ AIAN population and other data;
- (5) Development of six different measures of labor underutilization in the Current Population Survey,⁵⁵ including one measure that takes into account individuals available to work but who have not recently sought work (marginally attached); and
- (6) Development of stronger privacy standards and controls, which may have a bearing on what data can be displayed.

⁵⁴ <https://www.census.gov/tribal/>.

⁵⁵ Found at: <https://www.bls.gov/cps/definitions.htm>.

Potential Data Sources

Below are descriptions of the data sources of interest and their utility in regard to the AIPLFR.

The Decennial Census is conducted every 10 years by the Census Bureau, via an enumeration of all U.S. households, to determine population at multiple jurisdictional levels and to identify key demographic characteristics such as age, gender, race, and ethnicity. Census data as well as the geospatial identifiers used in it, are critical pillars in the federal statistical system in terms of providing important descriptive statistics for communities and for political apportionment. However, no data on employment, unemployment, or poverty among households are currently collected or reported as part of the Decennial Census.

The data collected in the Decennial Census have changed over time, and some of these changes are highly relevant to the AIPLFR. Starting with the 2000 Census, respondents could self-identify as being AIAN either “Alone” or in combination with one or more other races, as noted above. Also, beginning with the 2010 Census, information was collected only on demographic characteristics, such as age, gender, race, Hispanic origin and relationship among members of the household, i.e., the “short form” of the questionnaire used in the Decennial Census. Other questions, such as those on employment, education, health, housing and other data, that were included in the “long form” questionnaire, previously sent to about one in six or (16.6 percent) households every 10 years, were no longer collected, but became part of the questionnaire used in the ongoing ACS (discussed below), first implemented in 2005.

In preparation for the 2020 Census, the Census Bureau and BIA signed a memorandum of understanding to promote collaboration between the two agencies, including conducting tribal consultations concerning Census data collection efforts.⁵⁶ In 2019, the Census Bureau conducted two additional tribal consultations to discuss the race question, inform tribes about its new data disclosure avoidance methodology, and gather feedback about tribal data needs, with another consultation scheduled for 2021. Key concerns discussed by tribal leaders in 2019 were the inappropriate use of funding formulas based on estimates derived from the smaller dataset for

⁵⁶ U.S. Census (2020). “2020 Census Tribal Consultations with Federally Recognized Tribes.” <https://www.census.gov/content/dam/Census/library/publications/2020/dec/census-federal-tc-final-report-2020-508.pdf>.

people who are AIAN alone even though tribes provide services to individuals who are AIAN alone and in combination, and the importance of submitting updated tribal geographic boundaries to the Census Bureau through the Boundary and Annexation Survey (BAS) if a tribe has purchased new property or changed their boundaries. These updated maps will be used by the Census Bureau to tabulate 2020 data for each tribal area.

Despite these changes and input from the tribal consultations, there are two primary limitations in using Decennial Census data for future AIPLFRs. First, while it can provide population data, it is available only once every ten years and, as such, the data can quickly become outdated as tribal populations change in size. Second, because only the short form is now used, the Decennial Census no longer collects employment and unemployment data needed for the elements required by law for the AIPLFR.

Under the **American Community Survey (ACS) Data**, the Census Bureau collects data every year on key social, economic, housing, demographic, and employment characteristics⁵⁷ (which previously were collected every ten years via the “long form” questionnaire of the Decennial Census). The ACS data are collected from a sample of about 3.5 million (or 2.9 percent) of households, including those of Native Americans, defined as AIAN or Native Hawaiians, and in all areas (including federally and state recognized tribal areas, and in urban, suburban and rural locations).⁵⁸ Estimates using ACS data for areas with populations of 65,000 or more, (such as for all states, large counties, cities, and tribal areas) are typically based on data from a single year. For areas with smaller populations, as for most tribal areas, “pooled” data from five years (called “5-year data”) is used in developing estimates.

The data generated from the ACS are used in program planning and allocations for many purposes, including those related to education, health care, tribal courts, housing, and employment services, for jurisdictions of various sizes and for multiple different subpopulations, including Native American groups.⁵⁹ However, the ACS was not designed to provide definitive

⁵⁷ For a summary of ACS indicators in the 5-year sample see <https://www.census.gov/programs-surveys/acs/technical-documentation/table-and-geography-changes/2019/5-year.html>.

⁵⁸ U.S. Census Bureau, “Understanding and Using American Community Survey Data: What Users of Data for American Indians and Alaska Natives Need to Know,” (Washington, D.C: U.S. Government Printing Office, 2019) https://www.census.gov/content/dam/Census/library/publications/2019/acs/acs_AIAN_handbook_2019.pdf.

⁵⁹ Ibid., p.3.

counts in regard to population, demographics, health status, educational attainment and employment for all subgroups or for all geographic areas. This is because the number of households included in the sample are too small, and the response rates too low, to produce reliable estimates for smaller areas, as discussed later in this paper.

ACS data does include data on employment and unemployment, similar to (though not exactly like) those required for the AIPLFR both in regard to tribal affiliation, and identified for defined federal tribal areas, as well as for areas near to such lands (which can be defined by Census block or county). For that reason, the ACS may be a possible source of data to provide *approximations* for key elements required for the AIPLFR, for at least some tribes. ACS data also is relatively inexpensive to acquire, is collected and analyzed using established methodologies in accordance with federal standards, and does not burden tribes with additional data collection and analysis. However, ACS does not include questions on one of the key measures required for the AIPLFR, i.e., individuals who are not employed and not actively seeking work because they know there are no positions available in their area, a problem discussed below in regard to the data collected in the Current Population Survey as well. Depending on the size of the population within an area and the number of employment opportunities, this could result in a substantial undercount of the number of those available for work, as per the requirements in the law.

Nonetheless, there are caveats and challenges in regard to use of ACS data for future AIPLFRs which need to be explored, in order to understand whether and in what circumstances data from ACS might be useful, and to avoid creating the problems associated with the 2013 report.⁶⁰ First, while it is possible to identify individuals who live in clearly defined geographical areas, including AIAN legal and statistical areas (terms and descriptions of which can be seen at https://www.census.gov/tribal/tribal_glossary.php) as well as in states, counties, and cities,⁶¹ determining which AIANs living *near* tribal lands are considered part of a service population

⁶⁰ BIA's 2013 American Indian Population and Labor Force Report, used ACS data for tribal areas and included data for adjacent counties (for larger tribes) and tribally reported data for smaller tribal areas.

⁶¹ Federal tribal areas as identified by Census are not quite the same as the 574 federal-recognized tribes identified by the Department of the Interior. As noted in Payson (2021), "Alternative Measurements of Indian Country: understanding their implications for economic, statistical, and policy analysis," Monthly Labor Review, U.S. Bureau of Labor Statistics, "of the 695 tribal areas identified in the My Tribal Area database, only 582 could be matched in some way to the 574 federally-recognized tribes; the remaining 113 could not be so matched because they were associated with tribal entities that were not federally-recognized."

may be difficult. This might vary substantively, depending on where the geographic boundary for “near” such areas is placed.⁶² As one analyst has noted in regard to use of ACS data, one of the greatest challenges of identifying service populations is potential variation in how the geographic boundary of being “near” to a tribal area is defined, and whether there should be standards related to the permissible distances used for defining such areas and developing estimations⁶³ if ACS data were to be used for the AIPLFR.

Second, ACS collects information on those who self-identify as AIAN and their specific tribal affiliations, it does not appear to have information on whether an individual is an enrolled member of a federally recognized tribe, or eligible for or receiving various DOI services. In regard to this last issue, ACS cannot provide precise information to meet a key requirement in the 2017 law for the AIPLFR (i.e., to count the service population of those eligible for DOI services). Third, for smaller tribes and tribal areas with populations below 65,000, the 5-year ACS data, regarding labor force measures on employment and unemployment, captures trends from over several years in the past, which may be of limited utility to tribes where employment and unemployment are changing rapidly. Further challenges may result if there are changes in geographic boundaries over time within the federal tribal areas, due to variations in how specific Census blocks are defined,⁶⁴ which may introduce inaccuracies.

Other limitations of ACS data are the small number of individuals surveyed in some tribal areas and the relatively low response rates to surveys, particularly for geographic areas with small populations and small sample sizes. Over the years, ACS has changed various aspects of its methodology

“Because the ACS is based on a sample, rather than all housing units and people, ACS estimates have a degree of uncertainty associated with them, called sampling error. In general, the larger the sample, the smaller the level of sampling error.”

U.S. Census, 2019

to improve the accuracy of the data and address low response rates, a significant problem with individuals residing on or near tribal lands. Changes included an option to submit responses via the Internet, follow-up phone interviews with non-respondents, an increase in the annual sample size to 3.5 million from 2.9 million, with larger samples in areas with predicted low response

⁶² Payson, “Alternative Measurements of Indian Country.”

⁶³ Ibid, p.13.

⁶⁴ U.S. Census. “American Community Survey Multiyear Accuracy of the Data (5-year 2014-2018)” found at: https://www2.census.gov/programs-surveys/acs/tech_docs/accuracy/MultiyearACSAccuracyofData2018.pdf.

rates or small populations,⁶⁵ creation of mapping software to identify such low-response areas,⁶⁶ strategies to improve counts, and in-person interviews for non-responding households including those in Native American tribal areas.

There may also be limitations in regard to displaying estimates derived from ACS data for small groups and areas as a result of new disclosure rules and confidentiality thresholds, developed by the Census Bureau. The procedures to protect the confidentiality of data concerning individual households involve two possible strategies: one is not to publish data for items and areas with so few respondents that information on individuals may be disclosed, while the second strategy involves swapping data from a similar household in another geographic area for data on a household where confidentiality controls have the potential to be overridden.⁶⁷

As noted earlier in this chapter, the Census Bureau created *My Tribal Area* – a specialized site for accessing data for specific locations that allows for displays of ACS estimates of race, Hispanic origin, tribal, and ancestry populations, as well as employment and unemployment for specific areas. This tool is publicly available and allows access to tribal areas’ data by selecting the name of the area within a state. Further, the estimates can be displayed with or without margins of errors.⁶⁸ It should be noted that geographic areas identified in this specialized data site differ from what was used in some past AIPLFRs, and as with all ACS data, do not include all enrolled tribal members including those receiving services outside tribal areas. Further, even within tribal areas, the data do not show employment and unemployment data broken out for enrolled members of a specific tribe, or for the AIAN population per se, but rather for all who live in the tribal area.

The margin of error, combined with the ACS estimate, give users a range of values within which the actual, “real-world” value is likely to fall.”

U.S. Census, 2019

DOL’s BLS uses the **Current Population Survey (CPS)** as one of its primary sources for labor force statistics. CPS data is collected via a monthly survey of 60,000 households. It

⁶⁵ Ibid, p.6.

⁶⁶ Information on the mapping software can be found at: https://www2.census.gov/geo/pdfs/maps-data/maps/roam/ROAM_FAQ.pdf.

⁶⁷ DeWeaver, DOL version of the American Indian Population and Labor Force Report.

⁶⁸ If there are fewer than 50 unweighted sample cases are available for an American Indian or Alaska Native tribe in a given geographic area, data are not presented for that tribe.

includes labor force participation, employment, unemployment, weekly hours of work, weekly earnings, occupation and industry of employment, educational attainment, disability status, whether foreign or native born, and on key demographic characteristics, such as age, gender, racial and ethnic identity and by location. The survey is now conducted primarily by computer. While the labor force portion of a CPS questionnaire has more than 200 questions, various methods are used to reduce the respondent burden, and only a small number of questions are asked of any individual.

The CPS' monthly sample is too small to produce reliable estimates at the state or local levels, for smaller populations such as individuals who identify as AIAN. However, pooled data from multiple months has been used to generate labor force estimates for the AIAN population at the national level.^{69,70} Most recently, a 2019 BLS article in *The Monthly Labor Review* examined labor force characteristics and experiences for individuals who identify as AIAN alone, using pooled CPS data for 36 months (from January 2016–December 2018).⁷¹ The article also provided national estimates for AIAN individuals who lived on or off federally or state recognized tribal lands, but not for individual tribal areas. The article offered an “alternative measure of labor underutilization,” similar to the measure required to be collected for the AIPLFR by DOL under the 2017 law, in order to take into account labor market conditions for individuals, in small, economically depressed communities, who do not “actively” engage in job searches because they know there are no available positions. Given the small sample sizes nationally, however, estimates from the CPS data are not available at the tribal level, as required by the AIPLFR, though there may be some states for which there might be sufficiently large, pooled data for AIAN across multiple years.

The **Native American Labor Market Dashboard** introduced recently by the Minneapolis Federal Reserve Bank's Center for Indian Country Development, provides estimates for each month since January 2007, on three metrics at the national level: 1) the labor force participation rate, 2) the employment rate, and 3) the unemployment rate. The estimates are

⁶⁹ A possible disadvantage is that BLS does not have direct contract with the tribes to make these types of requests possible. See DeWeaver, 2018.

⁷⁰ BLS publishes annual average estimates for AIAN at the national level in its time series database (<https://data.bls.gov/PDQWeb/In>), as well as publishing AIAN data annually in its “Labor force characteristics by race and ethnicity, 2019” report (<https://www.bls.gov/opub/reports/race-and-ethnicity/2019/pdf/home.pdf>).

⁷¹ Allard and Brundage, American Indians and Alaska Natives in the U.S. labor force.

displayed in an interactive format in graphs which can be adjusted by time period and location (for all areas or by metropolitan and non-metropolitan ones). The estimates are based on a sample of publicly available CPS microdata (i.e., for AIAN alone) pooled across three-month periods (since the monthly CPS sample sizes for AIAN population are small). The dashboard does not, however, provide data at the state or tribal area level, nor at the national level for other subgroups (i.e., those available for work but not seeking it, those working in the public or private sector, or living in poverty) required in the AIPLFR.

BLS' **Quarterly Census of Employment and Wages (QCEW)** program involves collection of quarterly data of quarterly wages for establishments covered by Unemployment Insurance (UI) or Unemployment Compensation for Federal Employees (UCFE), as well as monthly counts of employment in covered establishments. These administrative data are collected for tax purposes and cover more than 95 percent of U.S. jobs. These data are not available below the county level, and thus are insufficient for the purposes of the AIPLFR because they cannot be calculated or estimated at the tribal level. The QCEW does identify tribal establishments—that is, establishments owned and operated by AI tribes or AN villages. While informative, these tribal establishment data are only available at the national level. Additionally, employment data on tribal establishments, while helpful, comes with several caveats including that they employ people that are not necessarily AIANs.⁷²

Wage data from the QCEW are not useful for determining if those AIANs who are employed are at or below the poverty level, since the data are not captured for households but instead for business establishments. As the official definition of poverty is defined at the household level, i.e., a family's total income is less than a specific threshold, these data cannot readily be used to calculate poverty indicators.

Participant Data from Federal Programs collected by tribes and reported to multiple federal agencies, have been proposed as a possible source of data for future AIPLFRs. As described in a 2017 report from NCAI's Policy Research Center, these data appear to include

⁷² See: https://www.bls.gov/opub/mlr/2019/article/american-indians-and-alaska-natives-in-the-u-s-labor-force.htm#_edn15.

participant counts⁷³ but do not appear to include employment and unemployment data. However, they may be useful to tribes in identifying service counts for a particular type of program, and might help in verifying at least a floor for the number of individuals within a given service area. Further exploration is needed as to whether and how these data might be used by tribes for future reports.

Tribally Collected Survey Data – as noted earlier in the paper, tribal administrators provided data on tribal enrollment, service population, and labor force information for past AIPLFRs (from 1999 to 2005) via a standardized form provided by BIA to tribal administrators. Response rates by tribes were generally high (at or above 73 percent) but the use of such data was curtailed in the 2013 report due to concerns about the accuracy and reliability of the data (though tribally provided data was used for some smaller tribes due to the lack of sufficient ACS data). Also, as mentioned earlier in this paper, the sources for the employment and unemployment data provided by tribes were never clearly identified in the prior reports, and questions remain as to how tribal administrators collected information on these measures. However, even in regard to service population data, there did not seem to be clear or consistent methods for how to collect these data, based on several descriptions offered by a few tribes during the consultations as to how they developed their estimates and the sources of data they used (which included tribal enrollment records, as well as Census data to account for members of other tribes).

Nonetheless, despite these past challenges, including the lack of clearly defined and consistent methods for collecting the underlying data, feedback from the consultations and the RFI indicate there is a strong and continued interest among tribes in collecting and providing such data for future AIPLFRs. Further, there is a recognition that some tribes face significant barriers due to lack of staff capacity and expertise, as well as funding, to collect such data, problems which are exacerbated in smaller tribes that have limited resources. These challenges are likely greater in areas where there is limited or no access to broadband and other issues related to the digital literacy gap. However, as described in Chapter 3, a number of tribal data collection activities have been undertaken, as mentioned by tribal leaders during the

⁷³ NCAI Policy Research Center, Meeting the Reporting Requirements of Federal Agencies. (Washington, DC: National Congress of American Indians, October 2017).

consultations and documented in prior research.⁷⁴ These may be useful as potential models to consider, including the role of other organizations, such as universities, and in one case, a state workforce agency, in partnering with the tribes on the data collections.

Potential new data collection based on features of the **National Agricultural Workers Survey (NAWS)**,⁷⁵ which has been conducted annually since 1988, has several features that could be of interest in collecting data at the tribal level on population and labor force measures for the AIPLFR. NAWS involves use of contractor staff as interviewers, who are trained to follow strict protocols when locating and interviewing workers,⁷⁶ and are deputized by BLS.⁷⁷ Data is collected via face-to-face interviews in the crop workers' place of employment, using a computer-based survey (on a tablet) with data uploaded over the Internet. Data are collected over three cycles per year, to reflect the seasonality of crop agricultural production and employment. Interviews typically last 60 minutes and participants are paid \$20. Interviews are conducted with a nationally representative random sample of crop workers, the size of which has varied across time, ranging from 1,500 to 3,600, with the number sampled designed to achieve representativeness in each of 12 regions.⁷⁸ The samples sizes are typically based on regional farmworker employment data from the USDA's Farm Labor Survey and BLS' QCEW.

There is no direct federal mandate for the NAWS, but many agencies and others outside of the Federal Government use NAWS data to understand who works on crop farms, their employment and earnings, the characteristics of their families, as well as to inform policies and programs that provide services to migrant and seasonal farmworkers and their dependents. For example, ETA uses NAWS data in its formula for allocating farmworker employment and job training funds across states; the Department of Education's Office of Migrant Education periodically utilizes NAWS data to better understand the needs and characteristics of the

⁷⁴ NCAI Policy Research Center, Recommendations from Tribal Experiences with Tribal Censuses and Surveys. (Washington, D.C.: National Congress of American Indians, October 2017), https://www.ncai.org/policy-research-center/initiatives/Tribal_Experiences_10_31_2017_FINAL.pdf.

⁷⁵ For more information, see: [National Agricultural Workers Survey | U.S. Department of Labor \(dol.gov\)](https://www.dol.gov/sites/dolgov/files/ETA/naws/pdfs/NAWS_Research_Report_13.pdf)
https://www.dol.gov/sites/dolgov/files/ETA/naws/pdfs/NAWS_Research_Report_13.pdf.

⁷⁷ The NAWS contract has an annual cost of \$4+ million and includes 15 trained interviewers collecting in-person information from 1,500 crop workers and issues an updated report and data about every two years.

⁷⁸ The total estimated population of crop workers in the U.S. is 1.6 million. The data collection is designed so that interviewing 1,500 crop workers annually can be generalized to the entire crop worker population. See NAWS sampling methodology at: <https://www.dol.gov/agencies/eta/national-agricultural-workers-survey/methodology>.

population served in its various programs; and the Census Bureau also uses NAWS findings in its preparation for the Decennial Census, to inform its approach to locating and administering the census questionnaire to migrant and seasonal farm workers, a population that has historically been undercounted.

NAWS thus informs a variety of programmatic efforts and also reduces undercounts. Adopting some features of the NAWS for data collection for the AIPLFR might also lead to improving data accuracy and be of use for multiple purposes, in line with some of the preferences identified by AIAN stakeholders in the consultations and RFI responses. However, sample size would need to be far greater nationally than that used in the NAWS (since there are far more tribal areas than the twelve regions for the NAWS) and would require substantially more resources.

Chapter 5: Exploration of ACS Data in Regard to Future AIPLFRs

The previous chapter explored different sources of data that could be used to inform the AIPLFR. Among those sources, only two appeared to have the potential to be able to provide accessible data at the tribal level: the ACS and tribally collected data. To learn more about the ACS data and its adequacy and limitations for use in future AIPLFRs, DOL acquired “5-year” data from the ACS on those who self-identify as AIANs either alone or in combination (AOIC) with another race, in order to conduct an exploratory analysis, the results of which are discussed below.

The ACS Data Requested

DOL requested pooled 5-year data (collected between January 1, 2014 and December 31, 2018), which were chosen in order to increase the “precision” of the estimates at all jurisdictional levels, and to understand more about the adequacy of data for tribal areas with small populations.⁷⁹ The data represent what occurred over a 5-year time frame, and therefore, particularly for employment and unemployment, are not the most current. The data requested were for the closest approximations or proxies related to requirements in the 2017 law as available in ACS on AIANs, both alone and for AOIC, for the following indicators:

- The total population;
- The population under age 16 and over 64;
- Those employed aged 16 years and older;
- Those aged 16 years and older potentially able to work (based on a proxy of those not in school and who did not have a disability) but who had not sought work;
- The number unemployed (as per the CPS U3 definition,⁸⁰ i.e., who had sought work in the prior 4 weeks) aged 16 years and older;
- Those employed aged 16 years and over, who were in households with earnings below the poverty line;⁸¹ and
- The numbers employed in the private and public sectors.

⁷⁹ Estimates for areas with populations under 65,000 use “5-year data” while 1-year data are used for areas with 65,000 or more. Estimates using pooled 5-year data are updated annually by removing the data from the earliest year and replacing it with data from the most recent one, which can help to account to some extent for more recent social or economic trends such as a recession.

⁸⁰ See CPS’s alternative measures of labor underutilization at: <https://www.bls.gov/cps/definitions.htm#altmeasures>.

⁸¹ As noted above, the ACS does not collect or provide data on individuals having earnings below the poverty line, but rather on individuals living in households that have income below the poverty line, under the poverty guidelines used by Census more generally.

An approximation for the numbers employed in the private and public sectors was developed based on consolidating six categories for types of employment into these two sectors. In addition, data were requested on several additional indicators of interest, including, among those aged 16 and older:

- Those who had worked a full year (50-52 weeks); and
- Those who reported usually working full-time (35 or more hours per week).

The files requested included:

- Data on all indicators, at the national and state levels on all AIAN, both alone and AOIC, for the total population, for women, for all locations, including urban areas, and **not** restricted to federal, state or Hawaiian tribal areas;
- Data on all indicators for AIAN both alone and AOIC, for the total population and for women, but **restricted** to federal, state or Hawaiian tribal areas; and
- Data on all indicators for AIAN both alone and AOIC, for the total population and for women, but **restricted to counties** where there were federal, state or Hawaiian tribal areas.

Tabulations and Caveats

Tabulations of ACS data were developed, for exploratory and illustrative purposes, on data elements as similar (albeit not identical) to those required in the 2017 law, as well as on other employment and unemployment measures as typically defined in CPS. Two sets of tabulations were developed for the AIAN AOIC: 1) national and state level estimates for all geographic areas (i.e., not restricted to federal tribal areas), and 2) estimates for individuals in federal tribal areas. Tabulations on national and state level data are presented in Appendix B. (Note that the tabulations presented are not definitive counts.) The tabulations for federal tribal areas are *not* displayed in this paper, due to questions concerning their accuracy as well as unresolved definitional issues concerning the service population near such areas.

The ACS data, it should be noted, have inherent limitations (as discussed in Chapter 4) in that they do not provide information on *service* populations per se, i.e., whether individuals are enrolled members of a federally recognized tribe (and thus part of the service population for a particular tribe or another). Further, as noted previously, the number of AIAN AOIC living *near* tribal lands (which were included in estimates in prior reports) can vary substantively, depending on how the geographic boundary for “near” is defined, such as by including data on individuals in the same or adjacent counties. Absent more detailed information at the local level, estimates

based on a general definition of what is “near” to federal tribal areas present additional and unknown levels of uncertainty.

Several other caveats in regard to the estimates should be noted. First, the numbers can change dramatically based on what definitions and restrictions are used, as can be seen in national level figures using different definitions and restrictions.⁸² This variation is displayed in Table 1.

Table 1: Estimates of the Native American Population

	AIAN Alone	AIAN Alone or in Combination
U.S.-Based Population	2,691,970	5,559,240
Living in Federal Tribal Areas	874,921	1,096,812

Source: ACS 5-year data (2014-2018)

Second, all estimates provided by ACS exist in a zone of uncertainty as to where the “true” number lies. This “margin of error” above and below a numerical point estimate occurs because the data are collected from a sample of households, and estimates are developed using inferential statistics, to represent what would have been obtained from the universe of households, at various jurisdictional levels. The uncertainty, or “error” occurs for several reasons, including, for example, samples that are too small or not adequately representative, measurement error due to inputting errors or when respondents misinterpret questions or provide inaccurate answers, and “non-response bias” related to differential response rates among subgroups. Examining the margins of error can show how “precise” the estimates are, based on the magnitude of the uncertainty that surrounds each value. To provide a sense of the size of that uncertainty, the national and state population and labor force estimates for the AIAN AOIC for all geographic areas are presented with their margins of error,⁸³ in a second set of tables (for comparison purposes) in Appendix B.

⁸² According to one estimate (Payson, 2021, “Alternate Measurements of Indian Country”) around one million AIAN AOIC live on tribal lands. Adding in those living *near* to such areas, i.e., outside the tribal boundaries but in the same or an adjacent county, brings the total to around 2 million.

⁸³ At the 90 percent confidence level, ACS estimates and the actual AIAN population would differ by no more than the respective margin of error value. This means that the size of the population is expected to be within the reported range at least 90 percent of the time, though there is a 10 percent chance that the estimates are outside the range reported.

Key Observations from the National and State Estimates

While national and state estimates on AIAN AOIC for all geographic areas from ACS data are provided in tables in an appendix, some general findings from that data, include:

- The total estimated population of AIANs AOIC in the U.S, regardless of tribal affiliation or residency on federal tribal lands, was approximately 5.6 million individuals, roughly in line with the 2010 Decennial Census of 5.2 million^{84,85} and the CPS estimate of 5.1 million people for the combined years 2016-2018.⁸⁶ It should be noted that this is twice the number of AIAN AOIC that live on or near tribal areas in the U.S,⁸⁷ and much higher than those that live only on tribal lands (approximately 1.1 million) summed from the tribal level data analyzed here.
- Approximately two-thirds of AIAN AOIC across all geographic areas were between 16 and 64 years of age.
- There was a high degree of variation across states in their total AIAN AOIC population. The state with the highest population was California with 755,370, followed by Oklahoma with 522,840 and Arizona with 391,240. The states with the lowest population of AIANs were Vermont with 8,160, followed by Delaware with 9,445, and New Hampshire with 10,955. The District of Columbia's AIAN population was 6,110.
- Among the AIAN AOIC population nationally, 2,202,570 were employed, and 256,450 were unemployed and had looked for work in the prior four weeks (i.e., were unemployed using the definition typically used in the CPS) for an unemployment rate of 10.4 percent. There were a total of 840,655 individuals potentially available for work, which included both the unemployed (using the standard definition) and those who were not employed, had not looked for work in the prior four weeks and, based on the proxy measure created for this exploratory analysis, were *not* in an educational activity and did *not* have a disability. The percentage of this larger potential labor force who were not employed was 27.6 percent.
- Almost three quarters of those employed had private sector jobs (72.5 percent), while just under one-fifth (19.2 percent) of the employed worked in the public sector, and less than 10 percent were self-employed.⁸⁸ Also, 10.4 percent of those employed were in households with incomes below the poverty level.

⁸⁴ “The American Indian and Alaska Native Population: 2010,” 2010 Census Briefs, (Washington, D.C.: U.S. Census Bureau, January 2012).

⁸⁵ This figure is roughly consistent with results from the 2010 Census. This follows structurally from the use of population estimates that are extrapolated from the latest decennial census (coming from the Census Bureau's Population Estimates Program, or PEP) to control the ACS data. Counts from the 2020 Census identify 9,666,058 AIAN AOIC.

⁸⁶ Allard and Brundage, “American Indians and Alaska Natives in the U.S. labor force.” Note that the CPS estimate is for the civilian noninstitutional population ages 16+, not the total population.

⁸⁷ Also noted in Payson, “Alternative measurements of Indian Country: understanding their implications for economic, statistical, and policy analysis,” Monthly Labor Review, U.S. Bureau of Labor Statistics, November 2021.

⁸⁸ The ACS captures and defines this self-employed category as being an owner of non-incorporated business, professional practice, or farm, an owner of incorporated business, professional practice, or farm, or an individual who worked without pay in a for-profit family business or farm for 15 hours or more per week.

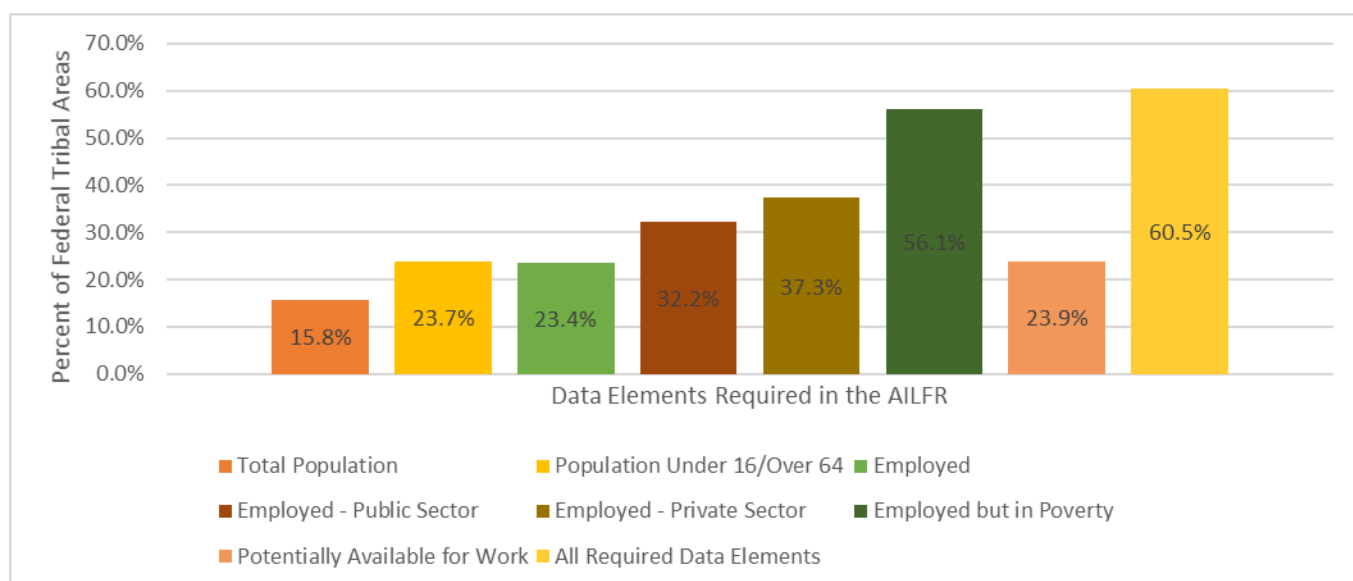
Federal Tribal Area Data from ACS

The analysis of the federal tribal area data found that there were 590 federal tribal areas identified, out of a total of 695 tribal areas (which included not only federal but also state recognized tribal and Hawaiian areas). Despite the potential for enhanced precision in using the 5-year data, significant numbers of federal tribal areas lacked sufficient population and labor force data to have reportable estimates (as discussed below). Other results concerning the adequacy of the tribal level data include the following:

- The total population for AIAN AOIC for all federal tribal areas was 1,096,812. (Note that this does not include those living near to such areas.)
- In regard to the population among all federal tribal areas, the median population estimate was 235, meaning half of these tribal areas have estimates below this figure. Given the sizable margins of error, this may reflect low sample sizes rather than the true size of the tribal area populations themselves.
- The six largest tribal areas accounted for approximately 47 percent of the population.
 - The federal tribal area with the highest AIAN AOIC population, with 168,015 individuals, was the Navajo Nation Reservation and Off-Reservation Trust Land (situated across three U.S. states: Arizona, New Mexico, and Utah).
 - The second most populous area was the Cherokee Oklahoma Tribal Statistical Area (OTSA) in Oklahoma with 131,245 AIAN individuals, followed by the Creek OTSA in Oklahoma with 107,790 AIAN individuals.
- Only three federal tribal areas had populations above 65,000, i.e, for which recent (one-year) data could be used for estimates. The distribution of the other tribal areas by population size was as follows:
 - Five tribal areas (0.8 percent) had population estimates greater than 40,000.
 - Nine tribal areas (1.5 percent) had population estimates between 10,000 and 40,000.
 - Twenty-three tribal areas (3.9 percent) had population estimates between 5,000 and 9,999.
 - Fifty-four tribal areas (9.2 percent) had population estimates between 1,500 and 4,999.
 - The remaining 499 tribal areas (84.6 percent) had population estimates below 1,500.
- The ACS data file did not have reportable estimates for all data elements required in the AIPLFR for some federal tribal areas (as shown in Figure 1 below), due to such factors as: large margins of error, estimates of zero, or an absence of a numerical estimate (due to suppression of cells with fewer than three cases, based on Census's rules to ensure privacy). Nonetheless, there were reportable estimates for all but one data element, for a preponderance of tribal areas. Among federal tribal areas in the data set:
 - A large portion (84.2 percent) had a reportable estimate for their total population while 15.8 percent did not;
 - A somewhat smaller percentage (76.3) of tribal areas had population estimates that would allow for identification of the prime age population (though 23.7 did not have such data);

- Just over three-quarters (76.6 percent) of the areas had reportable data on those employed, and a similar percentage (76.1) had data on the proxy measure for those available for work but not seeking it (created for the analysis here);
- Over two thirds (67.8 percent) had reportable estimates regarding individuals employed in the private sector, while only 62.7 percent had such estimates for those in public sector jobs;
- Only 43.9 percent of tribal areas had meaningful estimates of the number employed living in households with income below the poverty level; and
- Overall, 39.5 percent of the tribal areas had estimates for **all** data elements, while 57.3 percent of the areas had estimates for six elements (excluding the number employed but living in poverty households).

Figure 1. Percent of Federal Tribal Areas with No Reportable Estimates* for Key Data Elements in the AIPLFR



Source: ACS 5-year data (2014-2018)

*Due to estimates of zero, suppressed estimates, or margins of error greater than or equal to the estimate.

Conclusion

This chapter summarized the results of analyses using data drawn from the five-year ACS (2014-2018). These estimates included are not intended as formal counts for the AIPLFR itself, given the substantial limitations in the data set for that purpose, but rather as an example of the types of estimates available in ACS 5-year data. Although the data available in ACS do not align perfectly with the requirements of the AIPLFR, the data set can provide proxies for several of the required data elements within it. Further, while a sizable percentage (almost 16 percent) of federal tribal areas lack population estimates within the ACS, it could be used to provide estimates at least for other federal tribal areas that have larger populations and could potentially

be used as a point of comparison for tribes to assess their own population estimates in enrollment or other administrative data.

It may also be possible for tribes to use the ACS questionnaire as the basis for their own data collection. In this scenario, tribes may wish to mimic the labor and employment questions of the ACS, but add their own questions or modules to gather other data of interest to them, as described in Chapter 3, or to add further questions designed to gather more nuanced information on those potentially available to work.

Chapter 6: Key Issues, Options and Considerations Related to Future AIPLFRs

In developing future AIPLFRs, there are multiple, intertwined issues that need to be resolved. These issues are related in varying degrees to the purposes of the eventual AIPLFRs and the possible users of the data in them, which include not only federally recognized tribes, but also researchers, advocacy organizations, and policy makers at multiple levels of government. The issues and challenges concern both content and process, as discussed below.

Issues Related to the Content of Future AIPLFRs

The content of future reports rests on decisions concerning multiple issues, such as who will be counted, what data elements to include, what will be the underlying sources of data, and the content and format of future reports. Key issues and options fall into the following domains:

Definitional issues as to who is counted in the “service population,” particularly at the tribal level, i.e., whether to continue the historic focus on geography and tribal members living on or near tribal areas (and how to determine what constitutes “near” tribal lands), or conversely, whether to include data on all enrolled members of tribes even if not full-year residents on tribal lands, and whether to also include individuals who self-identify as AIAN but are not enrolled members of any tribe. Another issue is whether to include supplemental data, as is permissible under the law, on AIAN living away from tribal areas (including in urban areas), or to include state-recognized or Hawaiian tribes and tribal areas.

Population and Labor Force Data Elements, including whether these elements or measures should conform strictly to what is in the 2017 law, or be expanded to include counts and percentages aligned with the standard terms and definitions used by BLS, or other data collections. (A table with exploratory data on the national and state level, using data from the American Community Survey, is appended to this paper, showing different definitions for the labor force and employment).

Scope and Frequency of the Reports, including whether to expand the scope of data to be presented in the AIPLFR to include other important data elements related to the labor force beyond those in the law. For example, those related to part-year or part-time employment, educational attainment, health and disability status, poverty status. Another consideration is

whether to collect and report data every two years as called for in the law, or less frequently, in light of the difficulty and cost of collecting and reporting data, especially if tribes will be responsible for that activity.

Data Sources, including those best suited to the tribal level or to the national, state, or BIA region levels. Concerning sources for *tribal level* population and labor force data, options include tribally-conducted surveys (including use of modified versions of the ACS questionnaire or adding some labor force questions from the CPS instrument), administrative program data (already collected by tribes or received by federal agencies), and the ACS. Two of these options (ACS and tribal surveys) are discussed in greater depth below.

Data Quality issues include what level of accuracy and precision is needed in regard to the data, consistent with requirements to which DOL, and other federal agencies are subject. A related issue is how (if tribes collect and provide data for the AIPLFR) will the quality of the data be validated and verified. Also relevant to collection and display of data in future AIPLFRs is how to meet requirements on privacy and data security to which DOL and other federal agencies are subject, under multiple statutes and regulations.

Content and Format, which concern whether the AIPLFR should be primarily a source of data or also include analyses and discussions on trends (or other areas of interest), similar to an article in BLS's *Monthly Labor Review*, for example, or an academic journal. Also, the format for data displays could be in a single "flat file" document (as was the case for past reports), an Excel file, or an interactive database, similar to what is currently available for the Census's "My Tribal Area" site or a dashboard similar to the Minneapolis Federal Reserve Bank's Center for Indian Country Development Native American Labor Market Dashboard.

Process Issues in Designing and Producing Future AIPLFRs

Resolving the issues discussed above as well as collecting, verifying, analyzing, and presenting data in future reports will require consultations with tribes and other federal agencies. At the same time, production of the reports may rely on other organizations such as research organizations and academic institutions. The potential roles for these organizations, agencies, and institutions are discussed below.

Roles for Tribes and Tribal Organizations, which concern the nature of the involvement of tribal leaders and data specialists, as well as tribal advocacy groups, in the development of the parameters for the reports, and later, in implementing data collection and using the reports. Options include: a) creation of a tribal “working group” to advise DOL and develop solutions that will be acceptable to and implementable by a large proportion of tribes, b) additional tribal consultations and formal requests for comments, and c) conducting surveys of tribes to ascertain their interest in and capacity to collect and report on key population and labor force measures. Other options and considerations concern the possible role for tribes in providing training and technical assistance to other tribes, and sharing their information and experiences with them, providing feedback to DOL during implementation of data collection and in reviewing various products, and in finding ways to assist in encouraging tribal members to respond to surveys.

Involvement of other Federal Agencies, such as the Census Bureau and DOI, but also other departments, such as HHS (which fund programs of vital importance to tribes) may be important to DOL, in order to understand the data collected for other programs, to explore the possibility of more comprehensive or more frequent data collection, and to identify potential sources of technical assistance regarding data collection methods and procedures (if tribes are to be engaged in data collections). Options in regard to the role of other federal agencies include establishing routine interagency discussions and consultations, or task forces.

Role of Academic, Research and Philanthropic Organizations, which include universities with specialized departments devoted to studies related to Native Americans, multiple research organizations developing technical assistance on conducting data collection as well as analysis of data, and philanthropies that have shown a willingness to fund services and research to aid Native Americans and their communities. Academic, research and philanthropic organizations could potentially play important roles in working with tribes to develop their data collection capacity, to educate new data collection specialists, or even to assist in data collection, so that the resulting data will be more accurate, useful, and available.

Considerations Regarding Data Sources

Providing biennial reports with data at the national, state, BIA region, and tribal level requires clarifying the key factors for adopting one or more data sources, including the

availability or accuracy of the data for the key AIPLFR measures, the ease or feasibility in acquiring it, as well the associated costs and time needed to obtain them, and the changes that might improve the accuracy and feasibility or lower the costs or time. While reasonably precise and low-cost data are available at the national and state levels, such is not the case for data at the tribal level. The discussion below explores key considerations for the two data sources with population and labor force data at the tribal level.

ACS Data. The ACS data provide estimates regarding all population and labor force measures for larger, more populous tribal areas and can provide at least some of the data required for just under 60 percent of all federally recognized tribal areas (though with large margins of error). Improving the precision of the data for most tribes would require much higher sampling rates, particularly for low population tribal areas or those with geographically dispersed populations. Higher sampling, at the level needed for these smaller tribal areas, would in turn require a substantial investment of both money and staffing, agreement from another federal agency, and likely would have implications beyond tribal areas. However, ACS data are relatively inexpensive to acquire, are collected and analyzed using established methodologies in accordance with federal standards, and do not burden tribes with additional data collection and analysis, and might be acceptable to at least some tribes.

There are, however, several unresolved issues that may be addressed which could enhance the utility or accuracy of ACS data. These include clarifying what constitutes a definition of “near” to tribal areas, and if tribes could request additional data on AIAN on Census tracts that might qualify (and which DOL could acquire). A final unresolved issue is the lack of data collected specifically on those who are not actively seeking work due to lack of available jobs in a tribal area, for which data is required in the AIPLFR. A possible but partial solution might be to add a question to the ACS survey instrument on longer-term unemployment without job search activity (similar to a question in the CPS) or to develop another question with wording that would clearly address the requirement for the AIPLFR.

Tribally Collected Data. Given the limitations of ACS data, a primary consideration concerns the viable alternatives for obtaining reliable and accurate counts at the tribal level for future AIPLFRs. As noted above, multiple prior iterations of the AIPLFR relied upon tribal data.

While such data have multiple advantages, these prior efforts were subject to concerns about the overall accuracy and reliability of data.

The potential for tribes to conduct their own data collection and their interest in doing so were demonstrated in the experience of several tribes, noted during the consultations and included in the 2017 NCAI report⁸⁹ (on tribal data collection experiences) as well as the 2018 NCAI report⁹⁰ which summarized results from a survey of tribes regarding data collection capacity and interest in conducting surveys. The second report also discussed a process for working with tribes, drawing on the expertise of tribal data technicians, combined with federal financial assistance. The report also underscored that supporting tribes to conduct their own surveys could be critical not only for generating the data for service planning and economic development, but also to support tribal sovereignty and self-determination.

However, the role of tribal sovereignty regarding estimates for the AIPLFR would need to be resolved even if geographic areas for residents living on or near tribal lands are to be used as the basis for identifying population and labor force data. Since tribes are independent entities that have the right to govern themselves, there are understandably concerns about prescriptive requirements as to what represents the boundaries for what is “near” any given tribal area. Assuring consistency across tribes would require developing acceptable and standardized data definitions and data collection procedures, while demonstrating sensitivity to tribal concerns about sovereignty. Any data collection at the tribal level would, in light of statutory requirements for DOL, have to assure there was objectivity, integrity, and adherence to scientific data collection methods as well as to privacy and data security protections.

Further, as stakeholders at the consultations noted, lack of funding is a primary limiting factor for tribes in collecting and using data which is related to their need to build their technological infrastructure and to adequately train staff to manage, collect, analyze, and report data. The funding problem, as noted, was often particularly acute for smaller tribes that have more limited resources. To understand these perspectives and other needs, a first step might be to conduct a survey of current data collection and data collection capacity across all tribes (both

⁸⁹ NCAI Policy Research Center, Recommendations from Tribal Experiences with Tribal Censuses and Surveys.

⁹⁰ NCAI Policy Research Center, The State of Tribal Data Capacity in Indian Country.

federal and state-recognized), which could then help identify which tribes were in greatest need of technical assistance, funding, staff, or all of the above.

Conclusion

This paper has attempted to elucidate the multiple challenges for DOL in developing biennial AIPLFRs that will contain accurate and timely data. The challenges concern, among others, data definitions, elements to include, quality standards, scope, and the content and format for future reports. However, there are two primary considerations going forward: a) what data should be used to develop estimates, particularly those that will allow for accurate estimates on key measures at the tribal level; and b) how to respect tribal sovereignty.

As this paper discusses, each source for tribal level data has significant benefits and drawbacks. The major options discussed include data collected in the ACS and data collected by tribes (on their own or in partnership with an academic or research organization). ACS data are relatively inexpensive, easily accessible, and currently exist, but lack data on key elements for many tribal areas, and all data for some tribes. Further, since the size of most tribes requires use of data aggregated across five years, the resulting estimates cannot present a recent picture, particularly in regard to employment and unemployment measures.

Tribally collected data, which has the potential to be more accurate and timely is not yet available (at least for the vast majority of tribes), and will require substantial time and additional resources for technical assistance and possibly funding for tribes—especially smaller ones with more limited resources—in collecting the data. Attention would also be needed for working with tribal leaders and tribal data specialists in developing an acceptable approach to standardization across tribes, establishing consistent definitions and data collection procedures across tribes, providing detailed instructions and training on data collection and reporting, and implementing procedures to validate and ensure the accuracy of any data collected.

However, even with such tribal input, a key challenge will be how to respect tribal sovereignty and yet also allow for accurate and validated data consistent with federal data standards to which DOL must adhere. The new approaches may be acceptable to most tribes but perhaps not to all. Other solutions may need to be considered, such as allowing individual tribes to decide, in regard to each report cycle, which data source they would want to use for the tribal-level measures, or perhaps opt out of having data used for some, or all, of the elements.

Finally, given the time and expense of creating future AIPLFRs with meaningful population and labor force data, it may be worth clarifying the rationale for the reports. With the transfer of the responsibility for the reports to DOL, and the fact that their purpose has never been clearly articulated, DOL may want to consider how to make them more useful. That might be related to broadening the data in future reports to include data on poverty, educational attainment, or other measures of interest, consistent with responses from a number of tribal respondents. Other possibilities include data on Native Americans who live in jurisdictions other than federal tribal areas (which contain less than a quarter of that population nationally), or who may be members of state-recognized tribes or Native Hawaiians (whose data are similarly available in ACS, with many of the same caveats described above). These changes might be worth considering, in light of other DOL activities, since the DOL, under ETA, provides funding to organizations on and outside of federal tribal areas based on a formula using population, poverty and unemployment data (including for the “477” tribes that consolidate funds from multiple programs) and, under BLS, has periodically produced articles on the Native American labor force and employment. Broader, accurate data might also be of interest to other federal agencies and researchers, among other potential audiences. Overall, these changes may be worth exploring, if they could increase the likelihood that future AIPLFRs will become critical, well-used sources of information on the employment and economic circumstances of Native Americans and their communities, across the U.S.

Appendix A: Glossary

Acronyms

DOI – U.S. Department of the Interior

BIA – Bureau of Indian Affairs (DOI)

DOL – U.S. Department of Labor

BLS – Bureau of Labor Statistics

ETA – Employment and Training Administration

OPDR – Office of Policy Development and Research

DINAP – Division of Indian and Native American Programs

Data Sources and Terms

ACS – American Community Survey, conducted by the Census Bureau, of 3.5 million households a year.

CPS – Current Population Survey, conducted jointly by BLS and the Census Bureau, of about 60,000 households each month.

AIAN – American Indian and Alaska Native, one of five racial categories, by which individuals may identify themselves in the federal statistical system. The other racial categories are: White, Black (or African American), Asian, and Native Hawaiian or Other Pacific Islander. (Hispanic/Latino is considered an ethnicity, not a race.)

AOIC – Alone or in Combination, the term used by the Census Bureau for data files that include those who identify as only of one race, and those who identify as of one race in combination with one or more other races.

MOE (Margin of Error) – A *range* above or below a specific (estimated) number in which the “true” number lies with a given level of confidence. (Most ACS and CPS MOEs are calculated at the 90-percent confidence level.)

Response Rate – The percentage of completed responses relative to the total number of people intended to be surveyed in the sample.

Sample – A group drawn from a population (or “universe”). To obtain generalizable information on a specific population, the sample must have similar characteristics to the population and be selected randomly.

Statistical Estimate – An approximate numerical value based on data from a sample of individuals.

Tribal Statistical Areas – Geographic areas identified by Census that define the boundaries of tribal areas.

Appendix B: Data Tables

This appendix provides tables with national and state estimates, using pooled 5-year data (2014-2018) from the ACS, for data elements *similar to* those required for AIPLFR in P.L. 115-93.⁹¹ The tables are for **exploratory or illustrative purposes only**, due to potential problems and challenges in using ACS data, as discussed in the main body of this paper.

Note that the national and state data presented are **not** for the “service population” (i.e., members of federally recognized tribes) as required in P.L. 115-93. Rather, the data are for those who self-identified as AIAN AOIC, for *all* locations, i.e., not restricted to tribal lands nationally and in the states. Included in the underlying data are members of federally recognized tribes, state recognized tribes, and as well individuals who are not enrolled in any tribe. The table displays estimates for the following:

- the population of those aged 16 and above and under 64,
- those employed,
- the unemployed (using the standard CPS “U3” definition, i.e., those who searched for work in the prior four weeks),
- those potentially available for work (including both the unemployed and those *not* in an educational program and who did *not* have a disability, i.e., the proxy used in this analysis), and
- various percentages on unemployment and employment (intended to help the reader interpret the estimates).

The Table 1 in this appendix displays estimates *without* showing the margins of error. Following that, Table 2 displays the same estimates *with* the margins of error (in parentheses) which show the “imprecision” or range of uncertainty of the estimates.

Note that there are no tables with data on federally recognized *tribal areas*, due to concerns discussed in this paper regarding the accuracy and precision of the estimates for many areas (especially for specific data elements required in the AIPLFR) and lack of data on individuals residing *near* those tribal areas (which vary by the distances from such areas).

⁹¹ The required data elements in the law include: the total service population; the service population under age 16 and over 64; the population available for work, including those not considered to be actively seeking work; the employed population, including those employed with annual earnings below the poverty line; and the numbers employed in private sector and public sector positions.

**Table 1: Exploratory Analysis – AIAN Alone or in Combination for the U.S. and by State
Using Data from the American Community Survey (ACS) 5-Year File (2014-2018)**

		Age Distribution Data		Employment and Unemployment Data for Those 16 Years and Older										
State	Total Population	Under 16 and over 64 years	Prime Age Adults 16-64 years	Number Employed, 16 years and over	<u>Potentially Available for Work</u> Number and Percent of the Potential Labor Force (Using alternative definition) ⁹²		<u>Unemployed</u> Number and Percent of the Labor Force (Using the standard definition) ⁹³		<u>Public Sector Employment</u> Number and Percent (of those Employed)		<u>Private Sector Employment</u> Number and Percent (of those Employed)		<u>Employed and in Poverty Households</u> Number and Percent (of those Employed)	
U.S.	5,559,240	1,975,540	3,583,700	2,202,570	840,655	27.6%	256,450	10.4%	423,175	19.2%	1,595,925	72.5%	228,310	10.4%
Alabama	61,260	20,645	40,615	23,510	10,235	30.3%	2,615	10.0%	4,805	20.4%	16,495	70.2%	2,140	9.1%
Alaska	145,495	56,770	88,725	49,585	28,130	36.2%	10,650	17.7%	16,315	32.9%	29,665	59.8%	4,960	10.0%
Arizona	391,240	143,940	247,300	131,290	74,135	36.1%	20,935	13.8%	37,130	28.3%	86,785	66.1%	18,545	14.1%
Arkansas	56,420	19,480	36,940	22,040	8,840	28.6%	2,165	8.9%	3,180	14.4%	16,645	75.5%	2,295	10.4%
California	755,370	261,705	493,665	309,730	108,010	25.9%	35,315	10.2%	53,670	17.3%	224,335	72.4%	25,205	8.1%
Colorado	116,985	37,695	79,290	53,745	15,530	22.4%	5,475	9.2%	8,275	15.4%	40,970	76.2%	5,345	9.9%
Connecticut	36,410	11,920	24,490	16,170	5,265	24.6%	1,920	10.6%	2,425	15.0%	12,425	76.8%	1,345	8.3%
Delaware	9,445	2,975	6,470	4,320	1,315	23.3%	395	8.4%	850	19.7%	3,075	71.2%	515	11.9%
District of Columbia	6,110	1,890	4,220	2,815	830	22.8%	380	11.9%	770	27.4%	1,825	64.8%	200	7.1%
Florida	169,445	56,290	113,155	72,295	24,405	25.2%	7,175	9.0%	8,530	11.8%	55,795	77.2%	5,780	8.0%
Georgia	96,765	32,880	63,885	39,420	14,700	27.2%	4,290	9.8%	5,345	13.6%	30,015	76.1%	4,615	11.7%
Hawaii	32,595	13,455	19,140	12,815	3,825	23.0%	890	6.5%	2,525	19.7%	8,920	69.6%	935	7.3%
Idaho	40,600	15,510	25,090	15,050	5,810	27.9%	1,955	11.5%	3,190	21.2%	10,455	69.5%	1,950	13.0%
Illinois	97,820	32,970	64,850	43,110	13,395	23.7%	5,065	10.5%	5,430	12.6%	34,360	79.7%	4,030	9.3%

⁹² “Potentially Available for Work” includes: a) “unemployed” individuals as per the BLS definition (i.e., who looked for work in the prior 4 weeks) and b) individuals who were not employed, had not searched for work in the prior 4 weeks, and were (as per the “proxy” created for this analysis) *not* in educational activity and did *not* have disability. The total “Potential Labor Force” thus includes the employed, the unemployed, and those available for work using the proxy criteria.

⁹³ The Labor Force, using the standard BLS definition, includes: the employed and the unemployed (who looked for work in the prior 4 weeks).

**Table 1: Exploratory Analysis – AIAN Alone or in Combination for the U.S. and by State
Using Data from the American Community Survey (ACS) 5-Year File (2014-2018)**

		Age Distribution Data		Employment and Unemployment Data for Those 16 Years and Older										
State	Total Population	Under 16 and over 64 years	Prime Age Adults 16-64 years	Number Employed, 16 years and over	<u>Potentially Available for Work</u> Number and Percent of the Potential Labor Force (Using alternative definition) ⁹²		<u>Unemployed</u> Number and Percent of the Labor Force (Using the standard definition) ⁹³		<u>Public Sector Employment</u> Number and Percent (of those Employed)		<u>Private Sector Employment</u> Number and Percent (of those Employed)		<u>Employed and in Poverty Households</u> Number and Percent (of those Employed)	
Indiana	51,175	16,480	34,695	21,200	7,560	26.3%	2,030	8.7%	1,825	8.6%	17,615	83.1%	2,300	10.8%
Iowa	27,435	9,485	17,950	11,875	2,975	20.0%	995	7.7%	1,510	12.7%	9,690	81.6%	1,940	16.3%
Kansas	61,745	21,475	40,270	26,155	7,540	22.4%	2,545	8.9%	4,515	17.3%	19,690	75.3%	3,045	11.6%
Kentucky	33,625	10,965	22,660	12,645	6,055	32.4%	1,545	10.9%	2,115	16.7%	9,595	75.9%	1,475	11.7%
Louisiana	58,950	21,290	37,660	23,205	9,180	28.3%	2,405	9.4%	3,270	14.1%	17,500	75.4%	2,345	10.1%
Maine	23,040	8,555	14,485	8,670	3,615	29.4%	1,145	11.7%	1,620	18.7%	6,265	72.3%	1,360	15.7%
Maryland	60,910	20,345	40,565	28,105	7,395	20.8%	2,690	8.7%	7,085	25.2%	18,975	67.5%	1,470	5.2%
Massachusetts	48,150	16,330	31,820	20,605	6,530	24.1%	2,605	11.2%	3,025	14.7%	16,190	78.6%	1,445	7.0%
Michigan	146,945	51,475	95,470	57,795	22,860	28.3%	6,940	10.7%	9,475	16.4%	43,855	75.9%	6,470	11.2%
Minnesota	106,995	40,805	66,190	40,700	15,465	27.5%	5,005	11.0%	9,630	23.7%	28,645	70.4%	5,685	14.0%
Mississippi	24,230	8,600	15,630	8,710	3,650	29.5%	1,305	13.0%	3,085	35.4%	5,005	57.5%	1,190	13.7%
Missouri	78,625	26,120	52,505	32,575	11,560	26.2%	3,125	8.8%	3,595	11.0%	26,285	80.7%	3,255	10.0%
Montana	85,285	34,085	51,200	29,270	14,205	32.7%	3,915	11.8%	9,540	32.6%	17,225	58.8%	4,250	14.5%
Nebraska	32,525	12,835	19,690	12,970	3,985	23.5%	1,595	11.0%	2,990	23.1%	9,110	70.2%	1,570	12.1%
Nevada	62,470	21,945	40,525	25,670	9,580	27.2%	3,460	11.9%	5,020	19.6%	19,050	74.2%	2,610	10.2%
New Hampshire	10,955	3,195	7,760	4,875	1,410	22.4%	355	6.8%	470	9.6%	3,875	79.5%	370	7.6%
New Jersey	59,420	20,855	38,565	26,910	7,130	20.9%	2,805	9.4%	4,140	15.4%	20,990	78.0%	1,610	6.0%
New Mexico	224,265	80,430	143,835	78,590	42,410	35.0%	13,250	14.4%	23,675	30.1%	49,260	62.7%	12,055	15.3%
New York	207,635	70,365	137,270	88,375	29,425	25.0%	10,015	10.2%	13,970	15.8%	66,565	75.3%	7,805	8.8%
North Carolina	196,345	70,360	125,985	73,825	31,020	29.6%	7,830	9.6%	13,015	17.6%	54,760	74.2%	7,905	10.7%

**Table 1: Exploratory Analysis – AIAN Alone or in Combination for the U.S. and by State
Using Data from the American Community Survey (ACS) 5-Year File (2014-2018)**

		Age Distribution Data		Employment and Unemployment Data for Those 16 Years and Older										
State	Total Population	Under 16 and over 64 years	Prime Age Adults 16-64 years	Number Employed, 16 years and over	<u>Potentially Available for Work</u> Number and Percent of the Potential Labor Force (Using alternative definition) ⁹²		<u>Unemployed</u> Number and Percent of the Labor Force (Using the standard definition) ⁹³		<u>Public Sector Employment</u> Number and Percent (of those Employed)		<u>Private Sector Employment</u> Number and Percent (of those Employed)		<u>Employed and in Poverty Households</u> Number and Percent (of those Employed)	
North Dakota	49,210	19,590	29,620	17,185	7,995	31.8%	1,930	10.1%	5,615	32.7%	10,550	61.4%	2,155	12.5%
Ohio	101,395	32,910	68,485	40,460	15,910	28.2%	5,130	11.3%	4,760	11.8%	32,325	79.9%	5,300	13.1%
Oklahoma	522,840	201,745	321,095	205,875	69,925	25.4%	17,260	7.7%	42,440	20.6%	146,765	71.3%	19,915	9.7%
Oregon	128,310	44,990	83,320	50,645	20,145	28.5%	6,415	11.2%	8,320	16.4%	37,920	74.9%	6,370	12.6%
Pennsylvania	97,130	32,975	64,155	38,220	16,130	29.7%	5,835	13.2%	3,540	9.3%	32,350	84.6%	4,325	11.3%
Puerto Rico	27,750	9,450	18,300	9,865	5,075	34.0%	1,855	15.8%	2,125	21.5%	6,310	64.0%	1,865	18.9%
Rhode Island	14,230	5,085	9,145	5,940	1,940	24.6%	770	11.5%	635	10.7%	4,955	83.4%	740	12.5%
South Carolina	47,585	15,770	31,815	17,620	8,090	31.5%	2,110	10.7%	2,515	14.3%	13,375	75.9%	2,005	11.4%
South Dakota	89,410	37,405	52,005	25,770	17,425	40.3%	5,755	18.3%	9,590	37.2%	14,630	56.8%	5,980	23.2%
Tennessee	61,535	20,915	40,620	25,020	9,525	27.6%	2,320	8.5%	3,385	13.5%	18,890	75.5%	2,340	9.4%
Texas	340,240	114,275	225,965	150,650	43,865	22.6%	12,525	7.7%	20,645	13.7%	115,335	76.6%	12,650	8.4%
Utah	54,720	20,270	34,450	21,370	8,250	27.9%	2,440	10.2%	3,215	15.0%	17,000	79.6%	2,780	13.0%
Vermont	8,160	2,760	5,400	3,245	1,235	27.6%	265	7.5%	490	15.1%	2,420	74.6%	375	11.6%
Virginia	83,610	28,055	55,555	37,810	10,810	22.2%	3,820	9.2%	8,070	21.3%	26,835	71.0%	2,555	6.8%
Washington	217,235	78,350	138,885	84,505	32,980	28.1%	9,680	10.3%	21,275	25.2%	56,900	67.3%	7,105	8.4%
West Virginia	13,090	4,450	8,640	4,175	2,565	38.1%	310	6.9%	830	19.9%	3,060	73.3%	340	8.1%
Wisconsin	92,200	33,780	58,420	37,215	12,785	25.6%	4,110	9.9%	9,060	24.3%	26,105	70.1%	4,590	12.3%
Wyoming	21,650	8,095	13,555	8,260	3,100	27.3%	980	10.6%	2,780	33.7%	4,600	55.7%	765	9.3%

Table 2: Exploratory Analysis – AIAN Alone or in Combination for the U.S. and by State
Estimates with Margins of Error
from the American Community Survey (ACS) 5-Year File (2014-2018)

		Age Distribution Data		Employment and Unemployment Data for Those 16 Years and Older										
State	Total Population	Under 16 and over 64 years	Prime Age Adults 16-64 years	Number Employed, 16 years and over	<u>Potentially Available for Work</u> Number and Percent of Potential Labor Force (Using alternative definition) ⁹⁴		<u>Unemployed</u> Number and Percent of the Labor Force (Using the standard definition) ⁹⁵		<u>Public Sector Employment</u> Number and Percent (of those Employed)		<u>Private Sector Employment</u> Number and Percent (of those Employed)		<u>Employed and in Poverty Households</u> Number and Percent (of those Employed)	
U.S.	5,559,240 (+/-22,340)	1,975,540 (+/-9,372)	3,583,700	2,202,570 (+/-13,318)	840,655	27.6%	256,450 (+/-3,346)	10.4%	423,175 (+/-5,308)	19.2%	1,595,925 (+/-9,392)	72.5%	228,310 (+/-3,040)	10.4%
Alabama	61,260 (+/-1,312)	20,645 (+/-770)	40,615	23,510 (+/-901)	10,235	30.3%	2,615 (+/-489)	10.0%	4,805 (+/-503)	20.4%	16,495 (+/-836)	70.2%	2,140 (+/-349)	9.1%
Alaska	145,495 (+/-870)	56,770 (+/-616)	88,725	49,585 (+/-857)	28,130	36.2%	10,650 (+/-609)	17.7%	16,315 (+/-581)	32.9%	29,665 (+/-769)	59.8%	4,960 (+/-345)	10.0%
Arizona	391,240 (+/-3,812)	143,940 (+/-2,029)	247,300	131,290 (+/-2,296)	74,135	36.1%	20,935 (+/-917)	13.8%	37,130 (+/-1,327)	28.3%	86,785 (+/-1,933)	66.1%	18,545 (+/-997)	14.1%
Arkansas	56,420 (+/-1,088)	19,480 (+/-842)	36,940	22,040 (+/-858)	8,840	28.6%	2,165 (+/-321)	8.9%	3,180 (+/-383)	14.4%	16,645 (+/-750)	75.5%	2,295 (+/-372)	10.4%
California	755,370 (+/-8,954)	261,705 (+/-4,341)	493,665	309,730 (+/-4,279)	108,010	25.9%	35,315 (+/-1,381)	10.2%	53,670 (+/-1,426)	17.3%	224,335 (+/-3,588)	72.4%	25,205 (+/-1,207)	8.1%
Colorado	116,985 (+/-2,725)	37,695 (+/-1,233)	79,290	53,745 (+/-1,684)	15,530	22.4%	5,475 (+/-647)	9.2%	8,275 (+/-619)	15.4%	40,970 (+/-1,521)	76.2%	5,345 (+/-654)	9.9%
Connecticut	36,410 (+/-1,955)	11,920 (+/-933)	24,490	16,170 (+/-993)	5,265	24.6%	1,920 (+/-291)	10.6%	2,425 (+/-388)	15.0%	12,425 (+/-885)	76.8%	1,345 (+/-282)	8.3%
Delaware	9,445 (+/-755)	2,975 (+/-378)	6,470	4,320 (+/-469)	1,315	23.3%	395 (+/-155)	8.4%	850 (+/-193)	19.7%	3,075 (+/-417)	71.2%	515 (+/-199)	11.9%

⁹⁴ “Potentially Available for Work” include: a) “unemployed” individuals as per the BLS definition (i.e., who looked for work in the prior 4 weeks) and b) individuals who were not employed, had not searched for work in the prior 4 weeks, and were (as per the “proxy” created for this analysis) *not* in educational activity and did *not* have disability. The total “Potential Labor Force” thus includes the employed, the unemployed, and those available for work using the proxy criteria.

⁹⁵ The Labor Force, using the standard BLS definition, includes: the employed and the unemployed (who looked for work in the prior 4 weeks).

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District of Columbia	6,110 (+/-716)	1,890 (+/-380)	4,220	2,815 (+/-416)	830	22.8%	380 (+/-124)	11.9%	770 (+/-184)	27.4%	1,825 (+/-344)	64.8%	200 (+/-97)	7.1%
Florida	169,445 (+/-3,622)	56,290 (+/-1,907)	113,155	72,295 (+/-2,013)	24,405	25.2%	7,175 (+/-721)	9.0%	8,530 (+/-827)	11.8%	55,795 (+/-1,716)	77.2%	5,780 (+/-601)	8.0%
Georgia	96,765 (+/-3,333)	32,880 (+/-1,691)	63,885	39,420 (+/-1,924)	14,700	27.2%	4,290 (+/-543)	9.8%	5,345 (+/-620)	13.6%	30,015 (+/-1,658)	76.1%	4,615 (+/-678)	11.7%
Hawaii	32,595 (+/-1,873)	13,455 (+/-1,187)	19,140	12,815 (+/-836)	3,825	23.0%	890 (+/-215)	6.5%	2,525 (+/-343)	19.7%	8,920 (+/-785)	69.6%	935 (+/-227)	7.3%
Idaho	40,600 (+/-1,113)	15,510 (+/-716)	25,090	15,050 (+/-695)	5,810	27.9%	1,955 (+/-396)	11.5%	3,190 (+/-327)	21.2%	10,455 (+/-647)	69.5%	1,950 (+/-298)	13.0%
Illinois	97,820 (+/-2,715)	32,970 (+/-1,381)	64,850	43,110 (+/-1,562)	13,395	23.7%	5,065 (+/-504)	10.5%	5,430 (+/-577)	12.6%	34,360 (+/-1,439)	79.7%	4,030 (+/-469)	9.3%
Indiana	51,175 (+/-1,623)	16,480 (+/-941)	34,695	21,200 (+/-1,031)	7,560	26.3%	2,030 (+/-288)	8.7%	1,825 (+/-257)	8.6%	17,615 (+/-1,015)	83.1%	2,300 (+/-317)	10.8%
Iowa	27,435 (+/-1,213)	9,485 (+/-622)	17,950	11,875 (+/-617)	2,975	20.0%	995 (+/-226)	7.7%	1,510 (+/-285)	12.7%	9,690 (+/-546)	81.6%	1,940 (+/-334)	16.3%
Kansas	61,745 (+/-1,381)	21,475 (+/-844)	40,270	26,155 (+/-866)	7,540	22.4%	2,545 (+/-325)	8.9%	4,515 (+/-412)	17.3%	19,690 (+/-855)	75.3%	3,045 (+/-415)	11.6%
Kentucky	33,625 (+/-1,068)	10,965 (+/-700)	22,660	12,645 (+/-779)	6,055	32.4%	1,545 (+/-306)	10.9%	2,115 (+/-334)	16.7%	9,595 (+/-685)	75.9%	1,475 (+/-278)	11.7%
Louisiana	58,950 (+/-1,624)	21,290 (+/-929)	37,660	23,205 (+/-1,119)	9,180	28.3%	2,405 (+/-375)	9.4%	3,270 (+/-435)	14.1%	17,500 (+/-916)	75.4%	2,345 (+/-432)	10.1%
Maine	23,040 (+/-646)	8,555 (+/-361)	14,485	8,670 (+/-534)	3,615	29.4%	1,145 (+/-231)	11.7%	1,620 (+/-244)	18.7%	6,265 (+/-497)	72.3%	1,360 (+/-225)	15.7%
Maryland	60,910 (+/-2,367)	20,345 (+/-1,222)	40,565	28,105 (+/-1,405)	7,395	20.8%	2,690 (+/-401)	8.7%	7,085 (+/-731)	25.2%	18,975 (+/-1,239)	67.5%	1,470 (+/-292)	5.2%

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Massachusetts	48,150 (+/-1,995)	16,330 (+/-1,109)	31,820	20,605 (+/-1,187)	6,530	24.1%	2,605 (+/-436)	11.2%	3,025 (+/-419)	14.7%	16,190 (+/-944)	78.6%	1,445 (+/-283)	7.0%
Michigan	146,945 (+/-2,161)	51,475 (+/-1,186)	95,470	57,795 (+/-1,441)	22,860	28.3%	6,940 (+/-517)	10.7%	9,475 (+/-592)	16.4%	43,855 (+/-1,305)	75.9%	6,470 (+/-485)	11.2%
Minnesota	106,995 (+/-1,446)	40,805 (+/-894)	66,190	40,700 (+/-929)	15,465	27.5%	5,005 (+/-497)	11.0%	9,630 (+/-505)	23.7%	28,645 (+/-920)	70.4%	5,685 (+/-500)	14.0%
Mississippi	24,230 (+/-951)	8,600 (+/-565)	15,630	8,710 (+/-595)	3,650	29.5%	1,305 (+/-275)	13.0%	3,085 (+/-441)	35.4%	5,005 (+/-523)	57.5%	1,190 (+/-238)	13.7%
Missouri	78,625 (+/-1,625)	26,120 (+/-932)	52,505	32,575 (+/-1,143)	11,560	26.2%	3,125 (+/-414)	8.8%	3,595 (+/-370)	11.0%	26,285 (+/-1,122)	80.7%	3,255 (+/-420)	10.0%
Montana	85,285 (+/-761)	34,085 (+/-590)	51,200	29,270 (+/-800)	14,205	32.7%	3,915 (+/-358)	11.8%	9,540 (+/-439)	32.6%	17,225 (+/-632)	58.8%	4,250 (+/-395)	14.5%
Nebraska	32,525 (+/-1,002)	12,835 (+/-630)	19,690	12,970 (+/-559)	3,985	23.5%	1,595 (+/-215)	11.0%	2,990 (+/-257)	23.1%	9,110 (+/-579)	70.2%	1,570 (+/-223)	12.1%
Nevada	62,470 (+/-1,809)	21,945 (+/-946)	40,525	25,670 (+/-1,027)	9,580	27.2%	3,460 (+/-399)	11.9%	5,020 (+/-528)	19.6%	19,050 (+/-930)	74.2%	2,610 (+/-399)	10.2%
New Hampshire	10,955 (+/-436)	3,195 (+/-263)	7,760	4,875 (+/-342)	1,410	22.4%	355 (+/-137)	6.8%	470 (+/-106)	9.6%	3,875 (+/-341)	79.5%	370 (+/-139)	7.6%
New Jersey	59,420 (+/-2,060)	20,855 (+/-1,208)	38,565	26,910 (+/-1,175)	7,130	20.9%	2,805 (+/-439)	9.4%	4,140 (+/-428)	15.4%	20,990 (+/-1,127)	78.0%	1,610 (+/-321)	6.0%
New Mexico	224,265 (+/-1,757)	80,430 (+/-1,166)	143,835	78,590 (+/-1,434)	42,410	35.0%	13,250 (+/-622)	14.4%	23,675 (+/-882)	30.1%	49,260 (+/-1,323)	62.7%	12,055 (+/-735)	15.3%
New York	207,635 (+/-5,402)	70,365 (+/-2,299)	137,270	88,375 (+/-3,250)	29,425	25.0%	10,015 (+/-833)	10.2%	13,970 (+/-990)	15.8%	66,565 (+/-2,806)	75.3%	7,805 (+/-587)	8.8%
North Carolina	196,345 (+/-2,671)	70,360 (+/-1,380)	125,985	73,825 (+/-1,658)	31,020	29.6%	7,830 (+/-710)	9.6%	13,015 (+/-752)	17.6%	54,760 (+/-1,476)	74.2%	7,905 (+/-693)	10.7%

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North Dakota	49,210 (+/-646)	19,590 (+/-595)	29,620	17,185 (+/-625)	7,995	31.8%	1,930 (+/-343)	10.1%	5,615 (+/-344)	32.7%	10,550 (+/-536)	61.4%	2,155 (+/-272)	12.5%
Ohio	101,395 (+/-2,155)	32,910 (+/-1,341)	68,485	40,460 (+/-1,235)	15,910	28.2%	5,130 (+/-484)	11.3%	4,760 (+/-458)	11.8%	32,325 (+/-1,196)	79.9%	5,300 (+/-524)	13.1%
Oklahoma	522,840 (+/-2,149)	201,745 (+/-1,385)	321,095	205,875 (+/-1,689)	69,925	25.4%	17,260 (+/-685)	7.7%	42,440 (+/-1,191)	20.6%	146,765 (+/-1,693)	71.3%	19,915 (+/-679)	9.7%
Oregon	128,310 (+/-2,752)	44,990 (+/-1,528)	83,320	50,645 (+/-1,353)	20,145	28.5%	6,415 (+/-549)	11.2%	8,320 (+/-582)	16.4%	37,920 (+/-1,314)	74.9%	6,370 (+/-641)	12.6%
Pennsylvania	97,130 (+/-3,289)	32,975 (+/-1,778)	64,155	38,220 (+/-1,483)	16,130	29.7%	5,835 (+/-655)	13.2%	3,540 (+/-443)	9.3%	32,350 (+/-1,478)	84.6%	4,325 (+/-474)	11.3%
Puerto Rico	27,750 (+/-2,110)	9,450 (+/-889)	18,300	9,865 (+/-912)	5,075	34.0%	1,855 (+/-343)	15.8%	2,125 (+/-390)	21.5%	6,310 (+/-687)	64.0%	1,865 (+/-345)	18.9%
Rhode Island	14,230 (+/-1,225)	5,085 (+/-642)	9,145	5,940 (+/-684)	1,940	24.6%	770 (+/-233)	11.5%	635 (+/-181)	10.7%	4,955 (+/-619)	83.4%	740 (+/-243)	12.5%
South Carolina	47,585 (+/-1,533)	15,770 (+/-870)	31,815	17,620 (+/-879)	8,090	31.5%	2,110 (+/-361)	10.7%	2,515 (+/-392)	14.3%	13,375 (+/-747)	75.9%	2,005 (+/-316)	11.4%
South Dakota	89,410 (+/-801)	37,405 (+/-539)	52,005	25,770 (+/-809)	17,425	40.3%	5,755 (+/-478)	18.3%	9,590 (+/-562)	37.2%	14,630 (+/-669)	56.8%	5,980 (+/-528)	23.2%
Tennessee	61,535 (+/-1,430)	20,915 (+/-775)	40,620	25,020 (+/-981)	9,525	27.6%	2,320 (+/-363)	8.5%	3,385 (+/-476)	13.5%	18,890 (+/-889)	75.5%	2,340 (+/-369)	9.4%
Texas	340,240 (+/-6,023)	114,275 (+/-2,937)	225,965	150,650 (+/-3,477)	43,865	22.6%	12,525 (+/-1,027)	7.7%	20,645 (+/-1,195)	13.7%	115,335 (+/-3,027)	76.6%	12,650 (+/-937)	8.4%
Utah	54,720 (+/-1,359)	20,270 (+/-689)	34,450	21,370 (+/-891)	8,250	27.9%	2,440 (+/-416)	10.2%	3,215 (+/-364)	15.0%	17,000 (+/-800)	79.6%	2,780 (+/-440)	13.0%
Vermont	8,160 (+/-275)	2,760 (+/-218)	5,400	3,245 (+/-242)	1,235	27.6%	265 (+/-81)	7.5%	490 (+/-173)	15.1%	2,420 (+/-262)	4.6%	375 (+/-121)	1.6%

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Virginia	83,610 (+/-2,741)	28,055 (+/-1,367)	55,555	37,810 (+/-1,542)	10,810	22.2%	3,820 (+/-552)	9.2%	8,070 (+/-613)	21.3%	26,835 (+/-1,393)	1.0%	2,555 (+/-447)	0.8%
Washington	217,235 (+/-2,681)	78,350 (+/-1,510)	138,885	84,505 (+/-1,714)	32,980	28.1%	9,680 (+/-668)	10.3%	21,275 (+/-913)	25.2%	56,900 (+/-1,715)	67.3%	7,105 (+/-563)	8.4%
West Virginia	13,090 (+/-575)	4,450 (+/-455)	8,640	4,175 (+/-471)	2,565	38.1%	310 (+/-123)	6.9%	830 (+/-209)	19.9%	3,060 (+/-407)	73.3%	340 (+/-128)	8.1%
Wisconsin	92,200 (+/-1,507)	33,780 (+/-914)	58,420	37,215 (+/-940)	12,785	25.6%	4,110 (+/-387)	9.9%	9,060 (+/-544)	24.3%	26,105 (+/-887)	70.1%	4,590 (+/-441)	12.3%
Wyoming	21,650 (+/-790)	8,095 (+/-462)	13,555	8,260 (+/-550)	3,100	27.3%	980 (+/-183)	10.6%	2,780 (+/-279)	33.7%	4,600 (+/-510)	55.7%	765 (+/-178)	9.3%

Appendix C: Summary Information from the Tribal Consultation Meetings

Background

As required under P.L.115-93 and honoring the commitment to include tribal input in policy deliberations,⁹⁶ DOL held two tribal consultation meetings to gain an in-depth understanding of the current and past views among tribal stakeholders the American Indian Population and Labor Force Report (AIPLFR). Below is information on these meetings.

Two 3.5-hour formal tribal consultation meetings were hosted by DOL on March 8 and 9, 2021, using a Webex platform. Each meeting followed an identical agenda; the two separate days allowed for differential timing so that individuals in different time zones could participate, thereby allowing for the greatest amount of participation possible. DOL invited the leaders of all 574 federally recognized tribes and asked them to share the invitation with other key stakeholders (such as tribal data specialists and tribal administrators). Email invitations were sent on February 12, 2021, as were regular reminders leading up to the event.⁹⁷ BIA and DINAP staff, as well as some stakeholders, also helped to publicize the event. Invited stakeholders received the agenda, presentation slides, and a list of common acronyms prior to the event. A telephone line and closed captioning were provided to enhance accessibility. Over the two days, a total of 115 stakeholders attended the consultations; 62.5 percent of those registered joined the event (see Table 1).

Table 1: Tribal Consultation Meetings – Registrants and Attendees

Date	Registrants*	Attendees**
March 8, 2021	109	75
March 9, 2021	75	40
Total	184	115
*Those who registered prior to the event		
**Those who attended the event		

⁹⁶ The commitment to tribal consultation of Executive Order 13175 (November 2000) was reaffirmed January 2021. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-tribal-consultation-and-strengthening-nation-to-nation-relationships/>.

⁹⁷ A follow up email reminder was sent on February 17, 2021; Stakeholders who pre-registered were also provided with regular meeting reminders, two days, 2 hours, and 15 minutes prior to the event.

Walter Celestine (Director, E&T Program, Alabama-Coushatta Indian Tribal Council, Livingston, Texas) opened the meeting with a traditional native blessing. Tyler Fish (Advisor to the Director, Bureau of Indian Affairs, DOI) and Athena Brown (Chief, Division of Indian and Native American Programs/Office of Workforce Investment/ETA/DOL) provided welcoming remarks and their perspectives on the report and the consultation process. Wayne Gordon (Director, Division of Research and Evaluation/Office of Policy Development and Research/ETA/DOL) served as the moderator and also provided background information on the AIPLFR and concerns of past reports. Andrew Wiegand (President, Social Policy Research Associates) and Neil Ridley (Evaluation Team Leader, Division of Research and Evaluation/OPDR/ETA) facilitated feedback and comments on key questions related to six topic areas (see text box). Attendees participated either by speaking through a computer microphone, providing written comments in the chat box, and, in one case, by telephone.

⑥ TOPIC AREAS:

1. Uses of the report
2. Scope & frequency of reports
3. Data sources and quality
4. Tribal data collection capacity
5. Data privacy and protection
6. Technical issues

Key Takeaways

The following are key takeaways from the tribal consultation meetings with stakeholders, representing feedback from both days. Questions posed to the stakeholders are shown in the corresponding text box.

Uses of the Report

As the report requires both population and labor force data, it is important to understand what has been and continues to be the primary goal and use of the report, from the tribes' perspective. The discussion centered on the ways in which information from past reports was used, what tribal leaders anticipate will be the most important uses of the report in the future, and what other labor market or workforce data (beyond the required information) would be helpful for tribal leaders.

Uses of the Report

1. What were the important uses of the report for your tribe? Did those relate more to the population or the labor force data?
2. For future reports, what do you anticipate will be the most important uses of the report – for your tribe?

Four stakeholders described using the AIPLFR as a resource for grant applications, decision making at the local level regarding services and future planning, reporting on employment outcomes, data verification, and comparing data on their tribe with nearby tribes, the Census Bureau or ACS data to note any discrepancies. Three stakeholders discussed the problem with outdated labor force data stating that their tribe's numbers have not changed in 15 years (since the last published report), reliance on 2000 Census for youth programs greatly underestimates their population size, and use of the total service population data from the 2005 AIPLFR to analyze the needs component within the HUD IHBG program (which is used to proportionally distribute funding among tribes who share overlapping IHBG formula areas). One stakeholder said they do not use the report because the data are not accurate and not as good as other sources. The stakeholder said that the tribe instead uses the ACS directly or Census' *OnTheMap*⁹⁸ function, but they remain cautious about using those data, questioning its accuracy due to sampling issues and definitional challenges on who is counted. Another stakeholder said the ACS data does not reflect their area well.

Scope and Frequency of the Reports

Stakeholders were asked about other labor market or workforce data (beyond the legislative requirements) that would be helpful to include in the reports. One stakeholder expressed a desire to have information on the proportion of their tribal population that has disabilities or is institutionalized and will eventually return home for integration/reintegration and may need to use TANF, general assistance, or other programs. To engage in planning for their tribes, stakeholders talked about the need to understand and plan for economic recovery, given the devastation wrought by the COVID-19 pandemic. For example, one stakeholder mentioned the importance of assessing the number of jobs lost due to the pandemic and the number of members coming back into the workforce during recovery. Another stakeholder said that additional data, such as educational attainment and employment rates, are needed to plan budgets for tribal services around training

Scope and Frequency of Reports

1. What other labor market or workforce data, beyond the required information, would be helpful to have in the reports?
2. How frequently should the population and labor force data - and the reports - be updated?

⁹⁸ <https://onthemap.ces.census.gov/>.

and other needs, to increase employment. Other comments related to the scope of future AIPLFRs, included:

- Have data broken out by age, education, job function, and industry,
- Ensure data are collected consistently for the surrounding community (e.g., state, county, and region), and
- Data collected should respond to funding distribution methodologies and performance metrics for all agencies that use the dataset for federal action.

Regarding the frequency of future reports, six stakeholders said a biennial report was acceptable. Two stakeholders expressed the need for the report to be published consistently so “tribes can get back on board and into a rhythm for collecting data.” Two stakeholders commented that having a report every two years is the law. One stakeholder suggested having two reports—one with minimal information one year and a more detailed report the following year. One stakeholder suggested that having a report every three years may lessen the burden for smaller tribes (assuming that tribes would be responsible for some portion of the data collection).

Data Sources and Quality

Stakeholders shared their thoughts on the data sources and other data collection methods that would produce more accurate estimates of population and labor force measures. Three stakeholders use their tribal enrollment and membership records. One said that since their service delivery area consists of members of other tribes, they have to “guestimate” their proportion of tribal population. Another uses their tribal enrollment records as well as Census data to account for members of other tribes. Two stakeholders use locally available data; one learns about local economic conditions from their local regional economist, and another uses their own employment data.

Data Sources and Quality

1. Can you share your thoughts on what are the best sources of a) population data, b) labor force data, and c) why, for your tribe?
2. What other data sources or data collection methods do you think would produce more accurate population or labor force estimates?

Stakeholders recommended other potential data sources including TANF, state unemployment data, and U.S. Department of Agriculture’s (USDA) Supplemental Nutrition Assistance Program and Food Distribution Program on Indian Reservations as sources where income data are regularly collected. Two stakeholders recommend using an amalgam of data sources that are being collected from different agencies such as HHS’s TANF, HUD’s Housing

Choice Voucher Program (Section 8), Social Security Administration, Department of Education, DOL (for employment trends), and other data sources related to the COVID relief funds. As quoted by one stakeholder, having better data would be beneficial as it “would certainly help us to create reports that we’re more confident in when we’re applying for grants or doing strategic planning and making data-driven decisions about what our population needs in order to actually participate successfully in the workforce.”

Tribal Data Collection Capacity

Increasing tribal capacity to collect and report on population and labor force data may be a strategy to strengthen data quality and accuracy while honoring tribal data sovereignty. The discussion focused on understanding the capacity of tribes to collect, analyze, and report on local data, common challenges they face, as well as data privacy and protection. A number of stakeholders provided examples of local survey and data collection efforts:

- One tribe has three tribal governments on one reservation, who come together as a council for the entire reservation. They conducted a survey in 2010, which was a partnership between several programs at their state university. The survey focused on the population within tribal areas, rather than tribal enrollment as well as housing, employment, health, social services, and education.
- For the 2009 report, one tribe worked with a social and economic science research center at a local land grant institution. They felt this effort was a great success, owing to the highly qualified research staff with a strong background in ethics.
- Another tribe conducts a Quality-of-Life survey, administered every two years to enrolled households in its service area. They prefer to use the results of their Quality-of-Life survey, because it is specific to their enrolled members, and not any American Indians in their service area. The survey includes questions related to social and cultural health, economic, education, as well as demographic questions such as employment status, marital status, household income, gender, and age. The demographic questions were largely taken from the Census for comparison purposes.

Tribal Data Collection Capacity

1. What, if any, information does your tribe currently collect:
 - Population data?
 - Labor force data?
2. What methods are used to collect data?
 - Does your tribe partner with external organizations for such activities?
3. How frequently do you update the information?
4. What are the challenges for your tribe in collecting population or labor force data?
 - Lack of sufficient staff to carry out this work?
 - Need for more training/information?
 - Technological or information systems capacity?
 - Geographic dispersion?
5. How might your tribe’s size and location affect data collection?

- One tribe conducted a mailed survey to each tribal member, including their children. The 45-question annual survey covered many topics, including gender, communication, veteran status, education, income data and employment data, health services, and benefit usage. While experiencing “great success” by achieving a 40 percent response rate, they also noted that for privacy concerns they had just a few staff to collect data and that the effort was heavy, needing to dedicate over 1,000 hours of data input.
- One tribe used the standard Census form to collect data in-person from the head of each household. While a relatively small tribe, the effort was described as “daunting” and “very difficult” to collect information from every tribal household. They also noted the difficulty in asking for private information from those they personally know. Another challenge was finding an appropriate window of time (to account for inclement weather) to conduct the survey.
- One tribe is participating in a Community Economic Development Strategy and noted that the data includes only Native Americans within their service area, so data may be fragmented or incomplete.

Regarding challenges, four stakeholders noted lack of funding as a primary limiting factor for tribes to engage in data collection and analysis. Some stakeholders said that the capacity for tribes to engage in local data collection varies based on whether tribal governments have adequate resources and institutions to support data collection efforts. Resources are often very limited for smaller tribes, which prevents them from collecting sufficient data. Adequate funding also affects tribes’ overall technological infrastructure and their ability to adequately train staff to manage, collect, analyze, and report data. Other challenges include a lack of standardized tools and identifying an appropriate time of the year to conduct surveys for the community, given weather and other concerns. These issues highlight the need for technical assistance in building tribal data collection capacity. Several recommendations were offered:

- Provide technical assistance and training on how best to collect and report data, in particular, for tribes that do not have the technology nor sophisticated systems for data management;
- Develop data sharing and data protection agreements with tribal nations to ensure appropriate use of tribal data (i.e., used for the Labor Force Report only); and
- For efficient notification, ensure that announcements of future data collection trainings are sent to a broad array of tribal representatives, rather than solely to tribal government chairmen.

Stakeholders noted that building trust within tribal communities is key for successful data collection efforts. Specifically, one stakeholder indicated that collecting data in person by a trusted individual can determine whether conducting a survey will be successful. Another stakeholder said that many tribal members prefer participating in surveys in person (rather than

by phone), which allows for a thorough explanation about the intentions for collecting the information and how it will be used. Trust is important because of the sensitive nature of the questions being asked, for example, questions related to income level and employment status. One stakeholder described their positive experience partnering with a trusted and highly qualified local research center to collect tribal data indicating that this type of experience could be conveyed through technical assistance and to demonstrate the shared value of tribal data sovereignty.

Data Privacy and Protection

Stakeholders provided fewer comments concerning data privacy and protection than other topic areas. Although collecting data by a trusted individual may lead to greater data accuracy and completeness, this approach may have a drawback in compromising privacy and anonymity, since those collecting local data are likely to know, and/or be known by the stakeholder. One stakeholder said having policies and procedures in place for data privacy and protection is very important across the spectrum – from federal agency, state agency, educational entity, and tribe.

Data Privacy and Protection

1. What are key issues of concern related to data privacy and protection regarding...
2. Summaries of the data in the Labor Force Report (in regard to population or labor force data)?
3. Data collection procedures (whether by ACS, Census, tribal administrators or others)?

Stakeholders also discussed that protection of data (beyond protecting Personally Identifiable Information) was important to ensure that datasets collected for the AIPLFR are not used by other federal departments or agencies, as the data may be taken out of context and may not be “a good fit.” Another stakeholder recommended that the underlying data collected for the AIPLFR be made available to tribes so they can further analyze the data for other purposes.

Technical Issues

Stakeholders from both consultation meetings expressed concerns related to tribal enrollment and service population data as to who are counted in terms of eligibility for services. Stakeholders stressed the need for more clarity around the definitions for service area population, total service population (as specified in the law), tribal enrollment, overlapping jurisdictions, and lineal decedents.

Stakeholders said they were collecting tribal enrollment data; however, tribal enrollment generally differs from the service population because of varying program definitions, variations across tribes, and for other reasons. This mismatch and varying definitions of who is to be counted, how they are counted, and where they are counted in terms of the service population, has been the cause of much confusion and uneven data collection. Another related concern regarding the definition for service area is how to manage overlapping jurisdictions (in some cases, multiple overlapping jurisdictions).

Another stakeholder said that the way eligibility for services is defined may be an issue for those living outside of their tribal lands and continue to receive services from their nation, but who would be excluded if a geographically based definition (i.e., living on or near the tribal land area) were to be used. Stakeholders identified several other issues and examples related to tribal membership and use of data for various geographic areas, including:

- Self-identification (on Census) as AIAN does not necessarily mean that individuals are eligible to receive services from DOI;
- One stakeholder referred to their reservation as “checkerboard,” with more than 50 percent of the population on tribal land being non-tribal residents, which can skew employment and income data, if based on tribal geography, since many of the non-tribal residents are employed, and earn a higher income;
- Related to changing population trends, there is confusion about those returning to the reservation with their families and children, and whether they are included in membership counts;
- It is often difficult to access and/or count tribal members who live off the reservation;
- Challenges in guesstimating service population in adjacent jurisdictions, where some land may be tribally owned and others are state owned; and
- Some tribes’ enrollment is much larger than a single reservation area, with as much as 40 percent of one tribe not in the service area but instead dispersed throughout the country.

Technical Issues

What in your view are the key issues and possible solutions concerning:

1. Consistency across tribes for population and labor force counts?
2. Who should be counted in the “service population”?
3. What should be the boundaries for in or near to tribal “service areas”?

This creates a great disparity in the size of the service population if based on tribal enrollment versus those residing in the tribal area.

Conclusion

Engagement with tribal stakeholders through the two tribal consultation meetings, even though conducted virtually, allowed for meaningful engagement. The research team found the consultation meetings to be valuable and enlightening, as they provided important contextual information on the numerous challenges and issues in developing AIPLFRs. The consultations also highlighted the desire among tribal stakeholders for accurate population and labor force counts and for active engagement with DOL in developing the standards and methods to produce the reports.

Resources Shared by Stakeholders

- https://www.ncai.org/policy-research-center/initiatives/Tribal_Experiences_10_31_2017_FINAL.pdf
- https://www.ncai.org/policy-research-center/research-data/prc-publications/Tribal_Data_Capacity_Survey_FINAL_10_2018.pdf
- <https://azmag.gov/Programs/Maps-and-Data/Employment>
- Census in the Map <https://onthemap.ces.census.gov/touch.html>
- https://www.ncai.org/policy-research-center/initiatives/ACS_data_on_the_AIAN_Population_paper_by_Norm_DeWeaver.pdf
- <https://nni.arizona.edu/programs-projects/policy-analysis-research/indigenous-data-sovereignty-and-governance>
- https://www.ncai.org/policy-research-center/research-data/prc-publications/Tribal_Data_Capacity_Survey_FINAL_10_2018.pdf
- <https://www.ncai.org/ptg/workforce-development-crst>
- Desi Rodriguez-Lonebear published a paper on data gathering practices from different tribes, see <https://datascience.codata.org/articles/10.5334/dsj-2019-031/>.

Appendix D: Summary Information on Responses to the Request for Information (RFI)

Background

To gather additional comments related to the AIPLFR, DOL published a formal [Request for Information \(RFI\)](#) in the *Federal Register*.⁹⁹ The topic areas and questions mirrored the content presented in the consultations held March 8 and 9, 2021. All individuals who registered for the tribal consultations—including those who did not attend—were sent an email notification about the RFI and were encouraged to provide written comments via email or by mail or delivery service by April 9, 2021. DOI’s BIA and DOL’s DINAP encouraged responses.

6 TOPIC AREAS:

1. Uses of the Report
2. Scope and Frequency of Reports
3. Data Sources and Quality
4. Tribal Data Collection Capacity
5. Data Privacy and Protection
6. Technical Issues

The RFI offered supplementary information that included a section providing background about the report, its legislative framework, and the elements required. To facilitate responses, the RFI used the same topic areas and questions used in the consultations. Exhibit 1 lists the topic areas, questions and the number of responses received for each question. DOL received eight responses to the RFI, including responses submitted by tribes, tribal councils, one inter-tribal organization in six different states, and one national organization (see Table 1).

Exhibit 1. RFI Topic Areas, Questions and Responses

Topic Areas	Questions
(1) Uses of the Report	(1a) How did your tribe use information from past reports (5 out of 8 responses). (1b) What data has your tribe used for those purposes since the last report was produced in 2013? (3 out of 8 responses). (1c) What do you think are likely to be the most important uses for the data in future reports for your tribe? (6 out of 8 responses).
(2) Scope and Frequency of Reports	(2a) What other labor market or workforce data, beyond the required elements, would it be helpful to have in the reports? (3 out of 8 responses). (2b) How frequently should reports be issued, and for what purposes? (3 out of 8 responses). (2c) Should biennial reports cover all the data elements each time and if not, what other options should be considered? (3 out of 8 responses).

⁹⁹ <https://www.federalregister.gov/documents/2021/03/10/2021-04938/request-for-information-concerning-a-report-on-labor-market-information-on-the-native-american-work>.

Topic Areas	Questions
(3) Data Sources and Quality	(3a) What in your view are the best existing sources of data, for assuring accuracy and consistency, such as that from the ACS, tribal enrollment and membership records, or some combination of existing sources? (8 out of 8 responses). (3b) Are there other data sources or data collection methods of which you are aware, that may be of interest to your tribe in developing more accurate population or labor force estimates? (4 out of 8 responses).
(4) Data Collection Capacity	(4a) Does your tribe collect any population or labor force data? If so, what type of data does your tribe currently collect? (5 out of 8 responses). (4b) What are the methods used to collect that data, and how might those relate to the size and location of your tribe? (3 out of 8 responses). (4c) How often are those data collected, updated, and reported? (3 out of 8 responses). (4d) How many staff (full and part time), including volunteers, are dedicated to such an effort, and if so, does your tribe partner with external organizations for such activities? (3 out of 8 responses). (4e) If your tribe were to undertake additional data collection and reporting, what types of training and technical assistance might be most useful to your tribe? Would additional computer or Internet resources be needed in order to engage more data collection? (6 out of 8 responses).
(5) Privacy and Data Security	(5a) What are the most important issues related to privacy and data security regarding the future reports with labor market information on the Native American work force? (3 out of 8 responses). (5b) What are the key issues of concern regarding privacy, including access to and security of, tribally collected data? (3 out of 8 responses).
(6) Technical Issues	(6a) What are the key issues concerning consistency across tribes for population and labor force counts, especially the number counted as the “service population”? (5 out of 8 responses). (6b) What are the key issues in regard to the definition and boundaries of tribal “service areas” and how might those be resolved? (4 out of 8 responses). (6c) Should there be a single data source used, or multiple possible data sources permitted in the report? (4 out of 8 responses). (6d) Should data standards be developed and if so, by whom? (6 out of 8 responses). (6e) What other technical issues need to be addressed in regard to national survey data or tribally generated data? (2 out of 8 responses).

Table 1: RFI Responses			
Publication and Due Date	Responses	Type of Respondents	States
March 10 - April 9, 2021	8	Tribes (5) Tribal Council (1) Intertribal Organization (1) National Organization (1)	6

Summary of Responses:

Uses of Past Reports. Of the five responses to this question, three said they did not use information from past labor force reports to look for information for their own tribes. Three mentioned using the report for the following purposes:

- For grants and contracts,
- To look at data for other tribes,
- For planning, economic and community development projects, tribal per capita payments, legal cases, minor distribution funds, and special projects,
- To use the data on unemployment, which was described as “very helpful,” and
- For biennial comparisons to “determine if existing programs and services are improving work force outcomes for Native Americans in our service area.”

The type of data used for the varied purposes listed above included enrollment data and membership records. Three responses mentioned using additional or supplemental data from the Census Bureau and the ACS. One response mentioned obtaining data from other sources, e.g., data from the NCAI Policy Research Center, which used state reports with labor market information, and 477 client data.

In terms of the most important uses for the data in future reports there were a variety of responses with a few that expressed similar views. Two responses mentioned that data in the report could help provide “opportunity to pursue goals related to employment and education” and inform “economic development and enterprise expansion justifications.” Two responses mentioned it could help plan services (e.g., to ensure proper training is made available to their community). Two other responses highlighted its use for grant applications. One mentioned that the hope is for the report to “establish a solid foundation for addressing workforce development and reporting in Indian Country in the AIPLFR.”

Respondents also identified several concerns regarding the use of the AIPLFR. Two mentioned concerns with the Census 2020 data given the unknown impact of the pandemic in terms of data accuracy. Another mentioned that DOL should consult with Tribal Nations to define the elements in the report, offer clarification about the intent of the report and offer transparent information to Tribal Nations on how the report is being used and shared with others in the Federal Government, and other stakeholders, and for what purposes.

Scope and Frequency of the Reports. There were several recommendations related to data that should be included beyond the five required elements (i.e., total service population; service population under age 16 and over 64; population available for work, including those not considered to be actively seeking work; the employed population, including those employed with annual earnings below the poverty line; and the numbers employed in private sector positions and in public sector positions). Four responses mentioned it would be useful to include information about education. Specifically, on educational attainment of tribe members, the types of skillsets among tribal members, numbers of those who have not completed high school, and data on whether tribe members have a trade certificate or credential. Another three respondents mentioned that poverty and income-related information were important to include.¹⁰⁰ Overall, according to responses, the biennial reports should focus on all the required elements making sure to keep information current. One respondent stated that “data increases in value when it is recent and relevant; if tribes expect to use the AIPLFR to plan their economic development activities, the information must be constantly updated. Outdated information could misinform tribal leaders and result in investments that are poorly aligned or not needed.” Another response explicitly pointed out that even though the labor force report includes the required elements, “there remains a lack of clarity in intent and scope, as well as in how these elements are defined,” as mentioned later in the technical issues section.

In terms of frequency, four of the five responses to this question said that two years is what the law required, and this frequency seemed fine. The fifth respondent mentioned that annually would be acceptable. A couple responses mentioned that the frequency needs to be balanced with quality of the report, existing capacity of the tribes and DOL, and there should be mindfulness of not putting too much undue stress on tribes in collecting the data.

Data Sources. All responses agreed that tribally generated data was the best existing source of data and that it should be the preferred data source for tribal enrollment and membership records. One response, however, noted that tribes have varying capacity to do this. There were also mixed opinions on the use of Census data or the ACS, with some responses indicating that data from these sources could complement information as needed, while others

¹⁰⁰ Other single mentions included: Individuals with a Disability; Long Term Unemployed; Long term welfare recipient; loss of driving privilege; accurately quantify public and private sector employment.

preferred such data not be used at all. One respondent stated that Census data is typically required for grant applications. In contrast, two others said that Census data or the ACS should not be used unless data were reviewed and approved by tribes. One response specifically noted that there are ongoing concerns related to Census and other federal data sets and referred to “particular concerns from Indian Country regarding the accuracy of the upcoming publication of 2020 Census data.” In addition, two mentioned that BIA data may be of interest to their tribe in developing more accurate population or labor force estimates.

Tribal Data Collection. Of the eight responses, three tribes mentioned they were collecting their own data on enrollment, as well as demographic data via their own systems or through surveys they were conducting on their own. One of them conducted data collection in partnership with a university and the other one conducted their own primary survey data collection via mail or online. Another tribe mentioned that their data collection was not uniform. Frequency of these data collection efforts varied widely, with one occurring every 10 years, one every two years, and the remainder not specifying its frequency. One tribe indicated they had dedicated staff collecting data while another tribe had this function dispersed across multiple departments. A few responses noted the importance of recognizing tribes’ sovereign authority to collect and provide their own data, noting that Tribal Nations that cannot or do not want to submit data should not be penalized.

Concerning the types of training and technical assistance that would be most useful to the tribes if they were to undertake additional data collection, the six respondents agreed that technical assistance was very important. Two explicitly mentioned that DOL should develop a technical assistance guide and protocols designed to support tribal administration of a survey to collect much or all of the required information. One response noted that “DOL should include line items for technical assistance to Tribal Nations for the AIPLFR in its annual budget request.” Another two responses noted that funding was needed for DOL to produce the report and provide standard data collection guides to the tribes. Three of the responses mentioned that funding for tribes was also needed to hire staff, purchase software and equipment to engage in survey data collection, and/or provide assistance in collation of pre-existing tribal sources of data (e.g., tribal census data, tribal enrollment records, and data many tribes already collect for federally funded tribal workforce development program reporting purposes).

Data Privacy. Of the three responses, two stated that any personally identifiable information, including names, should be protected. One tribe highlighted that in order to protect privacy and confidentiality of their enrolled members' data, they do not share individual identifying information and only share data in aggregate form. In conjunction with this, one of the responses underscored the need to assemble a tribal workgroup with advanced expertise in data collection and methodologies to advise DOL during the design and production of the AIPLFR on this and other issues. Another response mentioned that privacy could be a key issue for small tribes. In terms of data sharing, two responses mentioned that it would be important that DOL keep Tribal Nations informed on how data are being shared with other agencies, to inform the development of formulas for programmatic and funding allocations, and other federal functions.

Technical Issues. Responding to concerns about consistency across tribes for population and labor force counts, a few responses noted that one of the main issues is the diversity of tribes, their size, location, economic status, etc. and that "a one size fit all" approach may not be possible. All tribes are different, and they may have significantly different values, and varying capacities to gather and collect relevant data, which could pose challenges to collecting data in a uniform and consistent manner. One response stated that, "some Tribal Nations will require assistance from DOL to ensure reported population samples are of sufficient size and representativeness that translate into accurate reporting results."

Responses about the definition and boundaries of tribal "service areas" included the following: a) "there needs to be a definition of this term that will make the submissions consistent across Indian Country," and b) it is important to consider "who" is included in the report. In one response, the tribe mentioned that a key issue is that their members "feel like they should be assisted no matter where they live in the United States," which poses challenges for any counts restricted by a specific geographic area. Two responses noted that "Tribal Enrollment is different than Total Service Population" and that the issue of defining "the service area could be resolved through a designation of a service delivery area in accordance with a tribal or federal policy, regulation or statute to prevent duplication of specific federal program services."

There were also a few responses about the importance of preserving and recognizing Tribal Nation authority in defining their own geographic areas for reporting, defining who is

included in the report, and allowing the tribes to report data for the best estimates for population and labor force data for the publication.

Six responses agreed that data standards should be developed to ensure there is consistency across tribes. These standards should be developed by DOL in consultation with tribes, and one response emphasized that it is important that DOL work with Tribal Nations to “provide consistency, specificity, and standardization to the AIPLFR, while acknowledging and accounting for the diverse circumstances across Indian Country.” Six responses recommended establishing a workgroup, with tribal leaders and subject matter experts on tribal population and labor force data analysis, to help develop standards that DOL would confer with for advice at every stage of the design, production, and dissemination of the report. Another three responses noted the need for an ongoing public consultation process with multiple listening sessions and formal consultations to elicit input from across Indian Country about how to design and execute the report’s data collection measures and underscored that Tribal Nations should be involved every step of the way. Two responses also recommended using a Native contractor to shepherd the consultation process, and that the contractor should be selected with “input from the tribal workgroup” and should have “extensive experience running federal agency consultations with tribal nations.” One response emphasized that part of these discussions should include opportunities for Tribal Nations to specify definitions correctly and accurately for key terms (e.g., ‘Tribal workforce’, ‘Tribal labor workforce’, ‘unemployed’, and ‘seasonal workers’). Another response noted that, “...[D]efinitions regarding ‘seasonal workers’ are particularly important, since many Tribal Nations operate enterprises that employ seasonal workers and Tribal citizens have occupations in seasonal fishing, hunting, farming, and gathering. These definitions differ across Tribal Nations and could, therefore, affect measures in the AIPLFR.”

As concluding thoughts, a respondent acknowledged that the production of the labor force report represents “a unique opportunity to fulfill the obligations set forth by this administration and to improve federal government data that will inform federal solutions for historically underserved, marginalized, and adversely affected tribal communities,” and was an opportunity to improve datasets in measuring and advancing equity.

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