

Indian Country Priorities and Opportunities for the 2023 Farm Bill

Title I: Commodities

Key Points and Recommendations

- Indian Country is heavily invested in commodity food production, especially livestock which makes up nearly \$2 billion of agriculture income for tribal producers.
- Ensure tribal producer eligibility for all disaster assistance programs in Title I, and increase payments to 90 percent of value to acknowledge their unique land and market issues.
- Create parity for tribal producers in Farm Service Agency Committees and decision-making.

Background Information and Context

More than half of all agricultural income in Indian Country comes from livestock production and commodity crops. As of 2017, Indian Country had 24,744 Native-operated beef cattle ranches, accounting for more than 75% of total Native farms and ranches. Oilseed, grain, and other commodity crop production makes up an additional 17% of all Native-operated farms today. This makes the Commodity Title's Livestock Indemnity and other disaster programs very important to Indian Country farms and ranches. In addition to Indian Country's own commodity production, Tribal lands are also frequently leased to non-Native farmers and ranchers who are also growing or raising agricultural products that fall under Commodity Title programs, tying their success to continued timely lease payments for Tribal Nations.

Opportunities for Indian Country in the Commodities Title

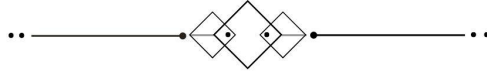
Livestock Indemnity Payments

- Allow for 90% loss rate coverage for Tribal-owned livestock to address the lack of land equity that exists for Tribal producers, except for allotted lands.

Livestock Forage Disaster Program

- Under this program, "eligible livestock producer" may not cover all possible circumstance Tribal producers engage in livestock ownership or land leasing per the Bureau of Indian Affairs (BIA). Include an additional section in the program that covers all Tribal producers who remain or become eligible to participate in the Forage Disaster Loss Program.
- Due to the unique challenges facing Tribal livestock and forage producers, all other provisions of the program shall ensure that payment rates are set at 90% levels (as opposed to any lower rates identified in the law for non-Tribal producers).

Farm Service Agency County Committee



Indian Country Priorities and Opportunities for the 2023 Farm Bill

Title I: Commodities

- Require FSA to use Census data and Census of Agriculture data to determine the population makeup of the county. FSA should create plans, in consultation with Tribal governments, to ensure that Tribal members are effectively and efficiently notified of county committee nomination opportunities. Committees in predominantly Tribal population areas and/or Tribal land base areas should include predominantly Native membership.

Trees

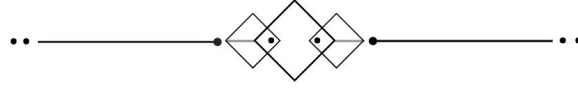
- The 2014 Farm Bill created additional assistance for tree owners which is included in 7 U.S.C. Section 9081(e). Under this provision, Tribal producers should be made eligible for 80-90% of the cost of replacement, salvage, pruning, removal, or preparing the land or replanting to ensure that the higher cost of providing these remediation activities on Tribal lands is accommodated within the limitations of the program and Tribal business entities organized under Tribal law and Tribal producers should all be recognized as “legal entities” and “persons” allowed to participate in the program.

Geographically Disadvantaged Farmers and Ranchers

- 7 U.S.C. Section 8792 should be amended to ensure that Tribal governments, Tribal entities, and Tribal producers are recognized as farmers or ranchers eligible to participate in the program.

Base Acres

- Ensure that the base acre regulations do not adversely affect Tribal producers through Farm Service Agency consultation with elected Tribal officials.



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title II: Conservation

Key Points and Recommendations

- Conservation programs provide essential financial support for producers who want to implement land stewardship activities on their lands, but these programs are often difficult for Indian Country to access and don't always incorporate traditional ecological knowledge (TEK).
- Natural Resources Conservation Service (NCRS) Programming must be enhanced for Tribal producers, including recognition of TEK and inclusion of Tribal priorities as Priority Resource Concerns.
- Alternative models of program delivery, from expansion of existing Alternative Funding Agreements (AFAs) to implementing "638" Self Determination and Self Governance, would significantly expand Tribal eligibility and access to conservation programs.

Background Information and Context

Indigenous people are the original stewards of land and waterways on this continent, yet Tribal lands suffer today due to lack of tailored federal legislation incorporating the challenges and unique nature of Tribal agricultural lands. The Conservation Title aids Native producers and landowners in implementing proven conservation practices based on technical standards on agricultural and forest lands. However, when federal policy continues to apply state and local standards to Indian Country lands where the same circumstances, markets, governance structures, and land holdings simply do not exist, Indian Country will continue to struggle with accessing critical conservation programs contained in this title. Flexibility in this title that opens up Tribal producer access and facilitates the inclusion of more indigenous management strategies.

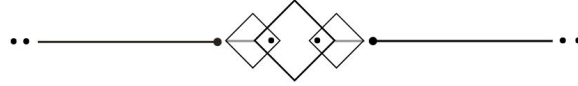
Opportunities for Indian Country in the Conservation Title

Conservation Reserve Program (CRP)

- Create a pilot program to explore the use of livestock to improve soil health in CRP fields and allow for rental rates over and above the CRP payment.

Beginning Producers in Conservation Programs

- Encourage and allow all beginning producers to participate in conservation programs and amend all conservation programs to incentivize beginning producers by removing the "one year of control" requirement.



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title II: Conservation

- Create a new title section to allow Tribal citizens who are beginning farmers and ranchers the ability to use CRP land or other lands engaged in conservation practices in ways that do not damage the land or resources.

Contract / Program Term Length Flexibility

- Authorize alternative term length of programmatic enrollment or contract terms for improved flexibility on Tribal lands, specifically including Tribal trust or individually held trust or restricted leased lands.

Alternative Models of Program Delivery – Alternative Funding Arrangements, 638, Other Flexibilities for Tribes

- Although the 2018 Farm Bill included alternative funding arrangements (AFAs) requirements, work needs to occur to ensure more Tribal governments receive AFA opportunities.
- Including “638” Self-Determination and Self-Governance opportunities would allow Tribes the ability to administer conservation programs directly to eligible Tribal producers and provide more local, tailored service.

Funding Flexibility

- Full and robust application of this option for any Conservation Title program that requires a match percentage would increase conservation opportunities previously unavailable to Tribes.

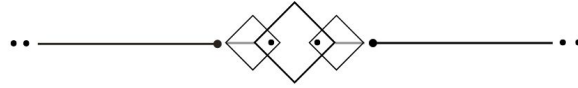
Soil and Water Resources Conservation

- Establish the National Technical Committee to advise NRCS and ensure Tribal agency representatives are included.

Extension and Enrollment Requirements of Conservation Reserve Program

- A request to designate a State Acres for Wildlife Enhancement (SAFE) would have required the Secretary to give priority to certain requests, including wildlife habitats for targeted species, where a commitment of funds for incentive payments is provided, and to maintain a regional balance when making designations.

Wildlife Management



Indian Country Priorities and Opportunities for the 2023 Farm Bill

Title II: Conservation

- Require the Secretary to provide technical and programmatic information regarding conservation practices that producers can implement.

Recognition of Traditional, Ecological, Knowledge-Based Conservation

- Develop a new section to explicitly allow a Tribe or a group of Tribes to develop traditional, ecological, knowledge-based (TEK) technical standards that will control implementation of all conservation projects allowed under the Farm Bill.

Include Tribal Priorities in Definition of Priority Resource Concerns

- Amending the Priority Resource Concern's definition to include Tribes would provide Indian Country inclusion and facilitate NRCS funding addressing more Tribally driven concerns.

Allow Lands Held in Common and by Tribal Entities to Access Conservation Programs

- Create a new section in the Conservation Title so that lands held in common, such as reservation lands that are controlled and farmed / ranched by groups of individuals can participate in all Conservation Title programs.

Priority for Enrollment of Tribal Lands in the Conservation Reserve Program

- Tribal lands falling under the jurisdiction of the Bureau of Indian Affairs, Tribal governments, Tribal agricultural entities, and individual Tribal producers, landowners, or land operators should receive mandatory priority consideration for all conservation programs authorized in the upcoming Farm Bill.

Notice Regarding Conservation Activities and ARMP Compliance

- Ensure conservation activities will be required to be in conformance with the Tribal government's Agricultural Resource Management Plan (ARMP), if one is in place, and that proper individuals or officials receive adequate notice of conservation activities.

Recognizing Tribal Law Parity

- Amend any reference to "state law" in the Conservation Title to say "State law or Tribal law" and any reference to "State technical committee" to "State technical committee or Tribal Technical committee."

Tribal Technical Committee



Indian Country Priorities and Opportunities for the 2023 Farm Bill

Title II: Conservation

- Require each state conservationist to establish a separate Tribal technical committee, should any Tribal headquarters exist within their state boundaries, or any land exist under the jurisdiction of Tribal governments or the BIA.

No additional Compensation for Expired Conservation Measures

- Do not require individual Tribal citizens, Tribal governments, or Tribal entities to compensate the former lessee of the Tribal lands for the installation or maintenance of such practice, since those practices have already been the subject of cost share with the federal government

NRCS Report on Natural Resource Inventory Investments Needs on Tribal Lands

- Require NRCS to immediately develop a report to be delivered to all Tribal governments and individual Indian producers identifying which Tribal lands still need proper Natural Resource Inventory funding support to perform soil and range surveys to create a baseline report of needs for said lands.

Traditional Ecological Knowledge Consideration for Conservation Compliance

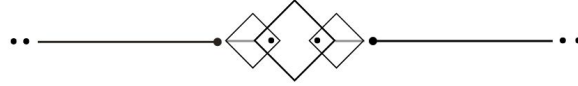
- Consider traditional ecological knowledge whenever the Secretary determines the level of compliance of landowners who have lands or resources enrolled in any of the Conservation Title programs, particularly when determining whether a meaningful stewardship threshold has been reached

BIA Actions Responsible for Non-Compliance, Deemed Approved Enrollment

- Do not determine any Tribal landowner or operator of lands in violation of any term of a conservation program enrollment requirement when the BIA can be established as the cause for any alleged non-compliance, whether through delay in action, other non-action in decision-making requirements, or any other reason.

Environmental Quality Incentives Program (EQIP) – Tribal Priority and Reduced Barriers to Access

- Give priority considerations to Tribal governments, Tribal entities, and individual Tribal landowners and operators to participate in EQIP program activities, in addition to the 5% Tribal set-aside.



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title II: Conservation

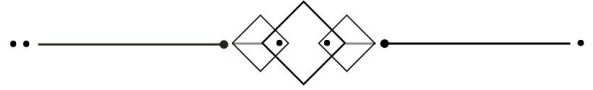
- Tribal and individual Indian landowners and operators shall be entitled to additional priority for any activities related to organic and organic transition practices on their farms and ranches.

Tribal Parity in the Conservation Title

- Include a provision in all sections of the Conservation Title allowing Tribal governments, Tribal producers, and Tribal entities or organizations created for conservation and natural resource protection purposes to have full access to every program allowed under the Conservation Title.

Technical Assistance Funding for Tribal Governments and Organizations

- Give the Secretary the authority to create a permanent fund within the available technical assistance funding authorities, appropriations, and programs to ensure that Tribal governments, Tribal organizations, and Tribal landowners and producers throughout Indian Country-including in all Tribal areas of Alaska and Hawaii-have specialized technical assistance available on a continual basis.



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title III: Trade

Key Points and Recommendations

- Trade Title programs represent a significant opportunity for Indian Country producers and Tribally owned food businesses who want to access international markets, where Native-produced foods are often seen as highly desirable and financially lucrative niche products.
- Expanding the Market Access Program (MAP) and the MAP's definition of "eligible trade organizations" to include Tribal organizations would increase opportunities and access to overseas markets for Native producers.

Background Information and Context

Despite the potential economic benefits of engaging in international trade, accessing international markets for any product is a challenging and complex process. Trading food products, which often have strict food safety and other regulatory protocols, adds additional challenges. With the resources and technical assistance that USDA programming can provide through Trade Title programs, the number of Tribal Nations and Tribal producers accessing these profitable international markets can increase, improving economic realities across Indian Country. Of all the supports available through Title III, the program that currently provides the strongest support to Indian Country is likely the Market Access Program (MAP). Through MAP, the Intertribal Agriculture Council (IAC) has been able to offer Native producers export resources and access to markets for Native-produced products around the world through IAC's American Indian Foods Program (AIF).

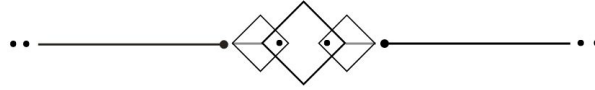
Opportunities for Indian Country in the Trade Title

Expand MAP and increase opportunities and access to overseas markets

- Substantially increasing the funding available to the Intertribal Agriculture Council to coordinate and administer this program for Tribal audiences will allow more Tribal food and agriculture businesses to benefit from the program.
- MAP participation is limited to "eligible trade organizations," and this definition currently leaves out Tribal organizations and entities. Expanding this definition would promote Tribal parity and access to this critical program.

Support unique Tribal foods and fighting native food fraud

- Making changes in the Trade Title that helps the Foreign Agricultural Service weed out fraudulent operators will ensure that Tribal producers and operators are given priority as

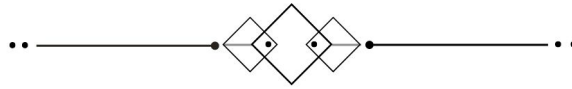


Indian Country Priorities and Opportunities for the 2023 Farm Bill Title III: Trade

producers of authentic products, not only for domestic distribution but also internationally through MAP.

Interdepartmental coordination to support Tribal trade

- The Secretary should engage in interdepartmental collaboration in order to increase Tribal producers' access to trade missions.



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title IV: Nutrition

Key Points and Recommendations

- Indian Country needs a consistent, comprehensive, and Tribally-led approach to tailor federal food assistance programs to the specific needs of tribal communities and citizens.
- Expanding “638” authority to all Farm Bill food assistance programs, and making the current FDPIR authority a permanent option, would provide that necessary flexibility for Tribes.
- Additional flexibilities would open up new market opportunities for farmers and ranchers into food assistance programs, improving rural economies and food security simultaneously.

Background Information and Context

As Tribal Nations continue to reimagine their food systems and utilize their sovereignty to enhance their citizens’ access to traditional, culturally appropriate, Native-produced, or fresh produce, USDA’s suite of food assistance programs can provide an underutilized pathway to improve both Tribal food access and Native food economies simultaneously. The FDPIR “638” demonstration projects for food procurement, authorized by the 2018 Farm Bill, showcase the extraordinary potential of these food assistance institutional markets to change both food access and Native food producer market opportunities at the same time. Building on that progress in this Farm Bill—with expanded 638 authorities and enhanced flexibilities across the Nutrition Title for Tribes—will continue to improve not only nutrition security in Tribal communities, but will promote economic development and job creation across rural America.

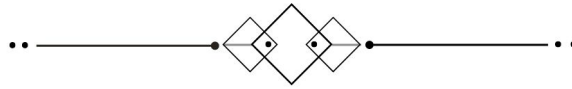
Priorities for Indian Country in the Nutrition Title Include:

“638” Application to All Food and Nutrition Programs

- Applying “638” authority—including Self-Determination and Self-Governance—to all Farm Bill nutrition programs would ensure maximum flexibility and best service to Tribal citizens across the Farm Bill nutrition support portfolio. It also opens up a host of opportunities for food producers to access new institutional markets as Tribes are able to source food directly from producers, instead of going through USDA markets.

Food Distribution Program on Indian Reservations (FDPIR)

- ***Expand and / or make permanent the 2018 Farm Bill’s 638 program for FDPIR***
 - The FDPIR 638 self-determination project has so far been a resounding success. If Congress made this procurement opportunity permanent and granted it mandatory funding in the Farm Bill, more Tribal Nations would be able to



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title IV: Nutrition

participate and take advantage of this pathway to improved Tribal food access and economic development.

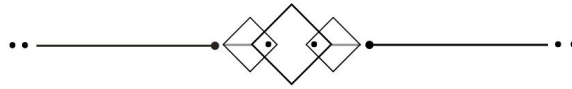
- ***Reduce the matching requirement from 80% to 0%***
 - A 0% matching requirement would eliminate the need for Tribes to seek waivers and for USDA to process those waivers, reducing administrative burdens and expanding FDPIR access.

- ***Continue the new nutrition education funding requested by USDA in recent appropriations bills***
 - Provide continued funding to Indian Tribal Organizations (ITOs) that run FDPIR, especially on a non-competitive basis, to improve the health of FDPIR participants across Indian Country.

- ***Create a pilot program to enable ITO direct sourcing of locally produced herbs and spices as part of nutrition education opportunities***
 - A pilot or demonstration project to provide ITO funding to source herbs and spices would improve participant engagement with the foods provided and serve as a valuable part of nutrition education at the same time.

- ***Clarify that Tribal Nations on international boundary lines with bands or communities across international borders may have food products sourced from those bands – especially traditional and culturally significant food products – be considered domestic for the purposes of FDPIR sourcing***
 - Those nations whose communities are bifurcated by modern international boundaries would have expanded opportunities to move their own food products into programs like FDPIR if waiver authority existed within USDA to enable these products to be designated domestic in these limited circumstances.

- ***Issue waiver authority for USDA-FNS to allow FDPIR sites to be able to provide non-domestically sourced produce in emergency situations.***
 - The pandemic greatly impacted supply chains and markets across the country. Issuing waiver authority that operates in the event of natural or other disasters



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title IV: Nutrition

and crises would ensure uninterrupted access to healthy foods for FDPIR participants.

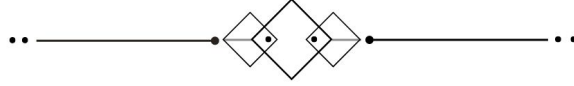
- ***Provide additional infrastructure dollars to FDPIR for necessary upgrades to facilities and equipment.***
 - A dedicated influx of infrastructure dollars that reaches every ITO is still needed.
 - A Tribal set-aside in the program in combination with the long-awaited creation of the Rural Development Tribal technical assistance office promised by the 2018 Farm Bill would significantly bolster FDPIR sites' chances of accessing Community Facilities funds.
- ***Include more traditional and Tribally-produced foods in FDPIR on a regional basis***
 - Regionalizing food distribution ensures more culturally appropriate food access across Indian Country and has the potential to provide significant cost savings to the federal government.

Supplemental Nutrition Assistance Program (SNAP)

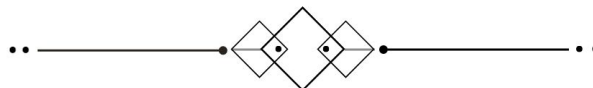
- ***Tribal eligibility to administer SNAP***
 - Tribal Nations already administer FDPIR, which is considered an alternative to SNAP. Enabling Tribes to choose to administer SNAP would enable Tribes to serve their citizens more directly.
- ***"638" Authority for SNAP***
 - Expanding "638" authority to the SNAP program would allow for a more robust Tribal option than programmatic administration and be a significant acknowledgement of Tribal sovereignty in food systems.
- ***Dual use of SNAP and FDPIR***
 - Removing the statutory prohibition of dual use of SNAP and FDPIR would improve food access and opportunities for Tribal citizens to feed their families.

The Emergency Food Assistance Program (TEFAP)

- The Farm Bill could add Tribal Nations to the list of eligible entities for TEFAP, preparing Tribes to better respond to any future crisis affecting food systems.



Indian Country Priorities and Opportunities for the 2023 Farm Bill
Title IV: Nutrition



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title V: Credit

Key Points and Recommendations

- According to the most recent Census of Agriculture, there are 80,000+ Native food producers across the United States, generating \$3.5 billion in market value of raw agricultural commodities each year.
- Maintaining—or scaling—this existing level of agricultural production requires access to credit borrowed on fair terms, but most Tribal communities are “credit deserts,” where Native producers lack access to any lines of credit outside USDA’s Farm Service Agency (FSA) programs or community-based financial services.
- Improvements to FSA programs and creative flexibilities that enable Native Community Development Financial Institutions (Native CDFIs) to expand their agricultural lending will provide those key lines of credit that improve Native food economies and support rural America.

Background Information and Context

Credit access is so challenging for Native producers that most of Indian Country is referred to as “credit deserts.” On average, Native producers carry more debt at higher and sometimes even predatory loan rates than other producers. Continuing to improve programs within the Credit Title so that Native producers can more fully access these programs will improve economic realities for 80,000 Native farmers and ranchers across Indian Country, and improve rural economies along with it.

Opportunities for Indian Country in the Credit Title

Structuring Loans to Suit the Business

- Authorize several innovative loan structuring measures in the coming Farm Bill. For example, currently FSA will lend 100 percent the cost of bred livestock. They will then subordinate their lien position to a local commercial lender for annual production costs, increasing the amount of debt secured by the same amount of assets, sometimes by as much as 25 percent. If the first year of operating expenses could be included in the original loan, and amortized over the life of the secured asset, producers would end the year with cash in the bank, allowing producers to take advantage of pricing opportunities on input materials, replacement stock, or expansion opportunities. Such an approach would incentivize operating from available resources, instead of what could be borrowed on an annual basis.



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title V: Credit

Debt Restructuring for FSA Planning Prices

- When commodity price cycles run contrary to the mandated FSA Planning Prices, despite a producer's inclination to plan conservatively, producers are often faced with choice of accepting a plan based on those planning prices or shutting down their operation. In cases where FSA planning prices are more than 20 percent higher than the actual prices, a producer should be able to restructure their debt in a way that will not count towards lifetime limits on loan servicing.

Socially Disadvantaged Interest Rate

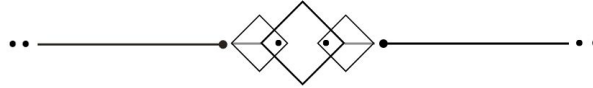
- Update the Socially Disadvantaged Rate (SDR) interest rate for FSA loans from a static number (currently 5 percent) to be indexed to the prevailing rate and set a commensurate proportion of that rate, 50 percent of the standard rate. The current rate was set years ago when the prevailing interest rate was in the double digits and should already have been revisited and revised.

FSA Food Loan Authority

- Under current program guidelines, there is some latitude for producers whose production will take a period to fully ramp up. Initial payments can be made at an 18-month mark rather than within the first year. This same methodology should be employed for producers wishing to take their raw product to the next step in the value chain.

Keepseagle-class Forgiveness

- The *Keepseagle* litigation proved there was a systemic and deeply rooted history of discrimination at the USDA against Native and other producers. While Native Americans could avail themselves of the opportunity for debt settlement and a small monetary award to attempt to make them whole, some successful claimants also received a "clean slate" when dealing with the FSA in the future. With only 3,000 successful claimants of an anticipated 12,000 potential claimants, many Native producers, still feeling the disenfranchisement of decades of disparate treatment, did not take part in the claims process. Allowing the larger pool of potential *Keepseagle* claimants to experience a "clean slate" would be a no-cost change that would improve future opportunities for many tribal producers.



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title V: Credit

Remove the Graduation Requirement for FSA programs

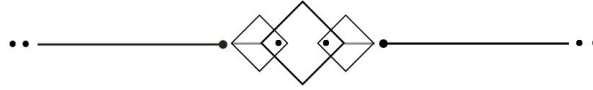
- Due to the general lack of credit availability on and near Indian reservations, it is difficult to access viable credit rates for even experienced producers operating farms and ranches on trust lands. Removing the statutory requirement for producers on Indian reservations to have graduated from FSA programs would allow agriculture operations to be more stable and assist other producers who farm and ranch in areas where credit access is tenuous at best.

Remove the Requirement for Private Credit Denial

- Explicitly exempt tribal producers from the FSA requirement of obtaining three denial letters from private credit sources in order to participate in an FSA loan program. The general lack of private lending available in Indian Country renders the requirement onerous and unduly burdensome.

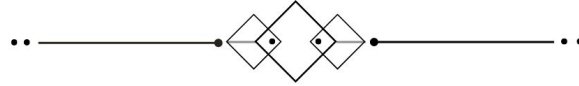
Create Common Definition of Land Owned by Indian Tribes across all USDA

- Currently, there is no common definition of “land owned by Indian Tribes” across all USDA programs creating inconsistent program access even within programs run by a single agency. An alternative to placing the definition in the Credit Title or another a section having application broadly across the entire Department, is to place it within the Definitions section of the Conservation Title, where many problems associated with lack of common definition are most pronounced. Regardless of where such definition is placed, attention should be paid to consistency across the family of USDA programs and authorities.
- **Add Native producer provision to the Farm Credit System**
 - Require the Farm Credit System to make loans to Native Agricultural producers and implement programs designed to increase credit access to Native agricultural producers and tribes.
- **Provide Loan and Loan Guaranteed Opportunities to Support Meat, Poultry, Fish, and Seafood Processing**



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title V: Credit

- Congress should ensure that loan and loan guarantee opportunities are available for the development of meat, poultry, fish, and seafood processing facilities in Indian Country.



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title VI: Rural Development

Key Points and Recommendations

- Nearly 80,000 Tribal producers are operating on over 59 million acres of land and generating over \$3.5 billion in economic activity, yet Tribal entities are often under included or have difficulty accessing Rural Development (RD) programs.
- RD programs and funding can help Indian Country in areas such as broadband programs, housing programs, wastewater/sewer programs, rural business programs, and more.

Background Information and Context

From 2001 to 2018, USDA Rural Development invested more than \$6.2 billion in Indian Country, with \$3 billion invested through housing and community facilities programs, \$415 million through rural business and cooperative programs, and \$2.8 billion through rural utilities programs. However, it took nearly two decades for Indian Country to see just a fraction of what RD invested across the country in just one fiscal year: in FY2020, RD's investments in rural communities totaled nearly \$40 billion. Indian Country cannot continue to be left behind in rural investment opportunities. Tribes and intertribal organizations like IAC and NCAI have consistently highlighted multiple places where improvements in the Farm Bill, through the Rural Development Title, would enable RD to invest more heavily in Indian Country.

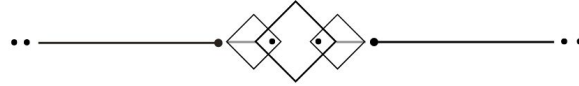
Opportunities for Indian Country in the Rural Development Title

Implement SUTA provisions throughout all Rural Development programs and Expand SUTA-eligible land definitions

- Existing loans can be refinanced through SUTA, but implementing SUTA provisions across the broad array of RD loans, loan guarantees, and grants would provide important support to tribal citizens living in remote, rural, isolated communities who are in dire need of the impact of RD programs.
- Amend the definition of trust lands to include tribal fee lands as eligible for SUTA.

Create Tribal Rural Development Set-Aside

- Create a total Tribal set-aside in all RD funding authorities to address the inadequacy and general lack of infrastructure in Indian Country, with at least 20% of all rural broadband projects supporting Native communities.



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title VI: Rural Development

Maintain the Under Secretary for Rural Development Position

- Having an Under Secretary whose primary duties are to focus on RD programs and funding is critical for Indian Country and rural America, and this position should be maintained.

Uplift Rural America By Supporting Native CDFIs Loan Authority

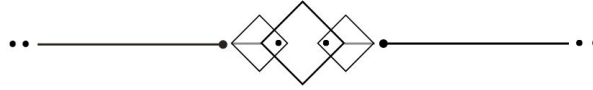
- Due to prohibitive requirements placed on CDFIs to access loan authority, only the largest CDFIs can secure any meaningful funding levels. If a process were to be developed to allow small, new, and emerging CDFIs access to this valuable tool, it would greatly increase Indian Country access to RD loan authorities.

Extend rural electric loan and Grant Program Authority to CDFIs

- Rural electric cooperatives are uniquely poised to be economic development drivers in their communities. Often, they choose not to avail themselves of this opportunity. In cases where a rural electric cooperative chooses not to participate in this program in the past, local CDFIs should have the opportunity to carry out the function.

Implement the Tribal Technical Assistance Office

- The 2018 Farm Bill created this office but it has yet to be implemented. This office could provide much-needed technical support for Tribes as well as clear up confusion inside RD about Tribal business structures, which currently often keep Tribes from accessing RD funds.



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title VII: Research

Key Points and Recommendations

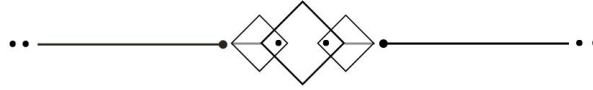
- Research and extension services are vital to improving the resiliency of Tribal food systems. However, agricultural extension resources serving Tribal lands are severely underfunded, and Tribal agricultural research priorities are rarely considered outside of Tribal Colleges and Universities context.
- Indigenous producers who have access to the education and training opportunities that non-Native producers have through the land grant system will build more resilient food systems, improve food security, and expand job opportunities in Tribal communities.

Background Information and Context

The greatest potential for Indian Country in the Research Title lies in opportunities for innovation, research, and educational opportunities that improve efficiency and drive creative solutions to problems in food systems. Consistent support for Tribally led research will spur economic development and entrepreneurship in agriculture across rural America. The ripple effect of consistent investment in research, extension and education will change the shape of our food systems for the better and expanding tribal involvement and representation in research is critical to that change.

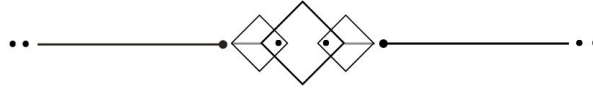
Opportunities for Indian Country in the Research Title

- ***Addressing the Federally Recognized Tribal Extension Program's (FRTEP) outdated funding***
 - Fund FRTEP at no less than \$10 million annually to increase the number of FRTEP extension agents and expand Tribal extension to levels comparable to extension services at land grant institutions.
 - Further programmatic improvements include:
 - Allocate federal funding to increase the number of FRTEP extension agents from current number of 30 on Indian reservations to at least 100 over the next four years.
 - Fund FRTEP at \$30 million to account for the additional 1994 land grant institutions that have been eligible to participate since the passage of the 2018 Farm Bill.



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title VII: Research

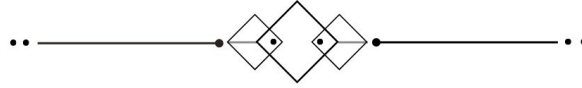
- The Indian Country Extension Commission called for a full, non-competitive funding of FRTEP-eligible sites at \$49 million, with a full list of recommendations as follows:
 - Eliminate the competitive nature of the FRTEP funding and instead use permanent funding similar to County Extension programs.
 - Increase funding for both the FRTEP (\$30 million) and the 1994 Extension programs (\$19 million) to quickly make them equivalent to the non-Tribal Extension programs across the nation.
 - Increase access to additional programs and reduce or remove the matching requirements on all USDA grants for Tribal Extension.
- ***Parity in Funding Opportunities for 1994 Tribal Colleges and Universities***
 - Improve equity by re-examining competitive funding formulas for grants, which are often associated with inequitable funding distribution for Indian Country.
- ***TCU Eligibility for all National Institute of food and Agriculture (NIFA) Funding***
 - Make TCUs eligible for all SDA NIFA funding authorities.
- ***Tribal Set-Aside, Preference and Funding at NIFA***
 - Provide Tribal set-asides and preferences within all non-FRTEP NIFA funding authorities while retaining the competitive nature of the funding, necessary to continue building capacity and strength
 - Amend the agricultural legal funding authority contained in the 2014 Farm Bill to ensure that competition for the funds occurs and funding is set-aside to be provided to organizations and entities that have a proven specialty and primary focus on Indian law issues that intersect with food and agriculture law.
 - Require NIFA funding authorities to focus a portion of their work on building knowledge and capacity in business development unique to Tribal lands and individual Indian owned land.
 - Allow Tribal governments and Tribal organizations full access to all nutrition education programs at NIFA, including SNAP-Ed and all research programs



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title VII: Research

related to building knowledge in nutrition, health, obesity, and diabetes prevention.

- Include a set-aside in Small Business Innovation Research projects funded through NIFA for Tribal projects leading for commercialization of food products or food systems innovations.
- Ensure that the federal formula funding authorities that support basic research, education, and extension funding for 1862 institutions is revisited
- ***Agriculture Research Service Projects on Traditional Ecological Knowledge***
 - The Agricultural Research Service must launch and support a considerable number of research projects that focus on the role that traditional knowledge plays in the environmental and natural resource and ecological arenas as well as the food science, nutrition, and health arenas.
- ***Multi-Tribal Funding Research Title Programs***
 - A separate funding authority like the Sun Grant or Sea Grant authorities should be developed that allow multi-Tribal, multi-state, and consortium approaches to meeting the research, education, and extension needs of Indian Country.
- ***Native Youth Grants***
 - Grants for youth organizations must include the provision of grants for youth organizations in Indian Country that focus on developing food and agriculture leadership and scientific knowledge programs.



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title VIII: Forestry

Key Points and Recommendations

- Indian forests and woodlands comprise 18.6 million acres, or one third, of the total 57 million acres of Indian land held and managed in trust by the federal government - more than 300 tribes continue to manage forests.
- Many tribal forests and adjacent federal forests contain sacred sites and important trust and treaty-protected resources.
- Parity for Tribes in the Forestry Title enables better access, management and development of tribal and federal forests and woodlands. This protects tribal resources, facilitates job creation, and spurs economic development.

Background Information and Context

Tribal Nations have engaged in management and stewardship of forestlands for thousands of years, and 313 federally recognized tribes continue to manage forests today. Tribal forest land holdings range in size from 1 acre to more than 5 million acres; roughly 8 million acres of tribal forests are timberlands. Native forests and woodlands comprise 18.6 million acres, or one third, of the total 57 million acres of Native land held and managed in trust by the federal government. Forests represent one of the principal renewable resources available to tribes. Across Indian Country, forests provide more than \$40 million in annual Tribal governmental revenues, 19,000 jobs in and around Tribal communities, as well as wildlife habitat and sources of food and medicine for Native people. The proper health and management of Native forests are crucial to rural economies across America.

Opportunities for Indian Country in the Forestry Title

The Intertribal Timber Council (ITC) has been leading on forestry issues in Indian Country since 1976, and is the subject matter expert on forestry issues for Indian Country. Priorities include:

- **Cooperative Management of Adjacent Federal Lands**
 - The Farm Bill must authorize a pilot for Tribes and the BIA to conduct cooperative, discretionary forest restoration activities on U.S. Forest Service and



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title VIII: Forestry

BLM lands using existing regulations governing the management of Indian forests.

- Existing language can be found in Section 302 of the House-passed H.R. 2647 (Westerman, 114th Congress) and Section 3 of S. 3014 (Daines, 114th Congress).

- ***Workforce Development***

- The Farm Bill should authorize the USDA to fund Native American Forestry workforce coordination and development program through an intertribal organization familiar with Tribal forestry issues.

- ***Support Anchor Forests***

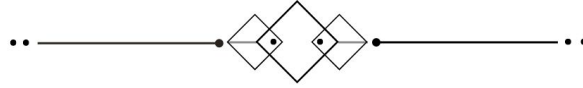
- Provide authority to develop more Anchor Forest initiatives. The Inter-Tribal Timber Council, its member Tribes, the U.S. Forest Service, and other forest resource stakeholders have completed a pilot study in Washington State and report on an “Anchor Forest” concept to foster landscape-scale forest collaboration and management projects intended to improve forest health while preserving local logging, milling, and other critical infrastructure. The pilot study was successful and many tribes in the Great Lakes states and Southwest are interested in developing Anchor Forest projects in their own regions.

- ***Provide additional funding to support P.L. 93-638 Tribal Self-Governance contracts for demonstration projects for forestry management***

- The Tribal Forest Protection Act (TFPA) authorizes the Secretary of Agriculture and the Secretary of the Interior to enter into contracts or agreements with Tribal Nations to carry out Tribally proposed projects on Forest Service or Bureau of Land Management-managed lands.

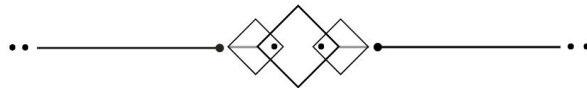
- ***Extend and expand Tribal Self-Governance under the Indian Self-Determination and Education Assistance Act of 1975 (“638” authority) in the Forest Service***

- Support greater tribal participation in TFPA projects through the application of 638 contracting authority to TFPA projects on Forest Service or BLM lands.
- Make 638 authorities permanent and dedicate funding to TFPA 638 contracts. No funding for this purpose was allocated in the 2018 Farm Bill, so USFS is limited by available funding at the individual National Forest level.



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title VIII: Forestry

- ***Amend Title VIII, Section 8624 of the 2018 Farm Bill to include Tribal Nations and Counties.***
 - Amend the necessary language in the 2018 Farm Bill to give full authority to Tribal Nations and counties to retain and utilize revenue generated from Good Neighbors Agreement projects.
 - Expand language in Subsection (2)(C)(i)(I) to include Tribal land as authorized to carry out restoration services under Good Neighbor Agreements
- ***Transfer of Lands Back to Tribal Nations***
 - Providing FS with the legal authority needed to facilitate the transfer of federally managed forest lands back to Tribal governments will be one significant step toward correcting historic wrongs.



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title IX: Energy

Key Points and Recommendations

- Energy independence developed through renewable energy projects in Indian Country, would vastly reduce energy costs for Native agricultural producers and for Tribal communities in general.
- Indian Country has tremendous wind/solar potential, among other renewable energies
- This title provides funding/research support for alternative energy technology, production of renewable biomass for biofuels, education, research, financial assistance, and the manufacture and production of renewable energy.

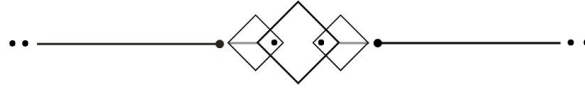
Background Information and Context

Creating more opportunities for Tribes to access Energy Title programs is critical. Today, agriculture relies on energy inputs like fertilizer, water, gasoline, and more.

Providing renewable energy for Indian Country's 80,000 farmers and ranchers will stabilize Tribal agricultural operations and help keep food prices from rising. Most programs in the Energy Title rely on discretionary funding, meaning they must seek annual funding through the appropriations process rather than receiving mandatory funding directly in the Farm Bill itself. This fact about discretionary funding is important with 14% of Indian Country's households lacking access to basic energy needs like electricity.

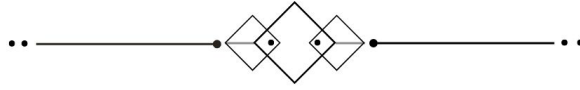
Opportunities for Indian Country in the Energy Title

- ***Establish Tribal Bio-based energy grants***
 - Establish a Tribal Bio-Based Energy Development Grant Program to stimulate energy infrastructure and economic development in Tribal communities and ensure access to low-cost, affordable energy.
 - Congress should add a new section to Title IX that would allocate funding for tribal Energy Bio-Based Energy Development Grants
- ***Develop Solar Energy Grant Programs***



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title IX: Energy

- Increase Tribal access to grants supporting solar power to provide incentives for Tribes and Native producers alike to utilize other forms of regenerative energy, like harnessing solar potential.
- ***Create Tribal set-asides in the Rural Energy for America Program (REAP)***
 - Develop a dedicated Tribal set-aside in REAP to ensure Tribes have access to funds (10% of authorized and appropriated funds for the REAP to be utilized by Tribal governments, Tribal entities, and / or individual Tribal members.
 - Waive match requirements for socially disadvantaged Tribal members.
- ***Ensuring Tribal eligibility in Energy Authorities***
 - Congress to codify policy that Tribal Corporations are eligible for Rural Development programs.
 - Further protection could be provided by additionally clarifying that Tribally chartered corporations are also eligible for RD programming alongside any other corporation.



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title X: Horticulture

Key Points and Recommendations

- Many traditional foods fall under the designation of specialty crops. Support for the production of these foods bolsters food sovereignty and healthy food access in Indian Country.
- The Farm Bill needs to include provisions to protect Native foods in the marketplace, as well as Native seeds and traditional foods.

Background Information and Context

Tribal production of horticulture crops is a growing and vibrant agricultural sector today, with the most recent National Census of Agriculture showing a 24% increase in the counted number of Native-operated fruit/tree nut farms and a 20% increase in Native-operated greenhouse production. With the growth that Indian Country is seeing in this sector, increased Indian Country access to Horticulture Title programs will provide additional funding, technical assistance, and other resource supports for Tribal horticultural activities. This will help Native producers access markets for their products and give this growing sector of Indian Country's agriculture industry long-term stability and viability. In turn, stable growth in horticulture operations in Indian Country will improve local food access for everyone in Tribal communities.

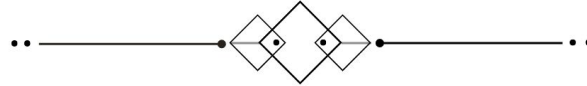
Opportunities for Indian Country in the Horticulture Title:

- ***Acknowledging Tribal sovereignty in Horticulture operations: Pesticide regulation***
 - Amend Sec. 9101 of Title X to enable Tribal Nations to regulate the use of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).
- ***Tribal inclusion in the Specialty Crop Block Grant Program***
 - Include Tribal departments of agriculture or similar Tribal entities as eligible entities in the SCBG Program to promote parity for Tribes, acknowledge Tribal sovereignty, and ensure that Native producers could go directly to their Tribal governments for support.
- ***Support for Tribal honey and beekeeping***



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title X: Horticulture

- Reports on honey or beekeeping should specifically include the growth and increase in beekeeping and honey operations in Indian Country.
- ***Support Tribal Farmers' Markets***
 - Implement 10% Tribal set-aside in programs like the Local Food Promotion Program to ensure better Tribal access to programs that help build farmers' markets.
- ***Support for Tribal organic producers and Tribal organic programs.***
 - Amend Title X of the Farm Bill to include Tribal governments alongside States as authorizing entities and regulators for avTribal Organic Program.
 - Provide AMS with cooperative agreement authority to work with Tribal organizations to provide better technical assistance to Native producers who wish to transition to organic production.
- ***Increased support for food safety compliance and market access***
 - Create a program that focuses on improvement access to GAPs audits in Indian Country and rural/remote places.
- ***Protecting Tribal seeds and Traditional foods***
 - Incorporate key language from the *Native American Seeds Protection Act of 2019*, requiring USDA to:
 - Engage in consultation with Tribal governments to determine the best means by which seeds may be protected; and
 - Conduct a study that at minimum identifies Tribal seeds cultivars and assesses current availability; assesses production, storage and harvesting processes to protect Tribal seed banks; evaluates the extent to which federal law and programs protect Tribal seeds from unlawful or unauthorized use and commercialization; and evaluates methods to preserve and ensure the availability of seed for future generations; and
 - After consultation and study, would then develop guidance for ensuring protection and preservation of seeds.



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title XI: Crop Insurance

Key Points and Recommendations

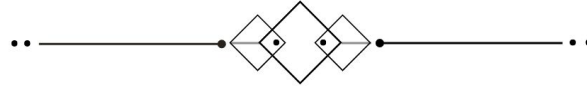
- Agricultural risk management is critical for producers. Due to the high risk of agriculture and food production, especially in Indian Country, crop insurance products must cover tribal producers in unique ways.
- Livestock producers in Indian Country must be afforded the same risk protection as crop producers, and the same payment options.

Background Information and Context

Crop insurance is a foundational risk management tool for producers. Those insurance products, made available through the Crop Insurance Title, fail to reach Native producers when they are not tailored to respond to the nuances of Indian Country food production systems. Service delivery of subsidized crop insurance is a critical component to the protection of tribal food and agricultural product production. Limited access to local authorized crop insurance agents and companies has been a voiced issue in Indian Country due to geographic proximity challenges; hesitancy of insurers to participate in areas that they are unfamiliar with like traditional Indigenous crops, production techniques and practices influenced by traditional ecological knowledge, and with Tribal producers generally; and lack of comparable communication and information sharing with Tribal producer communities about risk management programs.

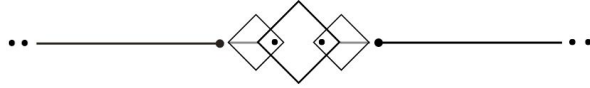
Priorities for Indian Country in the Crop Insurance Title:

- ***Pasture, Rangeland, and Forage Policy for Members of Native Tribes***
 - Include language from the Senate-passed version of the 2018 Farm Bill, which amended Section 11111 to allow for a 90% subsidy of crop insurance premium for first-time Native livestock commodity producers for pasture, rangeland, and forage crop insurance.
- ***Provide education programs for Insurers***
 - Facilitate training for insurance companies by requiring RMA to mandate the development of curriculum specific to providing crop insurance products to Tribal producers.
- ***Development of crop insurance for traditional foods and livestock***



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title XI: Crop Insurance

- Require RMA to develop unique crop insurance policies designed to cover the production systems associated with tribal traditional food and livestock. These systems should be recognized as Good Agricultural Practices (GAPs), and tribal producers should also be afforded the opportunity to pay premiums upon the sale of the crop or livestock instead of making an upfront payment.
- ***Allow Tribal insurance companies to insure Tribal producers***
 - RMA should also begin immediately reaching out to the AMERIND Risk, a 100% Tribally owned and operated insurance provider, because of its significant experience in offering and underwriting insurance needs in Indian Country. AMERIND Risk should be engaged to begin the process of offering crop insurance products in Indian Country because it serves a national intertribal audience.
- ***Appoint Tribal producer to FCIC Board***
 - USDA should appoint tribal producers to fill future vacancies on the FCIC Board.



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title XII: Miscellaneous

Key Points and Recommendations

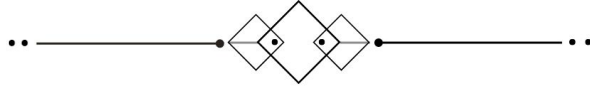
- Apply both the Buy Indian Act and Indian Employment Preference Hiring to all USDA programs, increasing economic development opportunities for Native-owned companies and ensuring better service to Indian Country through USDA programs.
- Extend “638” authority broadly to all USDA programs and authorities.
- Provide supports for urban Indian communities seeking to improve food security and economic development for urban Native communities and farmers.

Background Information and Context

Past Farm Bills have included authorities benefiting Indian Country in this Title, including the 2014 Farm Bill’s creation of the Office of Tribal Relations (OTR). Programs across all six subsections of the Miscellaneous Title provide support for producers who are strongly represented in Indian Country: beginning farmers and ranchers, veterans, and programs designed specifically to help support local food production.

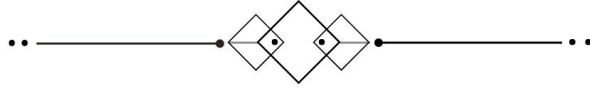
Opportunities for Indian Country in the Miscellaneous Title

- ***Extend the Buy Indian Act (25 USC 47) and Indian Employment Preference Hiring (25 USC 44) to all USDA Programs.***
- ***Application of “638” to all USDA Programming; creation of a 638 Office at USDA***
 - Rather than accomplishing 638 expansion program-by-program, apply 638 authority broadly to the entire Department of Agriculture in the Miscellaneous Title.
- ***Improve coordination for Intertribal tourism efforts***
 - Establish an Undersecretary of Agriculture for Farm Production & Conservation position to coordinate Intertribal tourism demonstration projects under the *Native American Business Development, Trade Promotion, and Tourism Act of 2000*.
- ***Increase Support for Tribal Promise Zones***



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title XII: Miscellaneous

- Incorporate the competitive enhancement opportunities in federal awards made to areas designated Tribal Promise Zones, including preference points or priority consideration.
- ***Study Marketplace Fraud of Unique Traditional Foods and Tribal Seeds***
 - Direct the Government Accountability Office (GAO) to study the impact of foods and seeds fraudulently marketed as Native American produced goods and seeds and provide an analysis of trademark and intellectual property laws to provide protection.
- ***Establish a “First Right of Refusal” for Tribal Nations to purchase available USDA lands in their ancestral territories***
 - Anytime USDA owned lands are made available for sale, Tribal Nations who claim them as their ancestral territories should be accorded the first right to purchase.
- ***Seating the Tribal Advisory Committee (TAC) Created in the 2018 Farm Bill***
 - Continue the TAC’s legal authority in any future Farm Bill and require additional reporting to Congress.
- ***Food assistance programs for urban Indian communities***
 - Create an opportunity for an urban-based food assistance program for Tribal citizens within the Office of Urban Agriculture and Innovative Production created by the 2018 Farm Bill.
 - Add Urban Organizations (UIOs) as eligible entities to administer this food assistance program focused on urban Indian populations.
- ***Recognize Tribal Departments of Food and Agriculture***
 - Recognize and incorporate Tribal Department of Food and Agriculture into ongoing interface with other offices of government.
- ***Increase Cooperative Agreements between APHIS and Tribes***



Indian Country Priorities and Opportunities for the 2023 Farm Bill Title XII: Miscellaneous

- Increase the amount of funding of cooperative agreements to not only further the growth of agriculture management and governmental control at the Tribal government level, but also meet the goals and concerns of APHIS.
- ***Coordination with BIA on Agricultural Resource Management Plan (ARMP)***
 - The BIA should be required to coordinate with USDA in all aspects of supporting any Tribe that wishes to draft and implement an ARMP.
- ***Provide grant funding for meat, poultry, fish, and seafood processing***
 - Congress should provide additional resources for the Meat and Poultry Processing Expansion Program and ensure that a portion of these funds are used to support fish and seafood processing in tribal communities.