

Part 540 – Operation and Management

Subpart D – Exhibits

540.53 Working with Native Americans-American Indians and Alaska Natives

A. PURPOSE

The purpose of this section is to improve and enhance Plant Materials Program (PMP) assistance to federally-recognized American Indian and Alaska Natives. Guidance provided in this section will assist the PMP in providing assistance to Tribes in meeting their goal of self-determination and self-sufficiency. It will also establish uniform procedures for delivery of quality assistance to Tribes in addressing their individual Tribal needs. This section provides background information, roles and responsibilities, policy, and exhibits for assisting American Indian and Alaskan Native Tribes.

B. BACKGROUND

The basis for the Government-to-Government relationship between the United States and American Indian and Alaska Natives can be found in the Constitution, treaties, and other laws involving Indian and Native Tribes, including case law.

- (i) Public Law 74-46, 49 Stat. 163, 16 U.S.C. 590-a-f, April 27, 1935.
- (ii) Public Law 101-624, the 1990 Food Agriculture Commerce and Trade Act (Farm Bill), Section 2501(g).
- (iii) USDA Department Regulation 1020-6, Indian Policy, October 16, 1992.
- (iv) Executive Order, Consultation and Coordination with Indian Tribal Governments, May 14, 1998.
- (v) Executive Order, Tribal Colleges and Universities, October 21, 1996.
- (vi) Civil Rights at the United States Department of Agriculture, Report by the Civil Rights Action Team.
- (vii) NRCS, Action Plan - Oversight and Evaluation Review of American Indian Program Delivery, 1997.

C. RESPONSIBILITIES

- (1) The PMP is committed to assisting federally-recognized tribes in a Government-to-Government relationship through consultative processes.
- (2) The Federal Government has “Trust Responsibilities” to American Indian and Alaska Natives. NRCS, as an agency of USDA, has trust responsibilities. The PMP and each of the PMCs have trust responsibilities.
- (3) The Plant Materials (PM) Specialist and PMC Manager are to ensure that all activities within the PMP adhere to the NRCS policy. NRCS has established policy on delivery of technical assistance to Tribes through Tribal Liaisons and/or Tribal Contacts. Operating outside of the National Plant Materials Manual and NRCS-established policy causes inconsistency, confusion, and Tribal expectations that may or may not be able to be met through the PMP. The PMP will coordinate with the

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Tribal Liaisons and/or Tribal Contacts in providing assistance to Tribes. It is important that the PM Specialist and PMC Manager work closely with the Tribal Liaisons and/or Tribal Contacts to ensure their clear and accurate understanding of the PMP and NRCS policy. For additional information see General Manual Title 410, Part 405.