

TRAINING AND EMPLOYMENT NOTICE	NO. 03-23
	DATE August 2, 2023

TO: STATE WORKFORCE AGENCIES

FROM: BRENT PARTON 
Principal Deputy Assistant Secretary

SUBJECT: Announcing Tribal Consultation for Request for Information Pre-Rulemaking on Federal-State Unemployment Compensation (UC) Program; Confidentiality and Disclosure of State UC Information

1. **Purpose.** To announce a virtual Tribal Consultation the U.S. Department of Labor (Department) will conduct regarding the Confidentiality and Disclosure of State UC Information, scheduled for August 28, 2023, 2:00 p.m. ET on <http://www.workforcegps.org>.
2. **Action Requested.** Tribal officials and stakeholders, especially those in similar positions as those in Federal, state, or local governments which can be considered public officials, are invited to join.
3. **Summary and Background.**
 - a. Summary – The Department’s Employment and Training Administration (ETA) seeks information as it considers updating the definition of *public official* in 20 CFR Part 603, Federal-State Unemployment Compensation (UC) Program; Confidentiality and Disclosure of State UC Information. This Tribal Consultation fulfills the initial requirements outlined below and provides a dedicated opportunity for ETA to engage with tribal leaders on this pre-rulemaking activity. This virtual meeting will obtain input from federally recognized Indian tribes.
 - b. Background – The purpose of 20 CFR Part 603 is to implement the requirements of federal UC law concerning confidentiality and disclosure of UC information. This regulation applies to States and State UC agencies, as defined in § 603.2(f) and (g). The Department is exploring potential rulemaking changes, to include changes expanding the definition of *public official* to include Tribal Officials, as well as other potential changes. The Department wants to explore the implications for federally recognized Indian tribes as the Department determines the most appropriate changes to propose. The Department has issued a Request for Information (RFI) that was published in the *Federal Register* on July 25, 2023 (88 FR 47829) as part of its pre-rulemaking activities. This Tribal Consultation seeks to provide all federally recognized Indian tribes an opportunity to provide input as the Department explores, during this RFI process, the effects, benefits, and costs if the Department proposes to change or modify the definition of *public official* in § 603.2(d). Additionally, the Department would like to understand how any changes in the definition will impact the remainder of this regulation.

**EMPLOYMENT AND TRAINING ADMINISTRATION
U.S. DEPARTMENT OF LABOR
WASHINGTON, D.C. 20210**

Tribal Consultation: Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (65 FR 67249), and the Department’s Tribal Consultation Policy (77 FR 71833), require the Department to solicit input by federally recognized Indian tribes in the development of Federal policies that have tribal implications. Accordingly, the Department is engaging in a Tribal Consultation to provide federally recognized Indian tribes an opportunity to offer input as the Department considers the implications of changing the definition of public official to include Tribal leaders in 20 CFR 603.2(d), the regulation governing UC Confidentiality and Disclosure of State UC Information.

4. **Logistics for the Tribal Consultation.** This Tribal Consultation will take place on Monday, August 28, 2023, at 2:00 p.m. ET, in a virtual meeting that will be publicly accessible on WorkforceGPS, an online technical assistance platform sponsored by ETA. To participate in webinars hosted on WorkforceGPS, individuals must register as a member of the WorkforceGPS platform in advance of registering for a specific webinar. To become a member, please access the registration page at <https://www.workforcegps.org/register> and enter the required information. Registration information for this Tribal Consultation can be found on <https://www.workforcegps.org/events/2023/07/21/20/25/Tribal-Consultation-Unemployment-Compensation-Program-Confidentiality-Pre-Rulemaking-Request-for-Inf>. We encourage beginning the registration processes in advance of the day of the webinar to allow sufficient time for WorkforceGPS membership registration.
5. **Inquiries.** For further information, please contact Randy Painter, Director, Division of Policy, Legislation, and Regulation, Office of Policy Development and Research, at Painter.Randy.B@dol.gov.
6. **References.**
 - 20 CFR 603.2(d), Definition of Public Official;
 - Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (65 FR 67249); and
 - Department of Labor’s Tribal Consultation Policy (77 FR 71833)
7. **Attachment(s).** N/A