

**Summary of Testimony of Abi Fain, Director of Policy & Government Relations,
Intertribal Agriculture Council, to be Followed by Comprehensive Written Testimony**

**Before the
U.S. Senate Committee on Indian Affairs
Hearing on "Native communities' priorities for the 118th Congress"**

July 25, 2023

Chairman Schatz, Vice Chair Murkowski, and Members of the Committee, thank you for the opportunity to submit testimony on behalf of the Intertribal Agriculture Council as it relates to agriculture priorities in Tribal communities in 2023. My name is Abi Fain, and I am here in my capacity as the Director of Policy and Government Relations for the Intertribal Agriculture Council (IAC); an organization headquartered in Billings, Montana, that has worked alongside Tribal producers in their agriculture resource development for more than 35 years. I am a citizen of the Choctaw Nation of Oklahoma and currently reside within the boundaries of the Muscogee (Creek) Nation Reservation. Prior to joining IAC, I had the opportunity to spend 8 years at a law firm that represented Tribal governments, Tribal economic development entities and Tribal individuals in litigation, and matters related to Tribal governance and federal advocacy. It was during this time I began to learn about Tribal agriculture through Janie Hipp—the Chickasaw founder of the Indigenous Food and Agriculture Initiative, and most recently, General Counsel for the United States Department of Agriculture (USDA)—and the untapped opportunities in Tribal agriculture, as well as existing hurdles for both for Tribes and individual Tribal producers in their agriculture endeavors.

Today, I appear as an extension of my colleagues at IAC who provide direct services to Tribes and Tribal producers throughout Indian Country to ensure they are equipped with information about available resources at USDA, and have access to assistance to navigate these resources. Further, I hope to build upon the foundation provided by my predecessors at IAC who, for more than three decades, have come before this Committee on several occasions to emphasize the importance of agriculture in Tribal communities and the need for laws that support Tribes and individual Tribal producers in accessing critical programs at USDA and the Department of the Interior—free of bureaucratic barriers. While great strides have been made since IAC's establishment as an outgrowth of the National Indian Agricultural Working Group that the Senate Select Committee on Indian Affairs tasked with reporting on the status of agriculture in Indian Country in the 1980s, much remains to be done. The upcoming Farm Bill marks a unique opportunity for Congress to ensure we continue to build momentum that supports “the conservation, development and use of [Tribal] agriculture resources for the betterment of our people”, some of which may be accomplished through:

1. Enhanced Technical Assistance;
2. Supporting Tribal Self-Determination by:
 - a. Expanding 638 authority to include Tribal administration of the Supplemental Nutrition Assistance Program (SNAP);

- b. Making permanent the 638 Food Distribution Program on Indian Reservations; and
 - c. Establishing an Office of Self-Governance within the Office of the Secretary of the USDA.
3. Removing barriers, including additional costs uniquely borne by Tribal producers in accessing USDA programs, and developing USDA services & programmings tailored to Tribes and Tribal Producers.

Within these priorities, it is also important to consider how these proposals will impact Tribal producers, whose livelihoods are inextricably linked to the laws that govern agriculture in Indian Country, to ensure that well-intended provisions achieve their purpose upon implementation.

Enhanced Technical Assistance

When IAC was founded in 1987, we were originally funded through Bureau of Indian Affairs appropriations. The lack of dedicated resources and funding available at the BIA, however, prompted the IAC to look to the U.S. Department of Agriculture for opportunities to develop Indian Country's agriculture resources. IAC's efforts to bring the resources of the USDA to Indian Country were not always met by welcoming overtures. Even so, the IAC stayed true to its mission, and continued to promote the improvement of Indian Agriculture. While IAC spent more than two decades working to improve Tribal producers' access to USDA programs, it wasn't until 2010 that a framework was developed for better addressing USDA service delivery in Indian Country. It was at this time the IAC and USDA's Office of Tribal Relations began to work on an agreement that would establish a network of offices in different regions in Indian Country for the purpose of providing technical assistance to Tribes and Tribal producers.

Tribal land issues are inextricably linked to the delivery of services under USDA programs Tribes and Tribal producers access. Since its inception, the Intertribal Agriculture Council (or IAC), has worked to close the gap between the Department of the Interior and the USDA in order to make relevant and needed agriculture programs more accessible to Tribes and Tribal producers alike. IAC's technical assistance network is at the heart of these efforts. We have approximately 20 technical assistance specialists who are strategically located in IAC's 12 regions that mirror BIA's regions. The objective of the Network is to improve and enhance Indian participation in USDA programs, and in the last 10 plus years has worked to fill a void in delivery of programs to Indian country to begin addressing Tribal producers' lack of access to capital, exclusion from conservation programs, and USDA's historic failure to provide outreach to potential producers.

While the IAC's cooperative agreements with the USDA encompass technical assistance in Indian Country, these agreements are not the result of any one program enshrined in statute. Even so, the opportunities to enter agreements directly with multiple agencies at USDA have steadily increased over time. Currently, IAC has 23 cooperative agreements with USDA to provide technical assistance to Tribes and Tribal producers in relation to 8 different USDA agencies and/or programs. These represent a marked improvement at USDA that warrants continued growth around these types of agreement.

When it comes to codifying technical assistance support, the IAC cannot overemphasize the value of outreach to Tribal producers from Technical Assistance specialists who come from their same communities and are often producers themselves. Even so, IAC would advise caution around codifying technical assistance requirements for the following reasons: in the first instance, language around broad technical assistance requirements at USDA—depending on how written—might be interpreted as a quota that serves as a cap to these types of agreements; and in the second instance, the language, if not carefully drafted, could result in a program that lacks funding and support to adequately address the agriculture needs within Native communities. One example of this is the Federally Recognized Tribes Extension Program (FRTEP)—a program that is of tremendous value, but has never been fully funded, nor has its authorization amount changed since it was established in 1993. The result? Approximately 35 FRTEP agents expected to serve the whole of Indian Country through a competitive grant process.

Supporting Tribal Self-Determination

Food security issues are always present in Indian Country. Tribal members across Indian Country live in the most remote regions of the United States. This presents significant food access challenges when Tribal members, both food program recipients and producers, are expected to access resources in the same manner as those with easier access to more readily available options. There are common sense proposals that would not only serve to better address food security, but would also improve the efficiency of feeding programs in Tribal communities.

- a. *Expand 638 authority to include Tribal administration of the Supplemental Nutrition Assistance Program (SNAP)*

Government programs administered at the local level are best suited to be responsive to the needs of local community members and more effective in identifying eligible participants. The same is true for SNAP and supports the need for Congress to authorize federally recognized Tribes to administer SNAP pursuant to the Indian Self Determination and Education Assistance Act of 1975 (ISDEAA), Pub. L. 93-638—more commonly referenced as “638” contracts.

The Native Farm Bill Coalition, in *Gaining Ground*, notes: “Expanding ‘638’ authority to the SNAP program would allow for a more robust Tribal option than programmatic administration and be a significant acknowledgment of Tribal sovereignty in food systems. ‘638’ has been shown to reduce programmatic costs and produce cost-savings in other arenas and could do so here as well.”¹

In the 2018 Farm Bill, Congress authorized a 638 pilot program for Tribal authority over the procurement of food for the Food Distribution Program on Indian Reservations (FDPIR). Participating Tribes administered the programs within their communities with great success—providing fresher, locally procured food items, while building Tribal economies. While

¹ *Id.*

every Tribe may not choose to exercise 638 authority, for those that do, it is an option—within SNAP and FDPIR—to build food security and local economies.

b. Make permanent the 638 Food Distribution Program on Indian Reservations

In the 2018 Farm Bill, Congress authorized a 638 pilot project that enabled participating pilot Tribes to procure food included in their Food Distribution Program on Indian Reservations (FDPIR) offerings. The pilot project was a success, with Tribes procuring food from their own agriculture operations, for Tribal producers in their communities, and from neighboring Tribes' agriculture operations. This not only ensured eligible Tribal members received high quality, fresh food, it created market opportunities for Tribal producers that did not previously exist and served to further support Tribal economies. Accessing USDA vendor opportunities can be incredibly challenging for Tribal producers, who are required to invest significant resources without the guarantee of a contract. By making the 638 FDPIR pilot project permanent, Congress would be affirming the stability of a market that more Tribal producers may be able to reply upon and participate in.

c. Establish an Office of Self-Governance within the Office of the Secretary of the USDA

Finally, as Tribes and Tribal advocates continue to push for greater recognition of fulfillment of the government-to-government relationship between federally recognized Tribes and the USDA, it is critical that the self-governance opportunities are administered within the USDA, in an Office of Self-Governance housed in the Secretary's Office. This would provide the expertise needed to negotiate 638 agreements across all of USDA in a centralized place, instead of spending USDA dollars to contract services from the Bureau of Indian Affairs (BIA), as has been the case with the 638 pilot projects from the 2018 Farm Bill.

Removing barriers, including additional costs uniquely borne by Tribal producers in accessing USDA programs, and developing USDA Services & Programmings Tailored to Tribes and Tribal Producers

1. Enhanced USDA Services and cooperation that re-imagines farm loans, conservation support, and disaster responsive programming to better serve small family operations that account for the majority of Tribal producers.. Livestock operations should have the same options as crop growers; including market assistance, price loss support, or on-farm storage facility loans that crop producers have had access to for generations. There should also be more realistic values attributed to livestock losses in disaster programs.
2. Solutions must encompass Cost-shared Risk Mitigation and Price Guarantee Tools that are affordable and enhance a small family operation's management; ensuring that the value received at the farm gate is proportional to the retail price enjoyed later on in the supply chain.
3. Further, Unrestricted and Quality Access to Fair Credit that models a greater appreciation for small family operations as the multi-generational businesses they truly are would prove monumental to the future of small family-sized farms.

4. Lack of access to credit is exacerbated by the lack of financial investments in the operational infrastructure that otherwise ensures family operations can continue stewarding our most important ecosystems. This is especially true in Tribal communities.
5. Smaller operations are limited in the manner in which they can plan and grow when there is a lack of diversified market opportunities & a lack of transparency in the marketplace.
6. Tribal producers become victims to the demands of homogeneity and uniformity preferences that offer them nominal value but demand tremendous investment; Increasing market options & practicing rigorous, unbiased scrutiny of the industry monopolies that currently amass wealth at the expense of our livelihoods and sanity is long overdue.

IAC will follow this summary of Farm Bill priorities with comprehensive written testimony within two-weeks of the date of the July 26, 2023 hearing.