



AGRICULTURE & RURAL DEVELOPMENT

Native peoples were this land's first farmers, long before the establishment of the first American colony. To this day, agriculture remains a major economic force in Indian Country, especially as a job creator for rural, tribal communities. U.S. Department of Agriculture's (USDA) 2017 Census of Agriculture counted at least 79,198 American Indian farm and ranch operators utilizing more than 59 million acres of land. These farms and ranches sold \$3.5 billion of agricultural products, including more than \$1.4 billion of crops and \$2.1 billion of livestock and poultry.⁹⁰ Additionally, the 2007 Census of Agriculture Fact Sheet notes that, "American Indian farm operators are more likely than their counterparts nationwide to report farming as their primary occupation...to derive a larger portion of their overall income from farming...[and] to own all of the land that they operate."⁹¹ Tribal nations and individual Native farmers and ranchers rely on active partnerships with USDA to sustain and advance common interests across the broad array of services that this federal agency provides for tribal governments.

USDA programs span a wide range of areas that impact Indian Country, including food safety, housing, business development, telecommunications and broadband, water systems, crop insurance, nutrition, land conservation, forestry, research, and of course, the programs designed to assist farmers. In FY 2012, Rural Development (USDA-RD) and the Rural Utility Service (USDA-RUS) together funded investments totaling more than \$190 million in Indian Country, with approximately half of that in the form of loans and loan guarantees. As such, tribal nations look to the myriad services, programs, and resources available from USDA to ensure sustained prosperity and economic security for American Indians and Alaska Natives – not only through its programs to farmers and ranchers, but also through programs that serve tribal governments, natural resource managers, Native youth, colleges, water infrastructure providers, tribal utilities and housing providers, and tribal communities.

The 2018 Farm Bill contained a historic number of new tribal provisions, several of which need increased funding, outreach, and technical assistance support to ensure full and proper implementation consistent with the intent of Congress. Additionally, it is worth noting that the 2018 Farm Bill extended tribal self-determination contracting under the Indian Self-Determination Education and Assistance Act of 1975 (P.L. 93-638) to two USDA programs in food procurement and forestry management.

Key Recommendations

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill

Office of Tribal Relations

- *Fund the USDA's Office of Tribal Relations at a minimum of \$1.5 million.*

The Office of Tribal Relations (OTR), located within the Office of the Secretary, is a critical voice for agriculture in Indian Country within USDA, especially since a vast majority of USDA's services and programs impact tribal lands and communities. Often, when USDA decisions are being made, there is a need to open lines of communication between the agency and Indian Country. OTR serves a linchpin role in expanding all USDA program support throughout Indian Country, as well as ensuring that relevant programs and policies are efficient, easy to understand, accessible, and developed in consultation with impacted American Indian and Alaska Native (AI/AN) tribal governments and citizens. OTR also is responsible for coordinating policies affecting AI/ANs across other federal agencies, including working with agencies regarding the new P.L. 93-638 tribal self-determination provisions.

OTR has increased its responsibilities in these major areas:

- Pursuant to Memoranda of Understanding (MOUs) between USDA and the Bureau of Indian Affairs, OTR is critical to the development of inter-agency strategic plans involving data sharing, land consolidation, and credit deployment.
- OTR is the lead for implementation of the intra- and inter-agency implementation of USDA's 2012 Sacred Sites Report and corresponding MOUs between USDA and the Departments of the Interior, Energy, and Defense, as well as the Advisory Council on Historic Preservation.
- OTR supports USDA-RD and USDA-RUS on implementation and administration of the 2012 Substantially Underserved Trust Areas initiative under section 306F of the Rural Electrification Act of 1936, as amended (7 U.S.C. § 906f). This initiative will allow USDA-RD to provide greater flexibility and more favorable loan terms for much-needed electricity, water and waste disposal, telecommunications, distance learning, and broadband infrastructure on trust lands.
- OTR's initial funding level of \$1 million in FY 2010 was slashed in FY 2011 and FY 2012, and remaining at only around \$500,000 annually through FY 2017. This leaves OTR with insufficient personnel and resources to support its vast mission within the Department, in partnership with other federal departments, and across Indian Country. With OTR's added responsibilities beginning in 2012, it is clear that OTR requires additional resources to carry out its many vital functions effectively.

For example, many of the new 2018 Farm Bill tribal provisions require direct engagement by OTR. Providing insufficient funding will not allow OTR to adequately fulfill its expanded scope of work, which includes implementing programs, providing technical assistance, and producing and disseminating curricula and informational materials to ensure tribal nations have the education and training they need. OTR has been responsible for coordinating and facilitating four additional tribal consultations on the 2018 Farm Bill, and those activities will only expand as more programs are implemented across USDA.

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill

Rural Development, Rural Utilities Programs, and Rural Housing and Community Facilities Programs

- *Provide a minimum of \$3.2 billion to USDA Rural Development.*

As tribal nations work to foster sustained economic security and community prosperity, it is imperative that tribal citizens and businesses on tribal lands have access to environments that are stable; conducive to economic and community development; and supportive of schools, health facilities, first responders, and local commerce.

USDA-RD programs support a broad array of utility needs and business activities in Indian Country by providing loans, grants, and other assistance for community facilities, housing financing, preservation and repair, electric utilities, high-cost energy, telecom infrastructure and distance learning, broadband infrastructure, water/waste systems and other infrastructure deployment. USDA-RD manages programs across three mission areas – the Rural Business and Cooperative Programs, Rural Housing and Community Facilities Programs, and Rural Utilities Programs. Through its Rural Development mission area, USDA administers and manages housing, business, and community infrastructure and facility programs through a national network of state and local offices. These programs are designed to improve the economic stability of rural communities, businesses, residents, farmers, and ranchers and improve the quality of life in rural America.

- *Provide \$783,545 million to Rural Utility Services.*

USDA-RD began implementing changes in 2012 designed to improve access to RUS funding for individuals living in Substantially Underserved Trust Areas (SUTA) – including tribal lands and lands owned by Alaska Native Regional Corporations and Village Corporations – to improve basic services, including: water and waste disposal, rural electrification and high-cost energy, telecommunications and broadband infrastructure, and distance learning and telemedicine. The SUTA changes, originally authorized by the 2008 Farm Bill, still require additional funding for administration as well as for programs and loan authority within RUS. It is important that more funding is made available to provide the infrastructure development and upgrades necessary in Indian Country.

Of special concern is the need to maintain funding for tribal set-asides for water, wastewater, and solid waste management for Indian Country and Alaska Native villages. USDA's Water and Environmental Program (WEP) provides a combination of loans, grants, and loan guarantees for drinking water, sanitary sewer, solid waste, and storm drainage facilities in tribal and rural areas and cities and towns of 10,000 or less. WEP also makes grants to non-profit organizations to provide technical assistance and training to assist rural communities with water, wastewater, and solid waste management.

More than 12 percent of tribal homes lack access to safe drinking water and basic sanitation, which is a rate more than 20 times the national average.⁹² For example, many Alaska Native villages must transport human waste in large containers to open pit sewage lagoons. The federal government's failure to address this situation is unacceptable, especially in light of its trust obligation to tribal nations. The existing federal budget does not make a significant dent in addressing this fundamental deficit in the quality of life for Native peoples, and recent cuts to this budget makes it worse, exposing Native people to unhealthy water and its subsequent detrimental impacts to human health, economic development, and community morale.

- *Include \$1.5 million for USDA Rural Development Tribal Technical Assistance Program.*

Lastly, the 2018 Farm Bill mandated the establishment of a Tribal Technical Assistance Program within USDA-RD designed to address the unique challenges Indian Country faces when seeking infrastructure, cooperative development, housing, and other development opportunities funded by USDA-RD. Funding for this newly established area is especially critical due to the unique circumstances surrounding lending and infrastructure deployment in tribal communities, which often leads to either misinformation provided to tribal nations or misinterpretation of tribal applications. Appropriating \$1.5 million to establish this program will help eliminate these unnecessary barriers to development in Indian Country.

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill

Rural Development, Rural Housing and Community Facilities Programs

- *Provide a minimum of \$28 billion in loan authority for the Rural Housing and Community Facilities Programs.*

In FY 2013, the Rural Housing Service (RHS) programs provided \$177 million in economic support to American Indian and Alaska Native enterprises and communities as well as tribal colleges. USDA-RD provided 56 Single Family Housing direct loans, equaling \$119 million, and 1,100 Single Family Housing loan guarantees at \$155 million. Tribal colleges received \$3 million for 24 grants under the Tribal College Community Facilities Initiative, and tribal communities received more than \$114.7 million in loan and grant financing under the Community Facilities Program.

Access to housing, community, and home repair financing provides Native individuals, families, and communities with security, credit facilities, and repair and weatherization needs. This financing also supports community and educational facilities and provides employment in construction and related industries that flows from access to capital in Indian Country.

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill

USDA Natural Resources Conservation Service

- *Fund the Environmental Quality Incentives Program at a minimum of \$1.75 billion as required by the 2018 Farm Bill.*
- *Fund the Conservation Stewardship Program at a minimum of \$725 million.*⁹³

Between FY 2010 and FY 2011, the Natural Resources Conservation Service (NRCS) saw an 85 percent increase in tribal participation in their programs, which could be attributed to USDA's outreach to tribal nations. Specifically, NRCS has assisted with the establishment of 33 Tribal Conservation Districts by working with the Intertribal Agricultural Council (IAC) and Indian Nations Conservation Alliance (INCA). In 2016, NRCS's Regional Conservation Partnership Program provided over \$27 million for conservation programs where tribal nations were the lead, which have led to dozens of partnerships between tribal, state, local, and private entities in mostly rural areas.

American Indians and Alaska Natives consider their natural resources sacred and depend heavily upon them for economic, cultural, and spiritual sustenance. Historically, federal natural resources funding for tribal nations has been limited, as tribal nations are ineligible for dozens of federal natural resource programs. Other funding for tribal natural resource programs under Bureau of Indian Affairs appropriations consistently experiences the smallest budget increases of all the U.S. Department of the Interior bureaus. While working to sustain essential efforts amidst the harsh budget climate and potential cuts to funding, tribal nations should have access to new opportunities afforded by USDA's NRCS programs. The 2008 Farm Bill authorized the Secretary of Agriculture to provide up to 90 percent of the costs associated with planning and implementing conservation practices for tribal nations. In addition, up to 30 percent of such payments may be provided in a short-term advance for purchasing materials or contracting. Tribal nations also are included in a five percent set-aside of Environmental Quality Incentives Program (EQIP) funds and a five percent set-aside of Conservation Stewardship Program acres for socially disadvantaged farmers or ranchers. Since the Wildlife Habitat Incentives Program was rolled into EQIP in the 2014 Farm Bill, NCAI requests that the funding levels continue to steadily increase for EQIP, which provides financial and technical support to tribal nations and others to install or implement structural and management conservation practices on eligible agricultural land.

The Conservation Stewardship Program (CSP) is another vital program in the NRCS. The CSP provides crucial help in reducing soil erosion, enhancing water supplies, improving water quality, increasing wildlife habitat, and reducing the damage caused by floods and other natural disasters. The CSP program is an important resource for tribal nations.

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill

National Institute of Food and Agriculture, Federally Recognized Tribal Extension Program

- *Increase the Federally Recognized Tribal Extension Program (FRTEP) to \$15 million.*

Congress mandates research and extension services in every county in the nation. These services support farmers, natural resources managers, youth (via 4-H youth programs), and communities by providing a FRTEP agent to liaise with other USDA programs, provide training in farm and ranch business management, supervise 4-H and youth development activities, and coordinate special training programs, including application of new agriculture technologies. While there are more than 3,100 extension offices available to farmers nationwide, fewer than 30 extension agents serve Indian reservations, with current funding of only \$3 million available to 1862 and 1890 Land-Grant Institutions and the University of the District of Columbia. With the 2018 Farm Bill making 1994 Tribal Colleges and Universities eligible for the program — essentially doubling the pool of

institutions – increased funding is essential to ensure that FRTEP programs will continue to serve tribal farmers and ranchers, and that those services can be expanded to newly eligible institutions. An increase to \$15 million would begin to address this persistent inequity and allow for additional service by more than doubling the FRTEP staff and the number of Native youth served by the program.

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill

Food Distribution Program on Indian Reservations

- *Appropriate \$200 million for the Food Distribution Program on Indian Reservations (FDPIR).*
- *Appropriate \$5 million to develop a traditional foods market for FDPIR.*
- *Appropriate \$5 million for the 638 Tribal Self-Governance Demonstration Program for Tribal Organizations.*

The Food Distribution Program on Indian Reservations is currently serving approximately 276 tribal nations and is a critical food assistance program, particularly in areas that do not have easy access to Supplemental Nutrition Assistance Program (SNAP) offices or authorized food stores. Through more than 100 Indian Tribal Organizations (ITOs), and three State Agencies, FDPIR provides USDA foods to low-income households and the elderly living on Indian reservations and to AI/AN households residing in eligible areas near reservations or in Oklahoma. The ITOs also provide employment to local and tribal personnel who administer the program. Since FY 2013, FDPIR participation has risen over 17 percent. Between FY 2015 and FY 2017 alone, monthly participants rose from 88,000 to 100,000. Additional funding is needed to address the new demands on the programs, rising food cost – especially the increasing price of meat-based proteins – and to improve program operations at ITO sites, many of which have lacked the administrative funds necessary to update critical equipment like refrigerators and freezers. In the 2018 Farm Bill, Congress authorized funds for USDA to purchase more traditional and locally grown foods for the program’s food package. The purchase of traditional and locally grown foods improves both the health of the food package and can stimulate the local and regional economy through agricultural production, especially when those foods are sourced from Native food businesses. Lastly, in the 2018 Farm Bill, Congress authorized a demonstration program wherein USDA can enter into 638 Self-Determination contracts with one or more tribal organizations for the food procurement of FDPIR foods. This promotes tribal sovereignty and enables tribal nations and organizations to tailor this vital program to meet the specific tribal cultural and nutritional needs through the foods they select for their food packages; in addition, it helps to support tribal food producers and expand production.

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Agriculture Appropriations Bill

Industrial Hemp Production, Regulation, and Research

The 2014 Farm Bill authorized pilot programs for hemp research at higher education institutions when done in accordance with state law. The lack of parity for tribal law and higher education institutions in Indian Country created ambiguity as to whether tribal nations could directly benefit from this program without authorization under state law. However, the 2018 Farm Bill legalizes industrial hemp production when done in accordance with enacted federal criteria and allows states and tribal nations to assume primary regulatory authority over such production after obtaining approval from USDA. For Indian Country to realize the full economic benefit of this innovative development, a robust appropriation is necessary for USDA to continue working in consultation with tribal governments to develop the tribal plan process necessary for tribal nations and tribal producers to begin industrial hemp production in Indian Country.