

AMERICAN INDIAN AND ALASKA NATIVE POLICY
OF THE
U.S. CENSUS BUREAU

INTRODUCTION

The U.S. Census Bureau hereby proclaims its American Indian and Alaska Native (AIAN) policy. This Policy outlines the principles to be followed in all Census Bureau interactions with federally recognized AIAN tribal governments. It reaffirms the unique government-to-government relationship that exists between AIAN tribal governments and the Census Bureau.

This relationship is based on the United States Constitution, federal treaties, policy, law, court decisions, executive orders, and the ongoing political relationship among tribes and the federal government. The relationship results in a federal trust responsibility to federally recognized tribal governments.

The foundation for this policy statement is the White House Memorandum of September 23, 2004, "Government-to-Government Relations with Native American Tribal Governments" and the AIAN policy of the U.S. Department of Commerce of March 30, 1995. This policy is for internal management only and does not grant or vest any right to any party in respect to any federal action not otherwise granted or vested by existing law or regulations.

DEFINITIONS

Federally recognized Indian Tribe: Any AIAN, Band, Nation, Pueblo, or other organized group or community, including any Alaska Native village, as defined or established pursuant to the Alaska Native Claims Settlement Act (Title 43, United States Code (U.S.C.), Chapter 33, Section 1601 et seq.), acknowledged by the federal government to constitute a tribe with a government-to-government relationship with the United States and eligible for the programs, services, and other relationships established by the United States for indigenous people because of their political and legal status as AIAN tribes, Bands, Nations, Pueblos, or communities.

American Indian and Alaska Native Tribal Government: The recognized government of an Indian tribe and any affiliated or component Band government of such tribe that the Secretary of the Interior recognizes to be eligible for the special programs and services provided by the United States to Indians because of their status as Indians by annual notice in the Federal Register pursuant to the Federally Recognized Indian Tribe List Act of 1994 (Pub. L. 103-454, 108 Stat. 4791). The most recent annual notice (“Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs”) was published in the Federal Register on April 4, 2008 (73 FR 18553).

POLICY PRINCIPLES

The following policy statements provide general guidelines to Census Bureau employees for actions dealing with AIAN governments.

- 1.) The Census Bureau recognizes the unique government-to-government relationship between the United States and federally recognized AIAN tribal governments, as affirmed by the September 23, 2004, White House Memorandum for the Heads of Executive Departments and Agencies and the AIAN policy of the DOC.
- 2.) The Census Bureau acknowledges the trust relationship between the federal government and AIAN tribes as established by specific statutes, treaties, court decisions, executive orders, regulation, and policies. The Census Bureau's procedures for outreach, notice, and consultation will ensure involvement of AIAN tribal governments, to the extent practicable and permitted by law, before making decisions or implementing policies, rules, or programs that affect federally recognized tribal governments.
- 3.) The Census Bureau will consult and work with AIAN tribal governments before making decisions and throughout the planning and implementation of policy, rules, or programs that may affect tribes to ensure that tribal rights and concerns are addressed. Consultation will provide for, but is not limited to, mutually agreed-upon protocols for timely communication, coordination, cooperation, and collaboration.

- 4.) The Census Bureau recognizes each tribal government as a functioning governing body that the Census Bureau will work with to count and collect data, as accurately as possible, of all residents living in AIAN areas.
- 5.) The Census Bureau recognizes and invites tribal governments' involvement in the Census Bureau planning and implementation for censuses and surveys toward ensuring the most accurate counts and data for the AIAN population.
- 6.) The Census Bureau will continue its partnerships with tribal governments to enhance awareness of all censuses, surveys, and geography programs, particularly those including residents living in AIAN areas.
- 7.) The Census Bureau recognizes that there are distinct tribal protocols, cultural values, practices, religious beliefs, traditions, and climate conditions, as well as a tribe's authority over its land areas, that must be considered and abided by when conducting any census or survey in AIAN areas.
- 8.) The Census Bureau recognizes the importance of effective and efficient coordination with other federal agencies in the planning process of any census or survey that will include AIAN tribal governments.

- 9.) The Census Bureau acknowledges its responsibility to provide accurate demographic and economic data on AIAN populations and their businesses. The Census Bureau will work with tribal governments and other partners to encourage the participation of every resident living in AIAN areas.

Therefore, the Director of the Census Bureau hereby directs all directorates and their components (divisions, branches, and offices) to implement this policy by incorporating all of the above principles in their interactions with federally recognized AIAN tribal governments.

Executive Order 12866

This Notice has been determined to be not significant under Executive Order 12866.

10/21/08
Date

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