

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250

DEPARTMENTAL REGULATION

NUMBER: 1340-6

SUBJECT: POLICIES ON AMERICAN INDIANS AND ALASKA NATIVES

DATE: October 16, 1992

OPI: OFFICE OF ADVOCACY AND ENTERPRISE or OFFICE OF PUBLIC AFFAIRS

1. PURPOSE

The purpose of this document is to outline the policies of the United States Department of Agriculture (USDA) in its interactions with Indians, Alaska Natives, tribal governments, and Alaska Native Corporations (ANC). USDA policies are based on and are coextensive with Federal treaties and law. These policies pertain to Federally recognized Tribes and ANCs, as appropriate, and provide guidance to USDA personnel for actions affecting Indians and Alaska Natives. These policies do not involve USDA interactions with State-recognized Tribes, Indians, or Alaska Natives who are not members of Tribes with respect to matters provided for by statute or regulation.

1. DEFINITIONS

1. a. Indian tribe (or tribe). Any Indian tribe, band, nation, Pueblo, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
2. b. Alaska Native Corporation. Any Alaska Native village or regional corporation established pursuant to the Alaska Native Claims Settlement Act, Pub. L. No. 93-638 (ANCSA).
3. c. Indian. A member of an Indian tribe.
4. d. Alaska Native. As defined by section 3(b) of ANCSA, a citizen of the United States who is a person of one-fourth degree or more Alaska Indian (including Tsimshian Indians not enrolled in the Metlakatla Indian Community) Eskimo, or Aleut blood, or a combination thereof. The term includes any Native as so defined either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum of blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he claims to be a member or whose father or mother is (or, if deceased, was) regarded as Native by any village or group.
5. e. Tribal government. The governing body of an Indian tribe that has been officially recognized as such by the Federal Government.

2. BACKGROUND

The United States Government has a unique, legal, and political relationship with Indians and their tribal governments as defined through treaties, statutes, court decisions, and the United States Constitution. The United States Government has obligations under treaties and statutes to protect and maintain the lands, resources, and traditional use areas of Indians. Tribal governments have powers similar to those of State governments. In Alaska, Alaska, the relationship with ANCs is defined by ANCSA, as amended.

1. POLICIES

1. USDA is the lead agency of the Federal Government for providing effective and efficient coordination of Federal agricultural and rural development programs. USDA recognizes that Indians possess the right to govern themselves and manage their resources. Therefore, USDA supports and

seeks to further the principles of self-governance as delineated in the Indian Self-Determination and Education Assistance Act of 1975.

2. Consistent with applicable law, USDA officials will consult with tribal governments and ANCs regarding the influence of USDA activities on water, land, forest, air, and other natural resources of tribal governments and ANCs.
 3. USDA recognizes that tribal governments and ANCs manage land for such agricultural activities as farming, grazing, hunting, fishing, subsistence agriculture, and gathering of plants, animals, and plant products. USDA further recognizes that such resources may hold a unique meaning in the spiritual as well as everyday lifeways of many Indians and Alaska Natives. Consistent with applicable law, USDA officials will solicit input from tribal governments and ANCs on USDA policies and issues affecting tribes and will seek to reconcile Indian and Alaska Native needs with the principles of good resource management and multiple use.
 4. USDA agencies will observe the American Indian Religious Freedom Act, Pub. L. No. 95-341.
 5. USDA officials will work with the tribal governments, tribal high schools, colleges and universities to encourage the development of agribusiness skills, awareness, and, where needed, curricula. USDA will share information through the exchange of technical staffs and skills.
 6. USDA officials will work with other Federal and State agencies with responsibilities to tribal governments and ANCs and will encourage early communication and cooperation among all such organizations.
1. Consistent with applicable law or regulation, USDA managers will facilitate tribal and ANC participation in USDA program planning and activities.

1. RESPONSIBILITY

The Secretary of Agriculture is responsible for ensuring that this policy is followed. The Secretary has delegated authority to certain USDA agencies for carrying out these policies. The Office of Public Affairs, Native American Programs Office, has primary responsibility for coordinating USDA agencies' programs serving Indians and Alaska Natives. The Office of Advocacy and Enterprise has primary responsibility for coordinating USDA's equal employment, civil rights, and employment-related outreach to Indians and Alaska Natives.

1. INQUIRIES

Questions or comments pertaining to this regulation may be directed to the Office of Public Affairs, Native American Programs Office, Room 112-A, Washington, D.C., 20250-1300. Telephone 202-720-3805.

Further information on USDA programs will be available in the "Guide to USDA Programs for Native Americans."

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