

S. HRG. 115-382

**BREAKING NEW GROUND IN AGRIBUSINESS  
OPPORTUNITIES IN INDIAN COUNTRY**

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**HEARING**  
BEFORE THE  
**COMMITTEE ON INDIAN AFFAIRS**  
**UNITED STATES SENATE**  
**ONE HUNDRED FIFTEENTH CONGRESS**  
**SECOND SESSION**

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JANUARY 17, 2018

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## **BREAKING NEW GROUND IN AGRIBUSINESS OPPORTUNITIES IN INDIAN COUNTRY**

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**WEDNESDAY, JANUARY 17, 2018**

**U.S. SENATE,  
COMMITTEE ON INDIAN AFFAIRS,  
*Washington, DC.***

The Committee met, pursuant to notice, at 2:30 p.m. in room 628, Dirksen Senate Office Building, Hon. John Hoeven, Chairman of the Committee, presiding.

### **OPENING STATEMENT OF HON. JOHN HOEVEN, U.S. SENATOR FROM NORTH DAKOTA**

The CHAIRMAN. I call this hearing to order. Good afternoon.

Today, the Committee will hold an oversight hearing on Breaking New Ground in Agribusiness Opportunities in Indian Country.

Agribusiness is of particular importance in Indian Country. The National Congress of American Indians has noted that approximately 35 percent of American Indians and Alaska Natives live in rural communities, and nearly 40 percent of tribal jobs are dependent on agriculture.

According to the 2012 Census of Agriculture, there are nearly 59,000 Indian farmers and ranchers in the United States with 35,000 farms principally owned and operated by Indian farmers. In my home State of North Dakota, over 83 percent of farms on the Turtle Mountain Reservation are tribally-operated.

Agribusiness is critical for Indian Country, and it is a growing industry. According to the most recent USDA Census of Agriculture, between 2007 and 2012, there was a 9 percent increase in American Indian principal farm operators. That is a good sign. This increase occurred in Indian Country while we saw a national decrease in principal farmers.

This Committee has worked to reduce the regulatory burden in Indian Country and it is time we do the same for the growing industry of Indian agribusiness. We are here today to discuss just that and to examine how tribes and their members can capitalize on opportunities in agribusiness.

We have a diverse group of witnesses who are joining us today to review how Congress, the Administration, tribes, and other stakeholders may work together to find common ground and help Native Americans continue to have success in agribusiness.

I want to thank our witnesses for being with us today. As a North Dakotan and a member of the Agriculture Committee, I am

particularly interested in Indian agribusiness. I look forward to hearing your testimonies.

Before we hear from our witnesses, I want to turn to Senator Udall for his opening statement.

**STATEMENT OF HON. TOM UDALL,  
U.S. SENATOR FROM NEW MEXICO**

Senator UDALL. Thank you so much, Chairman Hoeven. I really appreciate working with you on this hearing.

We are going to have our new member join us later today. I will welcome her when Tina arrives.

I would like to extend a warm welcome to Lionel Haskie from NAPI. I am looking forward to hearing more about NAPI's efforts to expand access to traditional foods, workforce development for Native youth, and innovative stewardship. NAPI is doing tremendous work.

Once every five years, Congress sets Federal nutrition, agricultural and conservation policies in the Farm Bill reauthorization. These policies naturally have significant impacts to Indian Country.

Tribal lands, natural resources, foods and economic development opportunities are all affected by Federal food policy. For many decades now, Indian Country has been summarily excluded from both discussions that shape these policies and the policies themselves.

That is why I am thankful to the Chairman for calling this hearing today. Indian Country's interest in agribusiness is real and growing. There are over 56,000 Native farmers and ranchers operating on 57 million acres of land.

In 2012, Native farmers bought more than \$3 billion worth of products to the market. I hope to hear more from our witnesses today about how Congress can better support these efforts to get Native agricultural products on the grocery store shelves all across America.

Market value is only one piece of what Native farmers and ranchers bring to Indian Country. These hardworking folks help their communities address issues related to nutrition, cultural revitalization, climate change mitigation and research innovation. In fact, the testimony from our witnesses today underscores this point.

This Committee must take a broad approach to its review of Federal agricultural policy. That is why tomorrow afternoon, Chairman Hoeven and I will convene a bipartisan roundtable to discuss the many ways Congress and the USDA can support tribal efforts around traditional foods, especially in light of the new Farm Bill actively being considered by the Committee on Agriculture.

I have seen the important cultural, health and economic roles traditional foods play for tribes of my home State of New Mexico. Many of my fellow members on this Committee can probably attest to the same in their home States.

It is important that the record fully reflect this priority. I request the transcript from tomorrow's roundtable be included in the record for today's hearing.

The CHAIRMAN. Without objection.

Senator UDALL. Thank you, Mr. Chairman.

Both today's hearing and tomorrow's roundtable represent a solid start when it comes to the Farm Bill in Indian Country. I am calling upon everyone on this dais today to share what we learn from our colleagues who do not sit on this Committee and to work together to see the legislative changes we can secure for tribes and Native farmers in the upcoming Farm Bill reauthorization.

For too long now, Indian Country has been knocking at the door of the Farm Bill asking for a seat at the table with States, counties and other stakeholders, asking for their due as sovereign governments. We all need to come together to push that door open and make room at the table.

With that, Mr. Chairman, I want to thank you again for calling today's hearing and working with me on tomorrow's roundtable. I am very encouraged by our joint efforts. I look forward to working with you and the leadership of the Ag Committee where you and several other Indian Affairs members also sit on the legislative side of things.

I see that our newest member has joined us, Senator Hoeven. I want to recognize her. Senator Smith is present.

I also want to say there is a special connection with Tina because she was born and raised in Albuquerque and I believe graduated from high school there. I share that with her, obviously, and in a sense, adopt her.

I would also like to begin by giving her a very warm welcome today. We are glad to have you join us. I look forward to working with you to advance the priorities of the Minnesota tribes and Indian Country as a whole in the Senate.

I know you want to work and have a very good relationship with your tribes. I am willing to work hard with you on that behalf. Thank you.

Thank you, Senator Tester, for joining us today. When we talk about farming, there is nobody that has his hands in the dirt more than Senator Tester.

Senator TESTER. Seven fingers.

Senator UDALL. Seven fingers, got it.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Vice Chairman Udall.

Welcome to Senator Smith. Did you have opening comments, Senator?

**STATEMENT OF HON. TINA SMITH,  
U.S. SENATOR FROM MINNESOTA**

Senator SMITH. Thank you very much, Chairman Hoeven.

Senator Udall, I appreciate very much being on this Committee. I want you both to know that serving on this Committee was very important to me. It was something I specifically asked to do because I know it is so important and especially important to Minnesota and our 11 sovereign Nation tribes.

The CHAIRMAN. Again, welcome, Senator Smith. It is good to have you with us.

Senator Tester.

**STATEMENT OF HON. JON TESTER,  
U.S. SENATOR FROM MONTANA**

Senator TESTER. Very quickly, Mr. Chairman, thank you and the Vice Chairman for holding what I think is a very important hearing.

There is incredible opportunity in Indian Country for agriculture. I have seen it firsthand but I think today is an opportunity to find out what is holding it back and what are the impediments. Is it a lack of capital, input costs, not having adequate mentorship or communication between Federal agencies, lenders and tribes? We need the answers.

This is so important today because we have a Farm Bill coming up. We might be able to address some of those issues in the Farm Bill if you can point us in the right direction. We are looking to your for guidance from the Native community's perspective.

I think if we have a particularly good hearing today, we will be able to transfer that information over to the Ag Committee and hopefully have some influence on that bill as it is being written.

Thank you all for being here.

The CHAIRMAN. Thank you, Senator Tester. I agree. I think that sentiment is very appropriate. We want any and all good ideas as we write this Farm Bill.

Senator Crapo, any opening statement?

Senator CRAPO. No.

The CHAIRMAN. I would like to again welcome our witnesses. Today, we will hear from Ms. Diane Cullo, Advisor to the Secretary and Director, Office of Partnerships and Public Engagement, U.S. Department of Agriculture; the Honorable John L. Berrey, Chairman of the Quapaw Tribe of Oklahoma; Ms. Janie Simms Hipp, Director, Indigenous Food and Agriculture Initiative, University of Arkansas, School of Law, Fayetteville, Arkansas; and Mr. Lionel Haskie, Operations and Maintenance Manager of the Navajo Agricultural Products Industry, Farmington, New Mexico.

Again, welcome to all of you.

Ms. Cullo, you may proceed.

**STATEMENT OF DIANE CULLO, ADVISOR TO THE SECRETARY  
AND DIRECTOR, OFFICE OF PARTNERSHIPS AND PUBLIC  
ENGAGEMENT, U.S. DEPARTMENT OF AGRICULTURE**

Ms. CULLO. Thank you, Mr. Chairman, Vice Chairman Udall and members of the Committee.

My name is Diane Cullo. I am the Director of the Office of Partnerships and Public Engagement at the U.S. Department of Agriculture.

Thank you for the opportunity to testify on how USDA is addressing agribusiness opportunities for tribal Nations and citizens. Thank you for your leadership and insight to be able to highlight the need to support new agricultural and economic enterprises in Indian Country.

Based on the 2012 Census of Agriculture data, we know that the average reported age of Native agricultural operators is 58. A study the NCAI reported that over one-third of the Native population is under the age of 18. There is a rising Native youth cohort that

USDA is poised to help address so that Native American agriculture continues to thrive.

I had the pleasure of meeting and speaking with many young tribal members last month at the Intertribal Ag Council's annual meeting. I look forward to working with this Committee on identifying areas where we can provide more support to help feed our population and create a sustainable livelihood for Native youth.

We also know that by 2020, 39 percent of new openings in the agriculture, food and natural resources sector may not be filled by graduates with the necessary degrees. That is almost 23,000 jobs nationwide.

One of the ways USDA is addressing this is through a cooperative agreement with the American Indian Higher Education Consortium to develop a career ready curriculum for tribal colleges and universities. We continue to seek other opportunities to collaborate with Native and non-Native youth-serving organizations.

One of Secretary Perdue's highest priorities is customer service. Through that, USDA programs are bridging need with opportunity. Through our Rural Business Development Grant Program, Rural Development awarded over \$520,000 in fiscal year 2017 to Native projects helping support agribusiness jobs and fortifying those community-based economic markets.

Those projects include forestry, establishing a greenhouse incubator, providing technical assistance and developing a commercial market for local tribally-produced foods. Also, through USDA's network of boots on the ground in the Farm Service Agency, Native farmers and ranchers received over \$29 million in financing to support their operations since September 2017.

Of that, over \$15 million directly supported Native producers becoming owner-operators of farms, expanding current operations, increasing agricultural productivity, and assisting with land tenure.

USDA is committed to establishing a network of lasting success. Agricultural operations take time, capital and energy to ensure the production model thrives. USDA welcomes the opportunity to work with this Committee to attain our mutual goal of increasing the number of Native producers in Indian Country.

I would be remiss if I did not recognize our tribal partners who continue to broaden the footprint of agriculture. Last year, the Quapaw Tribe of Oklahoma announced the grand opening of the first tribal-owned and operated meat slaughter facility in the Country.

USDA actively consulted with Quapaw to ensure a full understanding of USDA regulatory requirements and under Chairman Berrey's leadership, the tribal is now serving as a resource for other tribes interested in doing the same.

Other tribes have met with us and expressed interest in pursuing similar ventures in other production areas like seafood. Just last week, KivaSun Foods, a Native-owned company, was approved to participate in USDA's salmon products program, specifically for salmon destined for the FDPIR program. This is a perfect example of a Native-owned enterprise working with a USDA program that supports feeding families in Indian Country.

Within the first month, Secretary Perdue, Deputy Secretary and several Under Secretaries met with tribal representatives to dis-

cuss critical issues. We will continue to have these important conversations.

With the upcoming Farm Bill, we look forward to working with Indian Country. I will take this opportunity to announce that Secretary Perdue and USDA will hold a tribal consultation meeting on the 2018 Farm Bill in Oklahoma in April.

I am here to reaffirm USDA's commitment to partnering with Indian Country. I thank you for your time. I am happy to answer any questions you might have.

[The prepared statement of Ms. Cullo follows:]

**PREPARED STATEMENT OF DIANE CULLO, ADVISOR TO THE SECRETARY; DIRECTOR, OFFICE OF PARTNERSHIPS AND PUBLIC ENGAGEMENT, U.S. DEPARTMENT OF AGRICULTURE**

Good afternoon Chairman Hoeven, Ranking Member Udall, and Members of the Committee. My name is Diane Cullo and I am the Director of the Office of Partnerships & Public Engagement (OPPE) and an Advisor to the Secretary at the U.S. Department of Agriculture (USDA). Prior to joining USDA, I served as Executive Director for the White House Initiative on Tribal Colleges and Universities, as well as at the American Indian Higher Education Consortium, so the issues regarding access and education across Indian Country are close to my heart.

Thank you for the opportunity to testify before the Senate Committee on Indian Affairs on how USDA is addressing new agribusiness opportunities for tribal nations and citizens. Mr. Chairman and Ranking Member Udall, thank you for your leadership and for highlighting the need to support new agricultural economic enterprises in Indian Country.

Based on 2012 Census of Agriculture data, we know that the average reported age of Native agricultural operators is 58 years old. A study by the National Congress of American Indians reports that over a third of the Native population is under the age of 18. There is a rising Native youth bubble that USDA is poised to help address, so that Native American agriculture continues to thrive. I had the pleasure of interacting with many young tribal members in attendance at the Intertribal Agriculture Council's annual meeting this past December. Native youth are part of the future of American agribusiness. I look forward to working with the Committee on identifying areas in which we can provide more support and help to not only feed our population, but create a sustainable livelihood for Native youth.

We also know that by 2020, 39 percent of new openings in the agriculture, food, and natural resources sector may not be filled by graduates with those degrees. That is nearly 23,000 jobs nation-wide not only in farming, but also in STEM and bio-materials production, communication, government, and education. One of the ways USDA is actively addressing this is through a cooperative agreement with the American Indian Higher Education Consortium. We are supporting the Consortium's efforts to develop career-ready curriculum for tribal colleges and universities. This partnership is still early, and USDA is continuing to explore other opportunities for collaboration with Native- and non-Native youth serving organizations, such as internship opportunities and targeted resources.

One of Secretary Perdue's highest priorities is to enhance USDA's customer service, and I am pleased to report that USDA programs are helping bridge need with opportunity. Through its Rural Business Development Grant program, Rural Development awarded over \$520,000 in fiscal year (FY) 2017 to Native projects, helping support jobs in agribusiness and fortifying those economic markets in their communities. Those projects included forestry, establishing a greenhouse incubator, providing technical assistance for tribal producers, and developing a commercial market for local, tribally produced foods.

Furthermore, through USDA's network of boots on the ground in the Farm Service Agency, Native farmers and ranchers received over \$29 million in financing to support their own operations since September 2017. Of that total, more than half—which is over \$15 million—directly supported Native producers becoming owner-operators of farms, expanding current operations, increasing agricultural productivity, and assisting with land tenure. Equally worth noting, the Farm Service Agency lent more than \$250,000 to youth aged 10–20 to finance income-producing, agriculture-related projects, up to \$5,000 each. These Native youth now have the opportunity to see exactly what they can do with their own hands.

USDA is committed to establishing a network of lasting success. Agricultural operations are ultimately business endeavors and, as such, they take time, capital, and energy to ensure their production model thrives. USDA welcomes the opportunity to work with this Committee to attain our mutual goal of increasing the number of current and future Native producers in Indian Country.

We are also appreciative of our tribal partners who continue to broaden the footprint of agriculture across Indian Country. Last year, the Quapaw Tribe of Oklahoma announced the grand opening of the first tribal-owned and -operated meat slaughter facility in the country. USDA's Food Safety and Inspection Service actively consulted with Quapaw to ensure a full understanding of USDA regulatory requirements, informing the Tribe's decision to operate as a federally-inspected facility. Under Chairman Berrey's leadership, the Tribe is taking it a step further, serving as a resource for other tribes interested in establishing their own facility.

Other tribes have met with us and expressed interest in pursuing similar ventures in other areas of production, such as seafood. As of last week—January 11th—KivaSun Foods, in partnership with Odyssey Foods, a seafood processing and distribution company based in Seattle, Washington, was approved to participate in the Agricultural Marketing Service Salmon Products Program, specifically for salmon fillets destined for the Food Distribution Program on Indian Reservations. There is currently a solicitation out for 12 loads—which comes out to 432,000 pounds—of salmon fillets. KivaSun is a Native-owned food company that reintroduced traditional foods to tribal communities in the form of bison and wild pacific salmon. This is a shining example of a Native-owned enterprise working with a USDA program that supports feeding families in Indian Country.

Additionally, USDA's ongoing partnership with the Intertribal Agriculture Council (TAC) is expanding agricultural market access for tribal producers through two courses, amongst others. First, USDA has a cooperative agreement with TAC to provide technical assistance on land-management practices and to help interested producers navigate through the diverse array of USDA programs and services available to meet their needs. Second, USDA's Foreign Agricultural Service has regularly awarded TAC under the Market Access Program, or MAP. In FY 2018, the IAC received \$737,270 in MAP funds to promote products and secure export sales of American Indian and Alaska Native agriculture and food products. Under IAC's American Indian Foods program, USDA saw combined on-sites sales of \$8.2 million (and estimated 12month sales of \$12 million) at trade shows around the world in FY 2016.

On Secretary Perdue's first day in office in April 2017, President Trump called on USDA to lead a concerted effort identifying issues important to rural and agricultural prosperity. This led directly to the Report to the President from the Task Force on Rural Prosperity. We will continue seeking to identify these barriers and support their resolution. A copy of the report is posted online at [www.usda.gov/ruralprosperity](http://www.usda.gov/ruralprosperity).

Within Deputy Secretary Censky's first 10 days in office, he met with Tribal Leaders at NCAI to consult on the Secretary's intended reorganization of USDA, and just last month, one of our Acting Under Secretaries consulted with Tribal Leaders to identify how we can come together in improving the USDA food package. One of the important points of discussion was how USDA can work with tribal agribusinesses to include their food in the package that feeds so many Native families. The KivaSun foods example I previously mentioned is one small step in that direction.

With an upcoming Farm Bill on the horizon, we look forward to working collectively with Indian Country. I would like to take this opportunity to announce that Secretary Perdue and the U.S. Department of Agriculture will hold a Tribal Consultation on the 2018 Farm Bill in Oklahoma in April.

In the short month following Secretary Perdue's appointment to USDA, he fulfilled his promise to meet with tribes. When he visited Oglala Lakota College to hear from Tribal Leaders and Tribal College Presidents on how we can leverage our resources, he walked away from that meeting affirming that USDA is here to partner with Indian Country, and I echo that sentiment. I would like to thank the Committee for your time and look forward to any questions you may have.

The CHAIRMAN. Thank you.  
Now we will turn to Chairman Berrey.

**STATEMENT OF HON. JOHN L. BERREY, CHAIRMAN, QUAPAW  
TRIBE OF OKLAHOMA**

Mr. BERREY. Good afternoon, Chairman Hoeven and Vice Chairman Udall. Thank you very much for the opportunity to speak to you all today.

I want to acknowledge that you have two Razorback alumni sitting before you so if we break into a calling of the hogs, please forgive me. I also want to recognize Senator Lankford who has been very good to the Quapaw Tribe. We are sorry that he is not here today.

I want to tell you a little bit about who we are. We are the O-Gah-Pah people, the indigenous tribe of Arkansas. We are a Sioux Tribe and speak a Siouan language. Back in the day, there was a buffalo herd on the Grand Prairie in southwest Arkansas which we chased. We also grew crops along the Mississippi and the Arkansas River, so we have a very long history of agriculture within our DNA, our cultural background and history. We are very proud of that.

Fortunately, we are right on Interstate 44 which has about 10 million cars going past our reservation in Oklahoma. We have a very successful casino resort. The tribe has pointed me in the direction of taking that money and investing it in agriculture.

Agriculture is our history, it is our future and we are dedicated to that in many ways. We are a 638 tribe. We do self governance. We do everything that the Bureau was doing for ourselves except for IIM account management. We leave that up to the Office of the Special Trustee.

We have courts, law enforcement, four full service fire stations and all of our work is community broad and spread. We are an Oklahoma tribe so we are a little more integrated than you would find tribes in the Northern Plains and other parts of the Country. It works well for us to be very much a part of the community. We have mutual aid agreements, cross deputization agreements and work daily with the local community trying to feed people, trying to protect people and trying to make life better in our community.

We think there are ways you can help us to grow. Our promise to other tribes has been, come see what we do, let us show you how we got to where we are, and let us provide you any help or assistance we can provide to spread this to the other Native Nations.

We have been approached by 20 tribes that have come to visit our facility. It is a state-of-the-art facility. It is USDA inspected. We have a tribal member going through a USDA grading school so we will have a tribal member who is a USDA grader that will work in our facility.

It is a jobs program but more than anything, it is bringing hope and opportunity to young people in my tribe and our community that is outside of the gaming industry. We see that gaming is not the end all but it helps us with what our future will be. We see that in agriculture.

We are dedicated to that. We are looking at land in Arkansas, our homeland, to purchase more land for agriculture. We grow our own feed for our feeding program for our animals. We feed other animals with feed we grow.

We have actually taken land at a Superfund site and converted it to agricultural land. We test the plant life to make sure it is not uptaking any heavy metals. We have been very successful working with Administrator Scott Pruitt and Senator Inhofe in turning what was at one time the worst Superfund site in the United States to now a site that is transforming into an agricultural opportunity.

We do not want to bring people back to live on that Superfund site, but we want to make it productive land. We see it as capping and fencing, capping and institutional controls as a reduction of the size of our land base but we see if we can convert that land to viable agricultural land. That is where we want to go.

A phase that I think would help us from you would be to look at the way environmental law works for tribes to be treated as a State under the Clean Water Act and the Clean Air Act. I have had a conversation with Secretary Perdue about that. We would like to pursue that conversation.

Even at our plant, if we had a Quapaw stamp right next to a USDA stamp, that would be movement in the right direction. We think it is incumbent upon us as Native people who care for the land we live on culturally to be very much a part of turning that land into helping people feed themselves.

Under Title VI, for instance, we supply bison for free to our Title VI program which feeds over 600 people a day and most are non-tribal members, so they can concentrate on other parts of the plate than protein.

It saves their budget tremendously because we donate bison to the program. We have 400 Meals on Wheels a day and about 200 sit-down meals a day. It is interesting that the elderly people now prefer bison over beef. They are converted now because of the health benefits of the bison itself.

It is a good program and we would like to share those other programs with other tribes. We have made comments that we will submit for the Farm Bill and look forward to Secretary Perdue coming to see our USDA-inspected beef and bison facility on trust land.

We want to continue to help your Committee in any way we can to help promote and ensure that Native Americans can be very much a part of doing good things and feeding people for this Country.

If you have any questions, I would be happy to answer them.

[The prepared statement of Mr. Berrey follows:]

PREPARED STATEMENT OF HON. JOHN L. BERREY, CHAIRMAN, QUAPAW TRIBE OF OKLAHOMA

### **Introduction**

Good afternoon Chairman Hoeven, Vice Chairman Udall and members of the Committee. My name is John Berrey and I am the Chairman of the Quapaw Tribe of Oklahoma (O-Gah-Pah).

I appreciate the opportunity to appear before you today to talk about agriculture and my Tribe's activities in these fields. This hearing is very timely and particularly important given the reauthorization of the Farm Bill this year.

### **Background on the Quapaw Tribe**

The Quapaw Tribe is a federally-recognized Indian tribe with a mature, sophisticated government providing a full menu of programs and services to its tribal members as well as to surrounding communities.

The Tribe has also demonstrated the kind of strategic vision and business savvy that has generated employment and incomes for tribal members and others, and has put the Tribe on a path to real economic self-sufficiency undreamed of in years past. In addition to a world-class gaming facility and accompanying resort, the Tribe has launched a USDA-certified, tribally-owned bison and cattle operation to grow, process and market Quapaw products both domestically and, shortly, in the international markets.

#### **A Brief History of the Downstream People**

Historically, the Tribe was located in the American southeast, and our name—"O-Gah-Pah"—(anglicized as "Quapaw") means the "people who went downstream" or the "Downstream People." The Tribe's homeland for many centuries was near the confluence of the Mississippi and Arkansas Rivers in present-day State of Arkansas.

Not satisfied with its earlier removal and other actions *vis a vis* the Quapaw people, the United States removed the Quapaw, this time to a location along the present-day Oklahoma-Kansas border, where the Quapaw have resided ever since. Under the Treaty of May 13, 1833, the United States set aside a reservation for the Tribe, consisting of 150 sections of land west of the Missouri state line, largely located within present-day Oklahoma, but with some twelve sections of land in present-day Kansas, which became known as the "Quapaw Strip."

Following removal, the Tribe faced new hardships and mistreatment. The Quapaw resettled themselves, only to have the federal government discover a "survey error" and force many of them to move again. This time, many Quapaws left the reservation, some settling in Kansas and others in present-day central Oklahoma, while others fled to Texas. At the outset of the American Civil War, the United States withdrew the federal troops protecting the tribe, and the reservation—located in a crossroads—became a lawless place.

At the end of the Civil War, the reservation was devastated, and the Quapaws were also unfairly accused of siding with the Confederate States of America. Under the Treaty of February 23, 1867, the Tribe sold to the United States most of the tribal land within the Quapaw Strip. Under the same treaty, the Tribe also sold approximately 18,500 acres in the western part of the reservation to the United States for use by another tribe.

As a result of these forced relocations and treaties with the federal government, the Tribe's present-day reservation consists of approximately 92 square miles.

#### **The Quapaw Tribe's Long Road to Self-Determination**

Indian tribes are not only culturally and ethnically unique, they are functioning governments. Through the first half of the 20th century, the Tribe's leadership attempted to avoid increasing federal involvement. In 1956, the federal government forced the Tribe to re-organize as a condition to payment of its claim representing the loss of its land in Arkansas. Since then, the Tribe has been governed pursuant to the "Resolution Delegating Authority to the Quapaw Tribal Business Committee to Speak and Act in Behalf of the Quapaw Tribe of Indians," its primary organic document.

Beginning in the late 1960s, federal Indian policy changed and began to encourage and support Indian self-determination and self-governance. In view of its lack of resources and capital, however, the Tribe's return to self-governance after more than 150 years of federal domination was a long and slow path.

A decade ago, in addition to focusing on generating revenues to fund tribally-provided services to its members, the Tribe's leadership began a legal initiative to regain control of its governmental functions. Under federal law, tribes that meet certain basic criteria have the right to withdraw from federal management the control of their basic governmental functions, including law enforcement, courts, probate, realty, trust services, and others.

I very much believe that the vast array of programs and services offered by the USDA can and should be made available for tribal management through the *Indian Self-Determination and Education Assistance Act* (Pub.L.93-638) or similar legal authority. I can assure you that my Tribe would take every advantage of such an opportunity.

The larger structural barrier Indian tribes have in getting meaningful access to the USDA programs is the fact that the agency has settled on a state-centric method of operation. Despite good efforts by some in the past, this has led to the agency's unfamiliarity with and reluctance to engage with Indian tribes on par with the states. On this score, I have met personally with Secretary Perdue and we have discussed ways to foster better federal-tribal collaboration.

### **The Quapaw Tribe Today**

The Tribe has succeeded in developing its Downstream Casino Resort, which is one of many initiatives in the last decade to develop a revenue stream to fund tribal governmental services. With the resort and other enterprises, the Tribe has begun funding governmental functions that are providing an unprecedented level of services to its members. The Tribe operates or provides:

- Law enforcement services;
- A Fire and Emergency Medical Services Department, which was one of the vital first-responders after the 2011 Joplin tornado;
- Tribal courts;
- A water utility;
- A tribal library;
- A tribal cultural center and museum;
- Modern day care centers, which serve tribal and surrounding families;
- A tribal wellness center; and
- The Quapaw Counseling Services, which offers free and for-profit substance abuse programs and other forms of treatment.

The Tribe also owns and operates commercial enterprises, including

- Downstream Casino Resort, including the Downstream Q Store;
- Eagle Creek Golf Club;
- Quapaw Services Authority, a construction business;
- Saracen Solutions, LLC, a tribally chartered company developing federal contracting opportunities.

The Tribe, which provided less than 50 jobs in 2002, has become one of the largest employers in the Tri-State area, with the result that it is offering jobs to many tribal members as well as to members of the surrounding community. With its revenues, the Tribe funds not only basic governmental services, but also provides health insurance to all of its some 4,500 enrolled members, and which includes life insurance and death benefits. This, and other services and benefits, have markedly begun improving the quality of the lives of tribal members.

### **The Quapaw Tribe's Agricultural Activities**

The Tribe is very active in the fields of agriculture and agribusiness. We operate a substantial nutrition program for our tribal members, focused on traditional foods and healthy lifestyles.

### **The Quapaw Tribe's Beef and Bison Processing Plant**

In September 2017, the Tribe opened its \$5 million, 25,000 square-feet Quapaw Processing Plant—the nation's first USDA-inspected processing plant owned and operated by an Indian tribe.

The meat processing facility is part of the Tribe's agricultural programs aimed at community and economic development for the tribe and the surrounding communities. The new plant, equipment, and feed lot were funded through a combination of federal grants and tribal contributions.

Because the Tribe is located in an agriculture-heavy region, the Tribe is intent on building an agriculture-based economy to support local businesses and feed local people.

The Quapaw now have over 5,000 acres of cattle grazing land, by next year 2,000 acres of row crops.

The processing plant is both an outlet for our own bison and beef products, but also an opportunity to take other peoples' product and process it. The plant includes processing equipment, smokers, a test kitchen, packaging rooms, coolers that hold 200 head, a quality control office, as well as a USDA inspector's office and a training area. Currently employing nine, once at full capacity it will employ up to 30 people.

Once the Tribe developed herds of top quality, genetic-registered Black Angus cattle and bison, it was only logical to build the plant to process meat from tribal herds and others. The Tribe uses most of the meat in its restaurants and but also sells beef and bison products through the tribe's Quapaw Cattle Company and at a store located in the town of Quapaw.

The plant serves these objectives, but also collaborates with the University of Arkansas, Oklahoma State University, Missouri State University and Northeastern Oklahoma University as a training facility for their agricultural departments.

The Tribe continues to work closely with Ms. Janie Hipp, the University of Arkansas's director of Indigenous Food and Agriculture Initiative. She has been an advocate for Indian agriculture for many years and helped with the processing plant and other projects.

### **Conclusion**

Improving tribal access to USDA programs is a noble and worthy goal of this committee. But what is upon us is even more significant: the reauthorization of the Farm Bill this year presents a rare opportunity to restructure the federal-tribal relationship when it comes to USDA programs and services.

In an appendix to this prepared statement, I have included a number of capital and credit-related proposals for the committee's consideration. At this point I would be happy to answer any questions you might have.

#### **APPENDIX—NO COST PROPOSALS RELATED TO CREDIT AND CAPITAL**

Included in the June 2017 report entitled “Regaining Our Future: An Assessment of Risks and Opportunities for Native Communities in the 2018 Farm Bill,” prepared by Janie Hipp and Colby Duren of the Indigenous Food and Agriculture Initiative, are many thoughtful and business-minded proposals for legislative and policy changes to aid Indian tribes take better advantage of agribusiness opportunities. These include the following:

*Structuring Loans to Suit the Business.* For example, currently the FSA will lend 100 percent the cost of bred livestock. It will then subordinate its 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.

*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 that 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 Rates.* By updating 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.

*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.

*Remove the FSA Program Graduation Requirement.* 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 FSA Requirement for Private Credit Denials.* The lack of private lending available in Indian Country renders this requirement onerous and unduly burdensome, and it can be overcome by exempting tribal producers from the FSA requirement of obtaining three denial letters from private credit sources in order to participate in an FSA loan program.

*Create a Commonly-used Definition of “Land Owned by Indian Tribes.”* 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.

*GAO Study and Report on Credit and Access to Capital.* In 2001 the U.S. Treasury's CDFI Fund issued its “Native American Lending Study” which identified a lot of barriers to credit access and capital accumulation. The GAO, or similarly

equipped entity, should revisit and update the 2001 study and report into the nature of credit in Indian Country, specifically examining compliance with the Community Reinvestment Act by banks on and near Indian reservations.

The CHAIRMAN. Thank you, Chairman Berrey.  
Ms. HIPP.

**STATEMENT OF JANIE SIMMS HIPP, DIRECTOR, INDIGENOUS FOOD AND AGRICULTURE INITIATIVE, UNIVERSITY OF ARKANSAS SCHOOL OF LAW**

Ms. HIPP. Thank you, Chairman Hoeven and Vice Chairman Udall. It is a pleasure to be here with all of the members today.

I am here today in my personal capacity and I have comments I hope will be made a part of the record. My opinions and insights today are going to be based on 30-plus years in the area of agriculture and food law and Indian law.

I may hold the medal for having been in this space the longest but also my thoughts today are going to be informed also by my time in the Bush Administration as a national program leader at NIFA at USDA but also in the Obama Administration as a senior advisor to Secretary Vilsack for tribal relations for the department and the director of the Office of Tribal Relations.

We work, at our Initiative, across all tribes across the Country on all matters related to tribal governments, economic development related to food and agriculture and, beginning farmers. Thank you, Diane, for mentioning beginning farmers. They are very important in our hearts. We also work on strategic planning on anything that a tribe, tribal leader or tribal food business picks up the phone and calls us to ask.

I cannot imagine anything I do not having the Intertribal Agriculture Council there with me at our elbow as a partner. It is very important that organization continue to be supported by USDA and we recognize this is a partnership of all of us, not just our initiative or the Intertribal Ag Council, the tribal leadership themselves and most importantly, the Native farmers and ranchers who are out there on the land every day actually getting it done.

I wanted to also point to a few other things in my written testimony. You may know by now that there is a Native Farm Bill Coalition that has been stood up. The Shakopee Mdewakanton Sioux Community in Minnesota is very active and involved in helping that get stood up. Over 30 tribes have passed resolutions to be a part of that coalition to have a voice, as both of you said earlier.

I am not going to go over the data. Diane has already done that. It is important though to note that scaling up is happening everywhere. It is happening with the Alaska Tribes, all over the southwest and all over the Great Plains.

It is not just small producers anymore. It really is tribes stepping up and being that significant player we have always known we were and now fully are and can be. I think we are just beginning to realize the importance of agribusiness in Indian Country.

I will tell you this from my time at USDA. USDA's authorities are the most powerful way that tribal governments, tribal citizens and Native farmers and ranchers can achieve success. The powers and authorities of USDA are critical to this conversation.

We cannot do this just with the powers and authorities of the Bureau of Indian Affairs. It is not possible. We have to have access that is easier to accomplish with USDA itself. In the past, I think USDA could have done a better job.

I think we are poised right now to have a full partnership with USDA and can realize such success that I think our ancestors would be stunned. I will tell you also that there are a lot of things I could bring up but I will leave it to the questions from the Committee to tease out some of those specific issues.

I want to share with you that treatment as a State is extremely important to this conversation. Chairman Berrey mentioned it. It has not yet happened at USDA and it must happen. It must happen not just so the powers of the conservation title, the credit title and the commodities title, and all those other titles happen but it also needs to happen for the nutrition title.

We have to be able to feed our people. We cannot do that if we work through another governmental entity. As Chairman Berrey shared with you, tribal governments are best suited to actually be able to deliver on the nutritional needs, food access and food security needs of our people.

In closing, I would give a shout out to all of the Native youth who I know are tuning in today because we could not do any of this without them. We need their leadership. We are going to be pushing them forward to step into these spaces.

I can tell you right now from our work with Native youth, they are ready, willing and smart as a tack. They can get this accomplished but we need your help to actually bring life to the amendments, powers and authorities that are going to be the key that unlocks the door.

Thank you.

[The prepared statement of Ms. Hipp follows:]

PREPARED STATEMENT OF JANIE SIMMS HIPP, DIRECTOR, INDIGENOUS FOOD AND AGRICULTURE INITIATIVE, UNIVERSITY OF ARKANSAS SCHOOL OF LAW

### **Introduction**

Chairman Hoeven, Vice-Chairman, and members of the Committee, my name is Janie Simms Hipp, and I am a citizen of the Chickasaw Nation and Director of the Indigenous Food and Agriculture Initiative at the University of Arkansas School of Law. I am appearing today solely in my personal capacity. My university affiliation is provided for identification purposes only; the views expressed are my own and not those of the institution where I am employed.

I would like to thank the Committee for asking me to testify today on the very important topics of agriculture, agribusiness, and the Farm Bill. Agribusiness is and has always been important to Indian Country, but we must recalibrate these critical U.S. Department of Agriculture (USDA) programs so that we can capitalize on current successes in Indian Country agriculture and agribusiness and ensure these successes continue into the future and are scaled up in new Tribal communities throughout Indian Country. Guiding my work at the Initiative on a daily basis is the need to feed the people who live in our most rural and remote places, create jobs, and stabilize economies for Native people who we all know have deep connections to the land on which they live, to farming and ranching, and to the foods they produce every day. In addition, Tribal governments and Tribal communities have always been and are continuing to rise in importance as the providers of essential governmental services in countless rural, remote, and isolated communities throughout the United States.

I am here to provide practical insights based on my almost 35 years of working as an agriculture lawyer in Indian Country, a lawyer and policy advisor in the broader food and agriculture sector, as a former national program leader at the USDA National Institute of Food and Agriculture, and as a Senior Advisor to Sec-

retary Tom Vilsack and former Director of the Office of Tribal Relations at USDA. In my career as an ag lawyer, I have found that, as most of us here know, food and agriculture is a bipartisan issue. Today, I want to talk about creating job opportunities and contributing to greater food security for people all across Indian Country.

Thanks to data collected by the USDA and the National Agricultural Statistics Service (NASS) for the Census of Agriculture every five years, we have a glimpse of what we know exists today. Their work in researching, gathering, and compiling data in Indian Country agriculture has been improving every year, but they will readily tell you that they inherited a census process that was fundamentally flawed. They have diligently focused on improving Indian Country ag data. In the 2012 Census of Agriculture, NASS counted over 56,000 American Indian and Alaska Native Farmers and Ranchers, working on more than 57 million acres of land, with a market value of products producing reaching over \$3.3 billion—including \$1.4 billion in crops and \$1.8 billion in livestock and poultry.<sup>1</sup> If you talk to experts in this area, like Ross Racine and Zach Ducheneaux at the Intertribal Agriculture Council, you will know that the data is undercounted by half, as is also acknowledged by NASS itself. What the data also reveals is that Indian Country operations are twice the size of non-Native operations but with half the income and involvement in federal farm security programs.

These numbers tell us that with the proper focus that whole arena of food and agriculture could be a huge economic driver for Tribes, the entirety of Indian Country, and the rural communities in which their communities are found. It could equal the revenue generated by gaming at some point and provide opportunities for Tribes that will never benefit from gaming because of their location and isolation. Further, if properly calibrated and approached with a practical plan with realistic deadlines and unique approaches, it is possible to lower the number of people who participate in federal food assistance programs as they would be feeding themselves and food secure and self-sufficient, through jobs in communities that are land-based, resource rich, and meeting opportunities in a food sector that is hungry for connecting with the producers of their food. The whole world is feeling disconnected from their farmers and their food. Indian Country, as much any one, has a unique role to tell stories around the food it produces and has produced for millennia and has a unique ability to help feed people in our communities as well as around the world.

There are a number of opportunities in the Farm Bill and at USDA where programs or authorities can be strengthened or expanded to support Native farmers and ranchers. A full list can be found in the *Regaining Our Future: An Assessment of Risks and Opportunities for Native Communities in the 2018 Farm Bill* report, a report drafted with the support of the Shakopee Mdewakanton Sioux Community, and in partnership with the Intertribal Agriculture Council, National Congress of American Indians, and the Intertribal Timber Council. That report is attached to my testimony along with one-page summaries of the opportunities discussed within the report.

I would like to focus my testimony on several key provisions and themes which could have the greatest impact to support and grow agriculture and agribusiness in Indian Country if implemented in the 2018 Farm Bill reauthorization.

#### **Treatment as a State for Tribal Governments and Recognition of Tribal Departments of Agriculture**

One of the largest steps that can be taken in the 2018 Farm Bill is for Congress to permanently recognize the role Tribal governments and Tribal Departments of Agriculture have in furthering agriculture on par with State governments and State Departments of Agriculture. Tribal Departments charged with administration of agriculture and food systems must have the authority to interface with all agencies within USDA and the Office of Intergovernmental Affairs at USDA and with other offices of the federal government. This would include full treatment as a state for Tribal governments thus recognizing their Tribal laws, authority, and jurisdiction.

The simple act of including “Tribal governments” in the existing intergovernmental approaches through which many of the USDA programs are delivered will not only create parity and acknowledge Tribal government’s sovereignty and importance, but will work to help expand the reach of programs, create jobs, and build more food businesses in Indian Country. Many Tribes are taking steps to create “Tribal Departments of Food and Agriculture” within their tribal governments. These departmental offices at the Tribal level must be incorporated into the existing intergovernmental relationships honored for decades by USDA. Most USDA pro-

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<sup>1</sup>The U.S. Department of Agriculture, National Agriculture Statistics Service, 2012 Census of Agriculture.

grams have not begun to be seriously utilized by Tribes because, for the most part, we are invisible in those relevant Farm Bill sections authorizing the programs. But we need to and can act now to change that. Tribal governments are in the process of adopting complete food and agriculture laws and regulations, just as their state and local counterparts have adopted. As an agriculture lawyer, I can share with the committee that this is an important step which must be taken as agriculture and food (and health law for that matter) hinges on state and local regulatory interface. If those pieces are missing at the Tribal government level, then things are disjointed and confusing, not just for Tribal communities but for those residing close by or those with whom Tribal governments already interact for purposes of buying food, engaging in joint agriculture enterprises, or planning for food safety, animal health, plant health, and related functions of government.

Treatment as a State and supporting Tribal Departments of Food and Agriculture are important ways to place ourselves squarely in an intergovernmental position vis- . . . -vis the USDA. It is equally important as these steps realize the existing trust and treaty obligations, which are still relevant today, and which are necessary to stabilize Tribal communities and accelerate the ability of Tribes to meet their economic, food, infrastructure, and health needs. We need to cut out the inefficiencies, but not the trust and treaty relationship.

#### **Tribal Government Management of All Nutrition and Food Assistance Programs**

Simply put, Tribal governments need to directly manage all federal nutrition and food assistance programs, especially the Supplemental Nutrition Assistance Program (SNAP). Tribal governments know where the hungry people are in their communities, they know the resources they have to feed those people, they know the venues to feed people in, and they know their challenges of their disabled, elders, and single parents. Tribes know whether they have grocery stores, convenience stores, or any food retail outlets. Tribes also know who needs food in emergencies and disasters, both within their own Tribal communities and the broader rural communities as well.

Tribal citizens have high usage rates of all federal feeding and nutrition programs. In some rural and remote reservation communities, 25 percent of all community citizens are taking part in the feeding programs, and in other communities those numbers can climb as high as 60 to 80 percent. These participation rates remain high because of the relative unemployment rates of individuals in the communities that are directly caused by the lack of meaningful employment opportunities, poor transportation options to not only jobs but to food sources or food retail, the age and population characteristics of the individuals in the communities, and the prevalence of chronic health problems, among other issues. Because the rate of obesity, diabetes, chronic heart diseases, cancer, and rated health problems is so high in so many communities in Indian Country, participation rates in the feeding programs when coupled with the prevalence of persistent poverty create a fragile system of food security and food access across Indian Country. Yet, most of these feeding program participants live on the lands that could feed them yet those lands are used to grow foods that must either be made into some other food item or are destined for far away markets. Calibrating this equation to address food security while not ignoring the market is critical; it can't be done overnight but it can be done in much more efficient and effective ways that ensure people can feed themselves and also engage in a meaningful career.

A consistent, comprehensive, and Tribal government-led approach that is tailored to the needs of Indian Country is paramount. Linking or “coupling” the feeding programs to the food production 4 that occurs on Tribal lands will do two things simultaneously. First, it will ensure that over time (conceivably less than two decades) the use of feeding programs in Indian Country will precipitously decline and in some regions, could disappear altogether. Second, it will ensure that food produced on Indian lands are focused on three simultaneous goals: (1) retaining enough food products that Tribal citizens will be fed by food produced locally or regionally; (2) ensuring that fresher foods are available to Tribal citizens needing access to feeding programs; and (3) ensuring the stabilization of food businesses because the foods are being used to feed people who lack food access and, at the same time, offering a consistent, albeit federal, market and anchor contract that gives food producers the economic stability to confidently access additional markets off tribal lands.

However, key and vexing issues remain that are critical to the future of the feeding programs and how those programs are delivered to or serve Indian Country citizens and these must be addressed in the 2018 Farm Bill.

In a report authorized by the 2014 Farm Bill, USDA reviewed the feasibility of Tribal administration of federal food assistance programs. Nearly all Tribes partici-

pating and more than 90 percent of all respondents expressed interest in administering federal nutrition assistance programs as an expression of sovereignty and to provide direct service to Tribal citizens in need of assistance. These respondents felt the ability to provide flexibility in the management of nutritional quality of the food provided and culturally appropriate programming and service delivery were also critical.

While there are many additional infrastructure needs identified to achieve these interrelated goals, the report states that USDA, and its Food and Nutrition Service (FNS), does not have the requisite “638-like authority” that explicitly provides Congressional support for executing contracts between federal agencies and Tribes to coordinate the management of specific federal programs. This can be achieved by introducing legislative language modeled after the Indian Self-Determination and Education Assistance Act, Pub. L. No. 93–638, as amended, or by providing treatment as a state for Tribes to manage these programs within the context of the Farm Bill.

Further, we must continue the model of Tribal consultation that has existed since 2014 between the FNS at USDA and Tribal elected officials regarding the Food Distribution Program on Indian Reservations (FDPIR). Our team has assisted this consultation work since its inception. What we have found, in what has been the only standing consultation activity between USDA and elected Tribal leadership, is that we can work together to address many of the systemic issues with these programs. This working consultation group has systematically tackled many long-standing problems in the FDPIR program. We have seen that such successes are also possible for every single title and agency within USDA structure. Let’s get people in the room talking to each other about how to make these programs better, because there are opportunities all across the titles of the Farm Bill and all across USDA agencies to do so and those opportunities have not been systematically pursued except in isolated ways. We know the importance of consultation because we have seen it. It has solved longstanding problems in the FDPIR but also shown USDA the power of actually getting Tribal governments in the room to problem-solve in a deeper and more meaningful way.

However, Tribal governments must directly manage all the nutrition and feeding programs, because they are best able to ensure that food security needs in their reservation, rural, and very remote communities are met and they are more capable of directly linking agribusiness food production to the long-term vision of getting people off feeding program participation and into the local job market, which in many multitude of locations around Indian Country can and should have as its centerpiece a strong and viable agribusiness approach. For Tribal governments, you have to marry the food security needs of the people with food job opportunities at the Tribal level so that you can better calibrate food security and economic diversification in Indian Country.

#### **Improve Credit Access in Indian Country and Support Authority for Farm Service Agency and the Farm Credit System**

Due to the capital-intense nature of farming and ranching and agribusiness in general, the many titles have long been important parts of the Farm Bill: credit, commodity, conservation, crop insurance. Farming, ranching, and agribusiness are high-risk enterprises. Good times for agriculture can very quickly be followed by bad times. Agribusiness activities are linked to production systems that are risky and which have unique regulatory requirements and challenges. Having access to a lending entity willing to understand these financial realities is critical. During turbulent times, Indian Country is always hit as hard or harder than most other areas of the country because of the remote and isolated nature of our farms, ranches, and agribusinesses and the reality that in most reservation communities a “credit desert” exists alongside food deserts.

First, our important partners in lending in rural areas, like those in the Farm Credit System (FCS), must have no questions concerning their authority to lend to Indian Country agribusinesses and Tribal governments. Making sure that Tribal governments, tribal producers, and groups of producers, who often organize their business engagement in ways not required of non-Tribal entities and governments (because of unique issues associated with federal Indian law) are clearing entities to borrow under FCS laws and regulations is important. Due to the nature of landholding and land ownership in Indian Country, which is a matter controlled by federal law, some clarification of this requirement is in order to help provide certainty for the FCS in lending in Indian Country.

Additionally, the improvements the Farm Service Agency (FSA) has made in the extension of credit to farmers and ranchers in Indian Country in the post-*Keepseagle* era must continue, but separate programs that allow for unique training and tech-

nical assistance concerning financial issues and loan servicing for tribal producers must be included in future Farm Bills. Access to credit through FSA and Rural Development must not be hampered by outdated program rules that do not match our credit needs. Further, we must make sure that the program officers at RD and FSA have deep awareness of the way in which Tribal governments, Tribal agribusinesses, and Tribal producers do business, and ensure they are not constrained by an additional regulatory burden, and are not shut out of lending opportunities available to all other types of producers.

Many smaller producers who are not yet ready for FSA or FCS lending relationships utilize the services of smaller retail banking entities at the local level, community development financial institutions (or CDFIs), credit unions, or other means of acquiring needed capital. Native CDFIs must be included in all FSA and Rural Development lending authorities in order to leverage access to credit for Indian Country producers and Tribal governments. Ensuring that Native-owned banks can easily interface with FSA, RD, and FCS lending institutions on agribusiness and agriculture infrastructure business opportunities is also important.

#### **Improving Interdepartmental Coordination with USDA and the Department of the Interior—Bureau of Indian Affairs**

In this Farm Bill and through the work of this Committee, we must improve the efficiency and effectiveness of how Tribal governments and Tribal producers are served by improving the coordination between USDA and the Department of the Interior—Bureau of Indian Affairs/Office of the Special Trustee or its successors. This will ensure that meaningful assistance is provided by those who have deep familiarity with Tribal governments, Tribal law, Native communities, and the challenges unique to us. We cannot expect people who have no knowledge of agriculture to manage agriculture; we also cannot expect people who have no knowledge of Indian law to manage Tribal programs. Everyone at both Departments need to forge new interdepartmental relationships and rely on each other to serve Tribal governments, Tribal communities, and individuals in better ways.

This can be achieved by authorizing the Secretaries of Agriculture and Interior to develop a technical committee made up of Tribal government representatives from each of the BIA regions to formulate a set of initiatives and programs that can be carried out under existing laws as well as a set of programs that may be needed under future conservation program authorities to improve the conditions of Tribal lands and individual Indian-owned lands throughout the United States. Other topic areas could be included. This needs to be a working committee, not a committee that comes together to meet for an hour every quarter and say they did something. When I was at USDA we had an informal gathering of individuals who were senior enough to identify needed improvements and execute on those identified needs. Our work led to a provision in the 2014 Farm Bill that did away with duplicate appraisals—something that had been in existence for far too long that was more time-consuming and more expensive for Tribal producers than anyone else in the U.S. But that “fix” is just one of many.

Establishing this type of committee will be able to work through the many systemic issues that have faced Native farmers and ranchers, such as issues with appraisals and mortgage documentation and approvals, conservation plans and easements, coordination of Agriculture Resources Management Plans under the American Indian Agricultural Resource Management Act of 1993 with NRCS, U.S. Forest Service, or other agencies’ plans for access to conservation programs like the Environmental Quality Incentives Program (EQIP), and many others.

#### **Ensure the Commodity, Conservation, and Crop Insurance Farm Bill Titles Support Indian Country and Native Producers**

The Commodity, Conservation, and Crop Insurance Titles of the Farm Bill all work together to provide not only farm security for producers, they also support the health of our lands that will continue to provide food for the world and our communities. The programs in these titles must be improved to take into consideration the unique jurisdictional and agribusiness/product needs of Tribal governments and Tribal producers.

First and foremost, many Tribal governments and Tribal farming, ranching, and food businesses are already engaged in producing covered commodity crops of wheat, corn, soybeans, and are deeply engaged in livestock operations impacted by the Commodity Title. We must ensure equitable access to these programs for Tribal producers, including making sure that federal or Tribally chartered corporations, especially those created under Tribal law or Section 17/Section 3, are acknowledged as eligible for Title I disaster assistance programs. Further, the definition of “livestock” must be amended to include commonly raised livestock like “reindeer,” “caribou,”

“elk,” “horses,” or other animals raised or harvested in Tribal communities. All of these animals must be recognized as livestock and eligible for full protection and program participation Department-wide. Additionally, due to the lack of fair and reasonable access to credit, and redlining by lenders, Native producers do not have the ability to use their land as collateral to secure financing.

Since the Conservation Title programs are often the gateway to participate in other USDA programs, it is vital that Tribal governments and producers are provided with parity through all of the program authorities and funding. All sections of the Conservation Title must recognize that Tribal governments, Tribal producers, and Tribal entities or organizations created for conservation and natural resource protection purposes have full access to every program. Wherever there is a reference to “state” or “local” or “regional” agricultural producer, the terms “tribal” should be inserted into that section to ensure that any inadvertent failure to list Tribal governments, Tribal producers, or Tribal organizations does not preclude them from participating or relegate them to a lesser importance or priority within the relevant section. This also includes making sure any reference to “state law” in the Conservation Title says “state law or tribal law” to acknowledge the conservation laws and codes our Tribal governments pass and enforce each day with regard to the lands over which they have jurisdiction.

Crop insurance is an important tool of risk management and the products in place now must be examined to ensure they are suitable for Tribal food production systems. The Risk Management Agency (RMA) must conduct a study to ascertain the efficacy and applicability of the current crop insurance products as they relate to Indian Country agriculture production. If that study reveals that either the specific crop insurance products or the general guidance documents of RMA do not adequately consider unique tribal production issues, a separate administrative guidance or notice should be issued by RMA to solve these concerns, and unique crop insurance products and crop insurance administration systems should be pursued. Regardless, the goal should be to make sure that crop insurance products are utilized more fully in Indian Country and that there are no inadvertent barriers to such usage. USDA must engage Native-owned insurance companies and Native CDFIs and other entities to encourage the offering of crop insurance products in Indian Country. The current crop insurance research, product development, and policy sales areas are not developed for, and do not adequately reach, Tribal producers. That isn’t to say that Tribes don’t purchase and maintain crop insurance; they do. But improvements can be achieved.

#### **Apply the Substantially Underserved Trust Area designation to all Rural Development and USDA Funding Authorities**

The Substantially Underserved Trust Area (SUTA) designation authorized by the 2008 Farm Bill helps USDA’s Rural Utility Service (RUS) offer low interest rates, waive non-duplication, matching, and credit support requirements; extend loan repayment terms; and provide the highest funding priority for SUTA projects. Currently, SUTA is only applied to a small segment of infrastructure programs, but more explicit instruction must be provided to allow the Secretary to exercise this discretion more broadly.

This change will help ensure more equitable access to Rural Development (RD) programs and authorities in these substantially underserved areas, and can be used to provide much-needed support to Tribal citizens living in rural communities. The change would, among other things, allow the waiver of matching requirements for projects funded through RD, which can be a significant barrier to applicant participation in RD business and infrastructure projects where remoteness and related lack of tax base is a problem. In the determination of eligibility and repayment ability, local school district social demographics should be utilized instead of county-wide data. A broader application of SUTA will recognize the unique and essential Tribal infrastructure needs and will help build rural America, as many tribal governments are the backbone of the rural infrastructure now and those trends appear to be unrelenting.

#### **Equal Access to Research, Education, and Extension Funding for Tribal Colleges and Universities and the Federally Recognized Tribes Extension Program**

All entities working within research, extension, and education in Indian Country, including Tribal Colleges and Universities (TCUs) and the Federally Recognized Tribes Extension Program (FRTEP) must have the same access to research, education, and extension funding as all other entities. Further, FRTEP must maintain its unique program authorities and be protected from over-subscription by those who have access to other program funding like the 1862, 1890, and 1994 land-grant in-

sitions and TCUs. FRTEP was created by Congress to address the needs of those Tribes not served by Tribal colleges. The extension funding for TCUs is very low and the FRTEP funding is very low. Entities serving Indian Country must be entitled to the same level of eligibility and access to NIFA funding as any other entity.

Agriculture research, education, and extension programs are critical to our food, health, and selfsufficiency. According to the latest USDA Agriculture Census, there are only 2 million farmers or ranchers in the United States. Agriculture research is important because it monitors and explores old and new knowledge regarding plant and animal health, explores the impact of science to solve food problems, tackles societal issues related to health, and ensures our food supplies are sound and resilient. The reasons for the initial establishment of the land grant research institutions, the original extension services, and research stations are as relevant today as they were many decades ago. These resources are extremely critical to Indian Country.

Accessing research, building our own research systems within Tribal Colleges and Universities, and supporting educational institutions and faculty within Tribal communities is essential to stabilizing agriculture production and communities. Focusing on the importance of traditional knowledge and exploring its use in modern communities is best done at Tribal-owned and managed institutions. Extending knowledge and research outcomes into communities and onto tribal farms, ranches and food businesses is critical to their growth and stabilization.

Educating the next generation of producers, scientists, technical specialists, business managers, engineers, lawyers, and related professionals who advise and support the agriculture and food sectors is vital and making sure that Native youth aspire to those career paths is important to the survival of Tribal communities and to creating viable occupations that support food and agriculture sectors in Indian Country. We are in an intergenerational shift in agriculture, and Indian Country is no different. Our farmers are older and our young people are hungry for a meaningful career. They would prefer—the young people we see—they want to stay home on their land doing something they know and excel at, and have a decent rural economy within which they can be the next generation of leaders.

We must address these issues in a thoughtful and comprehensive manner. FRTEP cannot be opened up in such a way that it becomes available to institutions with thirty thousand students and billion-dollar endowment funds. TCUs have a very paltry and totally inadequate formula fund for extension services, research. Even with low funding levels, TCUs do a lot incredibly well and need to be respected and looked at as equals, and fully eligible for all of the funding authorities within the Research Title of the Farm Bill and research programs at USDA.

We need more research stations housed within Tribal governments in conjunction with TCUs. Why do we not already have that? The Natural Resources Conservation Service (NRCS) just put 30 new weather stations on reservations, and that's wonderful. What do we do with that? What's the next step? What is on the horizon? What do we need to know to have full capacity and knowledge rolling out of those weather stations that will benefit all of American agriculture?

Think about the depth of new knowledge we will have just by having those weather stations positioned in Indian Country, where they've never been before. NRCS, Farm Service Agency, and Risk Management Agency programs can be calibrated in a better way because better information will be available. The future of agribusiness depends on access to markets and information and technology. We need a deeper knowledge of the carrying capacity of the land, the sustainable use of the land, what the best time to actually access a market is, and what can we do to better utilize the water we have access to so we don't waste a single drop. All of that is data driven and data dependent. TCUs have a huge role to play in that, but so do our FRTEP agents. They cannot continue to do it if they are cut off from the funding authorities that are available to everyone else.

I have been at a large flagship land grant university, except when I was at USDA, since the early 1990's. I have at my fingertips a breadth of knowledge and capacity that, if I was at a smaller institution, I may not have. But how do we actually make sure the relationships between larger and smaller institutions in the land grant system are equitable, balanced, and that people have full access to actual resources they need to make those great strides we will continue to need.

We need data. A farmer has better productivity if they have good records and data access. Back in the day you could ask a farmer or rancher anything but all that data was carried around in their head. Now, we can use mobile technology in new ways with a new generation of farmers and ranchers, but we must make sure Tribes have access to that technology as well. E-connectivity and rural broadband is incredibly important for all rural America and for Tribes—that was among the first recommendations made to support prosperity for all rural America by the USDA Inter-

agency Task Force of Agriculture and Rural Prosperity. Their report to the President, which was released last week, noted that connectivity is “a tool that enables increased productivity for farms, factories, forests, mining, and small businesses.” TCUs and FRTEP agents must be a part of the technological revolution in farming and ranching and agribusiness growth and be afforded access to improved research, education, extension funding.

#### **Interdepartmental Coordination to Support Tribal Trade**

A special interdepartmental coordination group should be seated to include USDA, Department of Commerce, Department of State, and other applicable agencies to ensure that tribal food production is made a part of the U.S. trade missions and efforts to promote US agricultural trade. The responsibility for coordination must extend beyond USDA Foreign Agriculture Service and other USDA programs to other applicable departments and agencies of the federal government such as BIA and Commerce so that Tribal businesses have access to promotion programs and support that will improve their visibility and viability in foreign markets. To that end, IAC’s continuation in the important MAP trade program must be supported and required. They have over 15 years of experience in providing greater market access and export readiness training to tribal businesses and that must continue.

#### **Parity in Forestry Service Programs and Authorities**

Many American Indian and Alaska Native Tribes have long-standing and deeply spiritual relationships with the forests within which they lived for centuries. Their deep engagement with forests of North America was fundamentally changed upon European contact when the relationships they had with the land, including forests, was severed. The U.S. Forest Service now maintains National Forests that coexist within and among the boundaries of current and historic Tribal homelands. Since many Tribes either live within the jurisdiction of federal agencies with forest responsibilities or have trust and treaty rights resources located on federal forest lands, the intensely specific and expertise-dependent issues around forests require a specialized eye towards policy change.

The 2018 Farm Bill must extend the Good Neighbor Authority to include Tribal governments, just as it does to State government as well as to specifically include Tribes in the title of the State and Private Forestry Program as well as its authorities. Partnering together, in a cooperative manner, to manage the nation’s forests and Tribal forests alongside other governments (state and local) and private land-owners is critical if we are to help our forestlands recover from wildfire and become healthier. This recognition and parity will also ensure that tribal agribusiness interests reliant on those forest resources can continue to grow to address the unique problems in Native communities that no other group of people can, while promoting jobs in the forestry sector for Native youth.

#### **Additional Efforts**

The growth of agribusiness in Indian Country and the further support of tribal farmers and ranchers also requires simple changes to current approaches. For instance, in the implementation of Food Safety Modernization Act of 2011 (FSMA), Native training and technical assistance must embody a unique approach to training growers and food businesses due to the unique jurisdictional and enforcement issues that abound in Indian Country. Tribal departments of agriculture are missing altogether in the funding being provided to state departments of agriculture; yet state and local authorities have no jurisdiction on Tribal lands. This should be addressed by including Tribal departments of agriculture as eligible for FSMA funding. All producers need continued support for understanding these new requirements but the current system of providing assistance and training is not calibrated to meet these needs. The simple change of ensuring Tribal governments can have access to the existing funding resources can address these looming issues.

#### **Conclusion**

I would like to again thank the Committee for holding this important hearing on ways to continue to grow agriculture and agribusiness in Indian Country and inviting me to share my experience working with Tribal governments and Tribal food producers and the federal government. For too long, our voice in the Farm Bill debate has been limited to a few incredible individuals and organizations who have carried the water for the past several decades. The next Farm Bill will be among the most important in my lifetime, not only for Indian Country’s future but for addressing the needs of the agriculture and food sector, which is changing, and the needs of rural communities around the country. Tribal governments must be seen as equal governmental partners and additional improvements must be made to ensure access to USDA programs and funding authorities.

By adjusting, developing and improving the Farm Bill's programs, we can build upon the already great work happening in Tribal communities surrounding food and agriculture. We can improve and expand our infrastructure. We can develop our Tribal food systems. We can provide the means for our agriculture businesses to thrive. We can continue to address and improve the health of our people. We can feed our communities in vibrant Native food systems with foods raised and grown by Tribal people. But equally important, the country can acknowledge the role Tribes have always played in our nation's food security and we can now become better partners in food security, food production, and the agriculture sector. Improving the Farm Bill for Indian Country will help bolster the important work ahead.

\*The Appendix, Charts and Graphs and *Regaining Our Future* (An Assessment of Risks and Opportunities for Native Communities in the 2018 Farm Bill) attached to this testimony have been retained in the Committee files.\*

The CHAIRMAN. Thank you, Ms. Hipp.  
Mr. HASKIE.

**STATEMENT OF LIONEL HASKIE, OPERATIONS AND MAINTENANCE MANAGER, NAVAJO AGRICULTURAL PRODUCTS INDUSTRY**

Mr. HASKIE. Thank you, Chairman Hoeven, Vice Chairman Udall and members of the Committee.

My name is Lionel Haskie. I am a professional engineer and the Operations Maintenance Manager at the Navajo Agricultural Products Industry, NAPI, an enterprise 100 percent owned by the Navajo Nation.

NAPI farms approximately 75,000 acres of crops annually with the potential to develop an additional 35,000 acres. We employ between 200–500 people, depending on the season. More than 90 percent of our workforce is Navajo. We are the largest employer in the Navajo Nation.

NAPI features state-of-the-art, precision agricultural equipment, producing an array of crops including alfalfa, corn, small grains, potatoes, beans, and even pumpkins which you can buy here in Washington, D.C.

We are proud to be a leader in American agribusiness. We have the talent, vision and capacity to continue our growth in new and exciting opportunities domestically and internationally.

I would like to highlight a few points from our written testimony. In 1962, Congress passed Public Law 87–483 to construct an 110,630 acre, irrigated farm called the Navajo Indian Irrigation Project. Unfortunately, after 50 years, this project has not been completed.

We would like Congress to appropriate the full amount to complete NIIP. We request the appropriations cap be lifted for the project and that adequate operations, maintenance and replacement funding is appropriated.

Based on a 2012 economic study, NAPI has lost approximately \$4 billion in revenue due to delay in project completion. The revenue could have been used for business development and business expansion. However, waiting on the Federal Government has not stopped us from becoming an international agribusiness. NAPI participates in the USDA Agricultural Risk Coverage-County Program for corn and wheat.

The program has benefitted corn and wheat production when commodity prices were below the county average and is vital to supporting employment stability. We would like to see the Price

Loss Coverage and Agriculture Risk Coverage crop insurance programs reauthorized in the 2018 Farm Bill.

In 2017, NAPI ventured into new markets to help mitigate the commodity price volatility. Notably, we began to produce organic crops including organic corn, potatoes, winter squash, cantaloupe and melons.

We plan to continue this build out with new organic vegetable crops planned for 2018 as the company gains experience in the expanding organic product industry. There is an inherent risk involved in organic production. The lack of registered organic controls can make combating weeds, pests and disease costly and unstable.

Another challenge to beginning a new organic crop is the significant financial risk for the first three years. This risk would specifically occur for us because crop insurance uses three year averages from the region to establish crop coverage.

Since we are the only entity of our kind in the region, we would have to establish our own averages. We would like to work with this Committee, the Agriculture Committee and the USDA to address this unique situation for development of new crops.

Another barrier is the wait time for USDA product inspections required to obtain organic certification. NAPI would like to see increased funding for the New Mexico Department of Agriculture through the Organic Certification Program so that there is an increase in the number of accredited and certified agents in the office.

We currently participate in several USDA conservation programs including EQUIP, the Conservation Stewardship Program, and the WaterSmart Program. Each program is vital to NAPI and we fully support their reauthorization in the 2018 Farm Bill for producers on working agricultural land.

We collaborate with the Navajo Nation farming communities as well by providing technical assistance and marketing our goods locally. In addition, we partner with local schools to promote careers in agriculture. We would like to see the USDA's Farmers' Market and Local Food Promotion Program, Healthy Food Financing Initiative, and Community Food Projects reauthorized in the 2018 Farm Bill.

We are proud to serve our local, national and international customers with high quality products produced on the Navajo Nation. We are proud to be an employer of the Navajo Nation. We look forward to continued growth and developing new markets.

Thank you for providing the opportunity for me to submit this statement for the record. I stand ready to answer your questions.

[The prepared statement of Mr. Haskie follows:]

**PREPARED STATEMENT OF LIONEL HASKIE, OPERATIONS AND MAINTENANCE  
MANAGER, NAVAJO AGRICULTURAL PRODUCTS INDUSTRY**

Thank you, Chairman Hoeven, Vice Chairman Udall and members of the Committee on Indian Affairs for inviting and giving me this opportunity to testify today regarding, "Breaking New Ground in Agribusiness Opportunities in Indian Country." My name is Lionel Haskie. I am the Operations and Maintenance Manager at the Navajo Agriculture Products Industry (NAPI), an enterprise 100 percent owned by the Navajo Nation. NAPI serves the Navajo people and our governance board members are directly accountable to our elected leaders and are nominated by the president of the Navajo Nation and are confirmed by the Resources and Development Committee of the Navajo Legislative Council.

NAPI has more than 72,000 acres fully developed and producing farm crops, with the potential to develop an additional 35,000 acres. We employ between 200 and 500 individuals, depending upon the season—more than 90 percent of our workforce is Navajo. All of these employees are from the Four Corners Area, and NAPI purchases tens of millions of dollars in goods and services both locally and across the Nation. At NAPI, we stress the use of state-of-the-art technology and environmentally friendly practices. NAPI agribusiness features state-of-the-art farming equipment, including high-tech radio control, and a computerized center-pivot irrigation system that reduces operational costs and efficiently manages water resources. We produce an array of crops from alfalfa, corn, small grains, to potatoes, beans, and even pumpkins which you can buy here in the Washington DC-area. We are proud to be a leader in American agribusiness.

#### **Navajo Indian Irrigation Project (NIIP)**

In 1962, in the midst of post-war water projects that provided water to neighboring non-Navajo communities, the U.S. Congress passed Public Law 87-483 to fulfill the stipulations of the United States—Navajo Nation Treaty of 1868. The law provided for the furnishing of water for arable lands in the San Juan Basin of northwestern New Mexico. To meet the requirements of the law, Congress created the Navajo Indian Irrigation Project (NIIP) to support an irrigation system capable of delivering 508,000 acre-feet of water annually to support 110,630 acres of Navajo farmland. Unfortunately, while Congress passed this law in 1962 to benefit the Navajo people, it remains the only large federal water project from the post-war era that was authorized but has yet to be fully completed.

NAPI was established to operate the NIIP and to manage an industrial agribusiness and has been in operation since April 15, 1970. The idea behind NAPI was not only to manage the NIIP but ultimately create economic opportunities for the Navajo people to build upon our heritage as leaders in American agriculture.

#### **NAPI Objectives**

The NAPI's objectives, as identified in the council resolution, are:

- To use the Navajo Nation's agricultural and related resources for profitable commercial enterprises;
- To provide jobs and training for the Navajo people including opportunities in management; and
- To expand markets for the NAPI products within and outside the Navajo boundaries.

#### **Breaking New Ground in Organics**

Since our foundation, NAPI has become an international agribusiness that cultivates multiple crops in multiple markets. In 2017, the NAPI continued ventures in new markets, notably, we began to produce value-added organic crops including corn, table stock potatoes, winter squash, cantaloupe, and melons. We plan to continue this buildup with new organic vegetable crops planned for 2018 as the company gains experience in the expanding organic industry.

Approximately three-quarters of NAPI's overall acreage can be found in production in any given year, the remaining acreage is set aside as part of the NAPI's commitment to sustainable farming practices. Based on improving agricultural prices, expected premiums from organic sales, and good management practices; NAPI's management expects to see a significant improvement in net income in 2017 and 2018, with a projected net farm income after payroll and expenses of nearly \$3 million in 2017.

NAPI has long-standing relationships with regional customers for a majority of our conventionally produced agricultural products. These customers include both end-users, such as livestock producers, non-profit organizations, and wholesalers, such as grain brokers. Through these relationships, NAPI has access to large and small livestock producers, multi-national feed companies, retail food chains, processors, food service companies, international & domestic aid programs, food wholesalers and restaurants.

#### **Importance of Employment Opportunities**

While the NAPI has enjoyed international success, we stay connected to the local community. The NAPI is located on the Navajo Nation located near Farmington, New Mexico. We are proud to serve our local community; however, given the lack of employment options in the Navajo Nation, some of our team members drive long distances for the opportunity to support their families. One NAPI employee starts his journey to NAPI every day at 2:00 a.m. to get to work at 7:00 a.m. and then

does the same commute home in the evening. This is a testament to the importance of job security and employment for many of our Navajo people.

#### **Commodity Foods and Crop Insurance**

There are two crop insurance programs for which producers can enroll under covered commodities for the Price Loss Coverage (PLC) and the Agriculture Risk Coverage (ARC). NAPI participates in the United States Department of Agriculture (USDA) Agricultural Risk Coverage-County (ARC-CO) program for the crops corn and wheat. The ARC-County provides a base of acres of covered commodities on a commodity-by-commodity basis when county crop revenue drops below 86 percent of the county benchmark revenue. The program has benefited the corn and wheat programs at NAPI when commodity prices were below the county average.

In 2012, crop sales peaked in the U.S. due in part to a nationwide drought, and have decreased since then, primarily a result of declining commodity prices. These external price declines, characteristic of the competitive market for agricultural products, have impacted NAPI's net farm income. Income has declined from a peak of more than \$13 million in fiscal 2012 to a projected loss of \$3 million in fiscal 2016 primarily due to the unexpected failure of our water delivery system (siphon breach) and declining commodity prices.

Fortunately for bad farming years such as 2016, NAPI purchases insurance for our bean, corn, wheat, and potato crop. These USDA programs have proved vital to supporting employment continuity over an otherwise volatile short time period. NAPI would like to see the Price Loss Coverage (PLC) and Agriculture Risk Coverage (ARC) crop insurance programs reauthorized in the 2018 Farm Bill.

*Barriers to Organics.* To help mitigate the commodity price volatility, NAPI's management is moving to diversify its crop mix by moving into the organic market, which has higher margins and growing demand. NAPI has a competitive advantage in this market due to its national resources.

Currently, NAPI does not have a presence in the organic perishable fruit and vegetable market segments. However, NAPI would like to leverage relationships with experienced brokers and distributors to take advantage of their established brands to "co-brand". NAPI management plans to partner with brokers and distributors on a commission basis to market new NAPI organic products. Not only do we want to compete in the domestic organic market, but we plan to compete in the international market as well. NAPI will continue our growth in the organic market and we hope to find new partners for procurement of unprocessed fruits and vegetables.

*Crop Insurance for Organics.* While the NAPI expands its organic crops, there is an inherent risk involved in organic production. The lack of registered organic controls can make combating weeds, pests, and disease not only costly but also volatile. If the producer is producing a product for the first time on the property, in most cases, the crop cannot be insured. In the rare event that the new crop can be insured, the coverage rate would be based on historical and not site-specific data. In NAPI's region, that type of data is not available. In this case, values referred to as T Yields are used for computation, which are averages taken from other producers in the region for comparison and are often not favorable to our conditions.

NAPI is in an isolated geographical area that is so unique that there are literally no other comparable farming operations for insurance companies to base forecasts upon. Unfortunately, as a result of standard crop insurance calculations, a new organic crop would be a significant financial risk for at least the first three years, after which NAPI would establish its own averages. NAPI would like to work with this Committee, the Agriculture Committee, and the USDA regulators to address this unique situation for the development of new crops. Updating standards for organic crop insurance will assist NAPI in our work to take our organic products and business to the next level.

*Organic Certification Services.* Another barrier is the extraordinary wait times for processing and inspections required for obtaining an organic certification. In one case, the process took so long that we had to sell the product as conventionally grown because we had not received our official organic certification in time. NAPI would like to see increased funding for the New Mexico Department of Agriculture through the Organic Certification Program so that there is an increased number of accredited certified agents in the office. There should never be any reason for NAPI to market our organically grown crops as conventionally grown—we support smartly applying funding alleviating the bottleneck at certain accrediting agencies.

In order to be eligible for the USDA National Organic Certification Cost-Share Program, one must be a certified producer and handler and pay annual fees. Once certified, an organic producer and handler are eligible to receive reimbursement for up to 75 percent of certification costs each year, up to a maximum of \$750 per certification scope. NAPI supports this program.

*Barriers to Increased International Trade.* The USDA has yet to utilize tribal farms for international trade. NAPI suggests that one way the USDA could do this is to include tribal representatives that are experts in agriculture on U.S. trade missions. Tribal representatives deserve a seat at this table to help grow our economies.

NAPI requests the creation of a special tribal-federal-international group to ensure that tribal food production is included in discussions with international governments to further assist tribal food growth and production.

#### **Infrastructure and Rural Development**

One of the greatest challenges comes from our greatest blessing, the NIIP. The NIIP has yet to be completed since it was authorized by Congress and the President on June 3, 1962. Currently, the Bureau of Reclamation (BOR) is responsible for construction. After construction, the BOR then transfers the project to the Bureau of Indian Affairs (BIA) for maintenance. We request the appropriations cap be lifted for construction costs and that appropriations construction be increased to finally complete the NIIP. NAPI would more successful if all 11 Blocks of the NIIP were completed. For example, recently completion of Stage 1 of Block 9 and has resulted in successfully growing, harvesting, and selling watermelons. An estimated 75,000 acres have been developed acres out of the federal responsibility of 110,630 total acres. The completion of the NIIP would cost approximately \$177,000,000. Based on a 2012 study by researchers at the University of Arizona and economists with Compass-Lexecon Consulting, NAPI has lost approximately \$4 billion thanks to federal inability to complete construction.

NAPI is being proactive in implementing precision agriculture technologies to help manage our water resources to raise yield, lower input costs. Precision agriculture technologies manage the underground water levels, which avoids the need to spend government funds on surface drainage projects. The scope of these projects takes years to implement due to the cost of the commodities such as small grains and corn.

With the development of new “Row Crops” whether they be organic or conventionally grown, there are many steps involved in the production, harvest and packaging in preparation for “Value Added” Marketing which provides the best return. The NAPI would like to see the USDA Value- Added Agricultural Product Market Development Grants and Rural Business Development Grants reauthorized in the 2018 Farm Bill.

NAPI will continue to invest in our internal infrastructure as well as facilities. NAPI has several value-added agricultural operations that complement our agricultural production. These operations include grain storage facilities, a flour mill, a cattle feedlot, and conventional processing plants for beans and potatoes. There are different facilities for organic products. In most cases, separate processing facilities must be used for organic products to eliminate the risk of contamination and commingling with the conventionally grown product. Organic processing facilities are very costly installations, but once implemented, can guarantee that the projects can be scaled up.

#### **Conservation**

The NAPI currently participates in several USDA Conservation Programs including Environmental Quality Incentive Programs (EQUIP), the Conservation Stewardship Program (CSP), and the WaterSmart Program. The EQUIP provides financial assistance to install and maintain conservation practices. The CSP provides financial assistance for meeting stewardship requirements to adopt conservation practices, activities, and structures. The WaterSmart assists to preserve land for agricultural or environmental uses. The CSP, EQIP, and Water Smart grants provide financial and technical assistance based on acres enrolled in various conservation programs. Each one of these programs is vital to NAPI and we fully support their reauthorization.

The NAPI operated no-burn on fields, improved the irrigation systems, improved the cover cropping, and improved the rangeland areas on the farm under its first CSP participation. The CSP continues to provide NAPI assistance in adopting conservation activities to protect and to improve water quality, soil health, wildlife habitat, and air quality. NAPI would like to see the EQUIP and the Conservation Stewardship Program reauthorized in the 2018 Farm Bill with increased funding for producers for conservation on working the agricultural land. NAPI participated in the Wildlife Habitat Incentive Program (WHIP) but this program was since repealed.

NAPI also markets goods directly to the local community. NAPI provides a roadside local stand of crops for consumers in the four corners area. NAPI would like to see the USDA’s Farmers’ Market and Local Food Promotion Program, Healthy

Food Financing Initiative, and Community Food Projects reauthorized in the 2018 Farm Bill.

NAPI is proud to serve our customers, whether they are local, national and international with high-quality products produced on the Navajo Nation. We look forward to continued growth and partnership in 2018 and beyond. Thank you for providing me the opportunity to submit this statement for the record, and I stand ready to assist the Committee in any way I can.

The CHAIRMAN. Thank you, Mr. Haskie.

We will now have five minute rounds of questioning. I would like to begin with Ms. Cullo.

In USDA, you have both the Council for Native American Farmers and the Office of Tribal Relations. How are you bringing forward recommendations to the Secretary to support and enhance agriculture on the reservation and tribally-owned farms?

Do you have some ideas for the Farm Bill that would particularly benefit Native American-owned agriculture?

Ms. CULLO. Thank you, Mr. Chairman.

The Council for Native American Farmers and Ranchers was extended by Secretary Vilsack even though it was originally supposed to expire last year with that extension going through this summer.

We are actually looking at ways to continue the Council because we find it very valuable to be able to guide and work with our Office of Tribal Relations to be able to have these very important conversations.

We are looking into it and as we continue that process, I would be more than happy to report back on the ability to continue the Council moving forward.

The CHAIRMAN. Have you had that dialog with Secretary Perdue and where are you in the process?

Ms. CULLO. We are looking at ways financially to make sure that as it is within the Office of Tribal Relations, with their limited resources, to be able to continue not only with teleconferences with those members but actually finance the ability to have regular in-person meetings so their recommendations can be responded to efficiently, effectively and transparently. There are over 30 right now.

The CHAIRMAN. Are you working to reduce the regulatory burden and help with streamlining that process on the reservation?

Ms. CULLO. Most definitely. Right now, the USDA has found almost 150 unnecessary regulatory burdens. We are continuing that process to eliminate any hindrances Indian Country has to accessing USDA programs and services.

The CHAIRMAN. Thank you.

Mr. Berrey, one of the things I have introduced and hope to make a part of the Farm Bill is legislation we call Capital for Farmers and Ranchers. Basically, it takes the FSA guaranteed loan and direct loan and increases the limits on the direct loan from \$300,000 to \$600,000 and the guaranteed loan from \$1.39 million to \$2.5 million.

What are your thoughts on that and whether that would be helpful in terms of Native Americans accessing capital for agriculture?

Mr. BERREY. I think it would be helpful, sir, although I think what is needed in Indian Country is capacity. I mean that in terms of understanding the waiver of sovereign immunity to the limit of reliability. For tribes like mine that deal in the gaming industry, it becomes part of your everyday business activity.

I think for tribes looking for financing in the ag market, they need some capacity help so maybe giving more funding to the Intertribal Ag to help educate tribes in how they approach credit and the limited waiver of sovereign immunity would be a good step forward.

The CHAIRMAN. Ms. Hipp, what about trade? We are working on trade agreements obviously and finding ways to expand access to markets for our producers. What can the Federal Government do to help promote, for example, tribal agricultural products which I think have a cache and a niche globally.

Ms. HIPP. They certainly do, Chairman. Thank you for that question.

The Intertribal Ag Council has, I believe, an over 15-year relationship with the Foreign Ag Service through the MAP Program, the Market Access Program. There is entry into the international marketplace but to my knowledge, there has never been a tribal food business or a tribal agribusiness.

Navajo may end up correcting me but to my knowledge, there has never been a tribal government leader or a tribal food business included on any trade mission.

Attending the different food fairs and meetings around the globe, Intertribal Ag Council has folks on the road all the time that do that, but being included in the trade missions is really a different level of incorporation of tribes and their presence in the agribusiness industry. We would encourage that to take place as soon as possible.

The CHAIRMAN. That would seem like a natural, I would think, and reinforce not only marketing on behalf of Native Americans but just to strengthen the overall United States agricultural marketing effort. To me, that seems like something that would have real potential.

Mr. Haskie, she referenced Navajo. Have you been involved in any of those trade arrangements or groups? Has anyone at Navajo been involved?

Mr. HASKIE. Thank you, Chairman.

No. That was one of the items that we listed in our testimony, to be included in these tribal food missions, to expand their reach in the international markets.

The CHAIRMAN. Ms. Cullo, it seems to me that would be a natural. Your thoughts?

Ms. CULLO. Thank you, Mr. Chairman.

Actually, the Secretary and Chairman Berrey, in their first meeting, discussed international opportunities for Indian Country.

The CHAIRMAN. Vice Chairman Udall.

Senator UDALL. Thank you, Mr. Chairman.

As you know, ensuring tribal sovereignty is a key aspect of what we do here in this Committee. That is something I take very seriously.

With respect to agriculture, in the last Congress, I introduced, and intend to introduce again this session, legislation that would allow tribes and tribal organizations to administer their own nutrition programs.

However, I understand that some folks in Indian Country are interested in an even broader approach to self government at USDA.

I am aware of the innovations that providing 638 authority for food programs can mean for access to healthier and more culturally appropriate food.

I am interested in hearing more about the potential benefits of authorizing tribes to manage other USDA programs. Ms. Hipp, in your opinion, would providing tribes and tribal organizations 638 authority help them combat food insecurity and improve public health across Indian Country?

Ms. HIPP. Yes, Mr. Vice Chairman, it most definitely would. In fact, the Farm Bill before the last had a requirement that USDA do a study on the feasibility of having tribes administer all the feeding programs.

The study was accomplished a couple of years ago and the findings were released. The findings were that it was entirely feasible. It is going to be a lift obviously to get the regulatory piece in place within the tribal governments themselves, but any tribe that does 638 has already gone through that special process on any number of other programs. It is really not an issue. It is an issue of getting it started.

However, as far as the impact on food security, if you could actually marry the food production that is happening in Indian Country on tribal lands across the Country and literally regionalize the food purchasing for those feeding programs, this would be new. It is not being done this way now and it is a fairly embedded process of national purchasing infrastructure.

If you were to actually deconstruct that and regionalize it, then you could actually make the program more cost effective, but it would also be able to link the producers themselves with the tribes involved in food and create a stable market.

Obviously, it would not be their highest price point market but it would be a stable market nonetheless that would further stimulate more food production. It would also allow those foods to arrive fresher and more palatable at their location and the homes of the people who actually need the foods.

That sort of concept has been floating around for some time now. Our Initiative has actually done a preliminary study of the financial feasibility of that sort of approach. It is in a draft format and we are running our second phase of economic analysis. We are already seeing in our economic processes and studies that there would be a cost saving across the board every month. We believe this sort of new approach would really place tribal leadership in the centerpiece of this conversation and is ripe and ready to be launched.

It has come up quite a bit in the regular tribal consultation meetings that the Food and Nutrition Service has been having with tribal leadership. Governor Mountain, who is in the room with us today, has been leading that process.

I will tell you those tribal consultation meetings are unique within the department. They augment what the council does but they get down into the actual specifics of that particular agency within the department. You need that level of specificity.

They have been able to uncover lots of efficiencies and lots of things that could be done better and need to be fixed and reach a partnership to fix them.

Senator UDALL. Thank you very much. Welcome Governor Mountain.

Briefly, Chairman Berrey, what things would you do differently at Quapaw if you were given 638 authority?

Mr. BERREY. I think we would do more and more of what we are doing now, Mr. Vice Chairman, because we are at home; we understand our people. We understand the needs of the local community. We would just be able to get more efficiency from the money within the Department of Agriculture or get it spent more on the ground for the people who need it. We would continue to expand what we are doing.

Senator UDALL. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Smith.

Senator SMITH. Thank you, Chairman Hoeven.

It is very interesting to me because I am also going to be serving on the Agriculture Committee, so this conversation is very apt.

I think agriculture in Indian Country has the potential to not only strengthen local economies but also build health care communities. I think this is exactly what you are talking about Ms. Hipp when you described how this might all work together.

We have such a challenge with extreme poverty and also the loss of traditional food ways. I think this is a lot of what contributes to the huge health disparities that we often see. I am especially worried about diabetes but there are so many ways in which these health disparities manifest themselves.

I am glad you mentioned the innovative work that the Shakopee Mdewakanton Sioux Community is doing with their Seeds of Native Health Strategy which I have had a chance to see up close. It is really, really great work. It is making real headway towards improving nutrition and supporting indigenous foods. I know we are going to be hearing more about this strategy tomorrow at the roundtable we are doing.

I will direct this to you, Ms. Hipp, but anyone should feel free to chime in. What more do you think we can do to increase access to indigenous foods in Indian Country? From your perspective, how do you think this could contribute to healthier communities?

Ms. HIPP. Thank you for the question.

It is hard for me to restrain myself. I just don't want to respond in a book. I will tell you that one of the other things the Seeds of Native Health effort has undertaken is the pulling together of western nutrition scientists and traditional food people within our communities and our traditional food scientists.

Getting them talking together on the research issues and the intertwining of really following the betterment of health outcomes, they will tell you linking that to as much traditional food as you can really strengthens the whole nutrition education conversation and strengthens changing peoples' food consumption habits because it brings it closer to home, as Chairman Berrey discussed.

You actually see the preferences shift because it is a connection with culture, tradition and language, but it is also a connection with what is readily available. I think that cannot be ignored.

The other thing I will share with you is that when you talk about these issues with regard to USDA and its powers and authorities,

historically the conversation tends to be isolated into a tiny, little piece of the puzzle. We have this amount of money for traditional foods and that is all we have. That is just not appropriate anymore.

The availability of traditional and healthy foods in Indian Country is on the upswing. To relegate the conversation to a small funding stream or just one agency is really not appropriate. For instance, when you are purchasing foods for the feeding programs, you actually have to have the Ag Marketing Service, FSA, used to be, and FNS in the room. They all have to be there because they all play a part.

Calibrating those interrelationships within the department itself to broaden the ability to bring those healthier foods into the plates of people is really, really important. Making sure that the inter-departmental problems we have between USDA and the Bureau of Indian Affairs are fixed is really vital as well to really scale that up.

Senator SMITH. Thank you.

Does anyone else have a quick comment on that?

Mr. HASKIE. Chairman Hoeven and Senator Smith, at the NAIP farm we do have a product line of Native American foods. We understand that there needs to be some upfront educational awareness of the benefits of these Native American foods across the Navajo Nation.

Education on the benefits of these Native American foods, re-introduction of them into the diets, and identification of the pipeline will get them back into the communities. Currently, our Navajo Nation is a food desert. We have a lot of convenience stores. There are not many markets, so fresh foods are very rare.

I think the conveyance system would have to target convenience stores, the schools and governments. If we grow it, we believe they will buy it given the fact of the benefits of the traditional foods.

Senator SMITH. Thank you.

Mr. Chair, I know my time is up. I just want to say that I am so struck by the great assets you are all talking about in Indian Country. It is inspiring to think about how we can bring those assets, whether it is around young farmers, diversification, or access to capital but how we can bring that thinking to the Farm Bill and enhance the thinking over there.

The CHAIRMAN. Senator Cortez Masto.

**STATEMENT OF HON. CATHERINE CORTEZ MASTO,  
U.S. SENATOR FROM NEVADA**

Senator CORTEZ MASTO. Thank you.

Welcome. Thank you for this conversation today. It is so important.

Today, the Center of Budget Policy and Priority has released a report adding to the growing evidence that says increased investment in SNAP, the Supplemental Nutrition Assistance Program, can save money in other ways like lowering health care costs. The report actually examines research that found, on average, low income adults participating in SNAP have almost 25 percent less in medical costs annually than non-participants in the same income bracket.

I am curious. I will open it to all of you. I would like to start with Ms. Hipp. Can you talk about the positive economic and health correlation between Indian Country participation in food and nutrition programs and a healthy lifestyle? Have you seen that?

Ms. HIPP. If you don't mind, could I defer that to Chairman Berrey?

Senator CORTEZ MASTO. Absolutely.

Ms. HIPP. Because he literally has on the ground impact.

Senator CORTEZ MASTO. Fantastic. Chairman Berrey, your thoughts on this, the healthy lifestyle and the fact that SNAP has actually helped lower health care costs.

Mr. BERREY. I think it is very evident at Quapaw, ma'am, not only with the Quapaw Tribe but within the Quapaw greater community.

I spoke earlier about our Title VI program. The tribe donates bison as the main protein for our Title VI program. We feed about 600 people a day. About 70 percent of them are non-Indian and they receive great health benefits from just that.

Also, if you look at our production and our processes, we are holistic. All of our surface water is managed so it goes through wetlands to clean it up at our processing facility. Whenever we work on recontouring and preparing land for agriculture, we take into account runoff and make sure the environment is healthy in the process of developing agriculture.

If tribes and local communities focus on SNAP and other programs and give them a good healthy diet, it is obvious just looking at the people that they are healthier, they are feeling better and that the cost to the tribe of providing health care to our members is going down in terms of diabetic medication and other things of that sort.

Senator CORTEZ MASTO. I appreciate that. Thank you.

Can Congress do a better job? What else can we do to facilitate not only quality diabetes treatment and intervention programs with access to quality health food to combat the growing rate of obesity and the rate of diabetes in Indian Country? What else should we be doing?

I know we have discussed a number of things today. Is there anything else that we have left on the table?

Mr. BERREY. I think we need to go back to treatment as a State for our tribes to be considered. If we are treated as a State like they do in environmental laws, we are treated as a State under the Clean Air Act, it gives us a better opportunity and a bigger voice to participate in what is happening with the local community where the dollars are spent.

I think it is incumbent for the Department of Agriculture to have the opportunity to speak to tribes as Nations and to work together through MOUs to be able to provide a better quality food source for the local communities.

Senator CORTEZ MASTO. Thank you.

Ms. Hipp?

Ms. HIPP. We speak to this in our Regaining our Future report. If you actually look at the nutrition education funding, the Food Distribution on Indian Reservations Program has less than \$1 mil-

lion a year to provide nutrition education funding to 276 tribes whose members utilize that program. That does not equal very much per person or per tribe to actually deliver that sort of nutrition education information.

Tribes are not allowed to directly access the SNAP ed funds. If they receive them at all, they receive them through a State. To me, that absolutely makes no sense whatsoever. SNAP ed is a large repository of education funding.

The best thing that Navajo, as well as Quapaw and others, can tell you is that when you actually link the nutrition education conversation with actual foods produced by the tribe or tribes in the region, then you have a more powerful conversation with the folks who actually need to have their health outcomes turned around.

Senator CORTEZ MASTO. Sure. That makes sense.

I notice my time is up. Thank you very much. I appreciate you all being here today.

The CHAIRMAN. Senator Cantwell.

**STATEMENT OF HON. MARIA CANTWELL,  
U.S. SENATOR FROM WASHINGTON**

Senator CANTWELL. Thank you, Mr. Chairman. Thank you for holding this hearing and for the witnesses.

I did not get to be here for the entire hearing but I have looked at many of your testimonies. I think Ms. Hipp may be the best person to answer this question which concerns the large amount of interest, at least for us in the northwest, in forest policies as related to things like good neighbor, which I think you mentioned in your testimony.

I do think, Mr. Haskie, there is a lot of interest in what I would call branding of fish product and figuring out how to get it delivered cost effectively to consumers, very specific programs that allow tribes to brand their own caught product and figure out how to get it into the supply chain without various barriers that exist today.

On the timber issue, cost relating to timber is something we are interested in, trying to figure out how to make sure the opportunities for new building materials are there. What do we need to do to better help with the timber side of management and coordination to get that kind of product produced from tribes around the Country? Ms. Hipp.

Ms. HIPP. We continue to receive input from tribal leadership around the Country, particularly in the Pacific Northwest and Alaska, that good neighbor authority is terribly important. It is critical for tribes to be equal partners at the table in the management of forests.

If you actually look at the U.S. Forest Service, there is a component called State and private forestlands. It is a big part of the agency itself but it does not say State, tribal and private forestland which really misses a huge piece of the puzzle, in my opinion.

I grew up in two forests in southeastern Oklahoma. People assume that all of Oklahoma is flat but it is not. There were small lumber mills all over the place. People forget, I think, that forestry and forest products are forms of silviculture business-agribusiness. It is really as vital to rural communities as any other form of business or economic development.

Taking a close look at the U.S. Forest Service components of this conversation, I think, is very important to bringing tribal parity into that conversation, but also making sure that forest-related products industries and sustainable forest products are incorporated into the potential eligibilities in the other agencies and programs within the department is an important step as well.

Senator CANTWELL. I think we already are taking steps in our State in the school construction program to build schools out of cross-laminated timber, so I think everyone thinks it is a win-win situation. You give mills the predictability to stay open because they are going to be producing product.

We have this kind of new building which is beginning to take off even at the high-rise level. You are right, why can't we look at our backlog in the school construction program, which seems to be this big dark hole as it relates to Indian Country, and get some clarity? I am sure people would be excited about a program that was marrying better timber policy and solving school construction issues, particularly with new product.

Mr. Haskie, do you think Indian Country uses the MAP Program? I don't think there is any prohibition on their using the MAP Program. That is our marketing access program to take U.S. products to help reach overseas markets. Do you know if that is used at all?

Mr. HASKIE. I am not aware of NAPI utilizing the MAP Program.

Senator CANTWELL. I know our seafood industry has used it a lot to help develop markets in Asia for our aquaculture products. It has been quite successful.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

I have one question I would put out there for all of you. As we write the Farm Bill, there are certain priorities that we are working on. There have been priorities in the past as well, things like crop insurance and making sure we have strong crop insurance as a risk management tool for our producers; a counter cyclical safety net working to strengthen ARC and PLC; ag research; strong funding for ag research; trade; marketing; things like following MAP which Senator Cantwell referred to; McGovern-Dole Food for Peace, those types of programs; reducing the regulatory burden which we talked about a bit here; and access to capital which I brought up. There are others.

From your perspective, I want to ask what ideas do you have, in terms of things you think are important for the Farm Bill and that we are cognizant of, particularly as it relates to Native American agriculture, as we work on the Farm Bill and trying to pass as strong a Farm Bill as we can for all of agriculture? Ms. Cullo.

Ms. CULLO. Thank you, Mr. Chairman.

The conversations need to continue to take place. At no point during this process can we allow this to be a partisan issue. As the Secretary said, agriculture is not. Making sure we eliminate barriers to Indian Country accessing USDA programs and services is our objective.

Let us continue to look at, identify and eliminate regulatory burdens. Previously, it was stated that in many cases tribes do have to apply for some programs through their States. Let us have that

conversation. Let us look at the tribal colleges and universities, our 1994 program, look at truly educating the next generation of USDA employees, farmers, ranchers, producers and agribusiness owners.

Let us make sure that in this Farm Bill, we are working toward giving the ability of those tribal colleges and other minority-serving institutions the tools, research abilities and capacity they need to be able to graduate and give opportunities to those students.

The CHAIRMAN. Chairman Berrey.

Mr. BERREY. I would echo Ms. Cullo's comments as well, Mr. Chairman. It is about education and capacity and actually, conversation. That goes back to my earlier statement about recognizing tribes as States. It is more about giving them the opportunity and access.

When I grew up, we relied much on the extension services to the land grant colleges. That seems to be kind of fading away as well. We need to have people in the community, not only in the Native American space, but throughout the agriculture community who are dedicated to educating young people and giving them the capacity to go after the monetary support, the understanding, and the education.

I think the tribes need to be a part of that conversation but we need to make sure the extension services upheld groups, like Inter-tribal Ag, to have the budget base to spread the word to Indian tribes about how to get more involved in credit and agriculture. I think it is capacity, education and conversation.

The CHAIRMAN. Ms. Hipp.

Ms. HIPP. I have a couple of items. Food deserts exist but credit deserts are equally as important or dramatic in Indian Country. Revisiting the credit components of USDA is really critical.

There have been improvements over the years in how tribes access, individual farmers and ranchers, but also tribal governments and tribal businesses, credit programs at RD as well as FSA but we need to keep working at that. Those credit deserts have existed for a very long time and it is not going to be fixed overnight.

The other thing I will share with you is I keep remembering how it was when I was at USDA. We solved so many problems by inter-departmental coordination and rolling up our sleeves and sitting down with the key people at BIA as well as all the various agencies of USDA. I do not think that is done near enough.

A lot of these problems cannot be solved just by USDA talking to itself. They have to have the tribal leadership at the table as well as the Bureau itself.

Finally, I will echo Chairman Berrey's comments regarding education and extension. The formula funds need a little recalibration to make sure they are really reaching the tribal leadership and tribal communities that are, in many areas, the rural backbone of that community and region.

Those are the three items I have not covered before in my testimony but would take this opportunity to share with you today.

The CHAIRMAN. Where do most of Native American producers access capital, in your opinion? Where do they go for capital?

Ms. HIPP. That is interesting. It depends on how much they need. If you are accessing capital for something the size of NAPI or the slaughter facility at Quapaw, it is a different conversation

than if you are an individual farmer looking to expand your operation.

They go to FSA; for some issues, they go to RD; but they also go to Farm Credit. I hope I am not speaking out of turn from our Farm Credit friends who are here because they have been very supportive and kind of in the weeds with jobs around these issues. Making sure their authorities are clear with regard to their capacity to do more lending in Indian Country is also terribly important. Local banks can come into play as well.

The CHAIRMAN. Mr. Haskie, your thoughts.

Mr. HASKIE. We have different sources for capital funds and requests for funds. For the larger scale of capital funding, we rely on the Bureau of Indian Affairs, Irrigation. That is just the main high costing infrastructure repairs that have been deferred for many years. NAPI began reinvesting some of their profits to maintaining some of those deferred maintenance items even though it is not their responsibility.

As far as the business of processing facilities, we typically finance those because they exceed the available grants in our State and area for any type of development. We financed our own flour mill and our own pellet mill.

On the smaller grant funding, we have been able to utilize the WaterSmart Grant for which we have successfully been approved the last two years to rehabilitate some of our irrigation sprinkler systems.

The CHAIRMAN. Vice Chairman Udall.

Senator UDALL. I will defer.

The CHAIRMAN. Senator Daines.

#### **STATEMENT OF HON. STEVE DAINES, U.S. SENATOR FROM MONTANA**

Senator DAINES. Thank you, Mr. Chairman. Vice Chairman Udall, I appreciate it.

In the great State of Montana, ag is our number one industry. In fact, it is the hard work of our farmers and ranchers that keeps the food on the table not only in Montana and the United States, but around the world as we depend heavily on exports.

I also chair the Senate Western Caucus. I am working to ensure that we shape the Farm Bill in a way that it provides robust benefits to the western States, certainly including benefits to Indian tribes and Native American farmers and ranchers.

I have heard from our Intertribal Ag Council based in Billings, Montana, regarding their priorities for the 2018 Farm Bill. In fact, one of their most pressing requests is to ensure there is parity between tribal, State and local ag producers in reauthorizing and changing existing programs, especially with respect to some of the important conservation programs.

Ms. Hipp, I know you discussed this topic in your testimony. I know Vice Chairman Udall touched on a related question with respect to some of these important nutrition programs.

From your perspective, could you share why empowering Indian tribes to have more direct input in the implementation and conservation practices on Indian lands is so important?

Ms. HIPP. There are so many examples I could give you. I am going to give you a microcosm approach.

In some areas of Indian Country, the land base is so large that the failure of the Farm Bill's conservation title to be written with those tribal lands in mind has exacerbated the inability for those conservation programs, that a lot of other farmers and land owners rely on, to actually press into tribal lands.

NRCS and the conservation title programs are written from the standpoint of an individual fee private landowner standpoint. It has always been a tortuous contortion, if you will, to actually effectively push those programs into Indian Country.

There are success stories that are out there but it is just extremely difficult to get those programs properly calibrated so that the principles of conservation and the presence of those cost share programs can deeply be pushed into tribal lands which are in dire need of those conservation efforts.

You don't have to go very far across Indian Country to see conservation programs are much needed. Many, many tribes kind of take the bull by the horns and do it themselves but the reality is, those conservation title programs can be really pushed into tribal lands a lot better with a tight recalibration of how the actual language is written. It literally goes that deep into the weeds, if you will.

Senator DAINES. Thank you. That is something we will pay attention to as we move this Farm Bill through the Ag Committee which I serve on.

Chairman Berrey, I have had the pleasure of meeting with Rose Bear Don't Walk and Abaki Beck who hail from St. Ignatius and Missoula, Montana, respectively. Both serve on the National Indian Health Board's Tribal Youth Health Advisory Board which passed a resolution encouraging policies that support incorporation of healthy and culturally appropriate food for Indian communities. I am glad my colleagues and our friends on the witness panel have discussed these goals today.

Chairman Berrey, my staff member told me you like to fish around the Innes area. I grew up fishing around there myself, probably Madison, I would guess?

Mr. BERREY. Yes, sir.

Senator DAINES. And O'Dell Creek. We could probably talk about that for a long time.

Mr. BERREY. Yes.

Senator DAINES. Could you also share some details on the success the Quapaw Tribe has had incorporating Native foods in your community such as bison and any related health benefits you see?

Mr. BERREY. I think there are tremendous health benefits. You might represent us because we are kind of a Country and western State, Oklahoma.

Healthwise, our bison program worked very well with the Intertribal Bison Cooperative. We have access to a large quantity of bison. In that process, we donate the bison to the Title VI Program.

We also donate it to the local public schools to help youth get a source of protein for their daily education. There are a lot of poor kids in our community so we give bison and donate it to our Title VI Program that feeds elderly and we get health benefits from that.

We give it to the local schools, the Quapaw and Cardin schools. We give it in the form of either beef steaks or ground burger to food to feed program at school.

We see a lot of benefits. We see the health benefit of a better protein, less fat, and better amino acids. It manifests itself in lowering the diabetes problem and other health problems that come with poor nutrition.

We also see a benefit to education. It helps young and hungry kids pay attention better in class. Whenever we are asked, we freely donate. We are always open to donating protein to any kind of school in our area to help young kids who do not have access to protein.

It is not only a health initiative, it is an education initiative because it gives these young kids the ability to focus and not listen to their stomachs growling all day and not be able to focus on the basics of school. We send them home on the weekends also with bison steaks as well to help supplement their diet at home. It not only helps with the health of the people that consume it but it helps the kids that consume it in school.

I also want to point out in all of our processes, we take into account our surface water management, to make sure we are not contributing to pollution of the local waterways. All of our surface water in all of our facilities goes through a wetland process to ensure the environment is in better shape as we produce these different agricultural products.

Senator DAINES. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Vice Chairman Udall.

Senator UDALL. Thank you, Mr. Chairman.

Earlier this Congress at a hearing on the Special Diabetes Program for Indians, we heard that food insecurity is a real problem across Indian Country. Food insecurity leads to many real health challenges for Native families and communities.

Ms. Hipp's testimony underscored that one way to tackle this issue of food deserts and food insecurity is to find ways to match up tribal agricultural potential with local market needs on reservations. This approach seems especially promising because it would let tribes increase access to traditional foods which are not just healthier but in many cases, carry important cultural significance.

Chairman Berrey and Mr. Haskie, does NAPI or any of Quapaw's agribusiness pursuits include production of traditional foods and if so, what percentage of your products would you say fall into that category?

Mr. HASKIE. Vice Chairman Udall, NAPI grows sumac berries usually used for various uses within the cultural and also ceremonial uses. It comes in the form of either a pudding or a dried good or just the basic berries. The branches on that are also used for traditional and cultural purposes.

The other traditional foods that we offer are based on the blue corn and white corn, the Native corns that we have. We intend to upgrade our processing facilities because we package these crops on our farm. As far as the ratio, it makes up about 3 percent of the entire farm.

Senator UDALL. Thank you.

Chairman BERREY.

Mr. BERREY. Percentage-wise, Mr. Vice Chairman, I am not 100 percent sure but I will tell you some of the things we produce that are culturally significant.

We have a large honey bee operation. Honey is used quite a bit mixed with meat in our traditional diet. Like the Navajo, we produce a red corn product. We have a very extensive greenhouse system that grows heirloom products. They are historically of cultural importance to us and are important to others in our community.

We grow a lot of heirloom tomatoes, peppers, all kinds of gourds and squashes that have been part of the Quapaw story as far back as we can remember. It is very much a part of what we do on a daily basis.

I have spoken often about our bison program. We have the only USDA inspected bison cure facility in Indian Country. It is becoming unbelievable how many bison we are now processing not only for our tribe but other tribes to help them with promoting bison in their diets.

Senator UDALL. Bison, as we all know, is a traditional food that is also very healthy, with very lean meat.

Mr. BERREY. Yes, sir.

Senator UDALL. Mr. Haskie, I know that access to healthy foods can be a challenge on the Navajo Reservation and that many families rely on Federal food programs. Is NAPI currently able to sell any of your traditional food crops to these programs?

Mr. HASKIE. No, we do not.

Senator UDALL. Chairman Berrey and Mr. Haskie, what could the Federal Government be doing to support tribal efforts to grow traditional foods and expand local tribal food markets?

Mr. BERREY. I think we have discussed it all today. It is access to capital and giving us better regulatory authority over what products we produce. We want a healthy product for the consumer whether they are Native or non-Native. We think we can do a better job because we are where the rubber meets the road.

I think everything discussed here today by Janie, Ms. Cullo and also Mr. Haskie. Everything combined with education and conversation gets us further down the road to doing these things and letting tribes participate in doing good things and feeding people. That is really what it is all about, feeding people, not only Native people but our local community. We want to make sure that no one goes to bed at night in our community hungry.

Senator UDALL. Thank you to the whole panel. This was excellent testimony. This is clearly an important topic with lots of potential for improvements in Federal policy. I really look forward to diving in a bit deeper tomorrow at the Committee's roundtable. I really appreciate your testimony today.

Thank you, Mr. Chairman, for working so hard on this and making this a real success.

The CHAIRMAN. Thank you.

I want to again thank all of our witnesses for being here today and for your testimony.

If there are no more questions for today, members may also submit follow-up written questions for the record. The hearing record will be open for two weeks.

Again, thanks to all of our witnesses. We appreciate it so much.  
We are adjourned.

[Whereupon, at 3:59 p.m., the Committee was adjourned.]

## A P P E N D I X

PREPARED STATEMENT OF CAMILLE FERGUSON, EXECUTIVE DIRECTOR, AMERICAN INDIAN ALASKA NATIVE TOURISM ASSOCIATION

Chairman Hoeven, Vice-Chairman Udall, and members of the Committee, I offer testimony on behalf of the American Indian Alaska Native Tourism Association (AIANTA) about breaking new ground in agritourism opportunities in Indian Country. Agritourism and cultural tourism are a vital part of rural development in the United States, including Indian Country. AIANTA is requesting that the economic strides being made in tribal tourism—and the needs and interests of a growing number of tribes and tribal entrepreneurs—be reflected in the next Farm Bill.

AIANTA provides tribes and tribal members with training, technical assistance, educational resources, international and domestic marketing assistance and public land partnerships in a wide variety of cultural and agritourism development areas.

### **Indian Country Tourism Growth**

Indian Country is a unique part of the national and international visitor experience in America and is a strong contributor to the U.S. travel/tourism industry. International tourism to tribal destinations and experiences is an especially vital and growing market. Since AIANTA began marketing tribal destinations internationally in 2007, overseas visitors to Indian Country have increased 180 percent. According to the Department of Commerce, overseas travelers to Indian Country stay on average 12 days longer in the U.S., visit more states and destinations, take more domestic flights and rent more cars. In short, they spend significantly more travel dollars in the U.S. than other visitors.

Tribal interest and investment is rising in agritourism as well as cultural tourism in Indian Country and both are excellent opportunities for rural development and small-business and job creation.

### **Agritourism Growth in the U.S.**

According to the Agricultural Marketing Resource Center and U.S. Census data, from 2007–2012 the number of farms with agritourism products increased by 30 percent and income from agritourism increased by a corresponding 23 percent during the same period. It is a popular and growing visitor activity domestically and internationally.

We are also seeing opportunities emerging in farm rich communities throughout Indian Country. As of the 2012 census (new data anticipated with the upcoming census survey), there were 58,475 American Indian farm operators in the United States (2012 U.S. Census) with signs of growth: American Indian farmers, particularly those that are Principal Operators (37,851 in 2012), increased by 9 percent from the 2007 to 2012 Census reporting.

Sustainable agricultural infrastructure development and expansion creates a localized source for food access for communities and expands the impact of agriculture as an economic engine. As Native farmers grow their farming operations, agritourism and culinary tourism supports economic development goals and, in many tribal communities, an opportunity to further food sovereignty initiatives and efforts. Tribal agritourism development offers unique visitor experiences while supporting culture and the greater economy. Examples include farmers markets with tribal artisans; packaged food products to sell in galleries and gift shops; farm to table and culinary tourism; native food menus; cooking demonstrations, classes and participatory cooking; bed and breakfasts; buffalo culture; fishing culture; native food gathering tours and more.

Currently, there are efforts by individuals and tribes to promote and preserve the agricultural assets specific to their communities, but there has not been a collective effort to identify where these efforts are and to document the methods used to preserve cultural integrity through sustainable practices. Further, there is a significant lack of access to training opportunities specific to tribal communities developing, enhancing or expanding direct producer to consumer operations and products. Due to

lack of connectivity and resources, networking continues to be a challenge for tribes and native communities—especially for new and emerging ideas and approaches such as establishing and implementing best practices for tribal agritourism.

There are few divisions of the Federal Government more capable of assisting tribes and tribal entrepreneurs in their tourism aspirations than Rural Development. Among Rural Development's programs, of special importance to tribes developing tourism programs and infrastructure and tribal members creating tourism businesses are: the Rural Business Development Grant Program, Rural Community Development Initiative Grants, Rural Micro-Entrepreneur Assistance Program, Special Evaluative Assistance for Rural Communities and Households (SEARCH) and the Business and Industry Loan Guaranty Program.

#### **The Role of the NATIVE ACT of 2016**

Public Law 114–221 (NATIVE Act of 2016) directs federal agencies, including the Department of Agriculture, in Section 5 of the Act, to "(1) take actions that help empower Indian tribes, tribal organizations, and Native Hawaiian organizations to showcase the heritage, foods, traditions, history, and continuing vitality of Native American communities; (2) support the efforts of Indian tribes, tribal organizations, and Native Hawaiian organizations—(A) to identify and enhance or maintain traditions and cultural features that are important to sustain the distinctiveness of the local Native American community; and (B) to provide visitor experiences that are authentic and respectful; (3) provide assistance to interpret the connections between the indigenous peoples of the United States and the national identity of the United States; (4) enhance efforts to promote understanding and respect for diverse cultures and subcultures in the United States and the relevance of those cultures to the national brand of the United States; and (5) enter into appropriate memoranda of understanding and establish public-private partnerships to ensure that arriving domestic travelers at airports and arriving international visitors at ports of entry are welcomed in a manner that both showcases and respects the diversity of Native American communities."

One of the key actions the Department of Agriculture can take to implement the NATIVE Act is reference its provisions in the 2018 Farm Bill. This will ensure that Rural Development programs are responsive to the most viable tribal tourism development efforts in the Nation.

#### **Examples of How the Farm Bill Can Support Rural Tourism**

The ways in which Rural Development can support the NATIVE Act and tribal tourism through the next Farm Bill are too numerous to mention.

Research has shown there is significant demand for visitors to see and experience tribal cultures, landscapes, traditional agriculture and culinary experiences. As part of AIANTA's work to expand tribal capacity to respond to the demand, in 2017 AIANTA launched a tribal agritourism pilot program, which provided outreach and technical assistance and training to hundreds of tribal agribusinesses and tribal representatives. AIANTA intends to expand the impact of our work by providing technical assistance, resources and tools for rural tribes and tribal communities to develop tribal tourism and tribal agritourism products and programming. AIANTA is also working to market Indian Country tourism products domestically and internationally to continue to grow visitor demand. AIANTA's business plan includes tailored training opportunities and plans for more on-the-ground local and regional efforts to bring tourism training and technical assistance directly to Indian Country.

A regional co-location approach (a tourism expert sharing space with other rural development experts for deployment to rural areas) or a circuit rider approach (such as the one offered by Rural Development for assistance with waste management issues) could make tourism experts from the industry and academia available to work directly with tribes in early stages of tourism development and management.

With FY18 NATIVE Act funding, tribal Destination Marketing Organizations (DMOs) can begin to be organized in up to 10 states. North Dakota is working on a tribal DMO and Tribes in Montana/Wyoming, Arizona, New Mexico, Washington, Minnesota, Alaska and others have expressed an interest in developing this multi-tribal development and marketing strategy. These tribes can carry out their product development and destination marketing with Rural Development programming to create demonstrable results in income and jobs in the next 4–5 years.

#### **Summary**

The 2018 Farm Bill can accelerate business and job creation through proven tourism development practices in Indian Country. AIANTA and its partners are doing this work and ready to assist the Senate Committee on Indian Affairs, the Congressional Agriculture Committees and USDA Rural Development in devising language that includes best practices and programs in rural tourism.

Inclusion of rural tourism in the 2018 Farm Bill will ensure that tribal tourism, a burgeoning area of economic development, will continue to grow rapidly-to the benefit of rural, state and national economies.

Thank you.

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PREPARED STATEMENT OF KEITH B. ANDERSON, VICE-CHAIRMAN, SHAKOPEE  
MDEWAKANTON SIOUX COMMUNITY

Dear Chairman Hoeven and Vice-Chairman Udall:

On behalf of the Shakopee Mdewakanton Sioux Community (SMSC), a federally-recognized tribal government with a Reservation near Prior Lake, Minnesota, I write to submit testimony for the record asking the Senate Committee on Indian Affairs to ensure that Native American interests are considered, protected, and advanced in the upcoming Farm Bill.

Last year, SMSC commissioned a comprehensive report on risks and opportunities for Indian Country in the Farm Bill, entitled *Regaining Our Future*, and written by Janie Simms Hipp and Colby Duren. This report has been shared with you, your Committee staff, and many of your Senate colleagues. We hope it is a useful resource for the work of your Committee, and that of the Senate Committee on Agriculture, during the present Congress and beyond.

Much of Indian Country is in a food and nutrition crisis. This crisis has been a major factor in the extraordinarily wide health disparities suffered by Native peoples. Since 2015, the SMSC has established a four-year, \$10 million philanthropic campaign, called Seeds of Native Health, to help improve Native American nutrition and food access. In the course of that campaign, we have provided grants to many other tribes and Native non-profits, and have partnered with public health organizations, other funders, and research and educational institutions for a variety of projects and initiatives.

But as important as our and other funders' charitable grant-making can be to effect improvements in the dietary health of Indigenous peoples in the United States, the simple fact is this: Federal policy in and spending through the Farm Bill has a disproportionately large impact on the essential health of American Indians and Alaska Natives.

For this reason, SMSC has a great interest in the Farm Bill's treatment of Native Americans. This led us to co-found the Native Farm Bill Coalition with the Intertribal Agriculture Council, the National Congress of American Indians, and the Indigenous Food and Agriculture Initiative. Our tribal coalition aims to help this Committee shape the next Farm Bill so that it can have a greater positive impact on Indian Country. While I serve as co-chair of the Native Farm Bill Coalition, I am with this testimony submitting the particular views of my Tribe, the Shakopee Mdewakanton Sioux Community.

I would encourage your Committee to press as an essential point of policy in the next Farm Bill that tribal governments be accorded the right to exercise self-determination and self-governance over all federally-assisted programs, including the many diverse USDA programs addresses in the Farm Bill. Public Law 93-638, as amended, the Indian Self-Determination and Education Assistance Act of 1975, has long been applied to the negotiation and administration of programs within the U.S. Departments of the Interior (DOI) and of Health and Human Services (DHHS), as well as some aspects to the U.S. Departments of Transportation and Housing and Urban Development. It is now time to apply that Act, in its entirety, to all USDA programs.

Parity is critical. Tribes are responsible for feeding their own people. An extension of "638" authority to all USDA programs in all facets of the Farm Bill will recognize this responsibility, and restore decision-making about the very health and vitality of tribal communities where it most properly resides – in the hands of sovereign tribal governments.

Without express statutory authority, Indian tribes are able to gain parity access to many of the broad array of diverse USDA programs. One key reason for this is that many USDA programs focus on state government (not tribal government) administration, and historic evidence shows that state government service delivery to Indian Country falls far short of parity, fails to meet actual need, and is far less cost-efficient and culturally-effective than is direct tribal service delivery.

**Tribes are fully capable of making their own decisions.** Any opposition to full application of Public Law 93-638, as amended, to the negotiation, funding and administration of USDA programs should be skeptically scrutinized by Congress. After paying lip service to their general agreement "in principle" with tribal self-determination, federal agencies which fear a loss of federal power when Public Law 93-638 is applied typically tell the Congress that they doubt many Indian tribes, especially smaller ones, are capable enough to administer complex and important programs. This is a false concern motivated by self-preservation of federal bureaucratic control, not sound policy principle grounded in actual facts. The undeniable truth is that, for decades, Native American tribes have annually administered billions of dollars in federal funding with which they operate hospitals, clinics, and schools, provide social services, complex land and natural resource services, and manage sophisticated conservation, forestry, fishery, farm, credit/finance operations, and many other programs. Since Indian tribes have fully demonstrated their capability to administer high-value programs dealing with life and death issues, we surely can handle the administration of USDA funding for purposes of food and nutrition assistance, agriculture and rural development, forestry management, and conservation.

Congress should apply all of Public Law 93-638 to all USDA programs. Public Law 93-638, as amended, has worked well as a complete and unitary framework of statutory and regulatory provisions. After many reform amendments over 40 years, the Public Law 93-638 statute today is a practical paradigm that shifts power and accountability to the Indian tribes in negotiating and implementing agreements with DOI and DHHS agencies. And after several negotiated rulemaking proceedings with tribes on a government to government basis, the Public Law 93-638 regulations strike an effective balance of power that have for years actually constrained the latitude of federal administrators and increased the flexibility of tribal administrators. This same power shift will happen with USDA programs only if Congress insists that the same tried and true Public Law 93-638 model it has imposed on DOI and DHHS be fully and completely applied to USDA. This may feel like an imposition to USDA, but DOI and DHHS have survived it for decades after initial protest and opposition. Any adaption of Public Law 93-638 short of full application runs a real risk of ending up as another empty promise that reinforces the status quo ante at USDA for tribes. Another USDA study of need or capacity or another toothless truncation of Public Law 93-638 authority would add another tragic chapter to the history of federal bureaucratic efforts to sabotage tribal self-determination and self-governance.

SMSC is proud to stand with its fellow tribal governments who have shaped and driven the tribal self-determination and self-governance movement. We could not have done it without our allies in Congress insisting that Public Law 93-638 be drafted and applied in ways that shift power from the federal agencies to tribal governments. We urge this Committee to insist, in the writing of the next Farm Bill, on the full application of Public Law 93-638 to all USDA programs and thereby empower local, effective, and accountable tribal government administration of these vital USDA programs.

Thank you for your consideration of these suggestions and your Committee's sensitivity to the unique interests which all Native Americans have in the next Farm Bill.

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PREPARED STATEMENT OF ROSS RACINE, EXECUTIVE DIRECTOR, INTERTRIBAL AGRICULTURE COUNCIL

"Agriculture is the tradition."—Ross Racine

"Again, we realize our future will come from the Indian uses of Indian resources. There has never been a society in the history of the world that has survived without the ability to feed itself. A return to our proud stature will come through the ability to sustain ourselves on what we have left of our homelands. The use of those lands must come as goals set by the individual reservations and be done in a manner prescribed by the respective residents."

The preceding is a quote from Intertribal Agriculture Council (IAC) testimony to a Joint Hearing of the Senate Indian Affairs and Ag Committees in 1998. That is the last time a joint effort including the Senate Indian Affairs Committee has been undertaken to examine the needs of Indian Agriculture. In the spirit of that collaboration, our testimony will center around the opportunity that exists in the formation of farm policy through Farm Bill discussions, however it will also highlight several

opportunities for improvement outside the parameters of the 2018 Farm Bill which are fully within the jurisdiction of this committee to address.

#### **Agriculture Is the Tradition—The Farm Bill**

The Intertribal Agriculture Council fully supports and endorses the efforts and priorities of the Native Farm Bill Coalition as laid out by Janie Hipp during her oral testimony given at the hearing. While the witnesses did a very good job of explaining the particulars of Agriculture in Indian Country from the perspective of Tribes and Tribal farming and ranching operations, we are offering our additional testimony, not only to buttress their oral testimony, but to provide insight on the issues that are important to the over 70,000 individual Indian producers operating on 50,000,000 acres throughout Indian Country.

Many of our initiatives address capacity building in Indian Country so our people are empowered to take care of their own needs. *Credit Deserts* exist in Indian Country, and improving access to fair and reasonable credit is imperative in order to improve profit margins, and will allow personal investment in further infrastructure to engage in value-added agriculture. Federal resources are needed to address the shortfalls in available capital and increasing flexibility in Rural Development programs can alleviate this. We will delve more deeply into each of these items in turn; but the need for additional capacity development must first be discussed.

#### **Unique Needs in Indian Country and The Quapaw Exception**

Chairman John Berrey does a tremendous job at Quapaw, and we are proud of the work they are doing. It is the essence of value-added Agriculture. The question that needs to be asked however is: “If your territory wasn’t right alongside an interstate highway with ‘10 million cars a year’ driving by; offering up the customer base for a ‘lucrative Resort and Casino’ that provides the capital that fuels your Agriculture operation; how far along would you be in your efforts to construct your state of the art \$5 million processing plant, or in your efforts to provide free bison meat to people in your community?”

*Quapaw is a notable exception to the norm in Indian Country.*

More than half of the 567 Federally Recognized Tribes do not have a casino. Fewer still have casinos that do much more than struggle to stay in the black in unpopulated areas as a means to provide some employment to their members. While the visionary leadership at Quapaw should be lauded and held up as an example of what can be, when commitment, resources, and planning converge, the entire picture must be examined more closely.

The willingness of the Quapaw Tribe to share not only their operational and conceptual plans freely with their fellow Tribes only gets part way to the solution. There exists a gaping chasm between Native American Agriculture and Native American Food that can only be bridged by accessible capital resources.

#### **Rural Development and SUTA Language**

The lack of available capital to develop resources pervades Indian Country and serves to stifle economic development, and is the very foundation upon which impoverished communities exist. The willful extraction of resources that forced a growing nation to acquire these lands in the name of progress continues to this day in our reservation food economies.

In 2012, \$3.4 Billion in gross sales were attributed to Indian Country Agriculture. This number is representative of the 14.3 percent of a dollar’s worth of food that actually constitutes the producer’s share according the Economic Research Service at USDA. The potential economic impact of changing Indian Agriculture from commodities to ready to eat food, The Food Opportunity Multiplier, can therefore be summed up by the following equation:

$$100 \text{ percent (Total Food Dollar)} / 14.3 \text{ percent (Producer's Share)} = \text{FOM (Food Opportunity Multiplier)} \\ 6.99 = \text{FOM}$$

In all likelihood, 14.3 cents is probably an overstatement of the producer’s share in Indian Country, given the cost of capital and the distance from the infrastructure needed to create food; but we will use this number for effect. The FOM in this case is 6.99. A generous estimate of the percentage of Indian Agriculture that is already turned into food is 1 percent, but again for the sake of explanation we will use 10 percent, leaving us with only \$3,000,000,000 to apply the FOM to. Table 1. below provides some perspective.

Table 1. Food Opportunity Modifier Illustrated

	Raw Ag Products	BIA Budget 2012	IHS Budget 2012
Value	\$3,000,000,000	\$2,531,000,000	\$5,380,000,000
FOM	6.99		
Retail Potential	\$20,970,000,000	IHS/BIA Combined	\$7,911,000,000

The missing part of this equation is infrastructure to develop Agriculture products into food. Without access to casino revenues, most Tribal ag ventures must compete for meager capital resources balanced against the emergent needs of impoverished populations. Much of the other potential for enhancing this opportunity is within the USDA's Rural Development programs. Prohibitive requirements for participation in Rural Development programs; serve to prevent value added agriculture in Indian Country. The solution however is clear, and has already demonstrated a modicum of success in one such program. Within the Rural Utilities Service, there exists a provision wherein the Secretary of Agriculture can waive cash matching requirements and offer other more favorable terms to facilitate and incentivize development. The *Substantially Underserved Trust Areas* provisions, if applied more broadly through the Farm Bill, where Tribal participation is contemplated; could help eliminate one barrier to improved production.

#### Credit Deserts

As stated earlier, it is a matter of fact that the access to credit taken for granted by much of American Agriculture is nonexistent in Indian Country. Our work over the past 30 years has helped to improve access to Farm Service Agency loans for many of our producers, however the policy of the FSA is to prepare producers for a credit environment that simply doesn't exist in Indian Country. FSA policy however, has been promulgated with the notion that there is a norm of credit availability in rural America that can be equally and fairly accessed by all by developing their business through the FSA Loan Programs. Our standing recommendation that serves as the foundation for all of our policy requests within the Credit title is an examination of Credit Deserts in Indian Country. Our definition from one of our early reports of a Credit Desert is the "lack of presence and availability of credit at fair and reasonable terms."

#### Redlines in the Margins

The impact of *Credit Deserts* are far reaching and much broader than first glance. For producers operating on a tight margin, oftentimes there is precious little difference between poor financing and no financing at all. The average Net Farm Cash Income across all sectors of agriculture for 2017 is projected to be 4 percent. Absent a study on this metric, specific to Indian Country, we must look to Ag Census numbers that indicate the average Annual Market Value of Products Sold is ' of the All Farm Average (American Indians = \$57,801; All Farms = \$187,097). Not only are Indian producers faced with lower disposable income, they are also faced with interest rates that quickly consume any profit margin that may be realized in the best of years. The difference between an FSA Farm Operating Loan at 3 percent vs. a loan from a commercial lender at 7-13 percent can literally determine whether you stay in business or not.

Now this isn't to say that non-Indians don't suffer a similar dilemma from time to time, but this is far more likely to be the norm in the *Credit Deserts* that are Indian Country. What makes Credit Desert environments even more devastating is the ever-pervasive myth that "you can't mortgage trust land." When non-Indian producers with real estate assets find themselves in economic distress due to market volatility or weather related disasters, they can always fall back on the ability to go to virtually any lender, pledge land as security, and receive an extended period of time to repay the debt; typically 20-40 years. The capital secured by the mortgage can be used for annual operating expenses to get to the next production cycle, acquisition of income enhancing chattel, and can be paid back on a schedule that allows positive cashflow.

Clients of our Technical Assistance Network have been told, in no uncertain terms, by several banks in Indian Country that they "will not take trust land as collateral." What they are in fact saying is this: Because of our lack of familiarity with Federal and Tribal laws and policies that you as an American Indian are subject to, we are choosing not to serve you as we would a non-Indian member of our lending community. What this lack of willingness to serve the community has created is an environment where confusion and misunderstanding dictate lending policy. Even Indian law experts have uttered the phrase "you can't mortgage trust

land.” Congress has, in fact, legislated solutions to a problem that ceased to exist in when it first addressed the matter in 1956. The confusion that remains is because “Indian land” or “trust land” is used generally to describe of various types of ownership without distinction. Tribal Land, held in common by the membership of the Tribe is subject to prohibitions on encumbrance of based on Tribal Constitutions and Tribal law; not as a matter of Federal policy. Individuals have had the authority (with approval of the Secretary of Interior) to secure financing with their trust land, through an actual mortgage since the 1950’s. The Department of Interior’s administration of this process contributes to the banks ability to hide behind the myth, and is further elaborated on below (see Legislating Process to Address Inconsistency ). For now, a further examination of the impact of the *Credit Desert* reality.

In 7 years of operation throughout Indian Country (primarily in the Great Plains, Rocky Mountain, and Northwest Regions), only one client of hundreds the TA Network has worked with was able to secure financing from a commercial lender to acquire trust land. The bank in this case offered him the loan at 6 percent, with a repayment term of 6 years. For the sake of simplicity, let’s assume it was 200 acres at a purchase price of \$500 per acre.

Table 2. Credit Desert Lending-Impact on Cash Flow

	Indian Country Loan	Bank Mortgage or FSA Loan
Amount	\$100,000	\$100,000
Term	6 years	30 years
Interest Rate	6%	3%
Annual Payment	\$20,336	\$5,101

To the largest of operations \$14,885 in available cash flow can make a huge difference. To an Indian Producer operating on the redlined margin, it was the difference between being able to diversify and open a lumber company, and foreclosure over poorly structured debt.

#### GAO Study on Agriculture Credit in Indian Country

In order to improve the ability of Indian borrowers and Tribes to fit the lending environment, an analysis of the availability of credit for agriculture enterprises must be conducted. This analysis should be conducted through the lens of legislation such as the Community Reinvestment Act, and the Federal Home Loan Bank lending agreements, or other policies aimed at ensuring banks are serving their communities in return for access to affordable currency. The IAC would welcome the opportunity to collaborate with the Committee and/or Senators in developing the parameters of such a study request based on our extensive experience assisting producers in this environment. Until this is done, the following constitute our requests for the Credit Title of the 2018 Farm Bill.

#### Structuring Loans to Suit the Business

Authorize several innovative loan structuring measures in the 2018 Farm Bill. For example, currently FSA will lend 100 percent the cost of bred livestock. It will then subordinate its 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.

*Example:* Current Situation: Cow Loan: \$200,000 @ 3 percent over 5 years = \$43,000 Annual Debt Service (\$37k P \$6k I) Operating capital: \$75,000 at 6–7 percent paid annually = \$79,000 Annual Debt Service Total Debt Service of \$120,000 in an average year will consume all production income. No opportunity to expand or mitigate market or other disasters. Security position of FSA: 2nd on \$200,000 in assets1

Under Proposed Solution: Cow and Operating Loan of \$275,000 @ 3 percent over 7 year = \$43,000 Annual Debt Service Total Debt Service of \$43,000 (\$35k P, \$8k I) At least \$75,000 in bank or retained assets for operating, expansion, or disaster. Security position of FSA: 1st on 200,000 in chattel.

### **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, shutting down their operation, or being forced into the hostile world of unfair commercial credit in Indian Country. In cases that FSA planning prices are 20 percent lower 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.

*Example:* Producer A will have 100 head of 500 lb. calves for sale. FSA planning price is 1.75 per pound. Repayment of FSA debts and operating capital are based on this price, and under current practices FSA will try to shorten the term of the loan. Actual price at sale time is \$1.35. A shortfall of \$20,000 results in a lack of capital to make all necessary obligations, placing the borrower at risk of default.

### **Socially Disadvantaged Interest Rate**

Update the Socially Disadvantaged Rate (SDR) interest rate for FSA loans from a static number (currently 5 percent) to number indexed to the prevailing rate and set at 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.

*Example:*

Borrower A seeks FSA loan and is offered SDR of 5 percent results in a 2 percent HIGHER rate than non-Socially Disadvantaged producers. (3 percent as of January 1, 2018)

**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.

*Example:* Borrower A would like to borrow \$50,000 to start a custom beef business. Will not have first beef in the box until 18–20 months after loan closing. First payment is due one year from date of loan closing; binding Borrower A to the commodity market. 2016 Market price for live calves = \$800/hd (500 lb. @ \$1.60). 2017 Market price for beef \$2,527 (675 lb. @ \$3.60). \$1,700 in gross profit leaves the local due to FSA inflexibility. It also eliminates the possibility for the original dollar to turn in the local economy by causing the animal to be processed, and marketed in other locations off-reservation.

### **FSA Forgiveness for American Indians**

Under current FSA practices, many producers that have received a debt write-down, write-off or other forms debt servicing are barred from further participation in FSA loan programs; giving them literally nowhere to go for financing. Native American producers feel the impact of this disproportionately, because they live in *Credit Deserts*. Any producer with debt forgiveness prior to 2004 should be allowed participation in FSA loan programs without regard to previous circumstances.

*Example:* For Borrower A, everything is in order, and the loan has a positive cash flow allowing him to improve his standard of living, and improve the local economy. He is denied because of loan servicing he had in the late 1980's when active discrimination was taking place against Indian producers all across the country. He is unable to appeal, or have any other recourse.

### **Remove the Graduation Requirement for FSA programs**

Due to the existence of *Credit Deserts* 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 Indian producers operating on or near Indian Reservations to graduate 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.

*Example:* Borrower A has an FSA Farm Operating loan and is in their 10th year of participation. FSA pushes producer towards graduation. As an example of the nature of commercial credit in Indian Country, one local hometown bank on the reservation offers a loan of 12.9 percent on a ranch vehicle to a known 3rd generation customer. That customer seeks financing from a chain bank in

another state and receives an offer of less than 3 percent. That is the environment that FSA Graduation requirements force Indian producers into.

Borrower B through thoughtful planning has the opportunity to use a Disaster Set-Aside to establish a working capital reserve to secure more land which will serve to further mitigate further disaster impacts. Borrow B is told by their loan officer that isn't allowed, and that "we can't make you look to good or I have to send you to a bank."

#### **Remove the Requirement for Private Credit Denial**

Pending the outcome of the GAO Report, explicitly exempt tribal producers from the FSA requirement of obtaining 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.

*Example:* Producer A, who meets the definition of a Beginning Farmer or Rancher, downloads and completes an FSA Farm Operating Loan Application. Upon submitting this complete application, containing everything the FSA might need to approve a loan, a letter is generated that tells the borrower he must complete the process of applying for a loan at a bank, and get denied, TWICE, before their application can be considered. As an example of the nature of commercial credit in Indian Country, one local hometown bank on the reservation offers a loan of 12.9 percent on a ranch vehicle to a known 3rd generation customer. That customer seeks financing from a chain bank in another state and receives an offer of less than 3 percent.

#### **Legislating Process to Address Inconsistency**

The Farm Bill notwithstanding, our service to Indian Country agriculture in the last 30 years has shed light on other instances where thoughtful action on behalf of Indian Country by the Senate Committee on Indian Affairs, and subsequently Congress as a whole, and finally the Executive Branch, can have a meaningful, and nearly immediate impact on enhancing the economic opportunities afforded through Agriculture development. It is worth noting that each of these challenges is and has been surmountable under current law, but the breakdown in policy or willingness inhibits progress. The solution is best arrived at by legislating streamlined policies that aren't subject to interpretation or burdensome process and policy. These policies will serve to eliminate duplicative and costly federal processes, in addition to clearing the way for commercial credit to participate on a more robust level in Indian Country.

#### **Streamlining the Mortgage Process**

As discussed earlier, the ability of an individual Indian or a group of individual Indians desirous of pledging their trust land as security for financing has been available since 1956. Confusion and unwillingness on the part of some lenders, compounded by a process that within the same region can take from 2 weeks to 2 years. As it is currently written there are no requirements for timely review built in to the regulations. BIA officials receive an application for mortgage from Farm Service Agency for example, to review for approval. Oftentimes, because of different delegations of authority, that review may include a review of the business plan by the local BIA credit officer, or even the BIA regional credit official. Bear in mind, the business plan has been prepared by an individual that has done the requisite research to convince a trained professional to allow for the use of taxpayer dollars to finance the project.

#### **An Appraisal is an Appraisal**

The unwillingness of one Department to accept the appraisal generated at the request of another Department can cause further untoward delays in economic development. The appraisal function of the Interior Department being relegated outside the line of authority of the local designee of the Secretary (Interior) and the funding limitations of the OST in carrying out those appraisals, can result in an individual with a valid appraisal, by a certified appraiser, and a willing lender, to put their plans on hold while they wait for the OST (BIA's) appraisal to be funded and completed. Further lending to the inefficiency, in many places, the same appraiser serves both Departments. An appraisal provided by a certified appraiser should suffice for either, or both Departments, regardless of requesting entity, or payment therefrom.

#### **BIA Guaranteed Lending**

Currently there is a 20 percent equity requirement for applicants for the 90 percent BIA Guaranteed Loan. This requirement, when taken in the context of *Credit*

*Deserts* and the lack of available capital resource and assets in Indian Country can serve to stymie progress as well. Simply aligning the two at 10 percent along with eliminating the aforementioned bureaucratic hurdles, could facilitate increased lender participation.

#### **CDFIs-Automatic Certification Upon Treasury Certification**

The unmet credit need in Indian Country (and elsewhere) has lent itself to the creation of a burgeoning market of non-typical lenders. Community Development Financial Institutions serve as the advance team, or special forces, if you will, in lending in Indian Country. A familiarity with local policy, custom, and risk, makes these entities often the best equipped to serve their community. Each of these lenders must pass through a rigorous process within the Department of Treasury in order to be Certified CDFIs. Upon reaching this milestone, they would then have to largely repeat the process to become a Guaranteed Lender in the BIA, FSA, HUD, or SBA programs. Treasury Certification as a CDFI should be the standard that provides automatic qualification for participation in any federal guarantee programs.

#### **Conclusion**

Since establishment at the recommendation of the then Senate Select Committee on Indian Affairs, the Intertribal Agriculture Council has sought to fulfill its overarching mission of improving the use of Indian resources by Indian people for the betterment of their communities. The IAC welcomes the opportunity to engage in further discussions with the Senate Committee on Indian Affairs, and would like to thank Chairman Hoeven, Vice-Chairman Udall, the members of the Committee, and the staff for their attention to what we feel is an inextricable piece of true sovereignty, self sufficiency, and self determination.

## PREPARED STATEMENT OF HON. VIRGIL SLOW, GOVERNOR, PUEBLO OF LAGUNA

Dear Chairman Hoeven and Vice Chairman Udall,

On behalf of the Pueblo of Laguna, Laguna, New Mexico, we write to submit testimony for the record urging the Senate Committee on Indian Affairs to ensure that Indian Country is included in the upcoming Farm Bill.

With Congress considering the Farm Bill this session, we request the Senate Committee on Indian Affairs work closely with the Senate Agriculture Committee to address Indian Agriculture in this important piece of legislation.

As Senator Udall is aware, the Pueblo of Laguna is located approximately 45 miles west of Albuquerque and Interstate 40 traverses the Pueblo's lands. Laguna is one of the original 19 Pueblos located in New Mexico and has a long tradition of farming and agriculture since time immemorial and our culture is steeped in this tradition. We have thrived on our production of vegetables and fruit. We have raised sheep and cattle which have sustained our people for many generations. Our foods are associated with all aspects of our traditions and culture and play an extremely important part in our seasonal way of life.

The Pueblo relies on programs funded through the U.S. Department of Agriculture (USDA). Our Community Health and Wellness (CHWD) programs have been able to provide traditional foods, grow healthier and accessible fresh food through USDA programs which benefit the community. Our Pueblo has a diabetes rate of 14% and growing health foods can help to decrease the rate. The Pueblo's CHWD Health Education Program would like to receive funding directly from the Environmental Quality Incentives Program (EQIP) for our community gardens and hoop house initiatives for our youth. Additionally, we currently have partnerships and collaborative efforts with the Institute of American Indian Arts and New Mexico State University, entities which receive funding for programs from USDA and offer services to community programs such as ours. The Pueblo would like to see our Pueblo Government funded directly for these programs rather than relying on other entities.

The Pueblo's Livestock Association members rely upon USDA programs available to the ranching communities but must compete against other local ranchers and sometimes compete against neighboring Pueblos under the current system of program administration. Our associations also use the EQIP and CSP programs. We would like to have tribal programs funded separately and apart from state and county programs.

Considering the state of agriculture of our community, the Pueblo of Laguna requests the Senate Committee on Indian Affairs and Senate Agriculture Committee include the following in any legislation regarding the Farm Bill:

- Tribal Governmental Parity with state and local governments throughout the entire Farm Bill.
- Tribal Administration of the SNAP and all Federal Food Assistance Programs through 638 Contracts.
- Expand the Substantially Underserved Trust Area (SUTA) provision across all Rural Development programs.

In addition, the Pueblo of Laguna supports the recommendations made by the Native Farm Bill Coalition and requests that those recommendations be included in agriculture legislation in this Congress.

Thank you for your support of Indian Country priorities in this important legislation.

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PREPARED STATEMENT OF HON. AARON PAYMENT, CHAIRMAN, SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS

My name is Aaron Payment. As a member and as the leader of the Sault Ste. Marie Tribe of Chippewa Indians, I am speaking on behalf of the Tribe. As always, my Tribe and I want to work in partnership with you.

The Sault Ste. Marie Tribe of Chippewa Indians is located in the Great Lakes area, along the Michigan—Canadian border. With over 44,000 members, my Tribe is the largest Tribal government east of the Mississippi River. Although our Tribal service area extends over 7 counties in rural Michigan, we have very limited reservation lands.

Our goals are similar to the goals of other rural Americans: We want successful rural communities, strong economic growth, solid infrastructure, and sustainable development. To achieve these goals, we will all need to work together.

Overall, reforms are needed within the Farm Bill. The United States economy requires all Americans to do more, with less. This testimony provides insight as to how the Farm Bill can be improved in ways that will enable rural America to thrive, without significantly increasing the overall budget.

#### **Parity Treatment**

Tribes are sovereign governments, recognized by the United States Constitution.<sup>1</sup> The U.S. Constitution places Indian Tribal governments at the same level as state governments and foreign nations.<sup>2</sup> Although the Farm Bill recognizes state and local government authorities throughout its text, very few places within the Farm Bill recognize the direct authority of Tribes. This needs to change.

#### **Government-to-Government Relationship**

Tribal governments have been recognized in the U.S. Constitution, the federal court system, and by law makers throughout the history of the United States. The relationship between the federal government and the Indian governments is long established. The Farm Bill needs to require the establishment of Tribal Offices within the U.S. Department of Agriculture that reflect this relationship.

#### **Farm Bill Accessibility**

The success of the Farm Bill can be measured by its accessibility to rural America. Although the Bill provides easy access to programs for most, it largely fails to accomplish this, for Tribes. This failure needs to be rectified.

#### **Reaching Our Goals**

Achieving parity treatment for Tribes, expanding recognition of the government-to-government relationships, and creating improved Farm Bill accessibility can all be achieved if we work together. For example, my Tribe encourages Tribal representation on Advisory Committees and Technical Committees. Furthermore, as Congress drafts the Farm Bill, we urge lawmakers to work with national inter-Tribal organizations (Native Farm Bill Coalition, the Inter-Tribal Agricultural Association, and the National Congress of American Indians) and with individual Tribes, like the Sault Ste. Marie Tribe of Chippewa Indians.

\*The in-depth analysis and proposed solutions regarding each of the issues has been retained in the Committee files.\*

#### **Attachment**

Dear Senator Hoeven:

As the elected Tribal Chairperson of the Sault Ste. Marie Tribe of Chippewa Indians, I am writing on behalf of my Tribe. This letter concerns existing challenges and opportunities within the 2018 Farm Bill.

Success of the Farm Bill can be measured by its accessibility to rural America. Although the bill provides easy access to programs for most, it largely fails to accomplish this, for Tribes. My Tribe has been able to identify areas requiring reform, as well as concrete ways to accomplish necessary changes. We have also provided suggested legislative language. This information is available in our “2018 Farm Bill—Challenges and Opportunities” document,\*

Some of the issues can be easily solved: For example, one reason it is difficult for Tribes to access Farm Bill programs is because there is not a common definition of “land owned by Indian Tribes” across all the USDA programs. There is inconsistency in the definition even within programs run by a single agency. By requiring a common definition, the Farm Bill can create greater program accessibility for Tribes across the United States. Another example of a “quick fix” is the need for the Farm Bill to require clarification that the Farm Credit Administration and its Farm Credit System member institutions are authorized to provide lending services to tribal governments, tribal farmers and ranchers, tribal businesses (including but

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<sup>1</sup> Article I, Section 8 (The Commerce Clause); Article II Section 2, Clause 2 (The Treaty Clause); Article IV, Section 3, Clause 2 (The Property Clause).

<sup>2</sup> Article I, Section 8

\*The information referred to has been retained in the Committee files.

not limited to cooperatives). Clarification will quickly create significantly greater loan accessibility for Tribes.

Some issues merely require greater interdepartmental cooperation. For example, Tribal members are required to meet multiple requirements from multiple US agencies and departments. Some have been found in violation of USDA program requirements because of conflicting requirements required by the US Department of Interior. The Farm Bill needs to require agencies and departments to hold harmless, members who have been directed by federal agencies to act in a way that is contrary to requirements set by another federal agency.

Other issues are more challenging, but are already close to achieving solid solutions: For example, Tribes want to have direct authority to administer their own federal food assistance programs which they are currently not allowed to directly manage. The USDA has already done a study, released in 2016, that found Tribes can manage food programs, but need clear 638 Overall, greater Tribal representation is needed in all advisory bodies (including technical advisory bodies). It is also recommended that wherever the Farm Bill makes reference to "states", it needs to include "Tribes" as well.

Other issues are more difficult to easily fix. For example, we need to change the way we use FDPIR and SNAP. Our people are not being fed enough. Allowing those who participate in FDPIR to also simultaneously participate in SNAP would make positive change. Neither program provides enough food for participants in remote places; by allowing simultaneous usage of the programs these two supplemental feeding programs can be combined to actually result in addressing food insecurity.

Before closing, I would be remiss if I did not address the possibility of program restructuring. It is understood that facing significant federal budget constraints, lawmakers may restructure food programs in the 2018 Farm Bill. Two changes have been discussed in the past, and my Tribe wishes to discuss them, here:

*Block granting federal food programs:* President Trump's March 2017 Skinny Budget included the possibility of block granting SNAP through state governments. If Congress chooses to restructure federal food programs by block granting them through state governments, the Sault Ste. Marie Tribe of Chippewa Indians strongly recommends the federal treatment of Tribes as state governments. The alternative (blocking food programs through state governments and requiring Tribes to go through state processes to access federal programs) is impractical, unworkable, and, we believe, illegal: State governments do not have a government-to-government relationship with the Tribal Nations, nor do they have treaty obligations to provide for the health and general welfare of Tribes. The relationship between Tribal and state governments has been historically inconsistent and unreliable. Recently, state government administration of federal programs (like, LIHEAP) has hampered Tribes' abilities to fully implement needed services. To make Tribal governments dependent upon state governments for food distribution programs would be wholly unacceptable.

*Work Requirements:* Work requirements should be recognized as inapplicable to federally-recognized Tribes. Tribal people don't need to "work" for federal benefits. Food and health benefits (and more) are already owed to us. Within the Treaties between the United States and the Indian Nations, the federal governments promised Tribes that, in exchange for all the Tribal lands and resources, it would continue to recognize Tribal sovereignty and provide forth health and general welfare of Tribal members, in perpetuity. Tribal nations met our part of the bargain. We gave the federal government everything we had. In the end, food benefits, is exactly the kind of thing that has been "bought and paid for" by the Tribal people. Any work requirements necessary for federal programs are inapplicable to federal recognized Tribes.

I close this letter with my sincerest hope that we can work with you to achieve the changes discussed, herein. Again, please note the in-depth analysis and proposed solutions regarding each of the issues can be found in the "2018 Farm Bill—Challenges and Opportunities" document.

Respectfully,

AARON A. PAYMENT

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PREPARED STATEMENT OF UNITED SOUTH AND EASTERN TRIBES SOVEREIGNTY  
PROTECTION FUND (USET SPF)

On behalf of the United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we are pleased to provide the Senate Committee on Indian Affairs with the following testimony for the record of the Committee's recent hearing, *Breaking New Ground in Agribusiness Opportunities in Indian Country* held on Jan-

uary 17, 2018. As it considers the reauthorization of the Farm Bill nears in 2018, Congress must use this opportunity to uphold the federal trust responsibility and fully engage with Tribal Nations in the development and negotiation of this important legislation.

USET SPF is an intertribal organization comprised of twenty-seven federally recognized Tribal Nations, ranging from Maine to Florida to Texas.<sup>1</sup> USET SPF is dedicated to enhancing the development of federally recognized Tribal Nations, to improving the capabilities of Tribal governments, and assisting USET SPF Member Tribal Nations in dealing effectively with public policy issues and in serving the broad needs of American Indian and Alaska Natives (AI/ANs).

Agriculture is among the largest economic development industries in Indian Country, providing \$3.4 billion per year in revenue. In addition, more than 50 million acres of Tribal land throughout Indian Country is engaged in food and agriculture to some extent. Though agriculture has had such a big impact within Indian Country, Tribal Nations have been left out as key partners in the development of previous Farm Bill negotiations. As a result, Tribal Nations are left without access to vital programs, such as nutrition programs, within the U.S. Department of Agriculture (USDA) that would help to provide healthy, sustainable and traditional food to Tribal Citizens. Though USET SPF appreciates the importance of Tribal agribusiness, we underscore the need to address larger agricultural needs for Tribal Nations within the Farm Bill, including the Nutrition and Conservation titles. With this in mind, we strongly support the testimony and legislative initiatives of the Native Farm Bill Coalition on the wide variety of Tribal priorities for this reauthorization. Below, USET SPF would like to highlight several Farm Bill priorities on behalf of our member Tribal Nations.

#### **Tribal Parity**

Overall, Tribal Nations must have parity when it comes to accessing all federal programs that would address any sort of disparities experienced within Tribal communities, including but not limited to infrastructure, health and safety. Full parity provides Tribal Nations with the tools that state and local governments already enjoy, to make important investments in their own communities. Therefore, Tribal Nations and Tribal producers must have equitable access to programs under all the titles within the Farm Bill. Full parity would allow Tribal governments, producers, and organizations access to every program allowed within USDA. Greater access to USDA programs would provide Tribal Nations with a wide range of support to build and strengthen agricultural economies, including:

- Providing direct assistance to Tribal agricultural enterprises and individual AI/AN producers;
- Increasing access to credit and capitol for AI/AN farmers and ranchers;
- Promoting conservation and best practices to enhance vitality of Tribal lands for agricultural production and forest land management;
- Directly supporting Tribal Nations to meet their nutritional needs by increasing access to Tribal traditional foods, helping to address health disparities; and
- Developing infrastructure, such as water and electricity utilities.

Unfortunately, many of these programs, with some notable exceptions, are not currently tailored to the needs of Tribal Nations. The Farm Bill establishes the framework for USDA programs to serve America, therefore, now is the time to address the limitations to full access to crucial USDA programs by Tribal Nations. It is imperative that the reauthorization of the Farm Bill achieve Tribal parity within each title of the Farm Bill and not just a handful of provisions.

Specifically, USET SPF requests full parity for Tribal Nations under the Conservation title. There is a growing need for Tribal Nations to access the USDA programs that provide conservation services. Parity for Conservation programs is es-

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<sup>1</sup> USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Aroostook Band of Micmac Indians (ME), Catawba Indian Nation (SC), Cayuga Nation (NY), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

sential to Tribal Nations, as these programs help to provide protection and sustainability of Tribal land as well as Tribal agricultural products. USET SPF recommends that this can be accomplished by including or inserting the term "Tribal" into provisions where reference is made to "state", "local" or "regional" producer.

Improving access to USDA programs and funding for Indian Country will help to ensure Tribal governments have the ability to establish long-term plans and goals for their communities and the surrounding rural communities. In addition, improving revenue streams for Tribal Nations within the Farm Bill will help Native farmers and ranchers continue to grow their food businesses and build Tribal food systems to support their economies and communities.

#### **Tribal Set-Asides and Technical Assistance**

The Farm Bill must reflect the unique status of Tribal Nations and the government-to-government relationships with the United States. Currently, Tribal Nations compete with states and other Tribal entities to attain vital USDA funding. Tribal Nations should not have to compete with states or other Tribal entities to provide their citizens with the resources they critically need. This is contrary to the federal trust responsibility to Tribal Nations, and results in a severe lack of parity in access to resources for Tribal citizens. Tribal set-asides within each title of the Farm Bill will help to address the inadequate agricultural funding in Indian Country as well as help to address the unmet federal trust obligations for Tribal Nations. For example, many Tribal governments manage central infrastructure within their communities such as critical electric and water systems, which are covered by the Rural Development title of the Farm Bill. A Tribal set-aside within Rural Development would help to address a lack of utility infrastructure on Tribal land.

In addition, due to the unique characteristics of Tribal Nations, including the unique status of some Tribal lands and legal jurisdiction in Indian Country, specialized technical assistance must be provided to Tribal Nations within the Farm Bill. At times, those providing technical assistance on USDA programs have little to no experience in working with Tribal producers or other Tribal entities. Lack of technical assistance has contributed to Tribal Nations not being able to access vital USDA programs.

#### **Traditional Foods**

Though Tribal Nations have access to millions of acres of land that are already engaged in some form of agriculture or food production, these foods do not stay within Tribal communities. At this time, the \$3.4 billion generated annually through Tribal agriculture efforts is more than 99 percent raw commodities, instead of the healthy, local, economically beneficial, and nutritious food needed in Tribal communities and rural areas. Access to traditional and healthy foods is not just an economic issue, but a health and sustainability issue as well. When it comes to the production and access of traditional foods, the Farm Bill plays a important role within Indian Country to ensure Tribal Nations have the resource they need to address the health disparities within their communities.

Food sovereignty is crucial to the health and overall wellbeing of Tribal communities. A lack of healthy foods has only exacerbated health disparities, including the prevalence of diabetes, heart disease, obesity, cancer and other chronic diseases within Tribal communities. Across Indian Country, Tribal Nations and Tribal producers are actively engaging in food sovereignty projects that would increase the amount of traditional food, including fresh fruit, meat, and vegetables within Tribal communities. The Farm Bill must include provisions that would ensure Tribal food sovereignty and traditional food programs are supported under USDA. This includes ensuring Tribal Nations and Tribal agriculture programs have equal access to vital agriculture programs that would support traditional food programs, including, for example, the Specialty Crop Block Grant Program. The sustainability of traditional foods and crops are vital to the cultural and spiritual lives of Tribal citizens.

In addition to equal access to USDA program funding for the enhancement of Tribal traditional food programs, the Farm Bill must direct USDA to take the necessary steps, including engaging in comprehensive Tribal consultation, to ensure that Tribal products are given the maximum protection under federal law so that they are protected from non-Tribal commercialized purposes. Tribal products are often derived from traditional seeds, which are among the most sacred items to individual Tribal Nations. The Farm Bill must reflect the inherent right and sovereign status of Tribal Nations to protect traditional seeds not just to ensure biosecurity and food security for their communities, but to preserve market competitiveness for Tribal products as well.

### **Self-Governance of SNAP and other Nutrition Programs**

Finally, barriers to Tribally-run nutrition programs must be addressed within the Nutrition title of the Farm Bill. As a matter of governmental parity, Tribal Nations must have the authority to engage in Tribal Self-governance to administer the Supplemental Nutrition Assistance Program (SNAP), Food Distribution Program on Indian Reservations (FDPIR) and other vital nutrition programs. Tribal Nations, like other units of government, are responsible for providing essential services to their citizens, including those related to nutrition. However, and in spite of a 2014 USDA feasibility study, Tribal Nations continue to be excluded from administering SNAP and other nutrition programs under P.L. 93-638 contracting and compacting. USET SPF joins Tribal Nations and organizations across the country in calling upon this Committee and this Congress to ensure that Tribal sovereignty and self-determination for federal nutrition programs is included as part of the 2018 Farm Bill.

### **Conclusion**

As this nation's first farmers, ranchers, and stewards of the land, Tribal Nations must be engaged as full partners in the development of the Farm Bill reauthorization. The 2018 Farm Bill negotiations must include and incorporate perspectives from Indian Country to afford parity, opportunity, and consistency under the federal food and agriculture laws, funding policies, and programs. Though there have been great strides made for Indian Country agriculture by individuals and organizations in previous Farm Bills, there are still many steps needed to reach full parity in 2018.

### **Attachment**

USET SPF RESOLUTION NO. 2018 SPF:004

### **SUPPORT FOR REAUTHORIZING THE FARM BILL WITH TRIBAL PROVISIONS**

**WHEREAS**, United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of twenty-seven (27) federally recognized Tribal Nations; and

**WHEREAS**, the actions taken by the USET SPF Board of Directors officially represent the intentions of each member Tribal Nation, as the Board of Directors comprises delegates from the member Tribal Nations' leadership; and

**WHEREAS**, the U.S. Congress is deliberating on the nature of food and agriculture policy for the nation and the world, as it must reauthorize the multiyear Farm Bill in 2018, which governs all farm programs, rural development, and nutrition initiatives within the U.S. Department of Agriculture; and

**WHEREAS**, agriculture is among the largest economic development industries in Indian Country, providing \$3.4 billion per year; and the policies that provide the framework for Indian Country's agriculture production constitute a large portion of the Farm Bill; and

**WHEREAS**, an overwhelming majority of the land throughout Indian Country is involved in agriculture production; and

**WHEREAS**, many Tribal citizens live in rural areas and communities where the cost of building or repairing basic infrastructure systems is often prohibitively high, and the 2018 Farm Bill will provide an authorization of federal funding for rural infrastructure initiatives; and

**WHEREAS**, Tribal citizens in rural areas are often afflicted by poverty of place, where they are unable to find suitable employment to provide adequate income that supports good nutrition for their families; and thus, may rely on federal nutrition programs authorized in the Farm Bill; and

**WHEREAS**, even with the great strides made for Indian Country agriculture in previous Farm Bill negotiations, the \$3.4 billion generated annually through Indian agriculture efforts is still more than 99 percent raw commodities, instead of the healthy, local, economically beneficial, and nutritious food needed in Tribal communities and rural areas; and

**WHEREAS**, the 2018 Farm Bill negotiations, resulting policies, and funding must include and incorporate perspectives from Indian Country to afford parity, opportunity, and consistency under the federal food and agriculture laws, policies, and programs; and

**WHEREAS**, improving programs and funding for Indian Country will help to ensure Tribal governments have the ability to establish long-term plans and goals for their communities and the surrounding rural communities, and help Native farmers and ranchers continue to grow their food businesses and build Tribal food systems to support our economies and communities; and

**WHEREAS**, the 2018 Farm Bill effort being promoted by the Native Farm Bill Coalition is the best opportunity in decades for Indian Country to effectively create positive and truly relevant change in federal agriculture policy to enhance the development of Indian agriculture beyond raw commodities, support infrastructure, research, and education in Tribal communities, and improve federal food nutrition programs in Indian Country while providing Tribal governments the authority to manage these programs; and

**WHEREAS**, in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it

**RESOLVED** that the USET SPF Board of Directors calls upon the U.S. Congress to fulfill its federal trust responsibility to Indian Country during the development and negotiation of the 2018 reauthorization of the Farm Bill to incorporate Tribal parity, opportunity, and consistency throughout, and encourage and support continued participation, development, and progress in Indian Country's agriculture businesses, food systems, infrastructure, and nutrition programs.

#### CERTIFICATION

This resolution was duly passed at the USET SPF Annual Meeting, at which a quorum was present, in Cherokee, NC, October 12, 2017.

Chief Kirk E. Francis, Sr., President/Chief Lynn Malerba, Secretary, United South and Eastern Tribes, Inc.

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#### PREPARED STATEMENT OF HON. TROY SCOTT WESTON, PRESIDENT, OGLALA SIOUX TRIBE

On behalf of the Oglala Sioux Tribe, I am submitting testimony for the January 17, 2018 hearing about "Breaking New Ground in Agribusiness Opportunities in Indian Country" to provide preliminary comments on the priorities and needs of the Tribe for the upcoming Farm Bill. The Farm Bill is extremely important to Indian Country, and we will be actively engaged as the bill is further developed. We request that the Senate Committee on Indian Affairs work closely with the Senate Agriculture Committee to share its expertise for addressing Indian Agriculture in this important piece of legislation.

We thank Chairman Hoeven and Vice Chairman Udall for continuing the important discussion of Agribusiness Opportunities in Indian Country at a roundtable on January 18, 2018, titled "Advancing Native Food Traditions for Indian Country." We were encouraged by the testimony of a representative from the National Indian Health Board who spoke of the fact that tribes have long carried out the administration of complex health systems, which demonstrates that they have the necessary experience to administer the United States Department of Agriculture (USDA) programs.

#### Tribal History and Background

The Oglala Sioux Tribe is a sovereign band of the Teton Division of the Great Sioux Nation.<sup>1</sup> Our unique political relationship with the United States, and our rights and the United States' obligations to us, are set forth in a series of treaties. Under the 1825 Treaty, the Oglala Band of the Teton Division of the Sioux Nation became a protectorate of the United States.<sup>2</sup> In 1851, the United States recognized the seven Teton bands' title to sixty million acres of territory in the present-day states of North Dakota, South Dakota, Nebraska, Montana, and Wyoming.<sup>3</sup> However, the United States did not abide by the treaty terms. Continued westward expansion resulted in the Powder River War of 1866–1868. The war culminated with the signing of the 1868 Fort Laramie Peace Treaty.<sup>4</sup>

Significantly, the Sioux Treaty of 1868 provided for a *quid pro quo*: by the terms of the Treaty, the United States promised to provide certain benefits and annuities to the Sioux bands each year in exchange for peace. The United States discontinued negotiating treaties with tribes in 1871 by statute, yet that statute provides that "no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871 shall be hereby invalidated or impaired." Our treaties are still in full force and effect, and the United States' obligations to us are not

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<sup>1</sup> The Oglala Band reorganized as the "Oglala Sioux Tribe" under Section 16 of the 1934 Indian Reorganization Act. 25 U.S.C. § 5123. All pre-existing treaties of the Oglala Band still apply to the Oglala Sioux Tribe under 25 U.S.C. § 5128.

<sup>2</sup> Treaty of July 2, 1825 (7 Stat. 252).

<sup>3</sup> September 17, 1851 (11 Stat. 749).

<sup>4</sup> Treaty of April 29, 1868 (15 Stat. 635).

discretionary; they are legal and moral obligations. The Oglala Sioux Tribe's treaties are of utmost importance to us. They are what define our relationship with the United States and we rely on them to press the United States to act in accordance with the solemn promises it made to us in them. Treaties are the supreme law of the land.<sup>5</sup>

The Oglala Sioux Tribe is a body politic comprised of approximately 46,855 tribal members, of which approximately 28,000 reside on the Pine Ridge Indian Reservation.<sup>6</sup> Our Reservation consists of approximately 2,785,658 acres of territory in the southwestern portion of South Dakota. The Tribe and its members hold over 1.7 million acres of trust land<sup>7</sup> within the Reservation. As such, the Tribe is one of the largest land based tribes in the United States. Unfortunately, while we have vast land holdings and natural resources, our members suffer from some of the worst quality of life indicators in the country from unemployment to overcrowded housing to health disparities and beyond. Oglala Lakota County (formerly Shannon County), which is the western part of our Reservation, is consistently one of the three poorest counties in the entire United States. Our Reservation is also the most highly fractionated in all of Indian Country, as recognized by the Department of the Interior's Buy-Back Program, and this hinders the use of our lands. We need economic development and community infrastructure suitable to meet the needs of our members.

Agribusiness is critical for our Tribe and the whole of Indian Country. However, there are significant opportunities to increase agribusiness success on Pine Ridge Reservation. According to the 2012 Census of Ag-American Indian Reservations—USDA, only 55 percent of the 363 farms located on Pine Ridge are operated by Native Americans, and of those 200 farming enterprises, at least 64.5 percent meet USDA's definition of small farm (gross sales less than \$250,000) with farm value sales of less than \$99,999. Furthermore, 39 percent report sales of less than \$50,000.<sup>8</sup>

Given the importance of treaties and our government-to-government relationship with the United States, in addition to Indian Country's large presence in the agriculture industry, we call on Congress to support tribal interests and recognize the significant impact Farm Bill policies have on our communities.

#### **Legislative Priorities for the Farm Bill**

The Farm Bill authorizes USDA programs and addresses numerous areas of law and policy related to agriculture. Considering the importance of agriculture for our community, the Tribe requests that the Senate Committee on Indian Affairs and the Senate Agriculture Committee include the following in any legislation regarding the Farm Bill:

- Ensure tribal governmental parity with state and local governments throughout the entire Farm Bill.
- Provide for tribal administration of the Supplemental Nutrition Assistance Program (SNAP) and all federal food assistance programs through extending "638" selfgovernance contract authority.
- Expand the Substantially Underserved Trust Area (SUTA) provision across all Rural Development programs.

As the Farm Bill has many titles and covers numerous issues deeply important to Indian Country, the following recommendations are not an exhaustive representation of the Tribe's priorities to be included in any agriculture legislation in this Congress. However, we hope that they serve to highlight for the Committee some of the matters that the Tribe supports for the Farm Bill reauthorization at this stage in its development. The Tribe will continue to engage and supplement this testimony going forward.

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<sup>5</sup> United States Constitution, Art. VI, Cl. 2.

<sup>6</sup> There are different statistics available. The cited membership number is from the United States Bureau of Indian Affairs' website page about the Reservation and the member resident number is from a study conducted by Colorado State University (Dr. Katherine Pickering and David Barteechi, Pine Ridge Project director for Village Earth) in 2005 that the United States Department of Housing and Urban Development accepted. HUD's Indian Housing Block Grant Formula Data, 2014, has Tribal Enrollment at 43,146 with an American/Indian Alaska Native Population Residing on the Reservation as 33,935. The Tribe's Enrollment Office also tracks the figures.

<sup>7</sup> The figures for Reservation size and trust land amount are from the Oglala Sioux Tribe's Land Office and the United States Bureau of Indian Affairs' website page about the Reservation, respectively.

<sup>8</sup> U.S. DEPT OF AGRIC., PINE RIDGE AGRICULTURE ECONOMY, at 4 (2017), available at <https://www.rd.usda.gov/files/USDARD-PRAEJanuary2017.pdf>.

*Title I: Commodities*

- Amend definitions for the Supplemental Agricultural Disaster Assistance Programs in Section 1501(a)(1)(B)(iv) to create parity for tribal governments and extend recognition of the authority of entities organized under tribal law or under federal law. Revise the law to recognize commonly raised or harvested animals in tribal communities as livestock and eligible for full protection and program participation across USDA.
- Increase Livestock Indemnity Payments for tribal producers to 90 percent under Section 1501(b), to address the lack of land equity that exists for tribal producers on trust lands and account for the unique challenges tribal livestock producers have in obtaining secure markets for their animals, which generally causes a lower rate of market return.
- Ensure tribal eligibility in the Livestock Forage Disaster Program by ensuring that payment rates are set at 90 percent levels. Additionally, tribal producers must be explicitly exempt from any limitations on receiving payments on any losses due to fire on “public managed land.” Tribal lands<sup>9</sup> are not “public” lands.<sup>10</sup>
- Amend Section 1606 to explicitly recognize tribal governments, entities, and producers as farmers or ranchers eligible to participate in the Geographically Disadvantaged Farmers and Ranchers Program.

*Title II: Conservation*

- Give priority consideration to tribal governments, tribal entities, and individual tribal landowners and operators to participate in Environmental Quality Incentives Program (EQIP) activities, in addition to the 5 percent tribal set-aside. Among many ways to increase tribal priority, ensure increased consultation between tribal governments and state conservationists and notification to tribes regarding all activities related to the EQIP program and other NRCS programs in their state.
- Enhance the use and continuity of conservation programs on tribal lands and individual Indian owned land by authorizing the USDA Secretary to create a permanent technical assistance fund for tribal governments and organizations.
- Authorize the Secretary to work with the Bureau of Indian Affairs (BIA) and a Tribal Conservation Technical Committee made up of tribal government representatives from each of the BIA regions to identify initiatives and programmatic opportunities to improve the conditions of tribal lands and individual Indian-owned lands.

*Title IV: Nutrition*

- With 25 percent of all Native Americans receiving some type of federal food assistance, and in some tribal communities as high as 60–80 percent, the importance of the Nutrition Title programs in Indian Country cannot be overstated. SNAP provides benefits to 24 percent of American Indian and Alaska Native households. Further, American Indians and Alaska Natives make up more than 12 percent of the participants in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).
- Significant legislative changes need to occur within the Food Distribution Program on Indian Reservations (FDPIR) and other Federal feeding programs. Since 2015, USDA has consulted with tribal leaders on how to make improvements to these programs and many of these improvements should be adopted in the 2018 Farm Bill. There needs to be improvement in funding and flexibility in the FDPIR.
- Provide for tribal administration of SNAP and all other federal food assistance programs that tribes are currently not allowed to directly manage by providing tribes with “638” contract and compact authority for nutrition programs, which

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<sup>9</sup>The term “Indian country” means “(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.” 18 U.S.C. § 115.

<sup>10</sup>E.g., Federal Land Policy and Management Act, 43 U.S.C. § 1702(e)(2) (enabling act for the Bureau of Land Management; excluding “lands held for the benefit of Indians, Aleuts, and Eskimos” from the definition of “public lands”).

already exists for Department of the Interior and Indian Health Service programs.

#### *Title VI: Rural Development*

As one of the largest land based tribes in the United States and due to the rural nature of Pine Ridge Reservation, Rural Development (RD) Title programs and funding are vitally important to our Tribe and members. The USDA Economic Research Service classifies South Dakota as “frontier and remote” in both land area and population and our Pine Ridge Reservation represents Level 4, the “most isolated group.”<sup>11</sup> The RD programs provide important tools for the Tribe to build or update infrastructure, which is essential to our communities and to spur economic development on our Reservation. One recent example is our work with the USDA to upgrade certain community water systems so they can be transferred into the Mni Wiconi Project. Much work remains on this monumental work and RD is critical to our efforts.

- Broaden the Substantially Underserved Trust Area (SUTA) provision to include all RD programs and allow the Secretary to exercise this discretion more broadly, so that, among other things, the waiver of matching requirements for projects funded through RD would also be extended.
- Provide a tribal set-aside for tribal applications within each of the RD program authorities to address the inadequacy and general lack of rural infrastructure in Indian Country. Many shovel-ready tribal infrastructure and community development projects have gone unfunded over the past several years. We need dedicated funding for our infrastructure projects.
- Establish a permanent rural development tribal technical assistance office to provide tribes with technical assistance across all RD funding authorities within the USDA.
- *Maintain an Under Secretary for Rural Development.* Having an Under Secretary whose primary duties are to focus on RD programs and funding is critical for Indian Country. Any changes that would impact the role of Under Secretary for Rural Development must be the subject of tribal consultation.
- *Maintain rural water and wastewater program funding.* Rural water and wastewater systems are essential to community support and economic growth for our Tribe and all of Indian Country. This funding should never be lost.

#### *Title IX: Energy*

- Establish a Tribal Bio-Based Energy Development Grant Program to help spark economic development and energy infrastructure development in tribal communities, while providing low-cost energy to tribal communities and surrounding rural areas.

#### *Title XII: Miscellaneous*

- Fully fund the USDA Office of Tribal Relations (OTR) at a minimum of \$1.5 million. Adequate funding is essential to carrying out OTR duties, including the oversight of all USDA tribal consultation.
- Authorize the establishment of an Office of Tribal Agriculture within the Office of the Secretary to coordinate all USDA programs as those programs apply to tribes, maximize the value of the programs, address issues in compliance and access of programs that are carried out within USDA, and serve as a liaison between the USDA, tribes, and individual Indian producers.
- Develop a new program, based on those USDA already has, that focuses on educating and training the tribal agriculture labor force, provides key scholarships to Native producers, and encourages Native scholars and scientists to focus on food and agriculture.
- Create an Interdepartmental Task Force on Indian Agriculture within the OTR, the Office of the Secretary, and representatives of each of the agencies and offices of the USDA, along with the BIA, to develop administrative efficiency and regulatory changes needed to ensure Native agriculture is supported.
- Require the USDA to recruit and appoint tribal citizens to each of the federal advisory committees it seats and supports.
- Permanently establish the Council for Native American Farming and Ranching to advise the Secretary and USDA, and fully fund its work.

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<sup>11</sup> U.S. DEPT OF AGRIC., PINE RIDGE AGRICULTURE ECONOMY, at 17 (2017), available at <https://www.rd.usda.gov/files/USDARD-PRAEJanuary2017.pdf>.

### **Conclusion**

We thank the Senate Committee on Indian Affairs for taking the time to conduct this hearing and think it is crucial for Congress to continue to engage with tribes on these important issues through additional hearings and roundtables. Tribal Nations have considerable experience and much to share regarding the federal nutrition, agriculture, and conservation policies included in the Farm Bill. We encourage Congress to support tribal interests and recognize the significant impact Farm Bill policies have on our communities.

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#### **PREPARED STATEMENT OF THE LUMMI TRIBE OF INDIANS (LUMMI NATION)**

Dear Chairman Hoeven and Vice-Chairman Udall,

Good morning and thank you Mr. Chairman and distinguished Committee members for the opportunity to share with you our priorities. On behalf of the Lummi Tribe of Indians (Lummi Nation) of the State of Washington, we write to submit testimony for the record urging the Senate Committee on Indian Affairs to ensure that Indian Country is included in the upcoming Farm Bill.

With Congress considering the Farm Bill this session, we request the Senate Committee on Indian Affairs to work closely with the Senate Committee on Agriculture; Senate Committee on Energy and Natural Resources; and the Senate Committee on Environment and Public Works to address this important piece of legislation.

### **Background Information**

Since time immemorial, the Lummi people have been, and still are, referred to as the Lhaq'temish (people of the sea). We are the original inhabitants of Washington's northernmost coast and southern British Columbia. The Lummi Indian Reservation (Reservation) is located approximately eight (8) miles west of Bellingham, WA; 90 miles north of Seattle, WA; and 60 miles south of Vancouver, BC. The Reservation is comprised of a five (5) mile long peninsula (known as the Lummi Peninsula) and separates the Lummi Bay (located on the eastern side of the Reservation) and Bellingham Bay (located on the western side of the Reservation). The mouth of the Nooksack River is located at the northern end of the Reservation, whereas Portage Island is located at the southern end of the Reservation. There are approximately 32 miles of highly productive marine shoreline that surrounds the Reservation. The Reservation is approximately 13,500 acres of uplands and 10,500 acres of tidelands.

Today, the Lummi Nation is the third largest Tribe in the State of Washington serving a population of over 5,000 tribal members. We are connected to the lands and waters that provide us with the cultural and traditional foods including, but not limited to, animals, berries, birds, fish, plants, and shellfish that physically and spiritually sustain us as a people. We understand the challenge of respecting the environment and our traditions. The wisdom of our ancestors and previous leaders allow us to teach our children and grandchildren to care for the lands and waterways, to educate them about the importance of the environment, and to strengthen our appropriate ties with neighboring communities, governments, and jurisdictions.

### **Aquaculture of the Tribe**

For thousands of years, and still today, our people fish, gather, harvest, hunt, and celebrate life on the shores and waters of the Salish Sea (formally known as the Puget Sound). On January 22, 1855 the Lummi Nation was one of the signatories to the Point Elliot Treaty of 1855 (Treaty). Article V of the Treaty secured us the "right of taking fish at usual and accustomed [U & A] grounds and stations." Article XIII of the Treaty states that the United States agreed to "enable the said Indians to remove to and settle upon their aforesaid reservation, and to clear, fence, and break up a sufficient quantity of land for cultivation." Article XIV of the Treaty states that the United States agreed to "establish. . .an agricultural and industrial school, to be free to children of said tribes and bands," and "to furnish them with the necessary tools. . ."

The Nooksack River watershed is comprised of approximately 786 square miles within Whatcom County, WA. The North, Middle, and South forks of the Nooksack River originate on federal lands near Mt. Baker and are within the Water Resources Inventory Area No. 1 (WRIA 1). The Nooksack River watershed hosts nine (9) species of salmonids. One-third (3 of 9) of the species of salmonids are listed under the Endangered Species Act (ESA): Chinook, Steelhead, and Bull trout. There are twenty-five (25) salmonid stocks within WRIA 1 and only three (3) salmonid stocks are currently considered healthy. Twelve (12) percent (3 of 25) of the salmonid stocks

are considered healthy in the WRIA 1. Factors that impact the number of healthy salmonid stocks include, but are not limited to, habitat degradation, low quality water, high levels of fecal coliform, dissolved oxygen, and sedimentation.

The 2018 Farm Bill is an important piece of legislation that primarily focuses on agriculture. Many tribes throughout the United States are tied to agriculture production; however, the Lummi Nation is unique and do not consider ourselves as agriculturalists, we consider ourselves as aquaculturists (farmers of the sea). The Lummi people established hatcheries and programs during the early 1970s in response to environmental threats to fish and shellfish populations. The Skookum Creek Fish Hatchery was built in 1970 and is located near the mouth of Skookum Creek in Acme, WA. The Skookum Creek Fish Hatchery produces 1.5 million yearling Coho salmon each year. These yearlings are released into the South Fork Nooksack River each spring.

The Lummi Bay Hatchery was built in 1971 and is located on the western side of the Reservation. The Lummi Bay Hatchery works in coordination with the Washington State Department of Fish and Wildlife (WDFW) Kendall Creek Hatchery and Samish Hatchery and the Bellingham Technical College (BTC) Whatcom Creek Hatchery. The Lummi Bay Hatchery releases 1 million juvenile Coho salmon and 500,000 juvenile fall Chinook salmon for its program. Another 500,000 juvenile fall Chinook salmon are released from an acclimated pond located in Bertrand Creek near Lynden, WA. Furthermore, the Lummi Bay Hatchery produces and releases more than 400 million shellfish seed to local tidelands and buyers (geoduck, manila clams, and oysters).

#### **United States Department of Agriculture (USDA) Programs Utilized by the Lummi Nation**

It is estimated that twenty-five (25) percent of American Indian and Alaska Native (AI/AN) people in the United States receive some type of federal food assistance. However, in some tribal communities, participation in these federal food assistance programs is as high as sixty (60) to eighty (80) percent. Furthermore, approximately sixty-eight (68) percent of AI/AN children in the United States qualify for free and reduced-price lunches. More importantly, more than twelve (12) percent of AI/AN participants in the Supplemental Nutrition Assistance Program (SNAP) utilize the Women, Infants, and Children (WIC) food assistance program.

Considering the state of agriculture/aquaculture for our community, the Lummi Nation requests the Senate Committee on Indian Affairs; Senate Committee on Energy and Natural Resources; and the Senate Committee on Environment and Public Works include the following in any legislation regarding the Farm Bill:

- Tribal Government Parity with State and Local Governments throughout the entire Farm Bill;
- Tribal Administration of the SNAP and all Federal Food Assistance Programs through the Self-Determination Contracts pursuant to P.L. 93–638; and
- Expand the Substantially Underserved Trust Area (SUTA) provisions across all Rural Development programs

In addition, the Lummi Nation supports the following recommendations to be included in any Farm Bill legislation in the Congress.

#### **Title I (Commodity Programs)**

The Lummi Nation is deeply invested in the production, distribution, and consumption of hatchery fish and shellfish. Below are the Lummi Nation recommendations:

- The Lummi Nation requests that the 2018 Farm Bill include support for commercial fishing harvests that are deemed disasters (e.g. Sockeye disaster) caused by adverse weather.
- Update the farm-raised fish definition in § 1501 (a)(2) of the Agriculture Act of 2014 to include fish and shellfish hatcheries. The Lummi Nation does not have agriculture land; we are aquaculture-based using hatcheries to supplement the lack of harvestable fish and shellfish.
- Update the livestock definition in § 1501 (a)(3) of the Agriculture Act of 2014 to include other commonly raised livestock like “Chinook salmon,” “Coho salmon,” “geoduck,” and “manila clams” or other animals raised or harvested in tribal communities. All of these animals must be further recognized as a livestock and eligible for full protection and program participation Department-wide.
- Ensure that tribal producers’ (agriculture/aquaculture) are eligible 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 the Farm Agency Committees and decision-making.

#### **Title II (Conservation)**

Conservation programs are an essential part of land protection and product development. Below are the Lummi Nation recommendations:

- The Lummi Nation requests that the USDA conservation programs allow for the use of traditional, ecological, knowledge-based conservations practices.
- Update 16 U.S.C. § 3838d(4)(A)(i) to include aquaculture commodities and update 16 U.S.C. § 3838d(4)(B) to include tidelands. Expanding the USDA conservation programs to include aquaculture and tidelands would allow fishing tribes to utilize these programs and services to improve tideland habitats.
- Update 16 U.S.C. § 3839aa-2(g)(1) to include tideland habitats. The Lummi Nation has approximately 10,500 acres of tidelands. In 1996 the Lummi Nation closed 60 acres of shellfish beds in Portage Bay due to poor water quality. In 1997 the Lummi Nation closed an additional 120 acres of shellfish beds in Portage Bay due to poor water quality. During these two closures, it was estimated that a lost value of the shellfish products was approximately \$825 thousand dollars, which does not include the multiplier effect on the economy.
- The Lummi Nation requests that the USDA implement a Self-Governance block grant within the conservation programs. The Lummi Nation is the largest fishing fleet in the State of Washington. About nineteen (19) percent of our tribal members (988 of 5238) depend on the fish and or shellfish harvesting either for ceremonial, commercial, or subsistence use.

#### **Title IV (Nutrition)**

Over a five (5) year period (2014–2018), the Congressional Budget Office (CBO) projected that the Farm Bill would cost \$489 billion dollars. The 2014 Farm Bill authorized \$2 million dollars to be appropriated for the Food Distribution Program on Indian Reservations (FDPIR) for each fiscal year of 2014 through 2018. This authorization represents only 0.002 percent of the \$489 billion dollars projected for the 2014 Farm Bill. Below are the Lummi Nation recommendations:

- Allow tribes the option to enter into Self-Determination Contracts pursuant to P.L. 93–638 for administration of the SNAP and all other federal feeding programs.
- Improve the funding, flexibility, and infrastructure of the FDPIR.
- Include a provision for Food Sovereignty. For the Lummi people, we define food sovereignty as the ability to produce, distribute, and consume our cultural and traditional foods that include, but not limited to, animals, berries, birds, fish, plants, and shellfish. Food sovereignty is our ability to cultivate, fish, gather, harvest, and hunt for our cultural and traditional foods.

#### **Title VI (Rural Development)**

Stretching over thirty-four (34) states, more than 100 million acres of tribal lands are located in rural areas. Tribal businesses, tribal entrepreneurs, tribal governments, and local communities rely on rural development (RD) funding to build new infrastructure, sustain economic development and growth, but face issues when accessing this type of funding. Below are the Lummi Nation recommendations:

- Increase the RD funding available for tribal governments. An increase in RD funding will allow reservations, tribal businesses, tribal entrepreneurs, tribal governments, and rural communities to develop and improve declining infrastructure systems, create jobs, and ensure that the federal government trust responsibility is upheld by providing tribal consultation for tribes within the USDA RD programs.
- Maintain the rural water and wastewater funding. A vast majority of tribal reservations are located in rural communities. Tribal governments, individual tribal and non-tribal business owners, reservations, and rural communities rely on this type of funding, which is essential for economic growth.

#### **Title VII (Research, Extension, and Related Matters)**

The Northwest Indian College (NWIC) is a direct result of the Lummi Indian School of Aquaculture (LISA). The LISA was founded in 1973 as a training program. The program was designed to develop and prepare technicians for employment in Indian-owned and operated fish and shellfish hatcheries. In 2010, the NWIC was granted accreditation at the baccalaureate level. Today, the NWIC offers four (4)

bachelor degree programs: Bachelor of Arts in Native Studies Leadership; Bachelor of Arts in Community Advocates and Responsive Education in Human Services; Bachelor of Science in Native Environmental Science; and a Bachelor of Arts in Tribal Governance and Business Management. Below are the Lummi Nation recommendations:

- Programs within this Title allow for the development of tribal research and education at Tribal Colleges and Universities (TCUs). The NWIC incorporates traditional knowledge and practices while providing education. One of the functions within the Cooperative Extension program at NWIC is food sovereignty. Fund the Federally Recognized Tribes Extension Program (FRTEP) at a minimum of \$10 million to address agriculture programming and food sovereignty.
- Update funding systems to reflect the research and educational needs of tribal communities. With 567 federally recognized tribes, each tribe is unique. We must continue to focus on the tribal research and education, and traditional knowledge and practices that are incorporated within tribally owned and managed institutions.

#### **Title VIII (Forestry)**

The Federal Government manages 57 million acres of Indian land held in trust. One-third (18.6 million acres) of these lands are Indian forests and woodlands. The Healthy Forest Reserve Program (HFRP) is administered by the USDA Natural Resources Conservation Service. The HFRP is designed to help landowners restore, enhance, protect forestland resources, and aid in the recovery of endangered or threatened species under the ESA. Below are the Lummi Nation Recommendations:

- Improve the Tribal Forest Protection Act (TFPA) and adopt the Section 301 and 303 (114th H.R. 2642 Rep. Westerman) legislative language into the 2018 Farm Bill. Streamline the TFPA to improve the timelines for review and implementation of forest restoration projects requested by tribes.
- The Nooksack River watershed hosts three (3) salmonid species that are listed under the ESA. Restoring the forest is critical to the survival of salmonids. For many decades, the Lummi Nation has worked to restore the wildlife habitat to ensure that the fish and shellfish populations continue to thrive. We ask for parity so that we can access, manage, and develop tribal and federal forests and woodlands to protect the environment, tribal resources, and wildlife habitat.

#### **Title X (Horticulture)**

Horticulture primarily focuses on specialty crops and organic farming operations. As mentioned previously, the Lummi people are aquaculturists (farmers of the sea). Our Reservation is approximately 13,500 acres. In 1999 the Lummi Natural Resources Department conducted a study to determine how many acres of our Reservation were considered wetlands. The study concluded that 5,432 acres (or 40 percent) of our Reservation was wetlands. We simply do not have agriculture land. Below are the Lummi Nation recommendations:

- Food sovereignty is important to the AI/AN people. We ask that the Farm Bill support food sovereignty throughout Indian Country. The Farm Bill needs to include provisions that protect cultural and traditional foods.
- We ask that the USDA consult with tribes to ensure that our cultural and traditional foods are given maximum protection under federal laws.

#### **Title XII (Miscellaneous)**

Through cooperative agreements (National Aquatic Animal Health Plan), the USDA, National Oceanic and Atmospheric Administration (NOAA), and the US Fish and Wildlife Service work together to detect, control, or eradicate diseases of aquaculture species while promoting species-specific best management practices. In August 2017, Cooke Aquaculture Inc. failed to notify tribes that an Atlantic salmon net pen collapsed releasing hundreds of thousands of non-Native finfish species into the Salish Sea. Below are the Lummi Nation recommendations:

- We ask that the Farm Bill fully fund, at a minimum \$1.5 million dollars, the Office of Tribal Relations at USDA.
- When conducting agriculture, aquaculture, and food operations on our own lands, tribes and individual landowners should not be required to conduct a full NEPA. This requirement is far more excessive than any applicable law, and violates our right to food, food access, environmental and food justice, and food sovereignty.

- Amend the language that controls USDA contracting and procurement to recognize and support a “Buy Indian” provision. We ask that Indian preference be given when the USDA is purchasing any product being utilized by AI/AN people within our communities (like the FDPIR).

### **Conclusion**

For thousands of years, our people have flourished in and around the Salish Sea. The land and water provide us with the cultural and traditional foods (animals, berries, birds, fish, plants, and shellfish) that sustain us as a people. We are a fishing community; we farm the sea for a lack of better term. We request that you consider fish and shellfish hatcheries when deliberating this piece of important agriculture legislation.

In 1985, the average Lummi fisherman made \$22,796 (\$51,860 in 2017 dollars). Eight (8) years later, in 1993, the average income from fishing was \$5,555 (\$12,693 in 2017 dollars). Today, our fishermen/women are working hard to financially sustain themselves through fish and shellfish harvesting. We request that Congress consider legislative language for tribes who rely on aquaculture. Forty (40) percent of our Reservation is wetlands, and since time immemorial, we have always been a fishing community. We simply cannot farm our lands the way agriculturalists do, we are aquaculturists.

In 2013 the Port of Bellingham in the State of Washington commissioned a study title, “The Economic Impacts of the Commercial Fishing Fleet at the Port of Bellingham 2013.” There are 2,220 fishing jobs at the Port of Bellingham. There are 988 jobs (596 fishers, 258 crabbers, 49 divers, and 85 clam diggers) within the Lummi Nation. The total number of commercial fish and shellfish jobs in Whatcom County is 3,208. The Lummi Nation accounts for thirty-one (31) percent of those jobs. The total economic value of fishing (tribal and non-tribal) on Whatcom County is a little more than \$519 million dollars. The economic value of Lummi fishing on Whatcom County is nearly \$161 million dollars, or thirty-one (31) percent of \$519 million dollars. The economic value of non-Lummi fishing on Whatcom County is a little more than \$358 million dollars, or sixty-nine (69) percent of \$519 million.

In January 2017, the Lummi Nation entered into a Memorandum of Agreement (MOA) with seven (7) dairy farmers of Whatcom County, WA. We (Lummi Nation and dairy farmers) depend on the health and productivity of the lands and waters of Whatcom County. The purpose of the MOA was designed so that the Lummi Nation and dairy farmers can work cooperatively to improve the water quality of the Nooksack River Basin. The goal of this MOA is to develop Water Quality Improvement Plans (WQIPs) that are specific to each facility, which is still an ongoing process.

Lastly, the Lummi Nation (tribal government, tribal business enterprises, and the NWIC) is the largest employer in Whatcom County. One (1) in every thirty-three (33) people employed in Whatcom County receive their paycheck from the Lummi Nation. There are 1,888 direct jobs from the Lummi Nation, an additional 2,939 indirect and induced jobs, for a total of 4,827 jobs. The economic output of the Lummi Nation is \$496 million dollars per year. We are a tribal government that strives to strengthen our appropriate ties with neighboring communities, governments, and jurisdictions.

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#### **PREPARED STATEMENT OF RYAN JACKSON, CHAIRMAN OF THE HOOPA VALLEY TRIBE**

Dear Chairman Hoeven and Vice Chairman Udall,

On behalf of the Hoopa Valley Tribe of California, we write to submit testimony for the record urging the Senate Committee on Indian Affairs to ensure that Indian Country is included in the upcoming Farm Bill.

With Congress considering the Farm Bill this session, we request the Senate Committee on Indian Affairs to work closely with the Senate Agriculture Committee to address Indian Agriculture in this important piece of legislation.

The Hoopa Valley Tribe (HVT) is located on the Hoopa Valley Reservation (HVR) in the remote and beautiful rugged mountain terrain of the Six Rivers National Forest in northern California. HVT has the distinction of being the largest land base Indian reservation within the state of California. Presently, there are approximately 3,400 enrolled members of the Tribe. The HVR was established in 1864 by executive order and is commonly referred to as the twelve-mile square representing nearly 93,000 Acre of lands that have been the home of the Hupa people since time immemorial. Nearly the entire reservation is in trust, with less than 5 percent of the lands held in fee status by non-tribal members. The HVT has existed within the same aboriginal lands within the valley floor of the HVR where ancient village sites

have been radiocarbon dated and shown continuous usage for over 10,000 years. The Hupa people have lived along the banks of the Trinity River which bisects the valley floor.

The Trinity River represents the lifeblood of the Hupa people who have sustained themselves with the bounty of resources that the Trinity River has provided to the Hupa people such as fish and related resources. The remote location has maintained a heavy reliance on fishing, hunting, gathering, and organic agricultural practices by Hupa people.

The Tribe has designated itself as a Self-Governance Tribe, thereby administering the breadth of its programming through direct services to its membership. Many USDA programs are administered on the Hoopa Reservation including SNAP, FDPIR, Rural Development Community Facilities, NRCS EQIP, and more. The following guidance offered to the Senate Committee on Indian Affairs stems from direct experience with the following programs and agencies.

Considering the state of agriculture for our community, Hoopa Valley Tribe requests the Senate Committee on Indian Affairs and the Senate Agriculture Committee include the following in any legislation regarding the Farm Bill:

- Tribal Governmental Parity with State and Local Governments throughout the entire Farm Bill (see below)
- Tribal Administration of the SNAP and all Federal Food Assistance Programs through 638 Contracts (see below)
- Expand the Substantially Underserved Trust Area (SUTA) provision across all Rural Development programs

In addition, as a member of the Intertribal Agriculture Council (IAC), the Hoopa Valley Tribe supports the IAC testimony and incorporates it herein by reference. In addition, the Hoopa Valley Tribe would like to add the following recommendations to be included in any agriculture legislation in this Congress.

#### **Treatment as a State for Tribal Governments**

It is important that Congress insist on parity for tribes throughout the Farm Bill. Congress should finally and permanently recognize the role of tribal governments, in parity with state and local governments. Tribal governments and departments must have the authority to engage with all of USDA and federal agencies related to the Farm Bill. USDA must seriously recognize and work with tribes, and provide tribal liaisons that are more responsive and knowledgeable about Indian Country issues. Tribes should receive full treatment as a state for tribal governments, including recognition of their tribal laws, authority, and jurisdiction. The Hoopa Valley Tribe already has a complete food code and economic development program similar to our local and state counterparts.

#### **638 Authority and Tribal Management of USDA programs**

For the Hoopa Valley Tribe, particularly as an early and successful Self-Governance Tribe, it is essential that Congress grant USDA the 638 authority necessary so that Hoopa and other tribes can administer and control the delivery and success of the many USDA programs that are important in Indian Country, especially the Supplement Nutrition Assistance Program (SNAP). We know best how to administer these programs for our people, and who most needs food assistance and what type. A Hoopa led government approach will bring us more success efficiencies and engagement of our people, including the incentive to grow and produce more of our own locally produced traditional foods. Management of these USDA food programs is important both for our sovereignty and to better provide direct service to Tribal citizens in need of assistance. We need Congress to fully recognize our wisdom in providing flexibility in the management of nutritional quality of the food provided and culturally appropriate programming and service delivery.

Tribes need a mechanism to more effectively engage with all the USDA agencies; 638 authority would help that. 638 authority is particularly important in the Nutrition, Forestry, and Conservation Titles for the Hoopa Valley Tribe. Hoopa stands ready, as a sovereign, to administer its own food assistance programs for the benefits of our citizens. Contract support costs must be included as well. Managing our own nutrition and feeding programs allows us to both exercise our sovereignty in the best interest of our people's nutritional needs, but also do so with an eye towards economic development and self-sufficiency. We are best equipped to know our own community's needs and how best to ensure we are creating jobs at the same time.

We also request that USDA incorporate more traditional foods into the variety of feeding programs. USDA has not fully taken advantage of the wealth of traditional tribal and locally grown foods for inclusion in FDPIR. USDA also needs to provide

improved technical assistance to tribes in accessing and understanding USDA programming and requirements. Matching fund requirements under FDPIR should be stricken.

#### **Recommendations Pertaining to the 2018 Farm Bill Titles**

**Commodities Title**—The Hoopa Valley Tribe supports the IAC testimony that can be incorporated herein as reference.

#### **Conservation Title**

**Priority:** Maintain and further the flexibility of the Environmental Quality Incentives Program (EQIP) to insure that Tribal traditional management practices, such as cultural burning, can be supported to manage for culturally significant plants, fibers, foods, and animals.

**Issue:** The reimbursement incentive payment rates established for many NRCS practices do not adequately incentivize conservation work within Tribal contexts. The size/scale of operations in CA Indian Country tend to be much more diverse and smaller than conventional agricultural operations in other parts of the state (with few exceptions). Reimbursement incentive payments must reflect the distance contractors/supplies must travel to remote locations, which is a financial burden on many producers.

**Priority:** Native producers in Hoopa only have at largest 12 acres lots to develop conservation planning. EQIP practices need to be more accessible to small scale producers. Tribal EQIP set asides need to be adopted as protocol within states that have substantial populations of Tribes to insure that the competition for program dollars is amongst other Tribal projects, rather than competing with substantial commercial agriculture operations.

Additionally, the Hoopa Valley Tribe supports the IAC testimony that can be incorporated herein as reference.

**Trade Title** The Hoopa Valley Tribe supports the IAC testimony that can be incorporated herein as reference.

#### **Nutrition Title**

The HVIR resides in Humboldt County where 16 percent of the population receives SNAP benefits. The Hoopa Food Distribution Program services 800–900 people in 12 counties (native/non-native) and 10 Tribes in Northern California. Native Americans face the highest rates of obesity, heart disease, and nutritional deficiencies. With our Tribal Grocery Store set to open this spring, a Community Canning and Kitchen Facility, and irrigation infrastructure projects also in the works, we are constantly making strides towards our goals of selfsufficiency. By reducing or eliminating these programs at such a critical time, we will run the risk of being set back years while our local agriculture production is set to expand and flourish. Reducing these programs will block access to healthy, locally produced foods and thus reduce local producers' ability to expand and take advantage of the favorably changing local market conditions that are emerging with the development of local markets. Shrinking local markets by eliminating these programs will also reduce job opportunities, while demand for locally produced goods would be lessened by the elimination and/or reduction of these programs. Producing more of our own goods and services in Hoopa, while investing in infrastructure that will allow for this, have been major goals of the Tribe that were formalized with the completion of our Comprehensive Economic Development Strategy (CEDS). Eliminating funding to SNAP, FDPIR, WIC, Early Head Start/Head Start, and Free Lunch Programs would disproportionately impact our most sensitive populations (seniors, single parents, and children) within native communities across the country. This at-risk population includes both enrolled members of Federally-recognized Tribes and non-Indian persons who share the same living conditions.

The Tribe's Senior Nutrition Program has operated from a variety of funding sources including Federal, State, non-profit, and Tribal funds over the years. Seniors in the Hoopa community would be disproportionately affected by cuts to the Supplemental Nutrition Assistance Program. Beyond insuring proper nutrition, this program provides an important social outlet for seniors who otherwise might not leave their home or socialize with others. Over 17,000 meals were served through our programming in 2017. The Senior Nutrition program is a resource hub as well, linking seniors to other essential community services. In addition to a hot and healthy meal, the Senior program connects elders to programs that are essential to filling the gap in groceries in their home lives. Programs like the Food Bank offer brown bags of foodstuffs to seniors throughout our community, supplementing with much needed staples. Other food programs will work out arrangements with local farmers to prepare packages of locally grown fruits and vegetables for delivery to the homes of seniors. For the seniors that cannot make it to the center due to health concerns,

a home delivery option is also provided both for the hot meal and the special bagged food services. Cuts to this program represent the most devastating kind, targeting a population that does not have available resources to absorb such impacts.

Any cuts to these programs—SNAP, FDPIR, Senior Nutrition, Early Child Care Lunch programs, free lunch programs, and WIC would be a great hardship on rural tribal communities that are located in food deserts. The impacts would disproportionately impact Indian County as a whole, making the nutrition title a primary focus area for tribes.

We also request that USDA incorporate more traditional foods into the variety of feeding programs. USDA has not fully taken advantage of the wealth of traditional tribal and locally grown foods for inclusion in FDPIR. Matching fund requirements under FDPIR should be stricken.

#### **HVT recommendations include:**

- Nutrition programs utilized by Tribes throughout the country need to operate at current or increased funding levels.
- Eliminate matching policies for all nutrition programming administered by Tribal communities to lessen the hardship for limited resource tribes.
- Allow SSI recipients to apply for FDIPR and SNAP benefits.
- Funding be provided to train and hire tribal food inspectors, as well as a rural tribal technical assistance office.
- Additionally, the Hoopa Valley Tribe supports the IAC testimony that can be incorporated herein as reference.

#### **Credit Title**

Access to credit for Indian Country has been an ongoing and difficult issue. Having access to a lending entity that understands Indian Country, tribal sovereignty and difficult financial realities is critical. Given our remote and isolated location, Hoopa like many tribes, lives as a 'credit desert'—tribes need equitable access to credit. It is important that rural lending programs are clear and explicit about their ability to lend to Indian Country—including with programs like the Farm Credit Systems. And USDA needs to ensure that banks can't hide behind the myth that individual Indians can't mortgage land to get loans or put onerous requirements on such as short loan period. Due to the nature of landholding and land ownership in Indian Country, some clarification of this requirement is in order to help provide certainty for the FCS in lending in Indian Country. Access to credit through FSA and Rural Development must not be hampered by outdated program rules that do not match our credit needs.

Additionally, the Hoopa Valley Tribe supports the IAC testimony that can be incorporated herein as reference.

#### **Rural Development Title**

**Issue:** The reimbursement structure for the Community Facilities grant program is a hardship on limited resource tribes and tribal non-profits. The seeking of outside assistance implies a lack of internal resources to begin with. Having to purchase all contracted items outright prior to receiving the cost-share reimbursement can keep many who need assistance out of this program.

**Solution:** Structure the grant portion of the program to enable the hatching of purchases with a reimbursement schedule that can be paid in installments to enable smaller purchases and more realistic outlay of limited resources. For example: Rural Development could do a 50 percent upfront for each project, or reimburse in increments of 25 percent for tribes, non-profits, and tribal members.

**Issue:** Single Family Housing Repair Loans and Grant Program is undemitized in CA Indian Country. This may be due to inadequate outreach regarding this important program, or it may also be due to the programmatic structure and application process.

**Solution:** Employ Rural Development Tribal Liaisons in each state who are familiar with distinctions and issues in Indian Country to directly outreach to Tribal communities. Insure that that grant program applications and processes are streamlined to be more reflective of needs in Indian country. Institute Tribal fund pools to insure resources are earmarked for Tribal projects to minimize competition with municipalities and other entities.

Additionally, the Hoopa Valley Tribe supports the IAC testimony that can be incorporated herein as reference.

#### **Research Title**

USDA also needs to provide improved technical assistance to tribes in accessing and understanding USDA programming and requirements. Outreach from extension

officers to Hoopa and rural tribes has been lacking; allowing tribes and universities to better access FRTEP funds would help ease this challenge.

In General, tribal liaisons in each USDA program that has depth of understanding of tribal communities and federal/sovereign laws

Additionally, the Hoopa Valley Tribe supports the IAC testimony that can be incorporated herein as reference.

**Forestry Title** The Hoopa Valley Tribe supports the IAC testimony that can be incorporated herein as reference.

**Energy Title** The Hoopa Valley Tribe supports the IAC testimony that can be incorporated herein as reference.

**Horticulture and Specialty Crops Title** The Hoopa Valley Tribe supports the IAC testimony that can be incorporated herein as reference.

**Crop Insurance Title** The Hoopa Valley Tribe supports the IAC testimony that can be incorporated herein as reference.

#### Miscellaneous

##### Tribal Food Inspectors:

As part of its economic development strategy and prioritization of locally grown, traditional foods, Hoopa is in the process of developing a marketplace for the processing and production of locally grown foods for market. However, federal regulations and certification requirements are burdensome and confusing. It is essential that the Farm Bill provide for funding of training and provision of tribal food inspectors. USDA should also create a mral tribal technical assistance office.

The Hoopa Valley Tribe supports the IAC testimony that can be incorporated herein as reference.

Thank you for receiving the recommendations from the Hoopa Valley Tribe.

#### PREPARED STATEMENT OF HON. RUSSELL BEGAYE, PRESIDENT, NAVAJO NATION

As the elected leaders of the Navajo Nation we write to outline our priorities for the 2018 Farm Bill. We urge you as leaders of the Senate Committee on Indian Affairs to support these priorities to be included in the final Farm Bill.

The Navajo Nation's land base is 28,000 square miles across Arizona, New Mexico, and Utah. The Navajo Nation faces many of the same issues as other rural American communities. Unemployment on the Navajo Nation is approximately 40 percent and the labor force participation rate is significantly higher. There is a serious lack of access to high-speed broadband which reduces economic opportunity. The Navajo Nation also relies heavily on employment at two rural coal fired power plants. The Nation also faces several federally-created economic and legal barriers such as the Former Bennett Freeze Area (FBFA)<sup>1</sup> a congressionally authorized freeze on any building development on Navajo and Hopi lands from 1966 to 2009<sup>2</sup> and the Gold King Mine Spill, an environmental mining spill caused by the Environmental Protection Agency that contaminated the San Juan River, which is used by Navajo farmers and ranchers.

While there are many challenges that need federal attention, the Navajo Nation is using its own resources to fund infrastructure projects. The Navajo Nation has sought to of leverage our own funds with the assistance of federal, state, or private entities. Some of these projects will be highlighted in this letter. While we have had some success, the Navajo Nation will continue to request and advocate for additional federal funding and programs to supplement financing its own projects. The Nation also tmW be eligible to participate in any federal matching funds that are available to states.

The upcoming changes to the Farm Bill will have a substantial impact on Navajo's agriculture production, economic development, job growth, infrastructure improvement, technological innovation, energy security and quality of life of our citizens. It is critical that the Navajo Nation and the Navajo people participate in this opportunity to update the Farm Bill.

**Program Self-Governance.** 1be Farm Bill presents a tremendous opportunity for USDA program administration reform and tribal self-governance. The Nation requests the Committee on Indian Affairs create the statutory authority for Indian tribes to administer nutrition and other USDA programs. Such a self-governance

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<sup>1</sup> For over 40 years, this area was prohibited from improvements or developments by the federal government.

<sup>2</sup> Since infrastructure is now allowed to be built, the 23rd Navajo Nation Council approved funding to provide 36 housing units in the area. Moving forward, the Navajo Nation will continue to work with federal officials to development basic infrastructure, housing, and economic development opportunities within the FBFA.

program has already proven to be effective in direct service delivery and local governance, both with the Bureau of Indian Affairs (BIA) and with the Indian Health Service. It is critical Congress take advantage of this opportunity to modernize USDA program administration and direct service delivery.

**Supplemental Nutrition Assistance Program (SNAP).** While the exact numbers of Navajo citizens receiving SNAP is unknown,<sup>3</sup> the County Community Data Profile of Navajo County, AZ found that an average of 30 percent of Navajo households were receiving SNAP in 2013. This emphasizes the need to continue the SNAP program in the Farm Bill; however, the SNAP program can better serve tribal members if the Farm Bill also authorizes Indian tribes to manage and administer SNAP. Presently, Navajo citizens have to apply through the state creating difficulties for our citizens in traveling long distances and additional administrative/economic burdens for state agencies.

**Rural Development.** President Trump's USDA Budget Request for FY 2018 requested an \$80 million set-aside for rural infrastructure grants to be used for Distance Learning and Telemedicine, Broadband, Community Facilities and housing in the Appalachia Region.<sup>4</sup> The Navajo Nation would like to request a portion of the overall requested \$162 million for Indian tribes located on Indian reservations affected by declining coal. In February 2017, the owners of the Navajo Generating Station (NGS) informed the Navajo Nation that they intended to shut down the coal-burning power plant due to the low price of natural gas as opposed to the cost of burning coal. While the plant remains open, the future of the plant and the more 3,000 jobs connected to the plant remains uncertain.<sup>5</sup> Thirty-five percent of homes on the Navajo Nation lack access to electricity, running water, wastewater, and other utility services. The Navajo Tribal Utility Authority (NTUA), a Navajo-owned utility company, has previously taken advantage of USDA Rural Utility Service (RUS) loans and grants for Water Security Systems, telecommunications programs, electric programs, and energy programs. Recently, the NTUA built a solar plant to help with energy security on a coal dependent community and received an RUS loan that helped putting the cost on the rate-payers on the Navajo Nation.

**Community Facilities.** Cost savings for individual residents, such as NTUA's use of the RUS loans, frees up household income to be spent in other areas of the Navajo economy. For example, travel costs for cancer treatment. Typical cancer treatment requires fifty medical visits, which requires a round trip visit for a patient who lives on an Indian reservation, that can total 8,000 miles in all. The Indian Health Service has no cancer treatment budget and a dedicated source of federal funding is needed for tribes to launch their own cancer treatment programs.<sup>6</sup> The Navajo Nation requests the Rural Development Community facilities Program be reauthorized in the 2018 Farm Bill to provide grants for oncology programs and facilities on Indian reservations.

**E-Connectivity.** The Eastern Agency of the Navajo Nation needs more quality Internet access. The NTUA has received a USDA Community Connect Grant<sup>7</sup> to provide Internet access for a portion of the Eastern Agency. The Navajo Nation would like to request increased funding and to allow for "tribal ownership" to count for a higher grant score for Community Connect Grants. In addition, the Navajo Nation would like to gain access to spectrum in the area. The Navajo Nation would like to see additional resources for broadband access including allowing tribal governments to establish competitive grants for carriers, allowing refinancing for projects that serve substantially underserved trust areas, and including more Distance Learning and Telemedicine Grants<sup>8</sup> projects on Indian reservations.

**Individual Farmers and Ranchers.** Many individuals participate in conservation efforts in order to improve land to launch new farms and ranches. For example, the community of Many Farms is a unique fanning community with a 25,000 acre

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<sup>3</sup>The SNAP is a state-administered program that does not administer demographic data.

<sup>4</sup> USDA FY 2018 Budget Summary pg. 30.

<sup>5</sup>In early July, the Navajo Nation was able to successfully finalize an agreement with the NGS owners to allow the power plant to remain in operation until the end of 2019. Since lease extension, the Navajo Nation to seek new owners and operators of the power plant. Aside from securing new owners and operators, there remains the challenge of securing power purchase agreements in order to continue selling the power that is generated at the plant beyond 2019 keeping the future of continued operations uncertain.

<sup>6</sup>American Indians on five reservations are exposed to mill tailings that are the radioactive byproduct of uranium mining and milling that helped the federal government win WWII and the Cold War. Currently there is research being conducted on the links of Uranium exposure to cancer and other medical issues.

<sup>7</sup>Section 601 of the Rural Electrification Act of 1936, (7 U.S.C. 950bb).

<sup>8</sup>Section 2333(d)(5) of the Food, Agriculture, Conservation, and Trade Act of 1990, (7 U.S.C. 950aaa-2).

foot lake and the potential to dramatically expand their fanning operations. There are many families who would like the opportunity to develop farmland in their communities, but the lack of start-up resources is a challenge. Community farms and ranches produce fresh foods for families and businesses and provide healthier food options for people on the Navajo Nation. The Navajo Nation would like to reauthorize and meaningfully increase funding for the Beginning Farmer and Rancher Development Program in the 2018 farm Bill.

**Infrastructure.** Currently, the Navajo Indian Irrigation Project (NIIP) provides water for the Navajo Nation's international agribusiness Navajo Agriculture Products Industry (NAPI). Despite Congress passing the NIIP in 1964, the project has yet to be fully constructed. We request the complete construction of a portion of NIIP known as "Block 9," which consists of early 10,000 acres. Construction is the responsibility of the Bureau of Reclamation (BOR). We request the appropriations cap be lifted for construction costs and that construction appropriations be increased to finally complete the NIIP.

After construction, the BOR then transfers the project to the BIA for maintenance. Federal funding has decreased from approximately \$24 million annually to a current low of \$3.3 million for O&M costs. The Navajo Nation would like to see increased O&M funds for the NIIP. Based on a 2012 study by researchers at the University of Arizona and economists with Compass-Lexecon Consulting, NAPI has lost approximately \$4 billion thanks to federal inability to complete construction. The NIIP is not able to reach its full capacity in terms of revenue, production, and job creation due to the funding deficiencies.

**Funding Parity and Farm Labor Housing Direct Loans & Grants.** In April 2016, the Navajo Nation Council approved the "Permanent Trust Fund Income Five-Year Expenditure Plan," which provides \$150 million to increase economic, community, and agricultural development. The funding for the expenditure plan is derived from the interest, earned from the Navajo Nation's Permanent Trust Fund's principal balance. We seek to maximize the usage of outside funding to supplement to cost of developing the project listings over the five-year period. We urge Congress to ensure that tribes are eligible for any and all matching funds available to states. In addition, we request the Farm Labor Housing Direct Loans and Grants to be reauthorized in the 2018 Farm Bill to assist traveling agriculture workers.

**Crop Insurance.** The Navajo Nation owns 26 tribal ranches and allows individuals to produce and maintain livestock on the ranches and participates in the USDA Farm Risk Agency Pasture, Rangeland, Forage (PRF) Pilot Insurance Program, which allows financial protection against drought for production of losses for grazing or harvested hay. The Navajo Nation requests the Federal Crop Insurance Corporation is authorized to continue the PRF Pilot Insurance Program.<sup>9</sup>

Due to low commodity prices and other industry factors, the NAPI seeks innovative ways to reduce pest populations and promote its international sales. The Navajo Nation supports the protection of agricultural resources and international marketing through the USDA Marketing and Regulatory Programs and the Agricultural Marketing Services program.

**Conservation.** Conservation is a priority for the Navajo Nation, and in order to minimize duplicative reviews, we request that USDA Natural Resources Conservation Service (NRSC) accept the more detailed Bureau of Indian Affairs (BIA) grazing plans<sup>10</sup> for the USDA conservation programs.

The Navajo Nation participates in several USDA Conservation Programs including Environmental Quality Incentive Programs (EQUIP), the Conservation Stewardship Program (CSP), and the Regional Conservation Partnership Program (RCPP), which provide financial assistance to install and maintain conservation practices. In 2017, the Navajo Nation participated in the RCPP to establish a Watershed Planning team<sup>11</sup> for watersheds in the Little Colorado River Basin, which is about 25 percent of the Navajo Nation. Watershed studies are important for the region to access quality water sources.<sup>12</sup> Quality water is a challenge due to uranium mining and environmental accidents such as the Gold King Mine. The Navajo Nation would like to preserve funding for RCPP.

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<sup>9</sup> Section 11026 of the Agricultural Act of 2014, Pub. L 113–79, (7 U.S.C. 1523).

<sup>10</sup> American Indian Agricultural Resource Management Act. Pub. L 103–177.

<sup>11</sup> The Watershed Planning Team is for 5-years and is for watershed pursuant to Pub. L. 83–566.

<sup>12</sup> In January 2016, the Navajo Nation Council approved a historic legislation that funded \$180 million for bulk water projects and water sanitation projects—marking the largest ever water infrastructure investment by the Navajo Nation. In September 2017, the Navajo Nation broke ground on the first of several bulk water infrastructure projects in the community of Greasewood, Arizona.

The Navajo Nation requests CSP, EQIP, and RCPP grants be reauthorized beyond 2018. The Navajo Nation would like to see these programs cover contracted acres where the covered entity still grows the covered crops and to see additional outreach to Navajo producers. In order to provide additional outreach, the we would like to keep Natural Resources Conservation Service offices specifically in St Michaels and Chinle, Arizona to retain Navajo Nation members conservation engagement.

**Customer Service.** The Navajo Nation would like any USDA reorganization efforts to increase Indian tribe's prosperity and that support for prosperity on tribal lands is elevated within the USDA. In order to continue progress and improvement of USDA-tribal relations, we request Congress make The Council on Native American Farming and Ranching<sup>13</sup> a permanent<sup>13</sup> statutory advisory committee beyond 2018.

The Navajo Nation is looks forward to working with the Committee on moving forward our priorities for the 2018 Farm Bill.

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PREPARED STATEMENT OF HON. AMBER TORRES, CHAIRMAN, WALKER RIVER PAIUTE TRIBE

Dear Chairman Hoeven and Vice Chairman Udall,

On behalf of the Walker River Paiute Tribe of Schurz, Nevada, we write to submit testimony for the record urging the Senate Committee on Indian Affairs to ensure that Indian Country is included in the upcoming Farm Bill. We joined the Native Farm Bill Coalition on October 12, 2017 with Resolution WR-1 04-2017 and wholeheartedly support their ongoing efforts to support the Farm Bill reauthorization and advocate for greater Native inclusions in future Farm bills.

With Congress considering the Farm Bill this session, we request the Senate Committee on Indian Affairs to work closely with the Senate Agriculture Committee to address Indian Agriculture in this important piece of legislation.

Our reservation is located in rural Nevada, located in the northwestern part of the state. Our reservation town is Schurz, Nevada. Our land base covers 325,000 acres of land that includes three counties—Mineral, Lyon and Churchill. We service 3,643 members on our reservation.

Farmers on our reservation grow alfalfa crops on small farms (est. 20 acres). We have a Cattleman's Association made up of tribal members that graze 550 head of livestock within the reservation boundaries. We incorporate our traditional foods into our everyday lifestyle that our people have lived on for thousands of years, including Pinenuts, Buckberries, fish, deer and small animals such as rabbit and wild turkey.

We have and continue to work with our nearby USDA representatives in utilizing funding from the Environmental Quality Incentive Program, through the Natural Resource Conservation Service and emergency type programs from the Farm Service Agency. We were also fortunate to receive a fireworks building through the Rural Development program a few years ago; this allowed for a great economic boost to our tribe.

Agriculture is a very important component for our community, and a way of life for most. The Walker River Paiute Tribe requests the Senate Committee on Indian Affairs and the Senate Agriculture Committee include the following in any legislation regarding the Farm Bill:

- Tribal Governmental Parity with State and Local Governments throughout the entire Farm Bill.
- Tribal Administration of the SNAP and all Federal Food Assistance Programs through 638 Contracts.
- Expand the Substantially Underserved Trust Area (SUTA) provision across all Rural Development programs.
- Include Tribes, Native Organizations and Natives in all phases of drafting regulations for programs that will impact Indian country.

In addition, the Walker River Paiute Tribe supports the following recommendations to be included in any agriculture legislation in this Congress. We are noting a couple of our priorities below:

Nutrition Title: This is the most important priority to our reservation as we have a high population of unemployment. The access to the Food Distribution Programs on Indian Reservations is critical to our population's health and well-being. The tribal members also appreciate the availability of the traditional foods that have been incorporated into the food packages, along with the fresh fruits and vegetables. The Supplemental Food Assistant Program is very vital within our community as

well, as this supports a majority of our tribal members as well and allows them to make smart and healthy decisions for their households. The Women, Infant and Children program is a much needed program on our reservations to make sure that our children are getting access to all the nutritional values that they need on a daily basis to become strong, healthy indigenous leaders of tomorrow. Our Tribe wants to make sure that these programs get full funding with no budget cuts as this is a trust responsibility of the Federal Government to our Native population.

**Commodities Title:** The tribes know that the NAP program is funded at 75 percent currently and would like to see this increase to at least 90 percent of agricultural funding. Access to food, and markets is a huge barrier, and policies should be designed to keep this in mind. Tribes should be at the table for meaningful feedback and consultation when drafting regulations that would impacts how they can serve their population.

The entire Farm Bill has programs, funding and resources that our Tribe and others depend on. We are requesting that there be no funding cuts to any of the programs. We are also endorsing any and all recommendations as brought forth by the Native Farm Bill Coalition.

We also want to advocate for a meeting of the Tribal Nations across Indian country to have good, meaningful consultation with you and others to discuss this bill.

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PREPARED STATEMENT OF HON. WILLIAM IYALL, P.E., CHAIRMAN, COWLITZ INDIAN TRIBE

Dear Chairman Hoeven and Vice Chairman Udall,

On behalf of the Cowlitz Indian Tribe, we respectfully submit testimony for the record urging the Senate Committee on Indian Affairs to ensure that Indian Country is included in the upcoming Farm Bill.

With Congress considering the Farm Bill this session, we request the Senate Committee on Indian Affairs to work closely with the Senate Agriculture Committee to address Indian Agriculture in this important piece of legislation.

The Cowlitz Indian Tribe represents our area of historic interest on the lower Columbia River and southwest Washington. We are the stewards of the land. The Cowlitz Indian Tribe was restored to federal recognition in 2000. We received a small reservation in 2015. The U.S. Forest Service National Forest system has been important to our people, as we continue to gather our traditional and cultural resources primarily on the Gifford Pinchot National Forest. There are a wide variety of resources we have always utilized from the Gifford Pinchot National Forest for survival and trading purposes. This activity pre-dates any land-management policies of the United States.

Among the primary sources of material or traditional and cultural purposes, Western red cedar (*Thuja plicata*) is one that is very significant to us. Cedar bark and roots were and still are used for many reasons, such as cedar woven hats and clothing. Cedar wood was and is used for making longhouses, canoes, and traditional art carvings. Traditionally, this source was important to maintain our way of life, and today it also serves to maintain our culture and economies. Other significant products include black huckleberry, beargrass, mountain goat wool, mushrooms, cones, salal, river rock, and poles.

The Cowlitz Indian Tribe works with Gifford Pinchot National Forest staff to coordinate Cowlitz tribal resource gathering. This gathering is established through inherent right and through the Memorandum of Understanding and Letter of Authorization specifically outlining the Forest Service's understanding that natural resources are vital to the Cowlitz Indian Tribe's economic, religious, spiritual, and cultural life ways.

Considering our community, the Cowlitz Indian Tribe requests the Senate Committee on Indian Affairs and the Senate Agriculture Committee include the following in any legislation regarding the Farm Bill:

- Tribal Governmental Parity with State and Local Governments throughout the entire Farm Bill.
- Tribal Administration of the SNAP and all Federal Food Assistance Programs through 638 Contracts.
- Expand the Substantially Underserved Trust Area (SUTA) provision across all Rural Development programs.

In addition, the Cowlitz Indian Tribe supports the following amendment to be included in any agriculture legislation in this Congress.

Forestry Title VIII

**SEC. 8105. FOREST PRODUCTS FOR TRADITIONAL AND CULTURAL PURPOSES.**

(a) In General—Notwithstanding section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), the Secretary may provide free of charge to Indian tribes any trees, portions of trees, or forest products from National Forest System land for traditional and cultural purposes.

(b) ~~Trees, portions of trees, or forest products provided under subsection (a) may not be used for commercial purposes.~~

~~(strike above existing language for subsection (b) and insert the replacement below)~~

(b) Trees, portions of trees, or forest products provided under subsection (a) may be used for traditional or cultural purposes by Indian tribes of which the final products rendered from forest resources may be used for commercial purposes.

The Cowlitz Indian Tribe asserts that our traditional and cultural practices included bartering, trading, and, in modern parlance, sale of carvings, canoes, and other wood products as a normal traditional or cultural practice. A tremendous amount of traditional, cultural products can be derived from just a few trees. Some products, such as cedar bark, do not destroy the resource when harvested in the traditional manner. Much of the wood materials we gather comes from already downed trees, which we salvage in partnership with the Forest Service. For our Tribe, Tribal members who sell or barter their traditional and cultural products do so for nominal gain (monetarily speaking) in order to continue their practice due to the costs associated with raw product acquisition, etc. Our Tribe has sustainably harvested forest products since time beyond memory. We don't intend to do anything different for future practices.

We thank you for the opportunity to testify on the 2018 Farm Bill. Our ability and our tribal members' ability to continue to practice our traditional and cultural rights are connected to the US Forest Service and primarily Titles II and VIII. We emphasize the importance of Traditional Ecological Knowledge and Anchor Forests to our Tribe and the United States. We encourage wise and thoughtful management. The Cowlitz Indian Tribe is committed stewarding our community towards ethical, environmentally sensitive resource conservation and utilization.

**Attachment:** Dated September 29, 2014: Comments regarding: Sale and Disposal of National Forest System Timber; Forest Products for Traditional and Cultural Purposes.

Dear Director,

I am writing on behalf of the Cowlitz Indian Tribe regarding your proposed rule to formally implement section 8105 of the 2008 Farm Bill. The Cowlitz Tribe was restored to federal recognition in 2000. Although federally recognized, we have yet to receive a reservation of our own. Without a land base, we continue to rely upon National Forest System lands to gather resources for traditional and cultural purposes. We will also be dependent on receiving resources on Forest Service lands even after we receive our reservation. There are a wide variety of resources we have always utilized from the Gifford Pinchot National Forest for survival and trading purposes. This activity pre-dates any land-management policies of the United States.

Among the primary sources of material for traditional and cultural purposes, Western Red Cedar is one that is very significant to us. Cedar bark and roots were and still are used for many reasons, such as cedar woven hats, and clothing. Cedar wood was and still is used for making longhouses, canoes, and traditional art carvings. Traditionally, this source was important to maintain our way of life, and today it also serves to maintain our culture.

Although we appreciate the Forest Service providing an avenue for our Tribe to receive forest products through section 8105 of the Farm Bill, we have already been securing forest products from the Forest Service before the 2008 Farm Bill. Through our inherent right to the resource and continued positive relationship with the Gifford Pinchot National Forest, we plan to continue to secure necessary resources as we have always done. Provisions of section 8105 of the 2008 Farm Bill should not impact or trump our previous rights to forest products for traditional and cultural purposes, including the nominal barter and trade of the "art" or subsistence material derived from the forest products.

We would like to mention that although this draft rule provides to the Tribe the ability to secure forest products free of charge, there still is a cost born on the Tribe for the planning, implementation of securing our traditional resource, and the processing of raw material. One of the reasons the Tribe secures forest products is to provide cultural (artistic) products for display at tribal centers, at various centers

within our neighboring communities, at museums, at other tribal centers, etc. This is important to us, and provides multiple benefits. It fosters positive relations and increases awareness and appreciation of who we are within the community and beyond. In many cases, we receive requests from outside our Tribe for traditional and cultural products that are derived from forest products. The only way we can uphold and follow through with requests is to receive forest products from National Forest System lands. There are also other tribes who are challenged on securing a source of suitable wood products of which we can assist given the rich resources within our traditional territory of the Gifford Pinchot National Forest. All of the examples mentioned come at a cost to the Tribe. The draft rule doesn't explain or describe our ability to recoup any costs born on the Tribe. In order for our Tribe to fully utilize the provisions under this rule, we will need the freedom to find ways to recoup costs, and the ability to barter and trade to keep important programs alive concerning the products derived from forest products.

The draft rule mentions that sale and/or barter concerns will be handled through anticipated special forest products rule promulgation. We think that it is necessary that "wood products" utilized for traditional and cultural purposes (including sale and/or barter) needs to be further addressed.

For at least our Tribe, we have the opinion that any sale or barter concerns associated with traditional and cultural products will not amount to any significant concerns for the Forest Service. A tremendous amount of priceless cultural and traditional products can be derived from just a few trees. Some products (such as cedar bark) don't even destroy the resource when harvested properly. Much of the wood materials we gather from the forest come from already downed trees of which we salvage in partnership with the Forest Service. For our Tribe, Tribal members who sell or barter their traditional and cultural products do so for nominal gain (monetarily speaking) in order to continue their practice due to the costs. The tribal/regional benefit of the ability to have these forest derived traditional/cultural products is priceless. Our Tribe has sustainably harvested forest products since time beyond memory. We don't intend to do anything different for future practices.

We thank you for the opportunity to comment on ruling connected to forest products for traditional and cultural purposes. Our ability and our tribal members' ability of continuing to practice our traditional and cultural rights are dependent on our ability to recoup costs in order to sustain that practice. Again, this draft rule doesn't address the concerns brought forward. We request to be directly contacted on future rulemaking as it pertains to all forest products important to our Tribe.

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PREPARED STATEMENT OF HON. RONALD TRAHAN, CHAIRMAN, CONFEDERATED SALISH AND KOOTENAI TRIBES

### **Introduction**

Greetings Chairman Hoeven, Vice Chairman Udall, and members of the Committee. My name is Ronald Trahan, Chairman of the Confederated Salish and Kootenai Tribes (CSKT) located in western Montana. Thank you for this opportunity to provide written testimony concerning tribal agriculture, agribusiness opportunities in Indian Country, and the Farm Bill. The January 17th Senate Committee on Indian Affairs hearing was timely as the Farm Bill is up for reauthorization this year.

The CSKT of the Flathead Indian Reservation are comprised of three tribes: the Salish, the Pend d'Oreille, and the Kootenai. Our ancestors lived in the territory now known as western Montana, parts of Idaho, British Columbia, and Wyoming. The CSKT aboriginal territory exceeded 20 million acres at the time of the signing of the Hellgate Treaty on July 16, 1855. From the signing of the Treaty until present day, the CSKT call the 1.3 million acre Flathead Indian Reservation its home.

Although our Reservation was opened up to homesteading over 100 years ago with the passage of the Flathead Allotment Act and its Amendments, our tribes have worked hard for many decades to buy back lands within our Reservation. Today the CSKT own over 60 percent of lands within the exterior boundaries of the Flathead Indian Reservation. Through a compact with the BIA, the CSKT manage 345 agricultural leases on over 104,000 acres of tribally owned and allotted lands. The Tribes also manage 54 range unit permits on over 385,000 acres of tribally owned lands.

The health and welfare of our tribal membership is of the utmost importance. Having access to nutritious and traditional foods is a priority for our Tribes. Clean drinking water is also crucial for the well-being of our people. The availability of economically viable jobs through farming, ranching, forestry, preservation, and con-

struction are vital for the protection of our agricultural lands, forests, and natural resources.

The CSKT are a member of the Native Farm Bill Coalition. The Coalition is made up of tribes and organizations including the Intertribal Agriculture Council (IAC), the National Congress of American Indians (NCAI), and the Intertribal Food and Agriculture Initiative (IFAI) that have identified priorities to be included in the 2018 Farm Bill. Discussed below are some of the priorities for the CSKT (many of which we share with the Coalition) for the upcoming Farm Bill reauthorization.

### **Nutrition**

The CSKT were encouraged that the 2014 Farm Bill included some significant provisions for tribes with respect to nutrition programs. For example, the Food Distribution Program on Indian Reservations Traditional Foods Demonstration Project (FDPIR), which is a federal program that provides USDA foods to low-income households, including the elderly, living on Indian reservations, created a new demonstration project with technical assistance and tribal consultation to allow the inclusion of traditional and locally grown foods from Native farmers, ranchers, and producers in FDPIR. For the 2018 Farm Bill, in addition to opposing further cuts to nutrition programs, tribes like the CSKT and tribal organizations are pushing for changes to allow tribes greater authority to administer nutrition programs by providing tribal governments and tribal organizations the direct authority to administer Supplemental Nutrition Assistance Program (SNAP) and all other federal food assistance programs which they are currently not allowed to directly manage. This can be achieved by providing tribes with 638 self-governance contract authority for nutrition programs, similar to that which exists for Department of the Interior and Indian Health Service programs. Changes to the FDPIR program could include eliminating or limiting the matching funds requirement for each of the FDPIR program sites to participate; providing tribal feeding sites with parity to state counterpart programs by allowing them to carryover unspent funds from year to year; requiring FDPIR traditional food purchases (for example bison, salmon, and other products) to be a regular part of food package purchases and not require supplemental or special appropriations to purchase these foods; and requiring the USDA's Food and Nutrition Service (FNS) to engage in further consultation with tribes to improve the FDPIR program.

### **Rural Development**

As you are aware, Rural Development (RD) programs at USDA offer loans, grants and loan guarantees to support economic development and essential services in rural areas through support for housing, health care, first responder services and equipment, and water, electric and communications infrastructure. These RD programs are vitally important to tribal governments, communities, individual Indian producers, and tribal businesses. In many cases the grants and loans offered by RD are the only financing tools available to tribes and neighboring communities to enhance or build new infrastructure. Over the years many tribes have experienced difficulty in accessing RD programs at USDA so Congress included a provision in the 2008 Farm Bill that was intended to give USDA enhanced authority to finance projects on tribal lands-this is known as the Substantially Underserved Trust Areas (SUTA) provisions. SUTA applies to some, but not all, RD programs and authorities (mainly to basic infrastructure such as water and electric) and allowed those beneficiaries who could demonstrate that they existed in a "substantially underserved trust area" to gain access to important waivers of program requirements, lower interest rates, longer repayment terms, and similar assistance through RD programs. Broadening SUTA in the 2018 Farm Bill to include all RD programs would help ensure more equitable access to RD programs and authorities, and the change would allow the waiver of matching requirements for projects funded through RD. Matching requirements can be a significant barrier to socially disadvantaged applicant participation in RD business and infrastructure projects.

A tribal set aside for rural development programs is also needed as many applications from tribes for funding under RD programs have been denied in recent years. Further, establishing a permanent office providing technical assistance across all RD funding authorities is needed due to the complexities of lending and infrastructure establishment in Indian Country. This office could prepare and monitor lessons learned, establish user-friendly application systems, and assist staff at the tribal or business level in preparing applications. Other provisions of interest to be included in the RD title of the bill include ensuring that the position of Under Secretary for Rural Development at USDA is maintained, as the primary duties of this position are to focus on RD programs and funding for Indian Country and rural America.

### **Miscellaneous Administrative Provisions at USDA**

Changes to many offices and programs at USDA could help expand Native participation in agriculture. A broad reaching Office of Tribal Agriculture should be established within the Office of the Secretary to coordinate all USDA programs applicable to tribes. This Office could maximize the value of the programs, address issues in compliance and access of programs that are carried out within USDA, and serve as a liaison between the USDA, tribes, and individual Indian producers. The Office of Tribal Agriculture should also be required to report to Congress at least once annually on its activities and progress in advancing tribal agriculture interests. Adequate funding for the existing Office of Tribal Relations (OTR) at USDA is needed to ensure that the OTR has the needed resources to provide education, training and technical assistance to tribes so USDA programs and services can be better accessed. USDA could also establish a new scholarship and training program to assist in training the tribal agricultural workforce and encourage Native students to pursue careers in agriculture. Creating an Interdepartmental Task Force on Indian Agriculture with the OTR, the Office of the Secretary, and representatives of other agencies and offices across USDA, along with the BIA would help to examine and develop administrative efficiency and regulatory changes needed to help ensure Native agriculture is supported and has mechanisms to grow. USDA should also be required to recruit and appoint tribal members to all of the federal advisory committees it seats and supports.

### **Research and Education**

Changes to research and education programs at USDA can enhance the development of tribal research, education, and Native youth participation in agriculture by making programs and funding more accessible to Tribal Colleges and Universities (TCUs), and supporting a tribally led focus on traditional knowledges and practices. One item is to strengthen funding for the Federally Recognized Tribes Extension Program (FRTEP) that provides support to Extension programs on Indian Reservations to address the needs and problems of Tribes. FRTEP helps to build Indian community capacity through 4-H and tribal youth development, agriculture and natural resource management, and entrepreneurship and business development, and seeks to address inequities in educating and developing Native American extension resource programming and Native youth in food and agriculture programming. Making TCUs eligible for funding under all programs administered by the USDA's National Institute of Food and Agriculture (NIFA) programs would help TCU extension personnel better serve tribes. Further, creating a tribal set aside for NIFA programs and requiring NIFA to focus a portion of their work on building knowledge and capacity in business development unique to tribal lands and individual Indian owned land would allow tribes to better access and utilize these programs. Changes could also be made to allow tribal governments and tribal organizations full access to all nutrition education programs at NIFA, including SNAP-Ed—which is an evidence-based program that teaches people using or eligible for SNAP about good nutrition and how to make their food dollars stretch further. Thus, giving tribes full access to SNAP-Ed and all research programs would help build knowledge in nutrition, health, obesity, and diabetes prevention in tribal communities.

### **Conservation**

Changes to agriculture conservation programs to improve coordination between the USDA's Natural Resources Conservation Service (NRCS) and the Bureau of Indian Affairs would help ensure that tribal producers have access to conservation programs and other USDA programs that require an NRCS-approved conservation plan. This could be achieved in the Conservation title of the Farm Bill by explicitly including "tribes" or "tribal" where "state" or "local" or "regional" agricultural producers are mentioned to ensure tribal access to all NRCS programs. Further, all tribal lands falling under the jurisdiction of the BIA, 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 Farm Bill. The bill should also direct funding to USDA to provide technical assistance to tribes and tribal producers so they can better utilize and access conservation programs.

### **Commodities and Credit**

Further improvements can be made to Farm Service Agency (FSA) programs to address the availability, efficiency and application of credit programs to producers in Indian Country. Specifically, changes are needed to FSA loans to allow producers to take advantage of pricing opportunities on input materials, replacement stock, or expansion opportunities, and incentivize operating from available resources. Pro-

ducers should be able to restructure their debt in a manner that will not count towards lifetime limits on loan servicing. Creation of a joint administrative team at USDA and BIA with the role of reviewing and updating federal practices and regulations that hinder tribal food production, tribal food system lending, and tribal loan servicing would also help producers. With respect to commodity programs, modifications can be made to enhance and protect the ability of tribal producers to participate in the Livestock Forage Disaster Program, Supplemental Agricultural Disaster Assistance Programs, and other USDA programs that provide emergency relief funds for livestock. Changes should also be made to ensure that tribal producers are represented on FSA County Committees. Producers who serve on these committees help decide the kind of programs their counties will offer and they work to make sure FSA agricultural programs serve the needs of local producers. The FSA should conduct an assessment based on Census data and Agricultural Census data to determine the population makeup of the county and conduct tribal consultation with tribal governments to guarantee that tribal citizens are effectively notified of the opportunity to be nominated and considered for county committee membership. All FSA county committees in areas with significant tribal population and/or tribal land base areas should have correlating Native membership.

### **Forestry**

The Farm Bill could include improvements to the Tribal Forest Protection Act (TFPA) to allow tribes to better access, manage and develop tribal and federal forests and woodlands to protect tribal resources and provide jobs and economic development. Proposals from forestry legislation introduced in previous Congresses mandating timelines for review, approval and implementation of TFPA projects are needed because of the underperformance of the current TFPA authority. While the TFPA was signed into law in 2004, only three projects have been fully implemented, while others have been mired in years of delay and red tape. This has led to tribal forest lands remaining at high risk of wildfire coming from adjacent federal lands. Modernizing TFPA would give tribes the certainty to pursue TFPA projects with their federal neighbors and reduce the risk of wildfire migrating from federal lands onto Indian trust land. Specifically, allowing for greater tribal participation in TFPA projects by authorizing a discretionary pilot program to allow the application of 638 contracting authority to TFPA projects on Forest Service or Bureau of Land Management (BLM) lands is needed. Authorization for the USDA to fund a Native American forestry workforce coordination and development program administered through an intertribal organization with expertise in Tribal forestry issues could help address workforce issues and the growing shortage of trained workers for the management and operation of Indian forests. This shortage of forest workers constrains the ability of tribes and related federal agencies to effectively manage and protect tribal forests and forest-related natural resources and to participate in broader landscape-based forest management activities. Ensuring that all Tribal Colleges and Universities (TCUs) are eligible to access federal programs to support them in offering degree programs in forestry and helping the schools perform tribally and state-relevant forestry research and develop a well-trained Native forestry workforce would also be beneficial.

Any wildfire provisions in the Farm Bill should ensure that tribal forests are appropriately prioritized for fire suppression activities and funding. In 2017 alone, there were over 60 fires that burned over 33,000 acres on our Reservation. As you know, the current system which places the protection of private structures above that of tribal forest has led in the past to crews being pulled off wildfires on Indian lands and reassigned to protecting private structures. This leads to the unneeded loss of timber that is vitally important to tribal economies. Providing authority to develop more Anchor Forest initiatives will help with forest health and management. The Inter-Tribal Timber Council, its member Tribes, the U.S. Forest Service, and other forest resource stakeholders recently completed a pilot study in Washington State and issued a 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. Ensuring tribal consultation to protect sacred tribal areas and requiring tribal representation on all local, regional and national planning and implementation advisory committees at the USDA and the U.S. Forest Service is also critical so tribes have a say in policy making and management.

### **Conclusion**

I would like to thank the Committee for allowing me the opportunity to discuss the importance of agriculture, nutrition, and cultural resource preservation for our Tribes. It is vital that the upcoming Farm Bill includes input from Indian Country

and allows tribes and their membership equal access to USDA programs and funding opportunities.

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**PREPARED STATEMENT OF HON. MARY JANE MILES, CHAIRMAN, NEZ PERCE TRIBE**

Dear Chairman Hoeven and Vice-Chairman Udall:

The Nez Perce Tribe (Tribe) submits this testimony for the record urging the Senate Committee on Indian Affairs to ensure that Indian Country is included in the upcoming Farm Bill. In addition, while Congress considers the Farm Bill this session, the Tribe requests the Senate Committee on Indian Affairs work closely with the Senate Agriculture Committee to address Indian agriculture in this important legislation.

Since time immemorial, the Tribe has occupied and used over 13 million acres of land now comprising north-central Idaho, southeast Washington, northeast Oregon, and parts of Montana. The current Nez Perce Reservation covers approximately 750,000 acres, 38,000 of which is used for agricultural purposes. Like all governments, the Tribe has profound economic, social, and political impact on the regional economy and is one of the largest employers in north-central Idaho.

The Tribe provides many services that fall under the purview of the Farm Bill. For example, in 2013, the Tribe established the Tribal Agricultural Center (TAC) with the mission of producing local, sustainable, and healthy food for the Nimiipuu and surrounding communities. The TAC, in coordination with U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), is developing guidelines for best agricultural management practices on tribal lands, monitoring compliance, evaluating agricultural impacts to resources and traditional gatherers on tribal lands, and developing restoration protocols for traditional food and Eber plants.

The Tribe currently provides daily services across the Nez Perce Reservation through the Supplemental Nutrition Assistance Program (SNAP) and the Food Distribution Program on Indian Reservations (FDPIR). The Tribe has also been able to expand and provide telecommunication and broadband services throughout the Nez Perce Reservation with assistance from the Rural Utility Service programs.

Considering the state of programs in Indian Country contained in past iterations of the Farm Bill, the Tribe requests that both the Senate Committee on Indian Affairs and the Senate Agriculture Committee include the following in any legislation regarding the Farm Bill:

- Tribal governmental parity with state and local governments throughout the entire Farm Bill.
- Tribal administration of the SNAP and all federal food assistance programs, such as FDPIR, through 638 Contracts.
- Expansion of the Substantially Underserved Trust Area (SUTA) provision across all rural development programs.

In addition, the Tribe supports inclusion of the following recommendations, set forth by the Native Farm Bill Coalition, in any agriculture legislation – during this Congress.

**Commodities Title**

- Ensure tribal producers' eligibility for all disaster assistance programs in this Title, 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.

**Conservation Title**

- USDA conservation programs must allow for the use of traditional and ecological knowledge-based conservation practices.
- Cross-agency coordination between the NRCS and Bureau of Indian Affairs must be improved to ensure all tribal producers have access to conservation programs and other USDA programs that require an NRCS-approved conservation plan.
- Parity must be achieved throughout the Conservation Title by explicitly including “tribes” or “tribal” where “State” or “local” or “regional” agricultural producers are mentioned to ensure tribal access to all NRCS programs.

**Trade Title**

- Support and maintain tribal food and agriculture businesses' entry into foreign markets by expanding Indian Country's access to the Market Access Program and protecting unique tribal foods against fraud.
- Improve interdepartmental coordination and tribal government and individual Indian producer inclusion on all U.S. trade missions.

**Nutrition Title**

- Indian Country needs a consistent, comprehensive, and tribal-led approach to tailor federal food assistance programs to the specific needs of tribal communities and citizens.
- Tribes should be allowed the option to enter into Self-Determination Contracts pursuant to P.L. 93-638 for administration of the SNAP and all other federal feeding programs.
- Funding, flexibility and infrastructure of the FDPIR needs to be improved.

**Credit Title**

- Improvements must continue to be made to Farm Service Agency programs to address the availability, efficiency, and application of credit programs in Indian Country.

**Rural Development Title**

- Recognizing the United States' trust responsibility to the Tribe, the Rural Development (RD) programs at the USDA must have dedicated funding and technical assistance for tribal governments to ensure that tribal communities and the rural communities around them thrive.
- Tribes must be consulted during the restructuring of the USDA's RD agency due to its unique impact on tribal economies and tribal economic development. Any budget shifts must be subject to meaningful tribal consultation before changes occur.

**Research Title**

- Research Title programs must allow for the development of tribal research, education, and Native youth in agriculture by making programs and funding more accessible to Tribal Colleges and Universities (TCUs), support a tribally led focus on traditional knowledge and practices, and provide additional opportunities for education.
- The Federally Recognized Tribes Extension Program (FRTEP) must be funded at a minimum of \$10 million to address the persistent inequity in educating and developing Native American extension resource programming and Native youth in food and agriculture programming.
- Dedicated funding and tribal preference at the National Institute of Food and Agriculture must be provided to develop tribal research and educational capacity.
- All institutions (non-TCUs) that receive any funding for extension programming in states that have tribal lands and tribal producers must be required to report and demonstrate their work with tribal governments, tribal communities, and tribal producers and their cooperative and respectful coordination with TCUs in close proximity. Further, these institutions should be required to conduct a percentage of their overall work that is equal to the amount of land in the state held by Indians and Indian farms in those states. All such extension programming must be done with Indian communities and by staff experienced in and having knowledge of issues important to Indian Country.

**Forestry Title**

- Tribes must be provided parity throughout the Forestry Title to better access, manage, and develop tribal and federal forests and woodlands to protect tribal resources while also providing jobs and economic development.

**Horticulture and Specialty Crops Title**

- Many traditional Native foods fall under the designation of horticulture crops and are necessary to support food sovereignty and health— food access in Indian Country. USDA programs which oversee horticulture crops must engage in tribal consultation to ensure the unique needs of tribal producers are being met.

- The Farm Bill must include provisions to protect Native foods in the marketplace, including Native seeds, and traditional foods.

#### **Miscellaneous**

- Fully fund the Office of Tribal Relations and create a new Office of Tribal Agriculture that will improve the service and coordination of USDA programs for tribes and tribal producers. The new Office of Tribal Agriculture should report to the Office of Tribal Relations and funding for both offices should be mandatory.
- Create a mandatory interdepartmental working group between departments at USDA and the Bureau of Indian Affairs to examine and determine solutions in areas where the two agencies overlap, are requiring duplicative documentation or actions on the part of tribes and individual Indian landowners in order to access programs and services, or are generally lacking in coordination and efficiency for tribal agriculture. The identified barriers and problems must be addressed and resolved by sustained, mandatory interdepartmental working groups.

Thank you for consideration of the Tribe's testimony and your support of our recommendations as the Farm Bill is put together.

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**PREPARED STATEMENT OF JAMES E. ZORN, EXECUTIVE ADMINISTRATOR, GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION**

Dear Chairman Hoeven and Vice Chairman Udall,

Thank you for the opportunity to submit written testimony on this important topic. The Great Lakes Indian Fish and Wildlife Commission (“GLIFWC” or “Commission”) is an intertribal natural resource agency exercising delegated authority from 11 federally recognized Ojibwe Tribes in Minnesota, Wisconsin and Michigan. GLIFWC member Tribes retain hunting, fishing, gathering rights, and associated governmental management and regulatory authorities, in territories ceded to the United States in various treaties. Specifically, portions of the Lake Superior, Lake Michigan and Lake Huron basins are within territory ceded by the Treaties of 1836, 1837, 1842 and 1854.

Because of the upcoming deadline, we have not had the opportunity to discuss these comments with GLIFWC’s governing Board of Commissioners or the Voigt Intertribal Task Force. However, as the Farm Bill serves as a catalyst to advance food policy nation-wide, and GLIFWC’s Board of Commissioners and Voigt Intertribal Task Force have prioritized efforts to incorporate traditional foods into tribal programs, we would be remiss if we did not offer testimony addressing this issue.

GLIFWC’s mission includes supporting the exercise of tribal sovereignty and intertribal co-management by protecting and enhancing treaty-guaranteed rights to hunt, fish and gather within the ceded territories. The exercise of these rights supports tribal sovereignty in a variety of ways. Harvesting activities and the consumption of traditional foods promote health in tribal communities, and connection to cultural lifeways. These rights also translate into tangible economic benefits for tribal individuals, businesses and communities.

GLIFWC member Tribes have been encouraged by the inclusion of traditional foods in USDA programs, such as within the Food Distribution Program on Indian Reservations (FDPIR), and would like to see more opportunities for tribal programs to include wild-caught game and fish, manoomin (wild rice) and other wild-harvested and locally-produced foods in their menu options. The 2014 Farm Bill included a provision for the use of donated wild-harvested foods in USDA-supported programs (Traditional Foods in Public Facilities, 128 Stat. 818). This provision is a step in the right direction, however more is needed to ensure that traditional foods become a regular part of program menus.

Addressing this issue in the 2018 Farm Bill would provide tribal programs with greater access to healthy, local sources of protein from wild game by enabling the purchase of these foods. This would also support tribal harvesters by providing compensation for the time and effort spent on food production activities. We expect that tribal communities, as a whole, would benefit, especially in communities where conventional forms of employment are not always available.

The Guidance from the Food and Nutrition Program to Regional Directors of the Special Nutrition Programs and State Directors of the Child Nutrition Programs issued in 2015, suggests that wild-caught game cannot be considered part of a “reimbursable meal” unless slaughtered and inspected in a federally-inspected facility, state inspected program, or originate from an approved source as established by

state and local regulatory authorities. Language in this memorandum ignores the self-governing authority of tribes to establish laws and food safety systems independent of state and federal governments. We note that wild-harvested game has been, and continues to be, a regular part of the diets of many tribal communities. Some tribes have established or are in the process of establishing food codes and inspection capabilities to ensure safe consumption of traditional foods. Even without the establishment of written standards, tribal communities have long-established customary law on food safety addressing appropriate killing of animals, standards on processing, transporting and storing game meat, and teachings that govern how these meats are prepared for consumption.

GLIFWC member Tribes are also cognizant that concerns regarding the conservation of game animals have influenced the development of food policy. In the late 19th and early 20th centuries, the conservation movement advocated for the adoption of wide-ranging legislation to curtail the overharvesting of wild animals. Prohibitions on the sale of meat derived from wild-harvested animals was one aspect of the legislative agenda. Although certain positive changes were made to curtail unsustainable harvesting practices, policy makers failed to consider the effect that these changes would have on tribal communities. The tribes reserved rights to hunt, fish and gather on and off-reservation, and their rights of self-government, were largely ignored, leaving tribal communities vulnerable to poverty, disease and hunger.

Tribal nations spent decades suing for recognition of their treaty-reserved rights. In numerous decisions, the Courts have recognized that the tribes' reserved rights include the ability to regulate their members differently than the states: tribal conservation codes may provide for the use of efficient methods of harvest (as opposed to inefficient methods required by states to promote conservation) and to sell products derived from their treaty-reserved harvesting. In furtherance of their conservation goals, the tribes have developed sophisticated systems to maintain sustainable harvests. They work together, and with state and federal partners, to study plant and animal populations and trends in order to set appropriate quotas and maintain a dynamic management approach. They have also developed conservation codes and the means of enforcing those codes, including effective law enforcement that coordinates with federal and state officers, and tribal courts experienced in handling treaty rights cases. Tribes continue to adopt forward-thinking environmental standards and advocate for the adoption of state and federal policies that support healthy ecosystems.

Because of the importance of these issues and the need to recognize the appropriate governmental authority of tribes, and in recognition of the federal government's ongoing treaty obligations, the Committee should consider adding language that provides for:

- Tribal Governmental Parity with State and Local Governments throughout the entire Farm Bill, including recognition of tribal food codes and food safety systems;
- Tribal Administration of USDA Programs, including flexibility in purchasing traditional and locally produced foods; and
- An exemption for treaty-harvested game meats purchased for Tribal Government programs from federal or state slaughter and inspection requirements.

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PREPARED STATEMENT OF HON. REGINA GASCO-BENTLEY, TRIBAL CHAIRPERSON,  
WAGANAKISING ODAWAK, LITTLE TRAVERSE BAY BANDS OF ODAWA INDIAN

Dear Chairman Hoeven and Vice Chairman Udall,

On behalf of the Little Traverse Bay Bands of Odawa Indian of Michigan, please accept this testimony for the record urging the Senate Committee on Indian Affairs to ensure that Indian Country is included in the upcoming Farm Bill.

With Congress considering the Farm Bill this session, we request the Senate Committee on Indian Affairs to work closely with the Senate Agriculture Committee to address Indian Agriculture in this important piece of legislation.

Little Traverse Bay Bands of Odawa Indians is headquartered in Harbor Springs Michigan. Our Tribal Service Area extends to 27 counties in Michigan along the Great Lakes. We recognize the importance of the Farm Bill and programs within the Farm Bill have helped our Tribe. Our tribe owns and operates a farm that is approximately 300 acres, we utilize the Food Distribution Program on Indian Reservations and other funds for our programming and services to our Tribal Citizens.

Considering the state of agriculture for our community, Little Traverse Bay Bands of Odawa Indians requests the Senate Committee on Indian Affairs and the Senate

Agriculture Committee include the following in any legislation regarding the Farm Bill:

- Tribal Governmental Parity with State and Local Governments throughout the entire Farm Bill
- Tribal Administration of the SNAP and all Federal Food Assistance Programs through 63 8 Contracts
- Expand the Substantially Underserved Trust Area (SUTA) provision across all Rural Development programs

In addition, the Little Traverse Bay Bands of Odawa Indians supports the following recommendations to be included in any agriculture legislation in this Congress.

#### **Commodities Title**

—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 producers' 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. Conservation Title

—U.S. Department of Agriculture (USDA) conservation programs must allow for the use of traditional, ecological, knowledge-based conservation practices.

—Cross-agency coordination between the Natural Resources Conservation Service (NRCS) and Bureau of Indian Affairs must be improved to ensure all tribal producer have access to conservation programs and other USDA programs that require an NRCS-approved conservation plan.

—Parity must be achieved throughout the Conservation title by explicitly including “tribes” or “tribal” where “state” or “local” or “regional” agricultural producers are mentioned to ensure tribal access to all NRCS programs.

#### **Trade Title**

—Support and maintain tribal food and agriculture businesses' entry into foreign markets by expanding Indian Country's access to the Market Access Program (MAP) and protecting unique tribal foods against fraud.

—Improve interdepartmental coordination and tribal government and individual Indian producer inclusion on all U.S. trade missions.

#### **Nutrition Title**

—Approximately 25 percent of Native Americans receive some type of federal food assistance, and in some tribal communities, participation is as high as 60–80 percent.

—Indian Country needs a consistent, comprehensive, and tribal-led approach to tailor federal food assistance programs to the specific needs of tribal communities and citizens.

—Allow tribes the option to enter into Self-Determination Contracts pursuant to P.L. 93–638 for administration of the Supplemental Nutrition Assistance Program (SNAP) and all other federal feeding programs.

—Improve the funding, flexibility and infrastructure of the Food Distribution Program on Indian Reservations (FDPIR).

—Require a CBO or CRS inquiry into the impact of drastic cuts or elimination of food assistance programs on the overall agricultural economies of tribes.

#### **Credit Title**

—Many tribal communities are located in “Credit Deserts,” where access to fair and reasonable credit terms is limited or non-existent.

—Improvements must continue to be made to Farm Service Agency (FSA) programs to address the availability, efficiency and application of credit programs in Indian Country.

#### **Rural Development Title**

—The Rural Development (RD) programs at the U.S. Department of Agriculture (USDA) are essential for rural and reservation tribal communities to develop and improve declining infrastructure systems while spurring economic development and job creation in tribal communities.

—Many ready-to-go (“shovel-ready”) tribal infrastructure and community development projects have gone unfunded over the past several years, leaving promises to Indian Country and rural communities unrealized.

—RD must have dedicated funding and technical assistance for tribal governments as part of the federal trust responsibility and to ensure that tribal communities and the rural communities around them thrive. Tribes must be consulted during the restructuring of the USDA's RD agency due to its unique impact on tribal economies and tribal economic development. Any budget shifts must also receive tribal consultation before changes occur.

#### **Research Title**

—Research Title programs must allow for the development of tribal research, education, and Native youth in agriculture by making programs and funding more accessible to Tribal Colleges and Universities (TCUs), support a tribally led focus on traditional knowledge and practices, and provide additional opportunities for education.

—Fund the Federally Recognized Tribes Extension Program (FRTEP) at a minimum of \$10 million to address the persistent inequity in educating and developing Native American extension resource programming and Native youth in food and agriculture programming.

—Provide dedicated funding and tribal preference at National Institute of Food and Agriculture (NIFA) to build tribal research and educational capacity.

—Require all institutions (non-TCUs) that receive any funding for extension programming in states that have tribal lands and tribal producers to report and demonstrate their work with tribal governments, tribal communities, and tribal producers and their cooperative and respectful coordination with TCUs in close proximity. These institutions should be required to conduct a percentage of their overall work that is equal to the amount of land in the state held by Indians, the Indian farms in those states, and such extension programming must be done with Indian communities and done by staff experienced in and knowledgeable of issues important to Indian Country.

—Remove FRTEP from the Farm Bill requirements that all Smith-Lever programs be competitive and reinstate the consultative requirements for FRTEP implementation.

#### **Forestry Title**

—Tribal forests and woodlands make up one third of all tribal lands held in trust, and provide resources, jobs, and economic development opportunities for many tribal governments.

—Many tribal forests and adjacent federal forests contain sacred places and important trust and treaty-protected resources.

—Tribes must be provided parity throughout the Forestry Title to better access, manage and develop tribal and federal forests and woodlands to protect tribal resources while providing jobs and economic development.

#### **Energy Title**

—Tribal lands, individual Indian-owned land, and natural resources hold immense potential to develop biobased energy economic development, energy infrastructure build-outs, and jobs in tribal communities and surrounding rural communities.

—Establish a Tribal Bio-Based Energy Development Grant Program to help tribal governments, tribal producers, and tribal business entities develop bio-energy businesses and production.

#### **Horticulture and Specialty Crops Title**

—Many Traditional Native foods fall under the designation of horticulture crops and are necessary to support food sovereignty and healthy food access in Indian Country.

—USDA programs which oversee horticulture crops must engage in tribal consultation to ensure the unique needs of tribal producers are being met.

—The Farm Bill needs to include provisions to protect Native foods in the marketplace, as well as Native seeds and traditional foods

#### **Crop Insurance Title**

—Due to the high risk of agriculture and food production, especially in Indian Country, crop insurance products must cover tribal producers in unique ways. In addition, livestock producers in Indian Country must be afforded the same risk protection as crop producers as well as the same payment options since livestock production makes up a significant percentage of tribal food production.

### **Miscellaneous**

Covering a wide variety of topics, as well as issues which span multiple titles of the Farm Bill, the Miscellaneous Title is an important mechanism for Indian Country.

— Fully fund the Office of Tribal Relations and create a new Office of Tribal Agriculture to improve the service and coordination of USDA programs for tribes and tribal producers. The new Office of Tribal Agriculture should report to the Office of Tribal Relations and funding for both offices should be mandatory. The current funding limits OTRs ability to provide programs and technical assistance.

—Create a mandatory interdepartmental working group between agencies at USDA and the BIA to examine and determine solutions to areas where the two departments overlap, are requiring duplicative documentation or actions on the part of tribes and individual Indian landowners in order to access programs and services, or are generally lacking in coordination and efficiency for tribal agriculture. The identified barriers and problems must be addressed and resolved by sustained mandatory interdepartmental working groups.

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#### **PREPARED STATEMENT OF JOSHUA RILEY, SR. POLICY ANALYST, CHOCTAW NATION OF OKLAHOMA**

On behalf of the Choctaw Nation of Oklahoma (“Choctaw Nation” or the “Nation”), I am writing to urge the Senate Committee on Indian Affairs (SCIA) to work closely and collaboratively with the Senate Committee on Agriculture to ensure that Indian agriculture and food and nutrition interests are included in and supported by the upcoming 2018 Farm Bill.

The Choctaw Nation is comprised of 11,000 square miles stretching across 10.5 counties in southeastern Oklahoma. Oklahoma became the Nation’s home in 1831 after we were forcibly removed from our ancestral homelands which included parts of what are now Alabama, Florida, Louisiana, and most of Mississippi. Today, we have nearly 200,000 citizens living worldwide, with nearly half of those living within Oklahoma.

The Choctaw Nation has always been an agrarian society. In our traditional homelands, our ancestors grew a number of vegetables in a unique way. Corn was planted in rows with squash, pumpkins, beans, peas, sunflowers, and melons grown in between the rows of corn. Choctaws also participated in traditional forms of permaculture. Fruit and nut orchards, in particular, were vital to the survival of the Choctaw people. (see the document on the history of Choctaw Food)\*

Today, the Choctaw Nation and our citizens maintain a primarily agrarian lifestyle. The Nation has several operating ranches with thousands of head of cattle and bison. The Nation also operates, just as did our ancestors, a number of pecan orchards, and has recently been able to market those pecans for retail sale.

While the Nation’s agribusiness, based on the production of traditional foods, is growing, the Nation and many of its members are not able to access healthy, quality nutritious food. This is due in part because of the Nation’s rural location and high rates of poverty, which qualify our Reservation as a food desert pursuant to U.S. Department of Agriculture (USDA) guideposts. Despite these troubling statistics, through the leadership and record success of Choctaw Nation, we are improving our situation by establishing strong partnerships with federal, state, and local governments, community leaders, and non-profits.

One of our most successful programs within the Choctaw Nation is the Food Distribution Program on Indian Reservations (FDPIR). Nationwide, this program serves approximately 93,000 Native Americans each month. In Choctaw Nation alone, we serve close to 6,000 Native Americans monthly, including our own tribal citizens and other Indians who reside in our area. This program serves our neediest families in Choctaw Nation, providing close to \$300,000 worth of food each month.

FDPIR is intended to be a supplemental program, but for far too many of our tribal members, it is their primary source of food. When compared to other federal feeding programs, FDPIR is a healthier choice for our people. The FDPIR food our citizens receive monthly adheres to strict nutritional guidelines. The food has low sodium and low fat content, and little to no sugar. Things like cakes, pies, and sodas are not available through FDPIR. Our participants receive healthy ingredients each month like fresh fruit and vegetables, milk, beans, lean meats, and other items that can be prepared into full, nutritional meals.

Choctaw Nation has five locations for food distribution. The Choctaw Nation has used its own money to build these facilities for the FDPIR program, in order to pro-

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\*The information referred to has been retained in the Committee files.

vide our citizens a well-rounded shopping and learning experience as they get their family's food supplies for the month. Our five stores are top-notch facilities and provide a real grocery store experience for our citizens served by the FDPIR program. There are also kitchen facilities and cooking classes offered on a regular basis to help teach our citizens how to prepare nutritional meals. Before the Choctaw Nation built these stores, program participants were handed their food from the back of a truck at designated locations on Choctaw Nation. We believed our citizens deserved a more dignified way of obtaining food, and that is why we invested millions of tribal dollars to help shape this program into a well-rounded experience for our citizens.

In addition to FDPIR, the Nation participates in the following USDA programs to assist the Nation achieving our goal of providing Choctaw citizens with quality nutrition services: WIC, Senior Farmers Market, Summer Food Service Program, and the National School Lunch Program.

Considering the importance of agriculture in our community, the Choctaw Nation requests this Committee and the Senate Agriculture Committee implement the following recommendations as you move forward in enacting the next Farm Bill:

#### **Recommendations To Apply Throughout the 2018 Farm Bill**

1. Provide tribal governmental parity with state and local governments throughout the entire Farm Bill.
2. Allow all tribes the option to enter into Self-Determination Contracts pursuant to P.L. 93–638, as amended, for the negotiation, funding and administration of all USDA programs.
3. Expand the Substantially Underserved Trust Area (SUTA) provision to apply across all Rural Development (RD) programs.

#### **Conservation Title**

4. 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 or tribal technical committee."
5. Codify the current Natural Resources Conservation Service (NRCS) practice which explicitly allows a tribe or a group of tribes within a state or region to develop traditional, ecological, knowledge-based technical standards that control the implementation of all conservation projects allowed under the Farm Bill.
6. Allow the use of Conservation Reserve Program land or other lands engaged in conservation practices to be used by tribal citizens who are beginning farmers and ranchers in ways that do not damage the conditions of the land or resources.
7. Provide priority consideration for tribal governments, tribal agricultural entities, and individual tribal producers, landowners, or land operators for all conservation programs authorized in the upcoming Farm Bill.
8. Provide priority consideration for beginning farmers and ranchers seeking to establish or reestablish working land activities on tribal lands and commercial activities related to the reestablishment of working lands or the emergence of beginning farmers and ranchers who are tribal citizens utilizing those working lands.
9. Exempt individual tribal citizens, tribal governments, and tribal entities who are, under current law, required to compensate the former lessee of the tribal lands for the installation or maintenance of such practice when conservation practice installed on tribal or individual Indian-owned land expires, or when a lease/permit expires, since those practices have already been the subject of cost share with the federal government. Any further payment to lessees or users of the lands constitutes an unjust enrichment to such user of the land.

#### **Nutrition Title**

10. Remove the "Urban Place" definition to allow tribes and USDA to work collaboratively to serve even more tribal citizens who need nutritious food, regardless of where they live.
11. Require all FDPIR purchasing of foods to occur on a regional basis and include as much locally and regionally tribal-produced food as reasonably possible.
12. Require FDPIR traditional food purchases (bison, wild rice, salmon, blue corn, and other products) to be a regular part of food package purchases that does not require supplemental or special appropriations to purchase these foods.
13. Allow tribes the option to negotiate, enter into, fund and administer Self-Determination Contracts pursuant to P.L. 93–638 for administration of the SNAP and all other federal feeding and nutrition assistance and training programs.

### **Rural Development Title**

14. Provide a tribal set-aside each of USDA's RD program authorities to address the inadequacy and general lack of rural infrastructure in Indian Country. The trust responsibility of the federal government to tribes provides the broad foundation for such set-aside. Without dedicated funding for tribal rural development, the promise of these places will never be realized and Indian Country's infrastructure will continue to decline. In many areas around the country, tribal governments are the strongest remaining rural government entity. In some locations, tribal governments have taken over the management of key infrastructure (such as water systems, electric, and other utilities) because there is no other sound governmental or non-governmental entity that can handle these functions.

### **Forestry Title**

15. Allow for greater tribal participation in the Tribal Forest Protect Act (TFPA) projects by authorizing, whether as a mandatory across-the-board initiative, or as a pilot program, the application of "638" contracting authority to TFPA projects on Forest Service or Bureau of Land Management (BLM) lands.

16. Establish a pilot program authorizing tribes and the Bureau of Indian Affairs to conduct cooperative, discretionary forest restoration activities on Forest Service and BLM lands adjacent to the Choctaw Nation and other tribal reservations, using existing regulations governing the management of Indian forests. Additional means and legal and financial arrangements that would support the cooperative management of forest lands with and through Tribes must be explored with the potential to see the lands ultimately returned to the local tribes for local governing.

17. Ensure that Indian forests are properly prioritized in fire suppression activities and funding. Current priorities place protection of private structures above protection of tribal forest assets held, managed, and protected by the U.S. as trustee. As a result, in the 2015 fire season, suppression crews were removed from wildfires on Indian trust forests to protect private structures. The fires on Indian trust forests exploded, destroying hundreds of thousands of acres and millions of board feet of timber vitally important to tribal economies. These priorities, allowing federally protected trust assets essential to tribal communities to be sacrificed to protect private structures, needs review.

18. Ensure that interdepartmental efforts to protect Indian sacred places are maintained and strengthened, and that the responsibilities of USDA and other federal departments to consult with tribes on an ongoing basis concerning sacred places continually occurs.

19. Create parity between Forest Service management agreement language and NRCS determination of land control language to preserve tribal sovereignty and rights to gather/manage traditional plant stands and enhance opportunities for tribes to leverage Environmental Quality Incentives Program assistance on traditional lands under Forest Service jurisdiction.

The Choctaw Nation thanks you for the opportunity to provide testimony on one of the most important pieces of legislation in Indian Country. We would also like to thank our partners at USDA for the great work that they do. We hope we can continue to build upon these relationships as we make important improvements to the 2018 Farm Bill.

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#### **PREPARED STATEMENT OF WILFRID CLEVELAND, PRESIDENT, HO-CHUNK NATION**

On behalf of the Ho-Chunk Nation of Wisconsin, we write to submit testimony for the record urging the Senate Committee on Indian Affairs to ensure that Indian Country is included in the upcoming Farm Bill.

With Congress considering the Farm Bill this session, we request the Senate Committee on Indian Affairs to work closely with the Senate Agriculture Committee to address Indian Agriculture in this important piece of legislation.

For some 360 years, our tribal nation was labeled as the Winnebago Tribe by the French. In November 1994, the official results of the Ho-Chunk Nation secretarial election were published, approving the revised constitution and the proper name of the nation reverting to the Ho-Chunk (People of the Big Voice) which we have always called ourselves, thus establishing the Ho-Chunk Nation. Our territory extended from Green Bay, beyond Lake Winnebago to the Wisconsin River and to the Rock River in Illinois, tribal territory was by the Treaty of 1825, 8.5 million acres. The Wisconsin Ho-Chunk do not have a reservation in Wisconsin, but portions of land that hold "reservation" status. Today, all Wisconsin Ho-Chunk tribal lands are lands we once owned, but have had to repurchase.

The Ho-Chunk Nation has recently formed an agriculture division that will focus on growing traditional foods, and organic vegetable and fruit production with live-stock incorporated in the future.

The Ho-Chunk Nation utilizes various USDA resources and services through multiple agencies within the government. The programs currently used are: Animal and Plant Health Inspection Service, Farm Service Agency, Food Distribution Program on Indian Reservations, Forest Service and Natural Resources Conservation Service.

Considering the state of agriculture for our community, the Ho-Chunk Nation requests the Senate Committee on Indian Affairs and the Senate Agriculture Committee include the following in any legislation regarding the Farm Bill:

- Tribal Governmental Parity with State and Local Governments throughout the entire Farm Bill
- Tribal Administration of the SNAP and all Federal Food Assistance Programs through 638 Contracts
- Expand the Substantially Underserved Trust Area (SUTA) provision across all Rural Development programs

In addition, the Ho-Chunk Nation supports the following recommendations to be included in any agriculture legislation in this Congress.

#### **Commodities Title**

Amend Section 1606 on “Geographically Disadvantaged Farmers and Ranchers” to ensure that tribal governments, tribal entities, and tribal producers are explicitly recognized as farmers or ranchers eligible to participate in the program, as they are often left out even in the “insular areas” provision.

#### **Conservation Title**

Develop a new section of the Conservation Title to explicitly allow a tribe or a group of tribes within a state or region to develop traditional, ecological, knowledge-based technical standards that will control the implementation of all conservation projects allowed under the Farm Bill. This new section would codify current NRCS practices that encourage traditional, ecological, knowledge-based conservation and would further recognize the fact that tribal jurisdiction and use of traditional practices to improve conservation project implementation are decisions best left to tribal governments and individual Indian producers who live on those lands and are engaged in ongoing activities that are designed to improve environmental conditions, habitats, and their lands for agricultural purposes. These traditional, ecological, knowledge-based standards already have a solid scientific basis and are acknowledged by various federal research organizations and agencies.

#### **Trade Title**

Require the U.S. Department of Agriculture (USDA) to institute a system by which fraudulent foods that mimic tribal foods and tribal food businesses can be uncovered and prevented in the marketplace. Food fraud is on the rise throughout the world, and unscrupulous food business entities are already trying to mimic or replicate unique tribal food products. Those businesses should not be allowed to participate in programs that allow them to access markets with products that perpetrate frauds on tribal food producers or food businesses.

#### **Nutrition Title**

Since 2015, several tribal leaders have consulted with the USDA Food and Nutrition Service (FNS) over significant improvements needed to FDPIR. While tribes have made some headway with USDA, significant legislative changes still need to occur within the FDPIR program, including:

—Eliminating the matching funds requirement for each of the FDPIR program sites to participate, or limiting the matching requirement to 5 percent.

—Providing tribal feeding sites with parity to state counterpart programs by allowing them to engage in carryover of unspent funds from year to year. This unequal treatment is problematic to tribal feeding programs whose funding needs, particularly for food distribution infrastructure (e.g., warehouses), could be met by allowing carryover funding.

—Requiring FNS to continue to engage in tribal consultation.

—Requiring FNS to engage in tribal consultation concerning reasonable alternatives to the regulatory-approved practice of “tailgating” at FDPIR program sites. No FDPIR program site should be allowed to engage in this demeaning practice.

—Requiring FNS to consult with tribes and develop a written, public contingency plan in the event of any lapses in funding, disasters, government closures, or related incidents that might interrupt or cause the stoppage of food delivery.

—Allowing those who participate in FDPIR to also simultaneously participate in SNAP. Neither program provides enough food for participants in remote places; by allowing simultaneous usage of the programs these two supplemental feeding programs can be combined to actually result in addressing food insecurity.

—Requiring FNS to hire at least one national tribal liaison located in its Washington, D.C., offices and one regional tribal liaison located in each regional FNS office subject to a federal Native American hiring preference or high levels of experience with tribal communities.

—Increase nutrition education funding to at least \$5 million per year and create an alternative to competitive funding so each tribal program receives support for nutrition education program materials through a coordinated approach.

—Requiring FDPIR traditional food purchases (bison, wild rice, salmon, blue corn, and other products) to be a regular part of food package purchases and not require supplemental or special appropriations to purchase these foods.

—Requiring FNS to engage in tribal consultation to compile a budget for FDPIR warehouse and other infrastructure needs to be included in its entirety in each federal budget cycle and request until it is fully funded.

—Requiring all FDPIR purchasing and distribution to occur on a regional basis and include as much locally and regionally tribal-produced food as reasonably possible.

—Remove the “Urban Place” definition to allow tribes and the USDA to work collaboratively to serve even more tribal citizens who need nutritious food, regardless of where they live.

#### **Credit Title**

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.

#### **Rural Development Title**

Develop a process to allow small, new and emerging Community Development Financial Institutions (CDFIs) access to loan authority. The concept of batching and obligating all loan guarantee authority annually is a game changer. The requirements put upon CDFIs to participate in this endeavor are patently prohibitive. Only the largest CDFIs could secure any meaningful funding levels, and some had threatened litigation to do that.

#### **Research Title**

—Provide tribal set-asides and preferences within all non-FRTEP NIFA funding authorities while retaining the competitive nature of the funding, which is 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 NIF A 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, and approach this work separately due to the unique complexities in tribal land use, law, regulatory burdens, and related issues. Since business training and the development of solid business planning tools are also necessary, funding would be best focused around risk management education programs and the funding authorities in this area.

—Allow tribal governments and tribal organizations full access to all nutrition education programs at NIFA, including SNAP-Ed, and all research programs 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 to ensure that the institutions receiving such funds based on the federal formula actually provide research, education, and extension services to the tribal communities, farms, ranches, farmers, and rural citizens who are counted in the formula that establishes funding allocations. At present tribal interests are considered in establishing formula allocations but there is no follow through to determine if actual projects result in such funding allocations.

### **Forestry Title**

Ensure that interdepartmental efforts to protect Indian sacred places are maintained and strengthened, and that the responsibilities of USDA and other federal departments to consult with tribes on an ongoing basis concerning sacred places continually occurs. The Memorandum of Understanding among departments of the federal government must be kept in place indefinitely.

### **Energy Title**

Create a Tribal Bio-Based Energy Development Grant Program in the 2018 Farm Bill to help spark economic development and energy infrastructure development in tribal communities, while providing low-cost energy to tribal communities and surrounding rural areas. This grant program for tribal governments and wholly owned tribal entities would operate much like a grant in lieu of tax credit, similar to the existing Renewable Energy Production Incentive (REP I) Program. Further, the Tribal Bio-Based Energy Development Grant Program should specify the eligibility of tribally chartered and federally chartered tribal corporations for rural development programs, including for grants and loan programs, as well as any technical assistance programs available. Since the U.S. Department of Agriculture has made a policy statement that it will recognize federally charted Section 17 Tribal Corporations as eligible entities for rural development programs, the program should codify this and clarify that tribally chartered tribal corporations are also eligible.

### **Horticulture and Specialty Crops Title**

Require USDA to take steps after tribal consultation to ensure that tribal seeds are given the maximum protection available under federal law and not allowed to be accessed for commercialized purposes without the consent of tribal governments. Seeds of traditional foods are among the most sacred items to Indigenous peoples and the protection of those seeds, not only as food sources but as important cultural systems, must be required.

### **Crop Insurance Title**

Encourage RMA to develop a unique crop insurance policy product designed to cover the production systems associated with tribal food products, tribal livestock, and traditional food systems. The production systems associated with such products should be recognized as Good Agricultural Practices (OAPs), and tribal producers should also be afforded the same opportunity to pay premiums upon the sale of the crop or livestock instead of making an up front payment.

### **Miscellaneous**

Require the BIA to coordinate with USDA in all aspects of supporting any tribe or individual Indian landowner that wishes to draft and implement (including receiving Secretary of Interior support) an Agricultural Resource Management Plan (ARMP), authorized under the American Indian Agricultural Resource Management Act of 1993 (AIARMA). This act has never been fully implemented, and only a few tribes and individual Indian landowners have placed a plan in motion. The BIA, working in concert with USDA, should prioritize finding resources to assist tribes (including technical assistance resources) in establishing plans authorized under the act. The BIA should be required to accept any conservation plan or forest management plan conducted by the NRCS or USFS agencies within USDA as equivalent to any environmental assessment deemed necessary in implementing the AIARMA. Tribes and individual Indian landowner should not be required to conduct a full NEPA analysis to conduct food and agriculture operations on their lands. The requirement is far more excessive than any applicable law, and this interpretation violates principles of rights to food, food access, environmental or food justice, and food sovereignty. An ARMP created pursuant to the AIARMA should be allowed as a fundable EQIP practice, and exempted from full NEPA analysis.

In closing, the Ho-Chunk Nation urges the Senate Committee on Indian Affairs to ensure that Indian Country is included in the upcoming Farm Bill.

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PREPARED STATEMENT OF HON. JOSEPH WILDCAT, PRESIDENT, LAC DU FLAMBEAU  
BAND OF LAKE SUPERIOR CHIPPEWA

Dear Chairman Hoeven and Vice Chairman Udall,

On behalf of the Lac du Flambeau Band of Lake Superior Chippewa Tribe in Wisconsin, we write to submit testimony for the record urging the Senate Committee on Indian Affairs to ensure that Indian Country is included in the upcoming Farm Bill.

With Congress considering the Farm Bill this session, we request the Senate Committee on Indian Affairs to work closely with the Senate Agriculture Committee to address Indian Agriculture in this important piece of legislation.

#### **History & Background of the Lac du Flambeau Band of Lake Superior**

Waaswagoning, or Place of the Torch, was settled in 1745 by an Ojibwe Tribal leader named Kilskiman, and was later named Lac du Flambeau by French fur-traders. Through the Treaties of 1847 and 1854, the Lac du Flambeau Indian Reservation was established. Located in Northern Wisconsin, the Reservation covers approximately 86,500 acres, including 41,733 acres of forested uplands, 24,000 acres of wetlands, and 17,897 acres of lakes and rivers (49 percent of the Reservation's areas is covered by lakes, rivers and wetlands), within Vilas, Oneida, and Iron Counties. Reservation land status includes trust (Tribal and allotted) 66 percent and fee land 34 percent. There are currently over 4000 enrolled members, with approximately over 1,800 members residing on the Reservation. Also, there is a high population of non-members living within the Reservation boundaries.

Under the Treaties of 1837, 1842, and 1854, in the ceded territories of Wisconsin, Michigan and Minnesota, the Tribe retains and exercises their rights to hunt, fish and gather as well as for cultural, spiritual and recreational practices. The Tribal population depends on resources from both reservation and ceded territory to sustain subsistence practices. Water is vital to the cultural, spiritual and economic survival of the Lac du Flambeau Band. The name of Lac du Flambeau or Waswagoning reflects the connection of the Band and its water-based natural resources. Traditional fishing activities, as well as subsistence hunting and gathering, are also dependent on those waters. Traditional beliefs and sacred places rely on the purity of the waters for their vitality. The ties to water, have existed from time immemorial, and the Band continues to rely heavily on the Reservation waters and natural resources for its economic and cultural survival.

#### **Tribal Agriculture/USDA protects**

The Tribe currently operates the Golden Eagle Farm on the reservation; that grows strawberries, blueberries, and pumpkins for purchase to the public and tribal elder use.

The Tribe is solely responsible for aquaculture management that stocks walleye, musky, trout, sturgeon, etc. within the reservation and in the ceded territory areas. There are approximately 200 +lakes, rivers and streams within the reservation.

The Tribe is responsible for the management and restoration of wild rice within the reservation as well as assisting the work in the ceded territories.

The Tribe has utilized USDA funding to build infrastructure for water & sewer, buildings and forestry management programs and the need continues to improvements and upgrades.

Considering the state of agriculture for our community, the Lac du Flambeau Tribe requests the Senate Committee on Indian Affairs and the Senate Agriculture Committee include the following in any legislation regarding the Farm Bill:

Tribal Governmental Parity with State and Local Governments throughout the entire Farm Bill Tribal Administration of the SNAP and all Federal Food Assistance Programs through 638 Contracts Expand the Substantially Underserved Trust Area (SUTA) provision across all Rural Development programs In addition, the Lac Du Flambeau Tribe supports the following recommendations to be included in any agriculture legislation in this Congress.

#### **Commodities**

##### *Amend Definitions for the Supplemental Agricultural Disaster Assistance Programs*

- Section 1501(a)(1)(B)(iv) must be amended to read: "a corporation, limited liability corporation, or other farm organizational structure organized under Federal, State law and Tribal law." This addition creates parity for tribal governments and acknowledges the authority of entities organized under tribal law or under federal law such as Section 17 corporations.
- Update the livestock definition in Section 1501(a)(3) to include other commonly raised livestock like "reindeer," "caribou," "elk," "horses," or other animals raised or harvested in tribal communities. All of these animals must be further recognized as a livestock and eligible for full protection and program participation Department-wide.

##### *Increase livestock Indemnity Payments for Tribal Producers to 90 Percent*

- The current 75 percent Livestock Indemnity Payment under Section 1501(b) to eligible producers who have incurred livestock death losses above the normal mortality rate, does not address the lack of land equity that exists for tribal pro-

ducers on trust lands, and the unique challenges tribal livestock producers have in obtaining secure markets for their animals, which generally causes a lower rate of market return. To put tribal producers on equal footing, indemnity payments for tribally owned livestock should be increased to 90 percent.

*Ensure Tribal Eligibility in the livestock Forage Disaster Program*

- A new provision under Section 1501(c) must be added to protect tribal producers' eligibility in the Livestock Forage Disaster Program through issues of federal government preclusion outside of their control. For example, instances relating to "normal carrying capacity" may inadvertently exclude some tribal producers if the Bureau of Indian Affairs does not negotiate or recognize the specific environmental or other variances that impact production.
- 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 percent levels (as opposed to any lower rates identified in the law for non-tribal producers).
- Explicitly exempt tribal producers from any limitations on receiving payments on any losses due to fire on "public managed land." Tribal lands are not "public" lands.

*Farm Service Agency Co11nty Committee*

- Amend the FSA County Committee determinations on normal grazing periods and drought monitor intensity to be established at the national FSA office to ensure that separate carrying capacities and normal grazing periods for each type of grazing land or pastureland are set at different rates for tribal lands and individual Indian-owned land after tribal consultation.
- Require FSA to do an assessment based on Census data and Agricultural Census data to determine the population makeup of the county and conduct tribal consultation with tribal governments to guarantee that tribal citizens s are effectively and efficiently notified of the opportunity to be nominated and considered for county committee membership. All FSA county committees in predominantly tribal population areas and/or tribal land base areas should have predominantly Native membership and should reference the local administrative areas, which are the voting districts mapped by FSA county committees.

*Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish*

- Explicitly include tribes and individual Indian producers as eligible for Commodity Credit Corporation emergency relief funds for livestock, bees, and farm-raised fish under Section 1501(d).

*Trees*

- Make tribal producers eligible for 80–90 percent of the cost of replacement, salvage, pruning, removal, or preparing the land or replanting under Section 1501(e). This ensures that the higher cost of providing these remediation activities on tribal lands and individual Indian-owned land is accommodated within the limitations of the program and tribal governments.
- Recognize tribal business entities organized under tribal law and individual tribal producers as "legal entities" and "persons" allowed to participate in the program.

*Rulemaking Related to Significant Contribution for Active Personal Management*

- Amend Section 1604 regulations related to "active personal management" or "active engagement in farming/ranching" to recognize that tribal producers, tribal business entities, and tribal governments should not be excluded from any determination of "active personal management/engagement" simply by the existence of an active lease relating to their lands.
- Require the Secretary of Agriculture to engage in tribal consultation concerning the application of this requirement to tribal producers.

*Geographically Disadvantaged Farmers and Ranchers*

- Amend Section 1606 on "Geographically Disadvantaged Farmers and Ranchers" to ensure that tribal governments, tribal entities, and tribal producers are explicitly recognized as farmers or ranchers eligible to participate in the program, as they are often left out even in the "insular areas" provision.

*Base Acres*

- Require the Secretary to consult with tribal governments regarding the determination and election of "base acres" applicable to all programs under the Commodity Title.

## **Conservation**

### *Recognition of Traditional, Ecological Knowledge-Based Conservation*

- Develop a new section of the Conservation Title to explicitly allow a tribe or a group of tribes within a state or region to develop traditional, ecological, knowledge-based technical standards that will control the implementation of all conservation projects allowed under the Farm Bill. This new section would codify current NRCS practices that encourage traditional, ecological, knowledge-based conservation and would further recognize the fact that tribal jurisdiction and use of traditional practices to improve conservation project implementation are decisions best left to tribal governments and individual Indian producers who live on those lands and are engaged in ongoing activities that are designed to improve environmental conditions, habitats, and their lands for agricultural purposes. These traditional, ecological, knowledge-based standards already have a solid scientific basis and are acknowledged by various federal research organizations and agencies.

### *Conservation Reserve Program (CRP) And Availability for Beginning Tribal Farmers and Ranchers*

- Create a new section of the Conservation Title to allow the use of CRP land or other lands engaged in conservation practices to be used by tribal citizens who are beginning farmers and ranchers in ways that do not damage the conditions of the land or resources.

### *Include Tribal Priorities in Definition of Priority Resource Concerns*

- Amend the definition of "Priority Resource Concerns" in Section 12380(5) of the Farm Bill to include any natural resource as determined by the Secretary that is identified at the national, state, tribal or local level as a priority for a particular area of a state or tribal area and to consider environmental disaster mitigation as a priority resource concern.

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

- Create a new section of the Conservation Title or in sections related to eligibility determinations to ensure 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 and that special provisions are enacted in regulations to ensure that any tribal government-allowed entity is the recognized conservation program participant (as opposed to specific individuals).

### *Priority for Enrollment of Tribal Lands in the Conservation Reserve Program*

- Section 200 I of the 2014 Farm Bill establishes priorities for the Secretary to consider when implementing the Conservation Reserve Program and Conservation Priority Areas. Due to the prolonged periods that tribal lands and individual Indian-owned lands have been under-enrolled in conservation programs and due to the needs of those acres and watersheds to have focused attention on enrollment in conservation programs and utilization of conservation practices, all 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. Further priority should be given to beginning farmers and ranchers seeking to establish or reestablish working land activities on tribal lands and commercial activities related to the reestablishment of working lands or the emergence of beginning farmers and ranchers who are tribal citizens utilizing those working lands. In any ranking activity conducted by USDA officials to determine which lands or resources to enroll in a conservation program allowed under this title, the Secretary and/or state conservationists or technical committees (state or tribal) shall give priority to tribal lands for enrollment in relevant programs, provided these lands or resources also meet requirements for inclusion in the programs.

### *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, 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
- 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. These tribal technical committees shall be given the same respect and deference that is currently given to the state technical committee, and each tribal technical committee shall be able to establish separate technical standards utilizing traditional ecological knowledge and, to the extent that they do so, such standards shall be the technical standards under which conservation programming can be deployed on tribal lands. Require establishment of state-level inter-tribal, regional inter-tribal, and national tribal advisory committees regarding conservation matters.

*Alternative Funding Arrangements—EQIP and Conservation Stewardship Program (CSP)*

- The 2014 Farm Bill allowed for entering into alternative funding arrangements with tribal governments to carry out the intention of the EQIP program and the CSP if the Secretary determined that the goals and objectives of the law would be met by such arrangements and that statutory limitations on entering arrangements with individual producers would not be exceeded. This provision needs more attention and improved implementation to ensure that each tribal government is offered the opportunity for alternative arrangements.

*Tribal Conservation Technical Committee*

- Authorize the Secretary to work with the BIA and a technical committee made up of tribal government representatives from each of the BIA regions to formulate a set of initiatives and programs that can be carried out under existing laws as well as a set of programs that may be needed under future conservation program authorities to improve the conditions of tribal lands and individual Indian-owned lands throughout the United States. This interdepartmental entity shall be put in place no later than 12 months after the passage of the 2018 Farm Bill and shall issue its report no later than 24 months after passage of the 2018 Farm Bill. The interdepartmental efficiencies and improvements shall be undertaken immediately upon the issuance of the interdepartmental report, and annual reports of improvements and actions taken under this provision shall be made to Congress.

*Conservation Reserve Program (CRP)*

- Create a pilot program to explore the use of livestock to improve soil health in CRP fields, and allow for a rental rate over and above the CRP payment to be made to the producer. Scientific studies have demonstrated the effect that a lack of animal impact can have on the soil. This program would seek to determine the impacts and benefits of this pilot program, for consideration in subsequent iterations of the Farm Bill or conservation legislation. Preference in the use of this land would be afforded first to SDR producers, Young and Beginning Producers, and then to customary producers. The more need that is met through the rental agreement, the smaller the reduction in 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.

*Rollback CSP Program to 2013 Standards*

- Reinstitute the CSP program to 2013 standards.

*Next Generation Easement*

- Incorporate a new “next generation easement” in conservation programs. This “easement” should incorporate tax credits for landowners who are mentoring new and beginning producers and should include a death tax “write-off” for farm transfer to the next generation.

**Trade**

*Expand Market Access Program (MAP)*

- Expand MAP by substantially increasing the funding available to the existing agreements that facilitate coordination and administration of the MAP program

and result in increasing tribal food business participation in the program so that tribal audiences and more tribal food and agriculture businesses can benefit from the program. The impact of such engagement will further solidify local food economies and food businesses and stabilize tribal economies.

*Supporting Unique Tribal Foods and Fighting Native Food Fraud*

- Require the U.S. Department of Agriculture (USDA) to institute a system by which fraudulent foods that mimic tribal foods and tribal food businesses can be uncovered and prevented in the marketplace. Food fraud is on the rise throughout the world, and unscrupulous food business entities are already trying to mimic or replicate unique tribal food products. Those businesses should not be allowed to participate in programs that allow them to access markets with products that perpetrate frauds on tribal food producers or food businesses.

*No Additional Compensation for Expired Conservation Measures*

- When a conservation practice installed on tribal or individual Indian-owned land expires, or when a lease/permit expires, 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. Any further payment to lessees or users of the lands would constitute a windfall or unjust enrichment to such user of the land.

*NRCS Report on Natural Resource Inventory Investments Needs on Tribal Lands*

- Require USDA-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*

- 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.

*Tribal Priority in Environmental Quality Incentives Program (EQIP)*

- Give priority consideration to tribal governments, tribal entities, and individual tribal landowners and operators to participate in EQIP program activities, in addition to the 5 percent tribal set-aside. This priority shall be widely advertised throughout each state in which the lands are located, and each tribal headquarters in the state shall receive notice of all activities related to the EQIP program. 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. Each tribal government shall be invited to at least two meetings with the state conservationist in a government-to-government conversation concerning the implementation of NRCS conservation programs that could be beneficial to tribal lands. When requested by tribal headquarters, the state conservationist shall enter into cooperative agreements and other activities that will establish a plan by which NRCS programming will be deployed on tribal lands for which the tribal government has an ongoing plan for conserving and protecting habitat, grasslands, rangelands, and other lands and land uses within tribal jurisdiction.

*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. Wherever reference is made to "state" or "local" or "regional" agricultural producer, the terms "tribal" should be inserted into that section to ensure that inadvertent failure to list tribal governments, tribal producers, or tribal organizations does not preclude them from participating or relegate them to a lesser importance or priority within the relevant section.

*Technical Assistance Funding for Tribal Governments and Organizations*

- Due to the relatively low use of all conservation programs on tribal lands and individual Indian-owned land, give the Secretary the authority to create a permanent fund within the available technical assistance funding authorities, appropriations, and programs to ensure that specialized technical assistance is made available on a continual basis to tribal governments, tribal organizations, and tribal landowners and producers throughout Indian Country, including in all tribal areas of Alaska and Hawaii. These targeted technical assistance funds shall be given priority to tribal organizations that have an established record of providing technical assistance to tribal audiences and shall demonstrate their knowledge of and ability to successfully complete projects involving conservation programming with tribal audiences. The funding shall not be provided to predominately non-Native organizations with little to no experience and knowledge of working with tribal audiences. Multi-year cooperative agreements should be authorized under such technical assistance programs.

*Interdepartmental Coordination to Support Tribal Trade*

- Include Indian Country as the USDA develops a stronger relationship with the Department of Commerce on food and agriculture trade. A special interdepartmental coordination group with USDA, Department of Commerce, Department of State, and other applicable agencies should be created to ensure that tribal food production is properly supported and encouraged on tribal lands and is thereafter made a part of the U.S. trade missions and efforts to promote agricultural trade.

*Tribal Representatives on U.S. Trade Missions*

- Include tribal governments, tribal food businesses, and individual tribal food producers on all foreign trade missions undertaken by the United States to further assist the access of tribal food products to such markets. Study 011 Tribal Representation on USDA Advisory Bodies
- Require the Secretary to study all Trade Title programs to ensure that tribal representatives are included on all advisory bodies related to agricultural trade issues and concerns.

**Nutrition**

*Tribal Administration of the SNAP and All Federal Food Assistance Programs*

- Provide tribal governments and tribal organizations the direct authority to administer SNAP and all other federal food assistance programs which they are currently not allowed to directly manage. This can be achieved by providing tribes with “638” self-governance contract authority for nutrition programs which exists for Department of the Interior and Indian Health Service programs. Allowing tribes to take over these functions from the federal government will improve efficiency, reduce regulatory burdens, and support tribal self-governance and self-determination.

*Improvements to the FDPIR and Other Federal Feeding Programs*

- Since 2015, several tribal leaders have consulted with the USDA Food and Nutrition Service (FNS) over significant improvements needed to FDPIR. While tribes have made some headway with USDA, significant legislative changes still need to occur within the FDPIR program, including:
  - Eliminating the matching funds requirement for each of the FDPIR program sites to participate, or limiting the matching requirement to 5 percent.
  - Providing tribal feeding sites with parity to state counterpart programs by allowing them to engage in carryover of unspent funds from year to year. This unequal treatment is problematic to tribal feeding programs whose funding needs, particularly for food distribution infrastructure (e.g., warehouses), could be met by allowing carryover funding.
  - Requiring FNS to continue to engage in tribal consultation.
  - Requiring FNS to engage in tribal consultation concerning reasonable alternatives to the regulatory-approved practice of “tailgating” at FDPIR program sites. No FDPIR program site should be allowed to engage in this demeaning practice.
  - Requiring FNS to consult with tribes and develop a written, public contingency plan in the event of any lapses in funding, disasters, government closures, or related incidents that might interrupt or cause the stoppage of food delivery.
  - Allowing those who participate in FDPIR to also simultaneously participate in SNAP. Neither program provides enough food for participants in remote places; by allowing simultaneous usage of the programs these two supplemental

feeding programs can be combined to actually result in addressing food insecurity.

—Requiring FNS to hire at least one national tribal liaison located in its Washington, D.C., offices and one regional tribal liaison located in each regional FNS office subject to a federal Native American hiring preference or high levels of experience with tribal communities.

—Increase nutrition education funding to at least \$5 million per year and create an alternative to competitive funding so each tribal program receives support for nutrition education program materials through a coordinated approach.

—Requiring FDPIR traditional food purchases (bison, wild rice, salmon, blue corn, and other products) to be a regular part of food package purchases and not require supplemental or special appropriations to purchase these foods.

—Requiring FNS to engage in tribal consultation to compile a budget for FDPIR warehouse and other infrastructure needs to be included in its entirety in each federal budget cycle and request until it is fully funded.

—Requiring all FDPIR purchasing and distribution to occur on a regional basis and include as much locally and regionally tribal-produced food as reasonably possible.

— Remove the “Urban Place” definition to allow tribes and the USDA to work collaboratively to serve even more tribal citizens who need nutritious food, regardless of where they live.

## Credit

### *Structuring Loans to Suit the Business*

- Authorize several innovative loan structuring measures in the 2018 Farm Bill. For example, currently FSA will lend 100 percent the cost of bred livestock. It will then subordinate its 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.

### *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 that 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-Ciass 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.

*Remove tile 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 tile 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.

**Miscellaneous**

*Fully Fund tile Office of Tribal Relations at USDA*

- Fund the Office of Tribal Relations (OTR) at a minimum of \$1.5 million, because insufficient funding limits OTR’s ability to provide the programs, technical assistance, content, or even the basic communications to tribes and tribal producers regarding USDA’s education and training programs. Adequate funding is essential to carrying out OTR duties, including the oversight of all USDA tribal consultation.

*Authorize tile Establishment of an Office of Tribal Agriculture*

- Establish a broad reaching Office of Tribal Agriculture within the Office of the Secretary to coordinate all USDA programs as those programs apply to tribes, maximize the value of the programs, address issues in compliance and access of programs that are carried out within USDA, and serve as a liaison between the USDA, tribes, and individual Indian producers. Among other requirements, the Office of Tribal Agriculture should periodically report to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry at least once each fiscal year on the activities and progress in advancing tribal agriculture. The Office should also report annually to the Senate Committee on Indian Affairs. The Office of Tribal Agriculture should receive an appropriation of \$2 million for each fiscal year.

*Tax Credits or other Tax Incentives for Buying Indian Food and Agriculture Products*

- The 2018 Farm Bill should create a new “Buy Indian” tax credit or other tax incentives to encourage consumers and those within the food supply chain to buy American Indian and Alaska Native food products. This will not only help Native food products in the supply chain, it will also provide incentive for distributors, retailers, and related food purchasers to examine Native food product purchases to meet their food supply needs.

*Increase Cooperative Agreements between APHIS and Tribes*

- Enhanced authority for the livestock and plant disease agency of the USDA—Animal and Plant Health Inspection Service (APHIS)—could dramatically increase the number of cooperative agreements it has with tribal governments and tribal organizations. Since tribal lands and individual Indian-owned land are among the most remote in the United States, it is important to ensure that animal and plant health is monitored closely and that animal and plant disease is dealt with properly and in ways that do not cripple Native agriculture and food production. Increasing the amount of funding of cooperative agreements is an important way 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.

*Recognize Tribal Departments of Food and Agriculture*

- Permanently recognize and incorporate Tribal Departments charged with administration of Agriculture and Food Systems into the ongoing interface of all

agencies within USDA and the Office of Intergovernmental Affairs at USDA with other offices of government.

*Country of Original Labeling and Beef Checkoff*

- Reinstate Country of Origin Labeling and create a set-aside within the Beef Check off funds that is devoted to the marketing and promotion of Native American Beef. Education, Training and Scholarship Programs to Support Native Producers and Scientists.
- Develop a new program that focuses on educating and training the tribal agriculture labor force, provides key scholarships to Native producers, and encourages Native scholars and scientists to focus on food and agriculture. USDA currently has multiple internship, scholarship, mentoring, and other programs focused on increasing the diversity of American agriculture by educating the next generation of tribal leaders in food and agriculture. However, Native representation is low, and outreach to Native communities is weak. A Native scholarship program should be adequately funded and coordinated throughout the land grant system. A minimum of \$10 million is needed to adequately endow a centralized scholarship fund for Native youth and scholars. This program should be managed by the Office of Tribal Relations and any new Office of Tribal Agriculture.

*Maintain and Fund the Intertribal Technical Assistance Network*

- Permanently maintain and fund the Intertribal Technical Assistance Network, which has been in place for more than five years through a cooperative agreement between USDA and the Intertribal Agriculture Council, through contributions from each of the agencies and offices of USDA. This effort should be funded at least \$3 million annually, and it must continue to maintain regional offices in each of the 12 BIA regions to ensure access for all Native producers. interdepartmental Task Force 011 Indian Agriculture
- Create an Interdepartmental Task Force on Indian Agriculture with the Office of Tribal Relations, the Office of the Secretary, and representatives of each of the agencies and offices of USDA, along with the BIA. The purpose of the Task Force shall be to develop administrative efficiency and regulatory changes needed to ensure Native agriculture is supported and allowed to increase. The Task Force must report annually to the Secretary of Agriculture and the Secretary of Interior.

*OAO Outreach and Internships for Native Students*

- Require the USDA Office of Advocacy and Outreach (OAO) to fund internships for Native students at a level equal to the number of internships the office supports for any other socially disadvantaged group (e.g., Hispanic, African American, Asian American, women, etc.). The OAO has been inconsistent in funding these internships for Native students, and they should be required to do so if they fund members of other groups. The Tribal Liaison position within the OAO that focuses on the relationship between the American Indian Higher Education Consortium (AIHEC) and USDA (and staffs the joint leadership council of AIHEC and USDA officials) should be moved to the Office of Tribal Relations.

*Coordination with BIA on Agricultural Resource Management Plan*

- Require the BIA to coordinate with USDA in all aspects of supporting any tribe or individual Indian landowner that wishes to draft and implement (including receiving Secretary of Interior support) an Agricultural Resource Management Plan (ARMP), authorized under the American Indian Agricultural Resource Management Act of 1993 (AIARMA). This act has never been fully implemented, and only a few tribes and individual Indian landowners have placed a plan in motion. The BIA, working in concert with USDA, should prioritize finding resources to assist tribes (including technical assistance resources) in establishing plans authorized under the act. The BIA should be required to accept any conservation plan or forest management plan conducted by the NRCS or USFS agencies within USDA as equivalent to any environmental assessment deemed necessary in implementing the AIARMA. Tribes and individual Indian landowner should not be required to conduct a full NEPA analysis to conduct food and agriculture operations on their lands. The requirement is far more excessive than any applicable law, and this interpretation violates principles of rights to food, food access, environmental or food justice, and food sovereignty. An ARMP created pursuant to the AIARMA should be allowed as a fundable EQIP practice, and exempted from full NEPA analysis.

*Increase FSMA Technical Assistance Funding for Tribal Producers*

- An increase in Food Safety Modernization Act (FSMA) training and technical assistance funding for tribal producers must occur. There are unique legal, jurisdictional, production, water, land use, and related issues and concerns regarding its implementation that will inhibit tribal food production if not addressed through enhanced food safety training and technical assistance. The Native American Outreach, Training, Technical Assistance, and Education cooperative agreement funded through the FDA attempts to reach the technical assistance and training needs of tribal producers, but USDA is not funding such efforts on a regular basis and FDA funding is not at the level necessary to cover the needs of producers in more than 30 states and with 567 tribes. The Farm Bill should require that the FDA and USDA double the amount of funding received by the Native outreach organization, since that organization is required to conduct activities that cover twice the land base that any other regional training center covers. The Farm Bill should also require that the USDA fund an additional equivalent amount of activities to ensure that tribal producers are reached with this information, which is vital to their compliance and their ability to reach markets for their products. USDA and FDA must conduct joint tribal consultation with regard to any current and future interpretations of the FSMA rules in order to determine potential continuing impacts on Indian Country producers and food businesses. Produce Safety Alliance (PSC) at Cornell University designs a) approved curriculum on FDA FSMA implementation but the curriculum is not appropriate to the legal, jurisdictional, land, and water resources or food systems in Indian Country and appropriate curriculum and resources must be focused on the needs of Indian Country producers.

*Tribal Representation on All Federal Advisory Committees*

- Require USDA to recruit and appoint tribal citizens to each of the more than 100 federal advisory committees it seats and supports. In addition, the Council for Native American Farming and Ranching should receive funding to support its work, and it should become a permanent FACA advising the Secretary and USDA.

*Weather Reporting Stations*

**Energy**

*Establish a Tribal Bio-Based Energy Development Grant Program*

- Create a Tribal Bio-Based Energy Development Grant Program in the 2018 Farm Bill to help spark economic development and energy infrastructure development in tribal communities, while providing low-cost energy to tribal communities and surrounding rural areas. This grant program for tribal governments and wholly owned tribal entities would operate much like a grant in lieu of tax credit, similar to the existing Renewable Energy Production Incentive (REPI) Program. Further, the Tribal Bio-Based Energy Development Grant Program should specify the eligibility of tribally chartered and federally chartered tribal corporations for rural development programs, including for grants and loan programs, as well as any technical assistance programs available. Since the U.S. Department of Agriculture has made a policy statement that it will recognize federally chartered Section 17 Tribal Corporations as eligible entities for rural development programs, the program should codify this and clarify that tribally chartered tribal corporations are also eligible.

**Horticulture and Specialty Crops**

*Tribal Consultation on Fruit and Vegetable Programs*

- Require the U.S. Department of Agriculture (USDA) agencies primarily responsible for specialty crops to engage in ongoing tribal consultation concerning the impact and growth of the fruit and vegetable sector within Indian Country and the opportunities and challenges that can be positively impacted by changes in USDA regulations.

*Tribal Inclusion in the Specialty Crop Block Grant Program*

- Change the Specialty Crop Block Grant Program to ensure that tribal departments of food and agriculture are eligible for funding under this important program and that tribal projects are not required to go through state funding mechanisms at state departments of agriculture to receive support. There are very few tribal projects that currently receive support and, at the same time, the number of tribal departments of agriculture is likely to continue to grow over time. This program is critical to the growth of this sector in Indian Coun-

try, and tribal sovereignty must be respected by allowing these new departments to receive funding parity.

#### *Honey and Beekeeping Reports*

- Include the growth and increase in beekeeping and honey operations in Indian Country in any reports on honey or beekeeping

#### *Tribal Farmers, Markets*

- Require that a minimum of 10 percent of available funding in farmers' market and local food promotion programs grant funding authorities go to tribal and tribal producer farmer's markets and local food promotion activities. All definitions of farmers' market and local food promotion activities must ensure that tribal food systems and producers are not excluded from participation based on the unique ways that such markets and activities iterate in Indian Country.

#### *Support for Tribal Organic Producers*

- Launch a special program in USDA designed to increase technical assistance to those within Indian Country who are interested and prepared to transition to organic production.

#### *Increased Support for FSMA Outreach*

- Ensure that tribes and tribal producers receive adequate technical assistance from USDA and/or Food and Drug Administration (FDA) on the Food Safety Modernization Act of 2011 (FSMA) and that the ongoing implementation of FSMA does not inequitably or disproportionately negatively impact Indian Country food systems. The impact of FSMA implementation on tribal producers is different from the impact on any other U.S. producer due to the unique land base, legal jurisdiction, and production systems in Indian Country. At present, there is not enough funding to adequately reach tribal producers to ensure their knowledge of and compliance with FSMA requirements. In addition, the unique legal and political systems in Indian Country are not taken into consideration by USDA or FDA in fashioning approaches to FSMA compliance.

#### *Protecting Native Foods in the Marketplace*

- Require USDA to work with tribal governments, tribal organizations, and tribal producers to develop programs that are designed to protect the integrity of Native food products from fraudulent versions of their foods in the marketplace. The federal trust relationship requires that USDA work with tribal governments, tribal food companies, and tribal food producers to ensure that market regulatory mechanisms can be used to augment the ability and inherent legal authority of tribes to protect their unique food products. This can be done through geographic intellectual property mechanisms put in place by tribal governments to protect unique tribal foods or other appropriate legal mechanisms that must receive recognition by the federal government. These processes for protection should be fully supported and recognized by USDA.

#### *Protect Tribal Seeds and Traditional Foods*

- Require USDA to take steps after tribal consultation to ensure that tribal seeds are given the maximum protection available under federal law and not all owed to be accessed for commercialized purposes without the consent of tribal governments. Seeds of traditional foods are among the most sacred items to Indigenous peoples and the protection of those seeds, not only as food sources but as important cultural systems, must be required.

#### **Crop Insurance**

##### *Parity for Indian Country And Production*

- With more than 50 percent of the \$3.4 billion Indian Agriculture Industry being comprised of cattle, it is critical to design risk management products that meet the need. Currently there are few options available, and those that do exist require up-front premium payments (LFP, LRP). Simply changing the timing of premium payment to coincide with production would ease the burden of participation for Indian producers. Increasing the federal subsidy rate for this type of programs has also been demonstrated to incentivize participation and mitigate federal outlay in times of disaster.

##### *RMA Study on Crop Insurance in Indian Country*

- Require the Risk Management Agency (RMA) to conduct a study to ascertain the efficacy and applicability of the current crop insurance products as they relate to Indian Country agriculture production as indicated by the 2012 National

Agricultural Statistics Service And Census. If that study reveals that either the specific crop insurance products or the general guidance documents of RMA do not adequately consider unique tribal production issues, a separate administrative guidance or notice should be issued by RMA to solve these concerns, and unique crop insurance products and crop insurance administration systems should be pursued.

*Development of Crop Insurance for Traditional Foods and Livestock*

- Encourage RMA to develop a unique crop insurance policy product designed to cover the production systems associated with tribal food products, tribal livestock, and traditional food systems. The production systems associated with such products should be recognized as Good Agricultural Practices (GAPs), and tribal producers should also be afforded the same opportunity to pay premiums upon the sale of the crop or livestock instead of making an up-front payment.

*Tribal Producer Education Programs*

- Ensure that at least 10 percent of all projects funded through RMA's Risk Management Education Program are focused on tribal producer risk management training needs and tribal food production systems and the unique risks associated with those systems.

*Allow Tribal Insurance Companies to Insure Tribal Producers*

- Engage AMERIND Risk, a 100 percent tribally owned and operated insurance provider, to begin the process of offering crop insurance products in Indian Country because it has significant experience offering and underwriting insurance needs in Indian Country and serves a national intertribal audience. The current crop insurance research, product development, and policy sales areas are not developed for, and do not adequately reach, smaller tribal producers. Many of these unique problems can be addressed by working directly with AMERIND Risk.

*Appoint Tribal Producers to FCIC Board*

- Consider appointing tribal producers to fill future vacancies on the Federal Crop Insurance Corporation (FCIC) Board and thereby ensure that every FCIC Board has at least one, if not more, tribal producers on the board whose role will be to address the unique issues associated with tribal production systems.
- Provide tribal set-asides and preferences within all non-FRTEP NIFA funding authorities while retaining the competitive nature of the funding, which is 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 Jaw issues that intersect with food and agriculture Jaw.
- Require NIF A 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, and approach this work separately due to the unique complexities in tribal land use, law, regulatory burdens, and related issues. Since business training and the development of solid business planning tools are also necessary, funding would be best focused around risk management education programs and the funding authorities in this area.
- Allow tribal governments and tribal organizations full access to all nutrition education programs at NIFA, including SNAP-Ed, and all research programs 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 to ensure that the institutions receiving such funds based on the federal formula actually provide research, education, and extension services to the tribal communities, farms, ranches, farmers, and rural citizens who are counted in the formula that establishes funding allocations. At present tribal interests are considered in establishing formula allocations but there is no follow through to determine if actual projects result in such funding allocations.

*Sustainable Agriculture Research and Education Program*

- Reauthorize the Sustainable Agriculture Research and Education Program with a set-aside for tribal sustainable agriculture project funding.

*Agricultural Research Service Projects on Traditional Ecological Knowledge*

- Launch and support a significant number of research projects within the Agricultural Research Service that focus on the important role that traditional knowledge plays in the environmental, natural resource, ecological, food science, nutrition, and health arenas. Funding provided in these unique content areas must be done with full consultation with tribal governments and full compliance with modern cultural practices and recognition.

*Multi-Tribal Funding for Research Title Programs*

- Develop a separate funding authority, like the Sun Grant or Sea Grant authorities, to allow multi-tribal, multi-state, and consortium approaches to meeting the research, education, and extension needs of Indian Country.

*Native Youth Grants*

- Include a provision of grants for youth-focused organizations in Indian Country that focus on developing food and agriculture leadership and scientific knowledge in all grants for youth organizations.

*TCU Center of Excellence*

- Encourage, allow, and include the Centers of Excellence approach to funding in the next Farm Bill Research Title.

**Forestry**

*Improve the Tribal Forest Protection Act (TFPA)*

- Adopt the legislative text from the Sections 301 and 303 of the 114th Congress's H.R. 2642 (Rep. Westerman) in the new Farm Bill.
- Include the TFP A streamlining provisions to improve the timelines for review and implementation of forest restoration projects requested by tribes.
- Allow for greater tribal participation in TFP A projects by authorizing, as a discretionary pilot program, the application of "638" contracting authority to TFPA projects on Forest Service or Bureau of Land Management (BLM) lands.

*Cooperative Management of Adjacent Federal Lands*

- Since tribes continue to have legal, historic, and economic connections to adjacent federal forests, include a pilot program authorizing tribes and the Bureau of Indian Affairs (BIA) to conduct cooperative, discretionary forest restoration activities on Forest Service and BLM lands using existing regulations governing the management of Indian forests. Additional means and legal and financial arrangements that would support the cooperative management of forest lands with and through Tribes must be explored.

*Tribal Forestry Workforce Development*

- Authorize the U.S. Department of Agriculture (USDA) to fund a Native American forestry workforce coordination and development program through an intertribal organization familiar with Tribal forestry issues. The Indian Forest Management Assessment Team, an independent panel of scientists, has identified the need to recruit, train and retain a future forestry and fire workforce to address the growing shortage of trained workers for the management and operation of Indian forests. This shortage of forest workers constrains the ability of tribes and related federal agencies to effectively manage and protect tribal forests and forest-related natural resources and to participate in broader landscape-based forest management activities.

*McIntire-Stennis Parity*

- Allow Tribal Colleges and Universities (TCUs) offering a bachelor's degree in forestry or higher to perform tribally and state-relevant forestry research and develop a well-trained Native forestry workforce. The McIntire-Stennis Act of 1962 dedicates funds to states to pursue forestry research at state colleges and universities and to help train the next generation of forest scientists and professionals. All 1862 land grant institutions and, since the 2008 Farm Bill, 1890 Historically Black Colleges and Universities have access to funding, yet the National Institute of Food and Agriculture made just under \$32 million available under McIntire-Stennis. While tribal trust lands are included in the formula that allocates funding to the individual states, the 1994 Land Grant TCUs remain ineligible to receive research funding.

*Fire Suppression Priorities*

- Any federal wildfire suppression efforts in the Farm Bill should ensure that Indian forests are properly prioritized in fire suppression activities and funding.

Current priorities place protection of private structures above protection of tribal forest assets held, managed and protected by the U.S. as trustee. As a result, in the 2015 fire season, suppression crews were removed from wildfires on Indian trust forests to protect private structures. The fires on Indian trust forests exploded, destroying hundreds of thousands of acres and millions of board feet of timber vitally important to tribal economies. These priorities, allowing federally protected trust assets essential to tribal communities to be sacrificed to protect private structures, needs review.

#### *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 recently 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.

#### *Protection of Sacred Places*

- Ensure that interdepartmental efforts to protect Indian sacred places are maintained and strengthened, and that the responsibilities of USDA and other federal departments to consult with tribes on an ongoing basis concerning sacred places continually occurs. The Memorandum of Understanding among departments of the federal government must be kept in place indefinitely.

#### *Tribal Representatives on Forestry Advisory Bodies*

- Require tribal representation on all local, regional and national planning and implementation bodies which serve in advisory capacities to USDA and the U.S. Forest Service.

#### *Parity between Forest Services and NRCS Land Language*

- Create parity between Forest Service management agreement language and Natural Resources Conservation Service determination of land control language to preserve tribal sovereignty and rights to gather/manage traditional plant stands and enhance opportunities for tribes to leverage Environmental Quality Incentives Program (EQIP) assistance on traditional lands under Forest Service jurisdiction.
- Credit Title or another 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.

#### *GAO Study on Credit Access in Indian Country*

- Conduct an in-depth analysis by the Government Accountability Office into the nature of credit in Indian Country; specifically examining compliance with the Community Reinvestment Act by banks on and near Indian reservations.

#### **Rural Development**

##### *Implement SUTA Provisions Throughout all Rural Development Programs*

- Further broaden the Substantially Underserved Trust Area (SUTA) provision across all RD programs. Currently, SUTA is only applied to a small segment of infrastructure programs, but more explicit guidance must be provided to allow the Secretary to exercise this discretion more broadly. This change will help ensure more equitable access to RD programs and authorities, and can be used to provide much-needed support to tribal citizens living in rural communities. The change would, among other things, allow the waiver of matching requirements for projects funded through RD, which can be a significant barrier to socially disadvantaged applicant participation in RD business and infrastructure projects.

##### *Rural Development Tribal Set-Aside*

- Provide a tribal set-aside in either terms of percentage of the funding portfolio or a specific funding level for tribal applications within each of the RD program authorities to address the inadequacy and general lack of rural infrastructure in Indian Country. The trust responsibility of the federal government to tribes provides the broad foundation for such set aside. Without dedicated funding for tribal rural development, the promise of these places will never be realized and

Indian Country's infrastructure will continue to decline. In many areas around the country, tribal governments are the strongest remaining rural government entity. In some locations, tribal governments have taken over the management of key infrastructure (such as water systems, electric, and other utilities) because there is no other sound governmental or non-governmental entity that can handle these functions.

*Establish a Permanent Rural Development Tribal Technical Assistance Office*

- Establish a permanent office providing technical assistance across all RD funding authorities via a cooperative agreement with USDA for two reasons. First, the complexities of lending and infrastructure establishment in Indian Country tied to the nature of the trust land base- call for the establishment of such an office that can prepare and monitor lessons learned, establish user-friendly application systems, and assist staff at the tribal or business level in preparing applications. This is a function the federal government cannot readily undertake. Such assistance will also provide needed insight to federal staff in the ongoing execution of their roles by providing a single point-of-contact for all concerned. Second, the trust responsibility of the federal government to tribes supports the need to establish such assistance interventions. This is not unheard of, as RD (particularly in the infrastructure arena) has field staff who assist agency staff and the applicant in analyzing financial viability, key engineering specifications, and related technical requirements for more complex infrastructure projects.

*Maintain the Under Secretary for Rural Development Position*

- Maintain an Under Secretary for Rural Development in the 2018 Farm Bill and all additional sequent legislation and appropriations packages. Having an Under Secretary whose primary duties are to focus on RD programs and funding is critical for Indian Country and rural America. Any changes that would impact the Under Secretary role for Rural Development must be the subject of tribal consultation.

*Uplift America by Supporting CDFIs Loan Authority*

- Develop a process to allow small, new and emerging Community Development Financial Institutions (CDFIs) access to loan authority. The concept of hatching and obligating all loan guarantee authority annually is a game changer. The requirements put upon CDFIs to participate in this endeavor are patently prohibitive. Only the largest CDFIs could secure any meaningful funding levels, and some had threatened litigation to do that.

*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.

*Maintain Rural Water Program Funding*

- Rural water and wastewater systems are essential to community support and economic growth in Indian Country. The rural water and wastewater program funding in the RD Title should never be lost. Tribal governments, individual Indian producers, reservations, and remote and isolated communities will be severely undercut in the protection and growth of their food systems and their ability to access markets for their food production markets if access to funding for rural water systems is lost or diminished. This is a matter of food insecurity and economic and environmental justice.

**Research**

*Parity in Funding for FRTEP*

- Increase funding for FRTEP to at least \$10 million, and preferably increased to greater levels of funding. FRTEP supports farmers, natural resources managers, youth (via 4-H youth programs), and communities by providing an 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 the application of new agricultural technologies, among many other vital activities. While there are more than 3,100 extension offices available to farmers nationwide (through the institutions in the land grant system). the current \$3 million funding level provides only 36 FRTEP extension agents to serve more than 50 million acres of tribal lands, a

growing number of tribal food producers, and 567 federally recognized tribal reservations as well as many state-recognized tribal communities. Providing more than \$10 million in funding would begin to address this persistent inequity by nearly doubling the FRTEP staff and the number of Native youth served by the program. Greater attention must be given to whether the land grant extension system funding is being used appropriately or in such a way that tribal communities and producers receive the resources they need in relation to the proportionate formula funding distributed. The current system of competitive funding is also in need of adjusting, as it results in long-standing and effective programs being cast aside in favor of new programs with no established track record and states like South Dakota, with nearly 19 percent of the land owned by Indians, not receiving funding at all. Consultative review of all FRTEP applications must be reinstated.

#### *Research Title Funding Mechanisms*

- Update funding systems to reflect the research and educational needs of tribal communities. The competitive and formula funding mechanisms within the Research Title can provide much-needed research and development, infrastructure development, education, and extension of knowledge, but the assumptions about the funding systems have outlived their usefulness.

#### *TCU Eligibility for all National Institute of Food and Agriculture (NIFA) Funding*

- Make TCUs eligible for all USDA-NIFA funding authorities. TCU extension professionals are not present among enough tribes, and they are currently not provided with even the minimum level of funding to accomplish their work. However, FRTEP, due to its unique history and implementation, must be excluded from this requirement as the circumstances of the FRTEP program is entirely different.

#### *Additional Resources for Tribal College Extension, Research and Education Programs*

- Increase non-FRTEP funding considerably for Tribal College extension programs so they can effectively address the needs for tribal research and education related to tribal food systems and food producers.
- Require extension programs funded at 1862 institutions to provide services to tribal food systems, so that there is not a gap in tribal educational scholarships, internships, and critical needs. The growth of Native food systems requires the improvement of access and parity within the Research Title.
- Commission a comprehensive study to explore the potential ability of 1862 Land Grant Institutions to share administrative functions, classroom and faculty resources, and other related support mechanisms.

#### *Tribal Set-Aside, Preference, and Funding at NIFA*

- USDA should be required to work alongside other relevant federal departments to ensure that weather reporting systems and stations are located on tribal lands and individual Indian-owned lands throughout the U.S., because the gathering of that information is vital to predicting production yields and assessing disaster impacts, among other weather-related needs. Currently, very few weather reporting stations are located on tribal lands, and USDA should take the lead in working with other departments to ensure this is addressed.

#### *Buy Indian and Indian Preference for USDA Food Purchasing*

- Amend the language that controls USDA contracting and procurement, including the language that controls the procurement of food, to not only recognize and support a “Buy Indian” provision, but also allow an “Indian preference” particularly when USDA is purchasing any product, including food, being utilized by Native people within their communities (such as food in the commodity food programs, like the Food Distribution Program on Indian Reservations).

#### *Establish an Indian Agriculture Development Trust Fund*

- Production agriculture has the potential to provide a private sector economy for rural tribal governments. Some of the highest unemployment rates in the country are located on tribal lands—several with chronic unemployment rate as high as 80 percent. Many of these tribal communities have land bases that can support production. A secure and stable source of technical assistance and expertise in the development of their agriculture-related economies could improve the quality of life for Indian peoples living on those reservations.

*Make the Indian Agriculture Trust Fund Available to All Tribes*

- Require that all funds used in the Indian Agriculture Trust Fund should also be available to tribes in other parts of the country and that a study be performed by USDA to find other similar sources of income to fund such a trust fund and report back to Congress as to the findings. The need for such a trust fund is pervasive throughout Indian Country, not just in the Midwest or Missouri River basins and watersheds.

*USDA and BIA Work Group on Farming and Ranching*

- Require USDA and the BIA to form a permanent working group that examines all aspects of the interface of farms and ranches on tribal lands and individual Indian owned lands, and reports annually to both the Secretary of Agriculture and the Secretary of Interior concerning administrative changes that should be made to further the access of tribal governments, tribal producers, and tribal food businesses to all programs and authorities of USDA.

*Tax Extenders*

- Extend the Indian Employment Tax Credit (26 U.S.C. § 45A) and the Accelerated Depreciation Tax Incentive for business property located on Indian reservations (26 U.S.C. § 168) because agriculture is increasingly dependent on financing and development tools. Both tax incentives expired at the end of 2012; however, many businesses operating on the reservation rely on these tax credits to help subsidize the cost of materials and workers. While these should be extended, the accelerated depreciation and Indian employment tax credits are inconsistent, because they continue to be renewed year after year instead of being made permanent or renewed for a longer duration (four to seven years). This uncertainty makes them unreliable as investment incentives to attract the multi-year, large-scale projects they were intended to attract. Making these incentives permanent does not increase costs on an annual basis, and would attract new businesses into Indian Country instead of only benefitting those non-Indian businesses already operating on the reservation.

Please accept this testimony on behalf of the Lac du Flambeau Band of Lake Superior Chippewa Tribe. If you need further information please do not hesitate to contact us. Thank You.

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PREPARED STATEMENT OF CAROLE M. PALMER, FOOD SYSTEMS SPECIALIST, COPE

Dear Chairman Hoeven and Vice Chairman Udall,

Working closely with community members throughout Navajo Nation, we write to submit testimony for the record urging the Senate Committee on Indian Affairs to ensure that Indian Country is fully represented in the upcoming Farm Bill and included in all relevant discussions.

With Congress considering the Farm Bill this session, we request that the Senate Committee on Indian Affairs consult with the Senate Agriculture Committee to address Indian Agriculture in this important piece of legislation.

The Navajo Nation contains nearly 15,000 farm sites, covering almost 17 million acres of land, but only a fraction of these are being farmed. Navajo farmers face challenges with regard to land and water access, and Navajo families face challenges accessing healthy, affordable, and traditional foods. Many advocates in Navajo Nation are working to pursue food sovereignty and the growth of a healthy, sustainable food system. This work occurs at all levels of government: federal, state, and tribal.

Federal efforts to delineate and regulate Navajo lands have caused significant land access and land use issues. As a result, today it is incredibly challenging for new farmers to access land. Farmers of all ages and experience levels also contend with issues including livestock overgrazing and the trespass of cattle onto fertile cropland, soil degradation, and the lengthy and complex process required to obtain a grazing permit. Several programs contained in the Farm Bill have the potential to help alleviate these issues.

**Primary Goal: Support Training and Technical Assistance for Beginning Farmers**

With over 14,000 small producers and a growing number of small farms, it is crucial that Navajo Nation maintain a strong support system for tribe members seeking to transition into the agriculture sector. Programs such as the Rural Microentrepreneur Assistance Program (RMAP) and the Beginning Farmer and Rancher Development Program (BRFDP) can help Navajo Nation build support systems for new producers by providing loans and grants for organizations that provide technical as-

sistance and education to small and beginning farmers. In the 2018 Farm Bill, Navajo Nation advocates can encourage Congress to increase the set-aside funding for socially disadvantaged farmers in the BFRDP, and alter the terms of RMAP loans for minority and socially disadvantaged farmers, in order to improve the likelihood that farmers and organizations in Navajo Nation will benefit from these programs.

*Incentivize aging farmers to prioritize transition planning, and provide training and information for farmers and professionals about farm transition planning.*

According to the 2012 USDA Census of Agriculture, the average age of a Navajo farmer/rancher is 58 years old. As Navajo's almost 23,000 farmers and ranchers age, it is vital to ensure that their farmland will be protected for the next generation. Engaging younger generations and connecting retiring Navajo farmers to younger Navajo Nation members interested in farming can help to preserve traditional farming practices and provide younger Navajo farmers with access to farmland. Farm Bill programs such as the Transition Incentives Program can assist farmers with transitioning land to young and beginning farmers. This program provides retiring farmers with additional rental payments on land enrolled in the Conservation Reserve Program (CRP) if the farmers sell or rent that land to beginning and socially disadvantaged farmers and ranchers when the enrollment expires. Altering the terms of this program in the next farm bill to lower the experience level required for applicants, and to give priority consideration to tribal lands, could make this program more accessible to farmers in Navajo Nation.

**Additional Goals**

- Provide loans or grants for the purchase of agricultural equipment, tools, and infrastructure
- Promote land transfers to Navajo farmers and beginning farmers
- Restore tribal land soil quality in the face of environmental degradation.

Especially as new and beginning farmers gain access to farmland, access to infrastructure such as equipment, tools, and training represents an important need. Agricultural infrastructure will also be critical as climate patterns shift and weather emergencies become more frequent and intense-enhanced agricultural resiliency and diversification of crops can help Navajo Nation ensure the future integrity of their agricultural sector as a cultural, economic, and ecological enterprise. The survival and continued use of traditional agricultural methods also represents a cultural priority.

Getting local and healthy foods to markets within Navajo Nation remains a challenge, due to factors such as the vast and rural nature of the Nation. There are few grocery stores in Navajo Nation, and the grocery and convenience stores often do not carry healthy or traditional foods. To address these challenges, advocates in Navajo Nation are pursuing solutions that prioritize local food production, increase access to healthy food in Navajo Nation, and keep economic resources within the tribe. The next Farm Bill can support these local efforts by providing funding for the development of processing facilities, markets, and transportation in Navajo Nation.

*Primary Goals: Support the creation of value-added goods, the development of shared-use commercial kitchens and other food processing facilities.*

Access to food processing infrastructure can play a key role in building a sustainable local food system. Processing can allow for more local goods to be prepared, which can create local jobs while increasing access to local, traditional and less highly-processed foods. Yet critical processing infrastructure, such as certified kitchens and cold storage, is largely absent. Expanded availability of commercial kitchens and other infrastructure could increase local food processing capacity in the Navajo Nation. Existing farm bill programs such as Value-Added Producer Grants and the Community Foods Project program provide funding to support these initiatives. Advocates can push for maintenance of such programs in the 2018 Farm Bill, with modifications such as set-aside funding for socially disadvantaged producers or for projects in tribal communities, in order to increase access to these programs in Navajo Nation.

*Support the creation and operation of mobile slaughterhouse units.*

As of 2012, there were 23,082 farmers and ranchers in Navajo Nation and 71,605 cattle and calves. However, many meat slaughter and processing facilities are far from the Navajo Nation, and no USDAinspected slaughterhouse on the Nation. Development of a slaughterhouse that complies with USDA and state requirements is extremely expensive. Mobile Slaughter Units (MSUs), while still expensive, are a potential solution for rural producers who want to process and sell their meat to

local consumers. MSUs can reduce transportation costs for farmers and could allow for the use of traditional slaughter and processing methods. Farm Bill programs such as Value-Added Producer Grants and the Rural Business Development Program can be used to study the feasibility of an MSU, and to cover planning and equipment costs. Advocating for expanded set-asides for socially disadvantaged or tribal applicants, and waiving matching requirements for these applicants, could increase the likelihood that a project in Navajo Nation could receive funding to develop an MSU.

#### **Additional Goals**

- Support the formation of agricultural cooperatives and food hubs in Navajo Nation.
- Support livestock producers by improving access to risk management.
- Modify the Geographically Disadvantaged Farmers and Ranchers Program to better support Navajo Nation.

COPE gives its full support to tribal leadership and grassroots efforts on the Navajo Nation to address these critical issues. We appreciate your strong consideration of tribal perspectives as you move forward with this legislation.

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**PREPARED STATEMENT OF HON. BRANDON YELLOWBIRD STEVENS, VICE-CHAIRMAN,  
ONEIDA NATION**

Dear Chairman Hoeven and Vice Chairman Udall,

On behalf of the Oneida Nation in the State of Wisconsin, we write to submit testimony for the record urging the Senate Committee on Indian Affairs to ensure that Indian Country is included in the upcoming Farm Bill.

With Congress considering the Farm Bill this session, we request the Senate Committee on Indian Affairs to work closely with the Senate Agriculture Committee to address Indian Agriculture in this important piece of legislation.

The Oneida Nation is a federally recognized Indian Tribe with approximately 17,000 Oneida citizens. Currently, there are 4,487 Oneida citizens living on the Oneida Reservation with the remainder living worldwide. The Oneida Indian Reservation was established in 1838 and covers nearly 65,400 acres. Although, we own approximately 26,000 of those acres, the boundaries of our reservation remain unchanged while seven local municipalities overlap onto the reservation. Our Nation is originally from upstate New York. After the Revolutionary War, we lost nearly 5 million acres of our original homelands to the birth of the United States and the state of New York. Our people began to relocate to Wisconsin. In 1838, the Treaty with the Oneida established the 65,400-acre Oneida Indian Reservation along Duck Creek. For nearly 200 years, we have lived here, a place we now call home.

The Oneida Nation Farms and Agriculture Center grows 5,000 acres of crops which includes traditional cash crops, our traditional white corn, raises 450–550 head of feeders, 150 head of grazed cow-calf, and 177 head of grass-fed bison. Other lands in steep soils (slopes) are being used for 30 acres of non-cultivated apple crop productions without causing soil erosion and 10 acres are used for production of strawberries, raspberries, pumpkins, and squash. The Oneida Nation recently established an aquaponics system that will produce between 10–15,000 heads of lettuce and 800 fish.

The Oneida Nation has utilized many USDA programs such as Natural Resources Conservation Service (NRCS), Environmental Quality Incentive Program (EQIP), Conservation Reserve Program (CRP), Conservation Stewardship Program (CSP), Agricultural Conservation Easement Program (ACEP), Food Distribution Program on Indian Reservations, and Rural Development. Each of these programs has been extremely helpful in improving the quality of life for reservation residents.

Considering the state of agriculture for our community, Oneida Nation requests the Senate Committee on Indian Affairs and the Senate Agriculture Committee include the following in any legislation regarding the Farm Bill:

- Tribal Governmental Parity with State and Local Governments throughout the entire Farm Bill, including access to funding, technical assistance, and other programs.
- Tribal Administration of Supplemental Nutritional Assistance Program and all Federal Food Assistance Programs through PL 93–638 self-determination contracts.
- Expand the Substantially Underserved Trust Area (SUTA) provision across all Rural Development programs.

In addition, the Oneida Nation supports the following recommendations to be included in any agriculture legislation in this Congress.

#### Conservation Title

- To provide base funding to Tribal Organizations that represent a geographic location that gives a voice to Tribes of Wisconsin on agriculture, food, and conservation issues that are important to Native Americans at the state and national levels like the Wisconsin Tribal Conservation Advisory Council (WTCAC). Tribal Conservation Advisory Councils were first authorized in the 1995 Farm Bill as advisory bodies to NRCS and all of USDA on Tribal issues, and WTCAC was the first such council formed in the country 2001. These Tribal Advisory Councils bring in strong partnerships to the USDA's agencies for reviewing policies, regulations, development new programing and standards.
- Create a separate permanent Tribal Technical support fund to ensure that specialized technical assistance is made available to tribal entities, with priority given to organizations such as WTCAC which have an established record of providing technical assistance and the ability to successfully complete conservation programming on Tribal Land.

#### Forestry Title

- Forest Service (FS) and NRCS language needs parity language to preserve tribal sovereignty and rights to gather and manage traditional plant stands and enhance opportunities for tribes to leverage EQIP on traditional lands.
- Under the Farm Bill, all Forestry languages, programs, regulations and standards should also reference the "Tribes" where ever referring to "states". This will improve and expand access to the U.S. Forest Service programming and services.

#### Crop Insurance Title

- Commodities and Crop Insurance: Improvements in recognizing Tribal Agricultural products such as traditional medicinal plants, maple syrup, honey, hazelnuts, white corn, fish, birch, deer, or other animals and ginseng (to name a few) to be included in all USDA agencies as commodities. Recognition of traditional Tribal products will provide equal opportunity to Tribal members, allowing for technical assistance, risk insurance for crop losses, and wanant low interest loans for tribal agriculture start-ups.

#### Miscellaneous

- The Farm Bill should enable additional research and pilot projects to help plow the path between USDA and US Drug Enforcement Agency to advance legal cultivation, harvest, and use and sale of industrial hemp (with low concentrations of THC), authorized at the federal, state, and local level. Through this action, Tribes can refine or offer products for a variety of commercial items including paper, textiles, clothing, biodegradable plastics, paint, insulation, biofuel, food, and animal feed.
- Recommend a standardization of definition of language across USDA agencies. Standardization might include defined factors such as plant vigor, healthy plants, and healthy fish as examples. Language that defines the policies, procedures and regulations in the 2018 Farm Bill needs to provide equal opportunity to traditional native agricultural producers. For example: NRCS definition of a field is based on the concept of production, which does not consider Tribal Aquaponics projects, while Farm Services field does include Tribal Aquaponics projects and the Aquaponics growth area is considered a field.

The Oneida Nation supports many of the recommendations provided by the Native Farm Bill Coalition.

Thank you for the opportunity to comment on the importance of the Farm Bill in Indian Country, where agriculture can have both economic impacts and cultural significance. We look forward to continuing to work with the Committee to protect, expand, and enhance Indian Agriculture.

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#### PREPARED STATEMENT OF HON. ROBERT VALENCIA, CHAIRMAN, PASCUA YAQUI TRIBE

Dear Chairman Hoeven and Vice Chairman Udall,

On behalf of the Pascua Yaqui Tribe of Arizona, we write to submit testimony for the record urging the Senate Committee on Indian Affairs to ensure that Indian Country is included in the upcoming Farm Bill.

With Congress considering the Farm Bill this session, we request the Senate Committee on Indian Affairs work closely with the Senate Agriculture Committee to address Indian Agriculture in this important piece of legislation.

The Pascua Yaqui Tribe is a sovereign nation located in Arizona. The Tribe has a reservation southwest of Tucson, with an on-reservation population of about five-thousand members. The total population of the Tribe is 22,000 enrolled members. In addition to the Reservation, which comprises 2,216 acres, the Tribe also has several predominantly Pascua Yaqui communities off of the reservation throughout southern and central Arizona. These communities predate the Tribe's Federal Recognition in 1978, and the designation of the Reservation at that same time. While not trust lands, these Pascua Yaqui communities are home to tribal members for whom the Tribe provides services, including housing, health care, and various other costly services and programs.

The importance of the Nutrition Title programs in Indian Country cannot be overstated. The Supplemental Nutrition Assistance Program (SNAP) provides benefits to 24 percent of American Indian and Alaska Native households and that percentage is even higher at the Pascua Yaqui Tribe, with 49 percent of households receiving SNAP. This percentage is four times higher than other residents of the State of Arizona.

Tribes' higher participation rates in the nutrition programs hinge on limited meaningful employment opportunities, poor transportation options to food sources or food retail, lack of food retail locations in tribal communities, the age and population characteristics of the individuals in the communities, and the prevalence of chronic health problems, among other issues. Because the rates of obesity, diabetes, chronic heart disease, cancer, and other health problems are so high in so many communities in Indian Country, participation rates in the nutrition programs coupled with the prevalence of persistent poverty create a fragile system of food access across Indian Country. A consistent, comprehensive, and tribal-led approach that is tailored to Indian Country's needs is paramount.

Any cuts or changes to reduce direct participation in the programs diminish the food, and in some cases the only meals, available to Native children, pregnant women, elders, and veterans. No one, especially our most vulnerable tribal citizens, should ever have to go without food. Tribal governments have consistently sought the authority to take over the administration of federal food assistance programs like SNAP, which they currently cannot run, to not only improve food access and efficiency of the programs, but to further tribal self-governance and serve the unique needs of their citizens and communities.

The Pascua Yaqui Tribe requests the Senate Committee on Indian Affairs and the Senate Agriculture Committee include the following in any legislation regarding the Farm Bill:

- Tribal Governmental Parity with State and Local Governments throughout the entire Farm Bill;
- Tribal Administration of the SNAP and all Federal Food Assistance Programs through 638 Contracts; and
- Expansion of the Substantially Underserved Trust Area (SUTA) provision across all Rural Development programs.

In addition, the Pascua Yaqui Tribe supports the following recommendations to be included in any agriculture legislation in this Congress.

#### **Conservation Title**

- Create a new section of the Conservation Title or in sections related to eligibility determinations to ensure 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 and that special provisions are enacted in regulations to ensure that any tribal government-allowed entity is the recognized conservation program participant (as opposed to specific individuals).
- 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."
- 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. Wherever reference is made to "state" or "local" or "regional" agricultural producer, the terms "tribal" should be inserted into that section to ensure that inadvertent failure to list tribal governments, tribal producers, or tribal organizations does not preclude them from

participating or relegate them to a lesser importance or priority within the relevant section.

### **Nutrition Title**

#### *Tribal Administration of the SNAP and All Federal Food Assistance Programs*

- Provide tribal governments and tribal organizations the direct authority to administer SNAP and all other federal food assistance programs which they are currently not allowed to directly manage. This can be achieved by providing tribes with “638” selfgovernance contract authority for nutrition programs which exists for Department of the Interior and Indian Health Service programs. Allowing tribes to take over these functions from the federal government will improve efficiency, reduce regulatory burdens, and support tribal self-governance and self-determination.

#### *Improvements to the FDPIR and Other Federal Feeding Programs*

- Since 2015, several tribal leaders have consulted with the USDA Food and Nutrition Service (FNS) over significant improvements needed to FDPIR. While tribes have made some headway with USDA, significant legislative changes, including those listed below, still need to occur within the FDPIR program.
  - Eliminating the matching funds requirement for each of the FDPIR program sites to participate, or limiting the matching requirement to 5 percent.
  - Providing tribal feeding sites with parity to state counterpart programs by allowing them to engage in carryover of unspent funds from year to year. This unequal treatment is problematic to tribal feeding programs whose funding needs, particularly for food distribution infrastructure (e.g., warehouses), could be met by allowing carryover funding.
  - Requiring FNS to continue to engage in tribal consultation.
  - Requiring FNS to engage in tribal consultation concerning reasonable alternatives to the regulatory-approved practice of “tailgating” at FDPIR program sites. No FDPIR program site should be allowed to engage in this demeaning practice.
  - Requiring FNS to consult with tribes and develop a written, public contingency plan in the event of any lapses in funding, disasters, government closures, or related incidents that might interrupt or cause the stoppage of food delivery.
  - Allowing those who participate in FDPIR to also simultaneously participate in SNAP. Neither program provides enough food for participants in remote places; by allowing simultaneous usage of the programs these two supplemental feeding programs can be combined to actually result in addressing food insecurity.
  - Requiring FNS to hire at least one national tribal liaison located in its Washington, D.C., offices and one regional tribal liaison located in each regional FNS office subject to a federal Native American hiring preference or high levels of experience with tribal communities.
  - Increase nutrition education funding to at least \$5 million per year and create an alternative to competitive funding so each tribal program receives support for nutrition education program materials through a coordinated approach.
  - Requiring FDPIR traditional food purchases (bison, wild rice, salmon, blue com, and other products) to be a regular part of food package purchases and not require supplemental or special appropriations to purchase these foods.

### **Rural Development Title**

- Ensure access to funds for feasibility studies, business plans, and strategic planning for energy development by amending the Rural Cooperative Development Grant Program to authorize rural tribes to apply.

### **Energy Title**

- Amend the Rural Energy for America Program to authorize grants and loans to tribally owned enterprises for renewable energy and energy efficiency improvements.
- Amend 6407 of the 2002 Farm Bill, 7 USC 8107a, to include tribes as eligible entities for the rural energy savings program.
- Amend the Rural Economic Development Loan and Grant Program, authorized under 7 USC 1932, to include tribes as eligible intermediaries.

## **Miscellaneous**

### *Fully Fund the Office of Tribal Relations at USDA*

- Fund the Office of Tribal Relations (OTR) at a minimum of \$1.5 million, because insufficient funding limits OTR's ability to provide the programs, technical assistance, content, and even basic communications to tribes and tribal producers regarding USDA's education and training programs. Adequate funding is essential to carrying out OTR duties, including the oversight of all USDA tribal consultation.

### *Tax Credits or other Tax Incentives for Buying Indian Food and Agriculture Products*

- The 2018 Farm Bill should create a new "Buy Indian" tax credit or other tax incentive to encourage consumers and those within the food supply chain to buy American Indian and Alaska Native food products. This will not only help Native food products in the supply chain, it will also provide incentive for distributors, retailers, and related food purchasers to examine Native food product purchases to meet their food supply needs.

### *Recognize Tribal Departments of Food and Agriculture*

- Permanently recognize and incorporate Tribal Departments charged with administration of Agriculture and Food Systems into the ongoing interface of all agencies within USDA and the Office of Intergovernmental Affairs at USDA with other offices of government.

### *Country of Origin Labeling and Beef Checkoff*

- Reinstate Country of Origin Labeling and create a set-aside within the Beef Checkoff funds that is devoted to the marketing and promotion of Native American Beef.

### *Education, Training and Scholarship Programs to Support Native Producers and Scientists*

- Develop a new program that focuses on educating and training the tribal agriculture labor force, provides key scholarships to Native producers, and encourages Native scholars and scientists to focus on food and agriculture. USDA currently has multiple internship, scholarship, mentoring, and other programs focused on increasing the diversity of American agriculture by educating the next generation of tribal leaders in food and agriculture. However, Native representation is low, and outreach to Native communities is weak. A Native scholarship program should be adequately funded and coordinated throughout the land grant system. A minimum of \$10 million is needed to adequately endow a centralized scholarship fund for Native youth and scholars. This program should be managed by the Office of Tribal Relations and any new Office of Tribal Agriculture.

### *Maintain and Fund the Intertribal Technical Assistance Network*

- Permanently maintain and fund the Intertribal Technical Assistance Network, which has been in place for more than five years through a cooperative agreement between USDA and the Intertribal Agriculture Council, through contributions from each of the agencies and offices of USDA. This effort should be funded at least \$3 million annually, and it must continue to maintain regional offices in each of the 12 BIA regions to ensure access for all Native producers.

### *AOO Outreach and Internships for Native Students*

- Require the USDA Office of Advocacy and Outreach (AOO) to fund internships for Native students at a level equal to the number of internships the office supports for any other socially disadvantaged group (e.g., Hispanic, African American, Asian American, women, etc.). The OAO has been inconsistent in funding these internships for Native students, and they should be required to do so if they fund members of other groups. The Tribal Liaison position within the OAO that focuses on the relationship between the American Indian Higher Education Consortium (AIHEC) and USDA (and staffs the joint leadership council of AIHEC and USDA officials) should be moved to the Office of Tribal Relations.

### *Tribal Representation on All Federal Advisory Committees*

- Require USDA to recruit and appoint tribal citizens to each of the more than 100 federal advisory committees it seats and supports. In addition, the Council for Native American Farming and Ranching should receive funding to support its work, and it should become a permanent FACA advising the Secretary and USDA.

*Weather Reporting Stations*

- USDA should be required to work alongside other relevant federal departments to ensure that weather reporting systems and stations are located on tribal lands and individual Indian-owned lands throughout the U.S., because the gathering of that information is vital to predicting production yields and assessing disaster impacts, among other weatherrelated needs. Currently, very few weather reporting stations are located on tribal lands, and USDA should take the lead in working with other departments to ensure this is addressed.

*Buy Indian and Indian Preference for USDA Food Purchasing*

- Amend the language that controls USDA contracting and procurement, including the language that controls the procurement of food, to not only recognize and support a “Buy Indian” provision, but also allow an “Indian preference” particularly when USDA is purchasing any product, including food, being utilized by Native people within their communities (such as food in the commodity food programs, like the Food Distribution Program on Indian Reservations).

The Pascua Yaqui Tribe has already demonstrated its ability to effectively manage businesses and federal programs. We run two successful casinos, run a business assisting tribes with developing their own Enhanced Tribal Identification Cards, and have run our own successful health clinic for more than two decades. The Pascua Yaqui Tribe, with its demonstrated history of good governance, should be provided an opportunity to administer the food benefits programs. We appreciate the opportunity to tell you about the provisions of the Farm Bill that are important to the Pascua Yaqui Tribe.

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PREPARED STATEMENT OF HON. JEFFERSON KEEL, PRESIDENT, CHICKASAW NATION

Dear Chairman Hoeven and Vice Chairman Udall:

On behalf of the National Congress of American Indians (NCAI), the oldest, largest, and most representative organization of American Indian and Alaska Native tribal governments, we write to submit testimony requesting that the Committee on Indian Affairs work with the Committee on Agriculture, Nutrition and Forestry to include Indian Country’s priorities in the next Farm Bill. For far too long, tribal governments, tribal producers and Native people have been left out of the Farm Bill. Because of this, Indian Country’s agriculture, nutrition, conservation and forestry have not yet met their full potential. This Farm Bill is the perfect opportunity to include Indian Country so that all of America can benefit from this very important piece of legislation.

Agriculture is a major economic factor for rural tribal communities. The 2012 Census of Agriculture conducted by the National Agricultural Statistics Service (NASS)<sup>1</sup> noted that Indian Country has:

- 56,000 American Indian and Alaska Native Farmers and Ranchers;
- Over \$3.2 billion market value of products; and
- \$1.4 billion in crops and \$1.8 billion in livestock and poultry.

The Farm Bill reaches many aspects of life in rural America, and in Indian Country as well. Native farmers and ranchers are most directly impacted by this piece of legislation. Tribal governments have been left out of the Farm Bill, excluding them from critical programs that would improve their communities. In this Farm Bill, we ask Congress to ensure Indian Country has access to all USDA has to offer. This is the time for us to work together to ensure the Farm Bill helps all Americans.

NCAI asks the Committee on Indian Affairs and the Agriculture, Nutrition and Forestry Committee to include the following principles in the next Farm Bill:

- Recognizing Tribal Government Parity;
- Allowing Tribes greater access to Rural Development Programs;
- Improving Credit Access in Indian Country;
- Promoting Traditional Native Foods and recognizing Traditional Ecological Knowledge; and
- Improving Interdepartmental coordination between USDA and Interior.

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<sup>1</sup> NASS has acknowledged that this data is substantially undercounted and the economic impact is likely much greater than \$3.2 billion.

These principles and the recommendations listed below do not create new costs to the Federal Government. In fact, many of the recommendations are simply allowing Tribes better access to USDA programs.

#### **Tribal Governmental Parity**

Tribal Nations are governments recognized by the United States Constitution. The Commerce Clause (Article I, Section 8) grants Congress the power “to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.” Tribes are governments, just as states and foreign nations are. To date, the Farm Bill has promoted agriculture and food production for the states (through all titles) and with foreign nations (through the Trade title). Now is the time to acknowledge Tribal Nation’s governmental parity in all titles of the Farm Bill.

Congress can uphold tribal government parity by including “Tribal governments” in all references to “State and local governments.” By doing so, Congress will ensure that Tribal Governments have the same opportunities and engagement with USDA. Tribes have been left out of the agricultural progress that the rest of America has experienced. By including Tribal Governments in all lists of governments in the Farm Bill, Tribes can find self-determined outcomes to promote agriculture in their communities. Including Tribal Governments in the Farm Bill in this way will support local, smaller governments and remove bureaucratic hurdles for rural Americans.

Specifically, we ask that Congress include the following provisions for tribal government parity in the Farm Bill:

*Recognize Tribal Departments of Food and Agriculture.* Tribal Departments charged with administration of agriculture and food systems by their Tribal government must have the authority to interface with all agencies within USDA and the Office of Intergovernmental Affairs at USDA. This would include full treatment as a state for Tribal governments thus recognizing their tribal laws, authority, and jurisdiction. This would uphold the Government-to-Government relationship between tribal Nations and the federal government (USDA) Title: Across all Farm Bill titles/ miscellaneous

*Tribal Government Management of All Nutrition and Food Assistance Programs.* Extend 638 contracting authority to USDA Food Assistance Programs, programs like the Supplemental Nutrition Assistance Program (SNAP) and the Food Distribution Program and the Food Distribution Program on Indian Reservations (FDPIR). Local tribal governments will be able to more efficiently and better serve their citizens. 638 authority through Health and Human Services and the Department of the Interior (DOI) have shown to be an extremely successful way to deliver federal programs in Indian Country. This successful model should be extended to USDA Nutrition programs. The devolution of federal funds and service delivery allows Tribal governments increased programmatic and administrative responsibility and minimizes federal reporting burdens, monitoring, and oversight. Smaller, more local solutions are needed in USDA Nutrition programs and Tribes know how to deliver those programs for the benefit of their communities.

For years, NCAI has called on Congress to fully fund the Nutrition title and its programs. Native people utilize many Nutrition title programs including SNAP, the Restaurant Meals Program; Nutrition Education and Obesity Prevention Grant Program; the Food Distribution Program on Indian Reservations (FDPIR); the Emergency Food Assistance Program; the Commodity Supplemental Food Program; the Senior Farmers Market Nutrition Program; the Fresh Fruit and Vegetable Program; the Food Insecurity Nutrition Incentive Program; the Healthy Food Financing Initiative; and the Agriculture Service Learning Program. Again, we ask that Congress fully fund these critical programs. Title: Nutrition

*Recognize Tribal Governments and Tribal Law in the Conservation Title.* All sections of the Conservation Title should recognize that tribal governments, tribal producers, and tribal entities or organizations created for conservation and natural resource protection purposes have full access to every program. Wherever there is a reference to “state” or “local” or “regional” agricultural producer, the terms “tribal” should be inserted into that section to ensure that any inadvertent failure to list tribal governments, tribal producers, or tribal organizations does not preclude them from participating or relegate them to a lesser importance or priority within the relevant section. Congress should ensure that any reference to “state law” in the Conservation Title reads “state law or tribal law.” This will acknowledge the conservation laws and codes of Tribal Governments and will allow Tribal Governments to enforce their laws over the lands which they have jurisdiction. Title: Conservation

*Governmental Parity within Forest Service Programs and Authorities.* Extending the Good Neighbor Authority to include Tribal governments, just as it does to state government and specifically including Tribes in the title of the State and Private

Forestry Program will ensure that the Forest Service works with tribal governments. Partnering together, in a cooperative manner, to manage the nation's forests and tribal forests alongside other state and local governments and private land-owners is critical to helping our forestlands recover from wildfire and become healthier. Title: Forestry

*Recognize Tribal Law for Supplemental Agricultural Disaster Assistance Programs.* Section 1501(a)(1)(B)(iv) should be amended to read: "a corporation, limited liability corporation, or other farm organizational structure organized under Federal, State law and Tribal law." The Federal Emergency Management Agency (FEMA) acknowledges Tribal law by allowing Tribal Governments to issue Tribal Disaster Declarations, just as States do.<sup>2</sup> Agricultural Disaster Assistance should be consistent with other Federal disaster protocols in Indian Country, like FEMA. This addition creates parity for tribal governments and acknowledges the authority of entities organized under tribal law or under federal law such as Section 17 corporations. Update the livestock definition in Section 1501(a)(3) to include other commonly raised livestock like "reindeer," "caribou," "elk," "horses," or other animals raised or harvested in tribal communities.

All of these animals must be further recognized as a livestock and eligible for full protection and program participation Department-wide. Title: Commodities

*Tribal Inclusion in the Specialty Crop Block Grant Program.* Change the Specialty Crop Block Grant Program to ensure that tribal departments of food and agriculture are eligible for funding under this important program and that tribal projects are not required to go through state funding mechanisms at state departments of agriculture to receive support. This program is critical to the growth of this sector in Indian Country, and tribal sovereignty should be respected by allowing these new departments to receive funding parity. Title: Horticulture and Specialty Crops

*Parity Between Forest Services and NRCS Land Language.* Create parity between Forest Service management agreement language and Natural Resources Conservation Service determination of land control language to preserve tribal sovereignty and rights to gather/manage traditional plant stands and enhance opportunities for tribes to leverage Environmental Quality Incentives Program (EQIP) assistance on traditional lands under Forest Service jurisdiction. Title: Conservation and Forestry

### Rural Development

Indian Country by nature is mostly rural and disproportionately lacks the infrastructure that more urban areas enjoy. The Rural Development title of the Farm Bill was intended to bring this much needed infrastructure to rural communities. Now is the time to bring the Rural Development title to Indian Country.

With more than 100 million acres of tribal lands and individual Indian owned land, located in primarily rural areas across 34 states, Rural Development (RD) Title programs and funding are vitally important to tribal governments, communities, individual Indian producers, and tribal businesses. In fact, the RD grant and loan programs are sometimes the only option tribes and their neighboring communities have for building new infrastructure or updating antiquated systems essential to spur and sustain economic development and growth in their rural communities. However, there are still issues with accessing and funding RD programs.

Congress can improve Rural Development in Indian Country by including the following recommendations in the Farm Bill.

*Implement SUTA Provisions Throughout all Rural Development Programs.* Further broaden the Substantially Underserved Trust Area (SUTA) provision across all RD programs. Currently, SUTA is only applied to a small segment of infrastructure programs at the Rural Utility Service, but Congress must allow the Secretary to exercise this discretion more broadly. This change will help ensure more equitable access to RD programs and authorities, and can be used to provide much-needed support to tribal citizens living in rural communities. The change would, among other things, allow the waiver of matching requirements for projects funded through RD, which can be a significant barrier to socially disadvantaged applicant participation in RD business and infrastructure projects. Title: Rural Development

*Rural Development Tribal Set-Aside.* Provide a tribal set-aside in either terms of percentage of the funding portfolio or a specific funding level for tribal applications within each of the RD program authorities to address the inadequacy and general lack of rural infrastructure in Indian Country. The trust responsibility of the federal government to tribes provides the broad foundation for such set-aside. In some locations, tribal governments have taken over the management of key infrastructure

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<sup>2</sup>Sandy Recovery Improvement Act of 2013. <https://www.fema.gov/blog/2013-01-31/changing-laws-better-recognizing-tribal-sovereignty>

(such as water systems, electric, and other utilities) because there is no other governmental entity that can handle these functions. Title: Rural Development

*Expand Tribal Access to the Rural Community Development Initiative Grants.* Tribal Nations have been greatly underserved in rural development, and the Rural Community Development Initiative Grants are the gateway to all Rural Development funding. Tribal planning processes tend to be siloed into grant-driven programs for housing and transportation. Tribes need more resources to integrate planning for economic development and jobs, agriculture and natural resources, and broad-scale planning for the future needs of tribal communities. Rural Development planning is especially important currently, with the need to implement the Indian Trust Asset Management Reform Act, to plan water development, with the FirstNet broadband project, tribes need planning before they can access the benefits. The federal government last supported comprehensive planning in Indian Country in the 1980's, but those planning efforts must be updated for a new era. Title: Rural Development

*Establish a Permanent Rural Development Tribal Technical Assistance Office.* Establish a permanent office providing technical assistance across all RD funding authorities via a cooperative agreement with USDA. The complexities of lending and infrastructure establishment in Indian Country call for the establishment of such an office that can prepare and monitor lessons learned, establish user friendly application systems, and assist staff at the tribal or business level in preparing applications. The trust responsibility of the federal government to tribes supports the need to establish such assistance interventions. RD has field staff that assist agency staff and the applicant in analyzing financial viability, key engineering specifications, and related technical requirements for more complex infrastructure projects. Title: Rural Development

*Maintain the Under Secretary for Rural Development Position.* Maintain an Under Secretary for Rural Development in the 2018 Farm Bill and all additional sequent legislation and appropriations packages. Having an Under Secretary whose primary duties are to focus on RD programs and funding is critical for Indian Country and rural America. Any changes that would impact the Under Secretary role for Rural Development must be the subject of tribal consultation. Title: Rural Development

*Uplift America by Supporting CDFIs Loan Authority.* Develop a process to allow small, new and emerging Community Development Financial Institutions (CDFIs) access to loan authority. The concept of batching and obligating all loan guarantee authority annually is a game changer. The requirements put upon CDFIs to participate in this endeavor are patently prohibitive. Only the largest CDFIs could secure any meaningful funding levels, and some had threatened litigation to do that. Title: Rural Development

*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. Title: Rural Development

*Maintain Rural Water Program Funding.* Rural water and wastewater systems are essential to community support and economic growth in Indian Country. Tribal governments, individual Indian producers, reservations, and remote and isolated communities will be severely undercut in the protection and growth of their food systems and their ability to access markets for their food products if access to funding for rural water systems is lost or diminished. This is a matter of food insecurity and economic and environmental justice. Title: Rural Development

### **Improving Credit Access in Indian Country**

Due to the capital-intense nature of farming and ranching and agribusiness in general, many titles work together to address the financial issues surrounding agriculture: credit, commodity, conservation, and crop insurance. Farming, ranching, and agribusiness are high-risk enterprises. Having access to a lending entity willing to understand these financial realities is critical. During turbulent times, Indian Country is always hit as hard or harder than most other areas of the country because of the remote and isolated nature of our farms, ranches, and agribusinesses and the reality that in most reservation communities a "credit desert" exists alongside food deserts.

Congress can improve credit access in Indian Country by including the following recommendations in the Farm Bill.

*Structuring Loans to Suit the Business.* Authorize several innovative loan structuring measures in the 2018 Farm Bill. For example, currently FSA will lend 100 percent of the cost of bred livestock. It will then subordinate its 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. Title: 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 that 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. Title: Credit

*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. Title: Credit

*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. Title: Credit

*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. Title: Credit

*Parity for Indian Country Agriculture Production.* With over 50 percent of the \$3.4 billion Indian Agriculture Industry being comprised of cattle, it is critical to ensure that risk management products be designed to meet the needs. Currently there are few options available; and those that do exist require up-front premium payments (LFP, LRP). Simply changing the timing of premium payment to coincide with production would ease the burden of participation for Indian Producers. Increasing the federal subsidy rate for this type of programs has also been demonstrated to incentive participation and mitigates federal outlay in times of disaster. Title: Crop Insurance

#### **Support Traditional Native Foods and Traditional Ecological Knowledge**

Native people have always put food on their tables. Native traditional foods have been a part of our culture for millennia. Returning to traditional Native foods will lead to healthier Native populations, leading to less healthcare costs and to more tribal self-determination through food sovereignty. Traditional foods also have the potential for breaking into new markets leading to further economic development in Indian Country.

Native people have always been tied to their land. Native people were the first Americans to carry out conservation practices. The U.S. Fish and Wildlife Service defines Traditional Ecological Knowledge as "the evolving knowledge acquired by indigenous and local peoples over hundreds or thousands of years through direct contact with the environment.<sup>3</sup>" USFWS continues "although the collection of TEK is not government-to-government consultation, TEK is one way federal employees can honor the federal trust responsibility to tribes with regard to resources of mutual interest." Traditional Ecological Knowledge should be recognized in the Conservation title to allow tribal knowledge to better inform conservation practices.

Supporting traditional foods and traditional ecological knowledge can take place in many titles of the Farm Bill: nutrition, research, horticulture, crop insurance, trade and, conservation. Congress can support Traditional Foods and recognize Traditional Ecological Knowledge by including the following recommendations in the Farm Bill.

*Require the Food Distribution Program on Indian Reservations to purchase traditional foods.* Requiring FDPIR traditional food purchases (bison, wild rice, salmon, blue corn, and other products) to be a regular part of food package purchases and

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<sup>3</sup>U.S. Fish and Wildlife Service, Traditional Ecological Knowledge for Application by Service Scientists Fact Sheet- <https://www.fws.gov/nativeamerican/pdf/tek-fact-sheet.pdf>

not require supplemental or special appropriations to purchase these foods. This will lead to healthier food distributions while also promoting business development through agriculture on tribal lands. Title: Nutrition

*Agricultural Research Service Projects on Traditional Ecological Knowledge.* Launch and support a significant number of research projects within the Agricultural Research Service that focus on the important role that traditional knowledge plays in the environmental, natural resource, ecological, food science, nutrition, and health arenas. Funding provided in these unique content areas must be done with full consultation with tribal governments and full compliance with modern cultural practices and recognition. Title: Research

*Protecting Native Foods in the Marketplace.* Require USDA to work with tribal governments, tribal organizations, and tribal producers to develop programs that are designed to protect the integrity of Native food products from fraudulent versions of their foods in the marketplace. The federal trust relationship requires that USDA work with tribal governments, tribal food companies, and tribal food producers to ensure that market regulatory mechanisms can be used to augment the ability and inherent legal authority of tribes to protect their unique food products. This can be done through geographic intellectual property mechanisms put in place by tribal governments to protect unique tribal foods or other appropriate legal mechanisms that must receive recognition by the federal government. These processes for protection should be fully supported and recognized by USDA. Title: Horticulture

*Protect Tribal Seeds and Traditional Foods.* Require the USDA to take steps, after tribal consultation, to ensure that tribal seeds are given the maximum protection available under federal law and not allowed to be accessed for commercialized purposes without the consent of tribal governments. Seeds of traditional foods are among the most sacred items to Indigenous peoples and the protection of those seeds, not only as food sources but as important cultural systems, must be required. Title: Horticulture

*Development of Crop Insurance for Traditional Foods and Livestock.* Encourage RMA to develop a unique crop insurance policy product designed to cover the production systems associated with tribal food product, tribal livestock, and traditional food systems. The production systems associated with such products should be recognized as Good Agricultural Practices (GAPs), and tribal producers should also be afforded the same opportunity to pay premiums upon the sale of the crop or livestock instead of making an upfront payment. Title: Crop Insurance

*Expand Market Access Program (MAP).* Expand MAP by substantially increasing the funding available to the existing agreements that facilitate coordination and administration of the MAP program and result in increasing tribal food business participation in the program so that tribal audiences and more tribal food and agriculture businesses can benefit from the program. The impact of such engagement will further solidify local food economies and food businesses and stabilize tribal economies. Title: Trade

*Tribal Representatives on US Trade Missions.* Include tribal governments, tribal food businesses, and individual tribal food producers on all foreign trade missions undertaken by the United States to further assist the access of tribal food products to such markets. Title: Trade

*Supporting Unique Tribal Foods and Fighting Native Food Fraud.* Require the U.S. Department of Agriculture (USDA) to institute a system by which fraudulent foods that mimic tribal foods and tribal food businesses can be uncovered and prevented in the marketplace. Food fraud is on the rise throughout the world, and unscrupulous food business entities are already trying to mimic or replicate unique tribal food products. Those businesses should not be allowed to participate in programs that allow them to access markets with products that perpetrate frauds on tribal food producers or food businesses. Title: Trade

*Recognition of Traditional Ecological Knowledge-Based Conservation.* Develop a new section of the Conservation Title to explicitly allow a tribe or a group of tribes within a state or region to develop traditional ecological knowledge-based technical standards that will control the implementation of all conservation projects allowed under the Farm Bill. This new section would codify current NRCS practices that encourage traditional ecological knowledge-based conservation and would further recognize the fact that tribal jurisdiction and use of traditional practices to improve conservation project implementation are decisions best left to the tribal governments and individual Indian producers who live on those lands. These traditional ecological knowledge-based standards already have a solid scientific basis and are acknowledged by various federal research organizations and agencies. Title: Conservation

*Tribal Technical Committee.* Require each state conservationist to establish a separate tribal technical committee should any tribal headquarters exist within their state boundaries or any land under the jurisdiction of tribal governments or the

BIA. These tribal technical committees should be given the same respect and deference that is currently given to the state technical committee and each tribal technical committee shall be able to establish separate technical standards utilizing traditional ecological knowledge and, to the extent that they do so, such standards shall be the technical standards under which conservation programming can be deployed on tribal lands. Require establishment of state level inter-tribal, regional inter-tribal and national tribal advisory committees regarding conservation matters.

Title: Conservation

*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. Title: Conservation

#### **Improving Interdepartmental Coordination between USDA and DOI**

Improving inter-agency efficiencies should be addressed in this Farm Bill. Because of the nature of Indian Country's relationship with the Department of the Interior, specifically the Bureau of Indian Affairs and the Office of the Special Trustee, coordination between DOI and USDA is needed to achieve the best outcomes for tribal producers. This will ensure that meaningful assistance is provided by those who have deep familiarity with tribal governments, tribal law, Native communities, and the challenges unique to Indian Country.

*Authorizing a USDA-DOI Technical Committee.* Congress should authorize the Secretaries of Agriculture and Interior to develop a technical committee made up of tribal government representatives from each of the BIA regions to formulate a set of initiatives and programs that can be carried out under existing laws as well as a set of programs that may be needed under future conservation program authorities to improve the conditions of tribal lands and individual Indian-owned lands throughout the United States. Title: Miscellaneous

*Cooperative Management of Adjacent Federal Lands.* Since tribes continue to have legal, historic, and economic connections to adjacent federal forests, include a pilot program authorizing tribes and the Bureau of Indian Affairs (BIA) to conduct cooperative, discretionary forest restoration activities on Forest Service and BLM lands using existing regulations governing the management of Indian forests. Additional means and legal and financial arrangements that would support the cooperative management of forest lands with and through Tribes must be explored. Title: Forestry

#### **Conclusion**

Congress must ensure that Indian Country's \$3.2 billion agriculture industry is included in this Farm Bill. This legislation is a chance to empower tribal governments to make decisions on the tribal level, which will ultimately lead to increased efficiency in program implementation, increased production from tribal producers, and better opportunities for tribal and surrounding rural communities. Indian Country's agriculture industry is strong and can be made stronger by including the above recommendations in the next Farm Bill.

NCAI and the Native Farm Bill Coalition<sup>4</sup> ask the Senate Committee on Indian Affairs to work on a bipartisan basis with the Senate Agriculture Committee to ensure Indian Country shares in the benefits of this vital legislation.

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<sup>4</sup>These recommendations are supported by the Native Farm Bill Coalition which includes the Inter-Tribal Agriculture Council, the Indigenous Food and Agriculture Initiative (research partner), The Shakopee Mdewakanton Sioux Community, Bear River Band of the Rohnerville Rancheria, Blackfeet Nation, Cabazon Band of Mission Indians, Chippewa Cree Tribe, Choctaw Nation of Oklahoma, Colorado River Indian Tribes, Colusa Indian Community, Comanche Nation, Confederated Salish and Kootenai Tribes of the Flathead Nation, Confederated Tribes of the Grand Ronde, Confederated Tribes of the Umatilla Indian Reservation, Eastern Band of Cherokee Indians, Fort Belknap Indian Community, Fond du Lac Band of Lake Superior Chippewa, Hualapai Tribe, Kasigluk Traditional Elders Council, Kickapoo Tribe in Kansas, Kiowa Tribe of Oklahoma, Kootenai Tribe of Idaho, Lac du Flambeau Band of Lake Superior Chippewa Indians, Mescalero Apache Tribe, Menominee Indian Tribe of Wisconsin, Native Village of White Mountain, Navajo Nation, Oneida Nation, Organized Village of Saxman, Pala Band of Mission Indians, Pascua Yaqui Tribe, Pauma Band of Mission Indians, Pokagon Band of Potawatomi Indians, Ponca Tribe of Nebraska, Potter Valley Tribe, Quapaw Tribe, Quinault Indian Nation, Red Cliff Band of Lake Superior Chippewa, Red Lake Band of Chippewa Indians, San Carlos Apache Tribe, Walker River Paiute Tribe, Zuni Tribe of the Zuni Indian Reservation, Northwest Indian Fisheries Commission, All Pueblo Council of Governors and American Indian Alaska Native Tourism Association (AIANTA).

PREPARED STATEMENT OF CHERYL JACKSON LEWIS, DIVISION DIRECTOR, NUTRITION PROMOTION AND TECHNICAL ASSISTANCE DIVISION

Recently several representatives of Native communities have inquired about serving traditional foods in Child Nutrition Programs (CNPs). In particular, Native communities are interested in knowing which traditional foods are allowed and how these foods may contribute towards a reimbursable meal.

The United States Department of Agriculture (USDA) understands the importance of serving traditional foods and encourages Indian Tribal Organizations, along with all operators of CNPs, to source locally grown and raised foods. The purpose of this memorandum is to clarify that traditional foods may be served in CNPs and to provide examples of how several traditional foods may contribute towards a reimbursable meal.

**The Role of the Food Buying Guide (FBG)**

The FBG is an essential tool that provides information for: 1) planning and calculating the required quantities of food to purchase for school meals, and 2) determining the specific contribution each food makes toward the meal pattern requirements. The FBG enables school food authorities and other institutions participating in CNPs to comply with the *Dietary Guidelines for Americans* and ensure that the meal pattern requirements are met for each component of a federally reimbursable meal <http://www.fns.usda.gov/tn/Resources/foodbuyingguide.html>.

Currently, the *Food Buying Guide for Child Nutrition Programs* is being updated, in phases, to include resources for the new Nutrition Standards for School Meals. Updated meal pattern requirements for other CNPs such as Child and Adult Care Food Program and Summer Food Service Program are available on the FNS Web site at: <http://www.fns.usda.gov/school-meals/child-nutrition-programs>.

**Crediting Traditional Foods**

While the FBG provides a relatively comprehensive list of products commonly served in CNPs, it does not provide yield information on every possible food served in reimbursable meals. Foods not listed in the FBG may be served in CNPs. However, if a food is served as part of a reimbursable meal, but not listed in the FBG, the yield information of a similar food or in-house yield may be used to determine the contribution towards meal pattern requirements. When this is the case, traditional foods can credit like similar products found in the FBG, as demonstrated below:

Traditional Foods	Crediting in the Food Buying Guide <sup>1</sup>
Wild Rice (sprouted, puffed, flour)	<ul style="list-style-type: none"> <li>▪ Credits the same as other grain items.</li> </ul>
Blue Cornmeal (mush)	<ul style="list-style-type: none"> <li>▪ Grain contribution may be calculated using grams of creditable grains (16g) or Exhibit A.<sup>2</sup></li> </ul>
Native Whole Blue Corn Kernel (ground into a flour)	<ul style="list-style-type: none"> <li>▪ Sprouted or puff forms of wild rice belong in Exhibit A Group H.<sup>2</sup></li> </ul>
Native Whole Blue Corn Kernel (not ground into a flour)	<ul style="list-style-type: none"> <li>▪ Credits as a starchy vegetable</li> </ul>
Native White Corn	<ul style="list-style-type: none"> <li>▪ Yield information for regular corn may be used to determine the credit.</li> </ul>
Ground Bison Buffalo	<ul style="list-style-type: none"> <li>▪ FBG contains yield information for ground buffalo; the same yield may be used to determine the credit.<sup>3</sup></li> </ul>
Venison	<ul style="list-style-type: none"> <li>▪ FBG contains yield information for ground venison; the same yield may be used to determine the credit.<sup>3</sup></li> </ul>
Sheep	<ul style="list-style-type: none"> <li>▪ FBG contains yield information for lamb; the same yield may be used to determine the credit.</li> </ul>

<sup>1</sup> All crediting guidance is applicable to all items listed under the Traditional Foods column.

<sup>2</sup> See Memo SP 30-2012 Grain Requirements for the National School Lunch Program and School Breakfast Programs.

<sup>3</sup> If whole cuts are used instead of ground meat, the yield information for a similar beef cut may be used to calculate crediting.

When traditional foods that contribute towards the meal pattern requirements are not listed or do not have a similar comparison in the FBG; then in-house yields may be developed and used. Instructions for developing yields are available in the introduction section of the FBG, page I-3, at: [http://www.fns.usda.gov/sites/default/files/FBG\\_introduction\\_0.pdf](http://www.fns.usda.gov/sites/default/files/FBG_introduction_0.pdf).

#### **Traditional Foods That Do Not Contribute Towards the Meal Pattern Requirements**

Not all traditional foods meet the nutrition standards and contribute towards a reimbursable meal. Please be aware, traditional foods that do not contribute to a specific meal pattern requirement (i.e., meats/meat alternatives, grains, fruits, or vegetables component) may be served, but will not credit toward a reimbursable meal. When served, these foods must be accounted for when assessing compliance in the weekly nutrient analysis and count toward dietary specifications (limits on calories, saturated fat, sodium, and trans fat). For example, acorns do not credit due to their low protein content. The acorns may be served with a reimbursable meal, but will not contribute towards meal pattern requirements, and would be included in the nutrient analysis.

Traditional foods may also be used during taste tests or other educational opportunities outside of the meal programs. To help children learn more about where their food comes from, USDA encourages schools to provide agriculture, agro-forestry, and nutrition education.

#### **Game Meats**

Meat from cultivated game animals and wild game animals, including bison, venison and reindeer, may be served in CNPs; however, animals need to be slaughtered and inspected in a Federal inspected facility, State inspected program, or be from an approved source as established by the State and local regulatory authority that licenses and inspects food service operations. Please note that State and local authorities may have stricter regulations, preventing the service of cultivated and wild game animals.

### **Additional Questions**

In keeping with our intent to encourage inclusion of traditional foods in USDA's CNPs, we would like to hear about additional issues or concerns so that we may continue to provide technical assistance as necessary. For additional guidance concerning this memorandum, please contact your regional Farm to School Coordinator <http://www.fns.usda.gov/farmtoschool/usda-farm-school-staff> or USDA's Office of Tribal Relations for assistance. <http://www.usda.gov/wps/portal/usda/usdahome?contentid=contact-otr.xml>

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### **PREPARED STATEMENT OF HON. JAMES R. FLOYD, PRINCIPAL CHIEF, MUSCOGEE (CREEK) NATION**

On behalf of the Muscogee (Creek) Nation ("MCN" or "Nation") of Oklahoma, I write to submit testimony for the record urging the Senate Committee on Indian Affairs ("Committee") to ensure that tribal governments are an equally included stakeholder group in the upcoming Farm Bill.

As Congress considers the Farm Bill reauthorization this session, I urge the Committee to work closely with the Senate Agriculture Committee to address Indian Agriculture in this important piece of legislation.

The Muscogee (Creek) Nation ("MCN" or "Nation") is the fourth largest tribe in the United States with more than 80,000 citizens across the United States. The Nation has a jurisdiction that covers more than 8 counties, including nearly 450,000 acres of agricultural land operated by more than 2,000 American Indian and Alaska Native operators. MCN operates several agriculture and natural resource programs that rely on agency collaboration and support from within the commodities, nutrition, rural development, conservation, research and extension, specialty crops and horticulture, and crop insurance titles.

MCN operates farming and ranching enterprises within the jurisdiction. Combined the operation includes nearly 3,000 acres, a 200-head cowherd, 360 acres of dryland farm ground and 880 acres of hay production. Collaborative efforts are underway to reduce soil erosion and watersource contamination, protect riparian areas, comply with Food Safety Modernization Act protocols, mitigate invasive species such as the Eastern Red Cedar and feral swine, extend the growing season for specialty crops, and extend outreach and advocacy opportunities for Native agricultural producers. Additionally, the Nation provides critical access to healthy and nutritious food through operation of an elderly food distribution program and Women, Infants, and Children (WIC) program. These programs are supported by the Food Distribution Program on Indian Reservations (FDPIR) and Supplemental Nutrition Program (SNAP), respectively.

Collectively, the programs authorized under the Farm Bill make a significant difference in improving the health, wellness, and economic stability of the Nation's citizenship. As such, we offer the following recommendations for the Committee to consider as the Senate proceeds in its development of the upcoming reauthorization legislation.

*Maintain current authorization levels for SNAP.* Thirty percent (30 percent) of all American Indian and Alaska Native (AI/AN) households within the Nation's jurisdiction have annual incomes less than \$25,000. The assistance provided through SNAP and WIC provide critical funds to ensure that these households are able to access healthy foods during a crucial period of development.

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### **PREPARED STATEMENT OF HON. JODE GOUDY, CHAIRMAN, YAKAMA NATION**

Dear Senators Hoeven and Cantwell:

I write on behalf of the Confederated Tribes and Bands of the Yakama Nation ("Yakama Nation") to provide testimony to the Senate Committee on Indian Affairs regarding "Breaking New Ground in Agribusiness Opportunities in Indian Country." The Yakama Nation supports the committee's work to pass legislation to alleviate difficulties experienced in our economy, gaps in education, and fulfillment of the United States' trust responsibilities. To further that work, the Yakama Nation requests appropriation of funds to correct deferred maintenance on the Wapato Irrigation Project, increased funding for United States Department of Agriculture (USDA), and parity in agricultural funding for Native communities.

The Yakama Nation has a reservation of over 1.2 million acres, with 140,000 irrigable acreage, that relies upon the dangerously antiquated Wapato Irrigation Project (WIP) for irrigation water. Agriculture is and has historically been an impor-

tant economic driver, employment provider, and nutrition sector for the Yakama Nation as we are located in a high agricultural production basin.

Pursuant to Article 5 of the Treaty of 1855 (12 Stat. 951), the United States government has a trust responsibility to the Yakama Nation to support agricultural development within the Yakama Reservation. By advocating for legislation and funds to support Tribal agriculture, this committee has an opportunity to step back from hundreds of years of Euro-American doctrines that have left a legacy of dehumanization of Native nations and show that the word of the United States is meaningful.

One of the greatest challenges facing agricultural development on the Yakama Reservation is WIP's deferred maintenance at \$138 million. This is by far the largest amount listed for an Indian irrigation project at 31 .5 percent of the \$438 million in deferred maintenance nationwide. The deferred maintenance has led to certain members of WIP having to experience serious water shortages or to simply receive no water at all. This creates a domino effect of less lands leased, funding reductions for the Yakama Nation through missed leases, and reduced Operation and Maintenance fees collected by WIP—and adds to the levels of unemployment for both members and non-members on our Reservation.

I hereby request authorization of the WIIN Act, Subtitle B funds outlined for Indian Irrigation Projects for Repair, Replacement, and Maintenance. I am aware that \$35 million will be available, if appropriated, each year over the next 5 years totaling \$175 million in funds for Indian Irrigation projects. Pursuant to section 3222 of the WIIN Act, WIP clearly meets the eligibility criteria. Addressing the deferred maintenance will benefit not only Yakama Nation and its members, but also other agriculture throughout the Yakama Reservation. Furthermore, The Yakama Nation Engineering Program has successfully completed numerous federal contracts aimed at conserving water delivery in WIP and would be able to begin work on deferred maintenance immediately once funding becomes available.

The USDA needs increased funding and staff within its fanning, forestry, and conservation programs. The Yakama Nation has been proactive in implementing and modernizing agricultural technologies and irrigation conservation within the WIP, recently through efforts such as the Yakima Basin Implementation Plan and USDA Regional Conservation Partnership Program. An increase in staff and funding is necessary to bolster and continue access to USDA programs and funding authorities.

A majority of this work can be accomplished through the upcoming 2018 Farm Bill. Important concepts that should control Farm Bill discussions from Native Community perspectives include parity, opportunity and consistency. Parity requires that legislation and funding for USDA programs and services include Tribal Governments at the same level as states and counties in the delivery of meaningful food and agriculture, nutrition, health and education programs.

The Fann Bill should provide opportunities to Native Communities through Tribal support and incentive programs as well as a statutory requirement to the USDA to focus the provision of all USDA services and program to Substantially Underserved Trust Area. Consistency is needed in programs and funding to ensure Tribal Governments can establish long-term plans and goals for their communities. Funding for some Tribal programs at USDA over the last few years has been reduced and then consolidated into broader, non-tribal specific programs. Given the expense and effort it takes to ensure tribes know about USDA programs and are taking advantage of them, this puts Tribal entities at a disadvantage.

Programs at USDA span a wide range of areas that impact Native Communities, including food safety, housing, business development, telecommunications, water systems, crop insurance, nutrition, land conservation, forestry, research, and the programs designed to assist farmers. Most USDA programs haven't yet been utilized by Tribes because, for the most part, we are invisible in those relevant Farm Bill sections authorizing the programs. It has not been until recently, that livestock producers have been included in Farm Bill discussions and programs despite over half of Tribal producers' income being livestock-generated. Tribal Governments must be included in the existing intergovernmental approaches through which many of the USDA programs are delivered.

I would again like to thank the Committee for holding the important hearing as well as accepting testimony on ways to continue to grow agriculture and agribusiness across Native communities and lands. By adjusting, developing, and improving the Fann Bill's programs, we can build upon the already great work happening not just on the Yakama Reservation, but all Tribal communities surrounding food and agricultural.

PREPARED STATEMENT OF HON. HARLAN BAKER, CHAIRMAN, THE CHIPPEWA CREE  
TRIBE OF THE ROCKY BOY'S RESERVATION

Dear Chairman Hoeven and Vice Chairman Udall,

On behalf of The Chippewa Cree Tribe of the Rocky Boy's Reservation located in north central Montana, we write to submit testimony for the record urging the Senate Committee on Indian Affairs to ensure that Indian Country is included in the upcoming Farm Bill.

With Congress considering the Farm Bill this session, we request the Senate Committee on Indian Affairs to work closely with the: Senate Agriculture Committee to address Indian Agriculture in this important piece of legislation.

The Chippewa Cree live in north central Montana an estimated 45 miles south of the Canadian border. The Rocky Boy's Reservation is 120,000 acres within a contiguous border and all lands are held in trust for the full membership with no allotments or private land holdings. The main agri-businesses are farming and ranching. The reservation is located in a rural area with the Bear's Paw Mountains to the south and flat ground to the north, which make it suitable for farming and ranching.

The Tribe's main crops are cereal grains, forest resources, and livestock. The type of livestock consists of Angus and Herefords. Traditional foods consist of berries, fish, and wild game. Agriculture provides employment and is an important source of economic gain for the Chippewa Cree Tribe due to its rural setting of the reservation.

NRCS with its different programs like EQIP and CRP have been beneficial to the Chippewa Cree Tribe. Their offices located on the Rocky Boy's Reservation are beneficial to the Tribe in providing technical knowledge on farm and livestock issues, soil issues, and on our timber resources. The Farm Services Agency is another program that has proven to be helpful through the tribal liaison providing more information about FSA programs.

Considering the state of agriculture for our community, The Chippewa Cree of the Rocky Boy's Reservation requests the Senate Committee on Indian Affairs and the Senate Agriculture Committee include the following in any legislation regarding the Farm Bill:

- Tribal Governmental Parity with State and Local Governments throughout the entire Farm Bill
- Tribal Administration of the SNAP and all Federal Food Assistance Programs through 638 Contracts and Self-Governance Compacts
- Expand the Substantially Underserved Trust Area (SUTA) provision across all Rural Development programs

In addition, The Chippewa Cree Tribe of the Rocky Boy's Reservation supports the following recommendations to be included in any agriculture legislation in this Congress.

#### **Commodities Title**

Federal procurement of tribal agriculture products at prices that align with non-tribal producers or are based on the relative poverty levels existent on reservations.

Ensure tribal producers' 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 along with the loss of investment opportunity due to historic under-funding.

Create parity for tribal producers in Farm Service Agency Committees and decision-making.

#### **Conservation Title**

U.S. Department of Agriculture (USDA) conservation programs must allow for the use of traditional, ecological, knowledge-based conservation practices without undue scrutiny and research.

Cross-agency coordination between the Natural Resources Conservation Service (NRCS) and Bureau of Indian Affairs must be improved to ensure all tribal producers have access to conservation programs and other USDA programs that require an NRCS-approved conservation plan.

Parity must be achieved throughout the Conservation title by explicitly including "tribes" or "tribal" where "state" or "local" or "regional" agricultural producers are mentioned to ensure tribal access to all NRCS programs.

#### **Trade Title**

Support and maintain tribal food and agriculture businesses' entry into foreign markets by expanding Indian Country's access to the Market Access Program (MAP) and protecting unique tribal foods against fraud.

Improve interdepartmental coordination and tribal government and individual Indian producer inclusion on all U.S. trade missions.

#### **Nutrition Title**

Approximately 25 percent of Native Americans receive some type of federal food assistance, and in some tribal communities, participation is as high as 60–80 percent. Indian Country needs a consistent, comprehensive, and tribal-led approach to tailor federal food assistance programs to the specific needs of tribal communities and citizens.

Allow tribes the option to enter into Self-Determination Contracts and/or Self-Governance Compacts pursuant to P.L. 93–638 for administration of the Supplemental Nutrition Assistance Program (SNAP) and all other federal feeding programs.

Improve the funding, flexibility and infrastructure of the Food Distribution Program on Indian Reservations (FDPIR).

Require a CBO or CRS inquiry into the impact of drastic cuts or elimination of food assistance programs on the overall agricultural economies of tribes.

#### **Credit Title**

Many tribal communities are located in "Credit Deserts," where access to fair and reasonable credit terms is limited or non-existent.

Improvements must continue to be made to Farm Service Agency (FSA) programs to address the availability, efficiency and application of credit programs in Indian Country.

#### **Rural Development Title**

The Rural Development (RD) programs at the U.S. Department of Agriculture (USDA) are essential for rural and reservation tribal communities to develop and improve declining infrastructure systems while spurring economic development and job creation in tribal communities. Many ready-to-go ("shovel-ready") tribal infrastructure and community development projects have gone unfunded over the past several years, leaving promises to Indian Country and rural communities unrealized. RD must have dedicated funding and technical assistance for tribal governments as part of the federal trust responsibility and to ensure that tribal communities and the rural communities around them thrive. Tribes must be consulted during the restructuring of the USDA's RD agency due to its unique impact on tribal economies and tribal economic development. Any budget shifts must also receive tribal consultation before changes occur.

#### **Research Title**

Research Title programs must allow for the development of tribal research, education, and Native youth in agriculture by making programs and funding more accessible to Tribal Colleges and Universities (TCUs), support a tribally led focus on traditional knowledges and practices, and provide additional opportunities for education. Fund the Federally Recognized Tribes Extension Program (FRTEP) at a minimum of \$10 million to address the persistent inequity in educating and developing Native American extension resource programming and Native youth in food and agriculture programming. Provide dedicated funding and tribal preference at National Institute of Food and Agriculture (NIFA) to build tribal research and educational capacity. Require all institutions (non-TCUs) that receive any funding for extension programming in states that have tribal lands and tribal producers to report and demonstrate their work with tribal governments, tribal communities, and tribal producers and their cooperative and respectful coordination with TCUs in close proximity. These institutions should be required to conduct a percentage of their overall work that is equal to the amount of land in the state held by Indians, the Indian farms in those states, and such extension programming must be done with Indian communities and done by staff experienced in and knowledgeable of issues important to Indian Country. Remove FRTEP from the Farm Bill requirements that all Smith-Lever programs be competitive and reinstate the consultative requirements for FRTEP implementation.

#### **Forestry Title**

Tribal forests and woodlands make up one third of all tribal lands held in trust, and provide resources, jobs, and economic development opportunities for many tribal governments. Many tribal forests and adjacent federal forests contain sacred places

and important trust and treaty-protected resources. Tribes must be provided parity throughout the Forestry Title to better access, manage and develop tribal and federal forests and woodlands to protect tribal resources while providing jobs and economic development.

#### **Energy Title**

Tribal lands, individual Indian-owned land, and natural resources hold immense potential to develop bio-based energy economic development, energy infrastructure build-outs, and jobs in tribal communities and surrounding rural communities. Establish a Tribal Bio-Based Energy Development Grant Program to help tribal governments, tribal producers, and tribal business entities develop bio-energy businesses and production.

#### **Horticulture and Specialty Crops Title**

Many traditional Native foods fall under the designation of horticulture crops and are necessary to support food sovereignty and healthy food access in Indian Country. USDA programs which oversee horticulture crops must engage in tribal consultation to ensure the unique needs of tribal producers are being met. The Farm Bill needs to include provisions to protect Native foods in the marketplace, as well as Native seeds and traditional foods.

#### **Crop Insurance Title**

Due to the high risk of agriculture and food production, especially in Indian Country, crop insurance products must cover tribal producers in unique ways. In addition, livestock producers in Indian Country must be afforded the same risk protection as crop producers as well as the same payment options since livestock production makes up a significant percentage of tribal food production.

#### **Miscellaneous**

Covering a wide variety of topics, as well as issues which span multiple titles of the Farm Bill, the Miscellaneous Title is an important mechanism for Indian Country. Fully fund the Office of Tribal Relations and create a new Office of Tribal Agriculture to improve the service and coordination of USDA programs for tribes and tribal producers. The new Office of Tribal Agriculture should report to the Office of Tribal Relations and funding for both offices should be mandatory. Create a mandatory interdepartmental working group between agencies at USDA and the BIA to examine and determine solutions to areas where the two departments overlap, are requiring duplicative documentation or actions on the part of tribes and individual Indian landowners in order to access programs and services, or are generally lacking in coordination and efficiency for tribal agriculture. The identified barriers and problems must be addressed and resolved by sustained mandatory interdepartmental working groups.

#### **PREPARED STATEMENT OF PETE WATCHMAN, PRESIDENT, NAVAJO NATION SOIL AND WATER CONSERVATION DISTRICT**

Dear Chairman Hoeven and Vice Chairman Udall,

On behalf of the Navajo Nation Soil and Water Conservation District—Fort Defiance, Arizona and New Mexico, we write to submit testimony for the record urging the Senate Committee on Indian Affairs to ensure that Indian Country is included in the upcoming Farm Bill.

With Congress considering the Farm Bill this session, we request the Senate Committee on Indian Affairs work closely with the Senate Agriculture Committee to address Indian Agriculture in this important piece of legislation.

The Navajo Nation five oil and Water Conservation Districts (SWCD) were established by the Navajo Tribal Council resolution CF-11-80 on February 07, 1980 under the Title 3 Chapter of the Navajo Tribal Code; and Location is Window Rock Arizona, serving New Mexico, Arizona and Utah.

Using the USDA assistance from Farm Bill are I. Commodities II. Conservation III. Trade IV. Nutrition V. Credit VI. Rural Development VII. Research VIII. Forestry IX. Energy X. Horticulture XI. Crop Insurance XII. Miscellaneous

Considering the state of agriculture for our community, Navajo Nation Soil and Water Conservation requests the Senate Committee on Indian Affairs and the Senate Agriculture Committee include the following in any legislation regarding the Farm Bill:

- Tribal Governmental Parity with State and Local Government throughout the entire Farm Bill
- Tribal Administration of the SNAP and all Federal Food Assistance Programs through 638 Contracts

- Expand the Substantially Underserved Trust Area (SUTA) provision across all Rural Development programs

In addition, the Navajo Nation Soil and Water supports the following recommendations to be included in any agriculture legislation in this Congress.

**Commodities Title I**

1. Protect against Tribal producer exclusion from Livestock Emergency Disaster Program based on BIA act or inaction
2. Include reindeer, caribou, elk, Bison, sheep, cattle or other livestock commonly raised in tribal communities in definition covered livestock.
3. Assistance to Tribal tree owners -80-90 percent of replacement
4. Additional funds for upgrades on commodities such as delete dry eggs, can soup, can chicken, start with fresh veggies, fresh meat, poultry, fruits
5. Revise forms to fit Native, delete income, other unnecessary questions

**Conservation Title II**

1. Tribal Party throughout the Conservation Titles. Funds, including tribal law party Equivalent to USDA and BIA Conservation Plan.
2. Conservation Reserve Program Land Availability for Beginning Tribal Farmers and Ranchers, not necessarily With permits on tribal lands.
3. Allow Lands Held in Common and by Tribal Entities to Access Conservation Programs.
4. Require State Conservationists to create a Tribal Technical Committee
5. Establish additional personnel at NRCS offices on Tribal Lands
6. Include all farming with Dry farming
7. Revise in mike farms, too long and income needs to be look at, why people with permits only?
8. Use of EQIP for dry land farming as well irrigated farms.
9. Re-fund Water shed projects on Natives lands
10. Water systems for livestock farming and irrigates farms using of our waters.
11. Additional funds for meeting cost on all categories of Farm Bill been doing USDA work with no mg cost or insurance.

**Trade Title III:**

1. MAP support establish Tribal stamp for trade.

**Nutrition Title IV**

1. Tribal administration of SNAP/Federal food programs -636 Authority
2. Food Distribution Program on Indian Reservations:
3. Eliminate match require for program sites
4. Allow for carryover funding
5. Stop regulatory-approved "tailgating" practice
6. Tribal consultation for contingency plans, intake forms
7. Food and Nutrition Service should hire a national tribal liaison and have regional liaisons
8. At least \$5 million increase for education funding
9. All traditional food purchase should be included in FDPIR packages
10. Distribution should be regionally based and include local, tribally produced foods
11. Remove "Urban Place" definition and limitation
12. Create Tribal own food seal, and inspections

**Credit Title V- Credit**

1. Revise forms for Natives, leave out credit scores.

**Rural Development Title VI**

1. Implement "Substantially Underserved Trust Areas" provision throughout all RD programs
2. Allow local and Native CO/Is to participate in more RD programs—housing, community development, electricity.
3. A Tribal set-aside or a specific funding level for Tribal applications within each of the RD program.
4. Permanent office providing technical assistance across all RD funding authorities must be invested in via a Cooperative agreement with USDA.
5. Revise intake form to fit Native not so much to income for homes and matching fund with tribes.

**Research Title VII**

1. Increase funding for PRTEP
2. Change competitive and formula funding mechanisms
3. Allow TCU Eligibility for all NIFA Funding
4. Additional Resources for Tribal College Extension Programs
5. Tribal Set-Aside, Preference, and Funding at NIFA

Research on Dry Farming for

**Forestry Title VIII**

1. Streamline the Tribal Forest Protection Act's provisions to improve the timelines for review and implementation of forest restoration projects.
2. Allow for Tribal Cooperative Management of Adjacent Federal Land.
3. Prioritize protection of tribal forest assets during wildland fire suppression.
4. Protect sacred places and Tribal Herbs located on Forest Service lands.
5. Parity between Forest Service/NRCS land control language to preserve tribal sovereignty and rights to gather / manage traditional plants stands and enhances opportunities for tribes to leverage EQIP assistance.
6. Allow home sites in the forest Native trust lands, special for Natives already living there life, no restrictions.
7. Allow free fishing, camping, use all of facilities for local Tribes.

**Energy Title IX**

1. Develop a Tribal Energy Bio-Based Energy Development Grant Program
- Solar winds on Forest and all homes on Native lands

**Horticulture and Specialty Crops Title X**

1. Tribal consultation on Fruit and Vegetable Programs
2. Tribal inclusion in the Specialty Crop Block Grant Program
3. Increase FSMA outreach
4. Protect Native foods in the market place
5. Protect Native seeds and traditional foods
6. 10 percent set-aside for Native farmer markets
7. Support Tribal organic producers
8. Dry farming seeds encouragement

**Crop Insurance Title XI**

1. Risk Management Agency study on Crop Insurance in Indian Country to ensure current products do not inadvertently adversely affect tribal food production.
2. Crop Insurance for Traditional Food and Livestock, including lost crops through catastrophic events includes dryland farming.
3. Tribal producer education programs
4. Allow Tribal insurance companies to administer products
5. Tribal producer to FCIC Board

**Miscellaneous Title XII**

1. Industrial Hemp Production
2. Education, Training and Scholarship Programs to Support Native Producer and Scientists
3. Recognize Tribal Departments of Food and Agriculture
4. Maintain and Fund the Technical Assistance Network - IAC and USDA partnership
5. Support the Office of Tribal Relations with additional funding-more consultation and coordination
6. Create a new Office of Tribal Agriculture to focus specific attention on food production on tribal lands.
7. Support of dry land farming, native crops seeds

**[ONLY THIS SECTION CHOSE THE RECOMMENDATIONS EITHER FROM YOUR OWN DETERMINATION OR FROM THE DOCUMENT TITLED "NPEC Policy Recommendations" AND PASTE UNDER THE CORRESPONDING TITLE. IT IS BEST TO ORGANIZE BY TITLE FOR THE COMMITTEE TO INCLUDE IN THE PPT. KEEP TESTIMONY UNDER 10 PAGES]**

## RESOLUTION OF FORT DEFENCE SOIL AND WATER CONSERVATION DISTRICT.

**APPROVING ALL OF FARM BILL RECOMMENDATIONS FROM NAVAJO NATION FORT  
DEFIANCE SOIL AND WATER CONSERVATION DISTRICTS, NAVAJO NATION TO THE UNITED  
STATES DEPARTMENT AGRICULTURE 2018 FARM BILL ASKING ALL STATES LEGISLATORS,  
FARM BILL COALITION, NATIVE TRIBE LEADERS, US CONGRESS AND SECARTY OF  
STATE TO SUPPORT THIS RECOMMENDATIONS AND ADD TO 2018 FARM BILL.  
RESOLUTION FD SWCD 01-01-18**

WHEREAS:

The Navajo Nation five Soil and Water Conservation Districts (SWCD) were established by the Navajo Tribal Council resolution CF-11-80 on February 07, 1980 under the Title 3 Chapter of the Navajo Tribal Code; and

The Navajo SWCD have a Memorandum of Understanding, a Mutual Agreement and other agreement with United States Department of Agriculture (USDA) and the Navajo Nation to promote the natural conservation of the soil, water, air, plants, animal by helping the Navajo people help the land of the Navajo Nation; and

The Congress of the United States is preparing to deliberate the nature of agriculture policy for the nation, and the world, in the form of the 2018 Farm Bill; which will authorize all farm programs, rural development, and nutrition initiatives within the United States Department of Agriculture; and Economic development in Indian Country is tied to agriculture production, which is among the largest industries in Indian Country; providing \$3.4 billion per year, and the policies that provide the framework within which this production happens constitute a large portion of the Farm Bill; and

Not only is an overwhelming majority of the land in Indian Country in agriculture production; a great many of the citizens and tribal members live in rural areas and communities where basic infrastructure costs are often prohibitively high; and the 2018 Farm Bill will provide an authorization of federal funding for rural infrastructure initiatives; and

The citizens and members of these areas are often afflicted by a poverty of place, wherein they are unable to find suitable employment to provide adequate income that supports good nutrition for their families; and thus may rely on federal nutrition programs authorized in the Farm Bill; and

In spite of the great strides made for Indian Country agriculture in previous Farm Bill negotiations; from going virtually unmentioned in the 1990s to many thoughtful provisions scattered across all Titles; the \$3.4 billion generated annually through Indian ag efforts is still more than 99% raw commodities, instead of the healthy, local, economically beneficial, and nutritious food needed in Indian Country communities and rural areas; and

An effort is underway by the Native Farm Bill Coalition, led by the Shakopee Mdewakanton Sioux Community (SMSC), the Intertribal Agriculture Council (IAC), the Indigenous Food and Ag Initiative at the University of Arkansas School of Law (IFAI), and the National Congress of American Indians (NCAI) to preserve and expand upon the gains made in the previous 30 years of Farm Bill discussions in each of the aforementioned areas; and This effort is the best opportunity in decades for Indian Country to effectively advocate and lobby for enactment of truly relevant and targeted legislation to ensure that federal agriculture policy seeks to enhance the development of this industry beyond raw commodities;

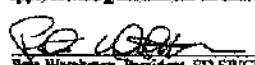
Therefore be it resolved by:

The Navajo Nation Soil and Water Conservation District joins the Native Farm Bill Coalition and supports the "Regaining Our Future" report and the policy initiatives generated therefrom; and

The Navajo Nation Soil and Water Conservation District requests Arizona Congress and New Mexico Congress to lend their support to effective deliberation and swift passage of the those priorities set out by the Native Farm Bill Coalition.

## C-E-R-T-I-F-I-C-A-T-I-O-N

We hereby certify that the foregoing resolution was duly considered at a duly called meeting of the Ft. Defiance Soil Conservation District, St. Michaels, Navajo Nation, Arizona and that same was approved with a vote of 4 in favor, 0 opposed, and 2 abstentions on Jan. 29, 2018.

  
Pete Watchman, President, FD SWCD

Jeanne Yazzie, Sec/Tres, FD SWCD

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO  
DIANE CULLO

## USDA Reorganization and Tribal Consultation

*Question 1.* In September, USDA Secretary Sonny Perdue announced a USDA reorganization effort to "streamline the vast bureaucracy, improve its efficiency and make it more customer friendly."<sup>1</sup> As part of this reorganization, the Secretary has proposed creating an "Office of Partnerships and Public Engagement" that would group together the Office of Tribal Relations with several other USDA Offices, including the Office of Advocacy and Outreach, the Faith-Based and Neighborhood Partnerships staff, and the Military Veterans Liaison. What is the status of this reorganization? Please provide a description of all relevant tribal consultations undertaken by USDA to date on the reorganization plan.

*Answer.* The reorganization was completed as of November 14, 2017 per the Secretary's Memorandum Improving Customer Service and Efficiency. The purpose of

the reorganization was to realign a number of offices within the U.S. Department of Agriculture (USDA) to improve customer engagement, maximize efficiency, and improve agency collaboration.

While the Office of Tribal Relations (OTR) is now housed in Office of Partnerships and Public Engagement (OPPE), OTR has been delegated the authority to coordinate across multiple initiatives that benefit tribes (social disadvantaged, youth, etc.). OTR reports directly to the Secretary of Agriculture involving all policy matters and serves as USDA's point of contact in accessing Department-wide information regarding Tribal issues.

One of the benefits of the reorganization was to increase OTR's footprint across the Department. To accomplish that, the office works in collaboration with OPPE to improve customer engagement, maximize efficiency, and improve agency collaboration, while increasing its capacity to serve Tribal stakeholders.

The tribal consultation on the reorganization took place on October 19, 2017, during the National Congress of the American Indian annual meeting. The Deputy Secretary of Agriculture served as the consulting official for USDA.

USDA appreciates the feedback provided during the consultation and as a result, has ensured that OTR continues to report directly to the Secretary of Agriculture for all policy matters while at the same time utilizing the infrastructure and additional staff within OPPE.

*Question 1a.* Please provide a detailed summary of all responses and comments received thus far from tribes.

Answer. Tribal Leaders have applauded USDA's initiative to better synthesize outreach and messaging across the Department. While USDA has generally received a positive response from tribes, we heard several concerns that USDA would take the Office of Tribal Relations (OTR) out of the Office of the Secretary. Tribes commented that removing OTR from the immediate Office of the Secretary indicated a decrease in USDA's commitment for a government-to-tribal government relationship, which was not intended. Because of this concern, within 10 days of Deputy Secretary Censky's tenure, he invited Tribal Leaders to consult on the reorganization at the National Congress of American Indians Annual Conference. All comments and concerns were taken into consideration, and the reorganization was amended to clarify the continuation of OTR's advisory role to the Secretary on all Tribal issues and the coordination with OPPE to improve department-wide collaboration.

*Question 1b* When can we expect a final decision from your agency about whether or to what extent USDA will incorporate tribal comments and recommendations?

Answer. A final decision was made after the 30-day comment period. That decision incorporated comments and recommendations made by interested tribal representations at the consultation to have the Office of Tribal Relations continue to report to the Secretary directly on policy matters, as well as utilize the outreach and partnership staff within OPPE to expand their footprint to tribes throughout the country.

*Question 1c.* What controls has USDA put in place to ensure that tribal input will be adequately weighed and responded to?

Answer. USDA follows Departmental Regulation 1350-002 (<https://www.ocio.usda.gov/document/departmental-regulation-1350-002>) to ensure appropriate consultation and coordination with Indian Tribes. The importance of consultation and coordination with Indian Tribes was affirmed through Presidential Memoranda in 1994, 2004 and 2009, and in Executive Order "Consultation and Coordination with Indian Tribal Governments" EO 13084, issued in 1998 and replaced by EO 13175 in 2000, as well as in numerous statutes and policies. The value of collaboration is fully recognized within the USDA for all constituents, including Tribes.

This Departmental Regulation establishes over-arching Department-wide guidance upon which the USDA and its agencies rely.

Moreover, under the leadership and vision of Secretary Perdue, USDA's priority is to become the most effective, efficient, and customer friendly Department in the Federal government.

Notwithstanding our government-to-government trust responsibility, tribal input is always adequately weighed, considered, and responded to.

*Question 1d.* Will tribes have additional opportunities to comment as the reorganization advances towards final?

Answer. There are no further changes proposed. Tribes and tribal citizens have benefitted from Secretary Perdue's commitment to all USDA customers by having open and ongoing access to the Office of Tribal Relations and its staff. Additionally, OPPE incorporates tribal relations in every other aspect of its mission and coordi-

nates with every USDA agency to continually improve access to all USDA programs and services.

**Market Access Program (MAP) and Tribal Access to International Markets**

*Question 2.* In your written testimony, you point to USDA's work with the Intertribal Agricultural Council through the Market Access Program (MAP) as evidence that USDA is engaging with tribal agribusiness on export issues. However, the Council received less than 0.5 percent of the funding available under MAP, and it is unclear whether there were any tribal grantees. Has USDA ever included a tribal representative on any of its trade missions?

Answer. The Intertribal Agriculture Council is invited to every agribusiness trade mission. Trade mission announcements are also posted on the Foreign Agricultural Service (FAS) website and broadcast via the FAS Twitter account. Agribusiness trade mission application forms do not specifically include a category to account for intertribal representation, so any such participants would be entirely self-reported. At least two previous agribusiness trade missions included self-identified intertribal representatives (China in 2012 and China in 2014). FAS would welcome additional intertribal representation on future trade missions.

*Question 2a.* What is the number of tribal products included in those missions?

Answer. As referenced above, at least two previous agribusiness trade missions included self-identified intertribal representatives (China in 2012 and China in 2014) and in both instances the single featured product was seafood.

*Question 2b.* Please provide a detailed list of tribal inclusion in the Market Access Program.

Answer. The Intertribal Agriculture Council (IAC), a Market Access Program (MAP) participant since 1998, includes 72-member tribes and works with tribal businesses and individual Native American-owned businesses. IAC has historically focused on training Native American-owned companies and business to become exporters and introduces them to targeted markets through

international promotions. The export activities of IAC promote and secure sales of Native American agriculture and food products through trade shows, cooking demonstrations, and promotions (grocery stores, hotels, restaurants). IAC continues to work on developing new markets in Asia, Australia, North America, and Europe. In 2017, IAC companies had on-site sales of \$3.2 million and estimated 12-month sales of \$20.9 million at trade shows. In fiscal year (FY) 2018, IAC received \$737,270 in MAP funds.

MAP funding levels provided to IAC for five years:

2018: \$737,270

2017: \$750,250

2016: \$788,371

2015: \$788,723

2014: \$728,723

Emerging Markets Program (EMP):

2016: \$98,624 for China and Thailand

*Question 2c.* How does USDA and the Foreign Agricultural Service seek out and make resources available for tribal producers with an interest in international expansion?

Answer. As outlined in the previous response, USDA works with the IAC to further these efforts through both the MAP and EMP programs and conducts regular outreach to Tribal stakeholders regarding trade missions and other opportunities.

**ROUNDTABLE**

ADVANCING NATIVE FOOD TRADITIONS IN INDIAN COUNTRY

THURSDAY, JANUARY 18, 2018

U.S. Senate,  
 Committee on Indian Affairs,  
 Washington, D.C.

The Committee met, pursuant to notice, at 2:35 p.m. in room 628, Dirksen Senate Building, the Hon. Tom Udall, Vice Chairman of the Committee, presiding.

*Present:* Senators Udall, Heitkamp, Cortez Masto, Smith.

Senator UDALL. Good morning, everybody. Thank you so much for being here. I am Tom Udall, the Vice Chair.

I don't know if we have all of our participants here, but we are getting pretty close. We have two wonderful Senators who have joined us, Tina Smith is here and Heidi Heitkamp, so we are all ready to roll.

I thought in order to really keep this roundtable going, with the number of participants and the number of Senators going in and out, we are going to have a real challenge to cover this whole field in an hour and a half. If you just look at the time and the subjects to be covered and how many people are here, it is clear that we want you to be really concise and try to, more than anything, connect your ideas that you may have into policy.

Because the thing that is really facing us, we titled this Advancing Native Food Traditions in Indian Country, but the policy part of this is dealing with the Farm Bill, because we have a Farm Bill coming up this year. I think Senator Heitkamp is on the Farm Committee, in addition to Indian Affairs. And so is Tina.

So there is a real great overlap here that really, really makes a difference for us executing policy, both doing it in the Senate Indian Affairs Committee and also doing it with the Agriculture Committee.

So just in the most general way, what we want to be looking at is a comprehensive approach to Indian Country needs in the Farm Bill. So any ideas that you have on connecting those ideas to policy is where we really want to go.

With that, I am going to open it up. You all see, you each have name tags here. I am going to ask you to go around, and tell us what organization you are with. We are just opening it up for folks to start talking. Please focus on that connection between a great idea and then what is good policy when it comes to the Farm Bill.

My sense is, listening to Heidi and listening to Tina and the hearing we had in the last couple of days is, there are so many good ideas in every single title of the Farm Bill in order to advance this whole discussion in terms of the Native foods and Native traditions and where to go there.

Jackie, why don't we start with you? Tell us who you are with and then we will jump into the whole thing.

Ms. PATA. Hi, I'm Jackie Pata. I am the Executive Director of the National Congress of American Indians. I am also the fourth Vice President of the Tlingit Haida Tribes of Alaska.

Ms. BOHLEN. Good afternoon. My name is Stacy Bohlen. My native name is [phrase in native tongue], which is Turtle Woman, the Responsibility of Speaking the Truth for all the People. I am the Executive Director of the National Indian Health Board. We serve all 567 federally-recognized tribes for the advancement of health care and health status for all Native people in the U.S.

Mr. MATTESON. Mr. Vice President, I am Gary Matteson. I work for the Trade Administration for the Farm Credit System here in Washington, the Farm Credit Council. As such, I am active in programs for young, beginning, small farmers, and in particular, outreach to minorities. That would include the work that I have been doing in Indian Country.

Ms. HIPP. Hello, my name is Janie Hipp, a citizen of the Chickasaw Nation. I am the Director of the Indigenous Food and Agriculture Initiative at the University of Arkansas School of Law. We work on policy and strategic issues around food and agriculture across all of Indian Country.

Senator UDALL. Thank you.

Mr. DUCHENEAUX. Good afternoon. My name is Zach Ducheneaux. I am a member of the Cheyenne River Sioux Tribe in South Dakota and I am the Secretary of the Board of Directors for the InterTribal Agriculture Council.

Mr. RACINE. Good afternoon. My name is Ross Racine. I am the Executive Director of the InterTribal Agriculture Council, based in Billings, Montana. We work for every federally-recognized tribe. We have been involved in every Farm Bill since 1990, so we kind of have a history. Thank you for the invite.

Senator UDALL. Thanks, Ross. Carrie will come in and say a few words. Mariah, go ahead.

Ms. GLADSTONE. My name is Mariah Gladstone. I am the founder of an online cooking show called IndigiKitchen, which is dedicated to revitalizing traditional foods, as well as on the board of the Native Youth Food Sovereignty Alliance, and a champion for change through the Center for Native American Youth.

Senator UDALL. Thank you for being here, Lionel?

Mr. HASKIE. Good afternoon. My name is Lionel Haskie. I am very honored to be here with everyone and to contribute some ideas.

I work with the Navajo Agriculture Products Industry. I am a professional engineer there. My responsibilities include business development, infrastructure and the infamous Navajo Indian Irrigation Project.

Senator UDALL. Thank you. Keith, before you say anything about Shakopee and your responsibilities, I am going to let Tina give a little bit of an introduction for you.

Senator SMITH. I am taking Senator's prerogative to introduce my friend, Keith Anderson, who is Vice Chairman of the Shakopee Mdewakanton Sioux Community. Keith and I have been friends for a long time and I greatly appreciate his being here.

The Shakopee Mdewakanton people pride themselves on their generosity and their strong commitment to giving back, not only to the geographic community that they live nearby, but to the entire Native American community. So it is very wonderful to have you here with us today. I am especially grateful for the work that you have been doing, and your community has been doing, on the Seas of Native Health program, and really looking at how a connection to indigenous food not only is a way of improving economic development with the tribe, but also a way of improving health and connection to your traditions.

I think you will bring a lot to this conversation, and I am very happy to be able to be a part of it.

Mr. ANDERSON. Thank you, Senator. It is a thrill to have you here, and to be here. I thank you very much. I hope I can help. I would be remiss if I didn't mention that I am working also with Ross, as Ross Racine is co-chair of the Native American Farm Bill Coalition. We have over 40 tribes now, I think 41 coming on board as of today to identify and hold on to what we have with the Farm Bill, but identify more opportunities and stand as one in that voice. Zach and Janie as well. So thank you for that.

Senator SMITH. Thank you.

Senator UDALL. Thank you, Keith. You kind of hit it on the head there, trying to figure it out. I think that is what this roundtable is all about, what are our opportunities in terms of the Farm Bill.

So with that, Ross, go ahead. That is the spirit I like, we will get this thing rolling.

Mr. RACINE. Thank you. When we look at advancing Native food traditions in Indian Country, I have to remind everybody that agriculture is the tradition on our reservations, not the product. We have to think about it in that frame of mind. In 1998, we testified before a joint Senate Ag and House Ag hearing. We said, we realize our future will come from the Indian use of Indian resources. There has never been a society in the history of the world that has survived without the ability to feed itself.

A return to our proud stature will come through the ability to sustain ourselves on what we have left of our homelands. To me, that sets the tone for where we should be going with this Farm Bill. We have 72,196 Indian operators. We have 56,092 farms. We generate \$3.3 billion annually with our products.

So when we start talking about feeding ourselves through the use of this Farm Bill, we have to look at specifically those programs, one, that we believe this committee can help us with. One of those is access to rural development programs. The second is access to credit. I will address the rural development programs and I will turn it over to the brains of the outfit, Zach, to talk about the credit part.

When we look at what is being produced out there in Indian Country, we are pretty close to about 50 percent livestock and 50 percent grain or intensified agriculture products.

To bring about the ability to feed ourselves and use food as an economic tool, to use food processing as an economic development tool, we firmly believe that that would provide the much-needed employment on our reservations. It would provide for healthier diets and reduce health care costs. It would reduce our investment in social programs and social rehabilitation programs. It would lessen the carbon footprint of food production. And we firmly believe that not only will it help our reservation, but it would be a template to rejuvenate rural America.

But to bring food processing ability to success relies heavily on rural development programs. Within their infrastructure development programs, within their value-added programs, within their cooperative development programs. Those are much-needed to assist groups of producers and their tribes to bring about bricks and mortar that is needed to accomplish this.

We have asked, and our Farm Bill asks, that the SUTA language, basically it is from the Rural Electrification Act, be applied to all rural development programs. SUTA stands for substantially underserved trust areas and allows the Secretary of Agriculture to use broad discretion authority to waive policies and procedures and in turn, enables the underserved area's program participation. So we are asking that SUTA be applied across the board to all rural development programs.

When we look at eligibility, we truly believe that school districts, not counties, should be looked at in determining eligibility and the ability to repay some of these programs. That gives you a much closer look at those community demographics. I use Blackfeet often as the example. Eighty percent of Glacier County is Blackfeet Reservation, average household income \$14,000. You look at the county average household income, it is \$26,000. A school district look at that community would enable the agency to better determine the ability to repay our eligibility for programs.

Senator UDALL. Let me just interrupt you there. Carrie just came in, Carrie Billy did, and let her just tell us who she is working with and why she is here today wanting to participate in this roundtable.

Ms. BILLY. Thank you very much, sorry to interrupt you. I am Carrie Billy, the President and CEO of the American Indian Higher Education Consortium, which is the Nation's 36 tribal colleges and universities. Thirty-four of our institutions are 1994 land grants. So our tribal colleges have a great stake in the Farm Bill reauthorization and in agriculture issues in general.

So thank you very much for inviting us to be here today.

Senator UDALL. Thank you, Carrie.

One of the things I am going to do, because we want the ideas that are put on the table, people to react to them, I wish I had a little gong here. In about two minutes, we are going to try to move this along so you can react to each other and have a roundtable. So I don't mean to be impolite to any body but when you hit the two minutes, I am going to say, let's give somebody else a chance to either float another idea or interact with you, if that's okay, Ross. And you hit two minutes.

[Laughter.]

Senator UDALL. Turn it over to Zach, that is good.

Mr. RACINE. I will turn it over to Zach, Mr. Chairman.

Mr. DUCHENEAUX. Thank you, Mr. Racine, and thank you, Senator Udall.

The other tenet of what the Intertribal Ag Council and the Native Farm Bill Coalition are seeking in the development of the Farm Bill to improve agriculture in Indian Country is access to credit. I can be pretty brief in my comments, because they can all be summed up by one question that I would have liked to have been a Senator for once in my life to ask Chairman Berrey and our good friend from NAPI. For Chairman Berrey, I would have asked, if you didn't have a casino in Interstate 44 to generate the revenue, to fund your operation, how far along would you be in having the first Native American-owned slaughter facility and how much food would you be distributing out of your goodwill to your community? And where does a reservation like the Cheyenne River Sioux Tribe in South Dakota or the Standing Rock Sioux Tribe in North Dakota go to access that resource?

We have to develop fair access to credit to address the credit deserts that exist on every Indian reservation. We have quite a list of requests attached to Chairman Berrey's testimony from yesterday. We will submit some comments for the record, but I would like to just leave that hanging out there, Senator, and pass it on to the next person, so we can get a discussion going about that.

Senator UDALL. That is very, very important. What you have hit on is the capital and the ability. So some tribes are in a situation where they can get that capital going and do something really significant. That is why, Gary, you are here, to talk about farm credit a little bit and what we could do.

Mr. MATTESON. All right, I think I got a cue there.

Senator UDALL. Yes.

Mr. MATTESON. I would like to point out the difference between what Zach was just referring to, which is the tribe having access to credit, and individual producers having access to credit. That is really the larger problem in saying that individuals lack access. I see it is a larger problem for having sustainable and pervasive Indian agriculture throughout Indian ag country where it can be done, whether it is live-stock or whether there is water that something else can be grown.

The problems, as a private sector lender, trying to deal with securing a mortgage, Farm Credit has a requirement that we must have a first mortgage for a land loan.

That puts us right into the process of dealing with the Bureau of Indian Affairs and being able to get a certification from them that the land can be in fact mortgaged by either, whether it is individually held trust land or tribal trust land. It is a mixture of lands, as you know, on reservations. It makes that credit, the delivery of credit, subject to, a piece may be fee simple, a piece may be under a trust in some way. It has been a source of confusion that has allowed the whole, I will take it on all of us that lend money, a lot of us to just plain say no, it is too complicated, we can't do it.

Where I would like to move the conversation to, which we are doing with the Intertribal Ag Council's creation of a community development financial institution is, so how can we get around that problem. I am not here to ask you for something in the Farm Bill, Senator. Sorry to not give you something for your list. We do think that with concerted effort we can address a lot of problems outside of that. I will let Zach or someone else who can better talk to the problems of dealing with the BIA speak to that issue.

Senator UDALL. Anybody else? Jackie?

Ms. PATA. Not on that particular issue. But I think it would be good, I would like to put some context to the more universal issues. Because there are a lot of specifics that people will bring out from their own interest areas. NCAI also is a proud partner in this Farm Bill Coalition. So it has been really good for us to have these conversations.

But when I look at overall, some of the overarching pieces that we need to be very aware of, one of those overarching pieces is a just a very simple thing we say all the time, when you talk about local governments and State and tribes. So think about that context all the time. When we looked at previous Farm Bills, one of the biggest issues was the "and tribes" was left out. That created a lot of the problems that you will hear about from some of those that have specific ideas and recommendations to put forward.

Another overarching principle is remembering the importance of self-governance and self-determination. Looking at the principle of 638, what a great principle that has been in bringing up the capacity of tribes when we are dealing with governance issues and governance responsibilities. So when we look at the SNAP program, a food distribution program and model that is critical, thinking about that local government and how that can be empowered by a 638 principle behind that. So that is another universal kind of thing I would like to put on the table.

Then I support the recognition of underserved areas. Looking at consistent, throughout the bill, throughout the programs, particularly in the rural programs, so we don't have to decide when we are included and when we are not included. Just make sure that that is covered.

Then one of the other issues I think that is important is understanding the inconsistencies of definitions and what does that really mean. So how do we apply these programs with inconsistent definitions, whether it be with how we determine the status of Native lands or programmatic definitions. It would just make it a lot easier for implementing and understanding, even for the lenders, to be able to make sure that we have comparable.

You think about overall, the things that we have been talking to you about all year and all last year, which was government parity. So what we are asking for again is government parity through the lens of the Farm Bill.

Senator UDALL. Great. Thank you, Jackie, that was great. That was right on two minutes there. You are going to get a gold star.

Stacy, and Janie, both of you, there has been a lot of talk about health in the areas you work in. Do you have anything you want to react to? Mariah, I am going to expect you to jump in here in a minute, too.

Ms. BOHLEN. Well, Chairman, thank you very much for the opportunity to speak to this. In the 2002 Indigenous Peoples Global Consultation on the Right to Food, activists described how the denial of the right to food for indigenous people not only denies us our physical survival, but it also denies us our social organization. It denies our culture, traditions, languages, spirituality, sovereignty, our total identity. It is the denial of our collective indigenous existence.

In the space that we fill at the National Indian Health Board, I would add health, that is a fundamental right to be a healthy person, to have access to the traditional cultural foods that are part of defining who we are culturally. We find that the intersection of public policy and health outcomes for Indian Country has a very profound, often unintended negative consequence for American Indians and Alaska Natives.

I will use an example of the Pima Indian Tribe in Arizona. The tribe is a border tribe. When the boundaries of the United States were formed, half of that tribe ended up in Mexico, half of it ended up in the United States. The tribal members

who reside in Mexico, there was recently a study done on this, they were able to still have access to their Native food ways, their cultural practices and their nutrition practices. They have experience better health, lower incidence and prevalence of diabetes, which is really diabetes, cardiovascular, obesity, those are like foundational health challenges that are directly tied to food and other factors as well.

But on the American side, they have some of the worst diabetes numbers in the world. They have been removed from their ability to produce traditional foods, and to be able to access the ways that they would traditionally live. That is duplicated throughout the United States. For example, another tribe, the Pima Maricopa Indian Tribe, relies on the Gila River traditionally for irrigation, to have fishing and all of the traditional practices that they would have to bring food in for their traditional ways of being healthy. They even, the river is so sacred they even have songs as part of their traditions to honor the river.

But through the last 100 years, the damming of the river, which originates in New Mexico, has resulted in it being almost a trickle most of the year. There has been some recent movement on getting some of their water rights back. But this is foundational to the ability of that tribe to feed itself, and to have healthy ways to practice indigenous food ways and honor health.

I want to mention two things. I know there will be an other opportunity, so I am not trying to be a two-minute burner. I want to mention first, and really support the comments that Jackie made about sovereignty and about self-governance. In the health arena, there has been a tremendous growth and in the abilities of tribes to run their own health systems and implement the health care systems for their peoples. It has been tremendously successful.

This can also be tremendously successful in the area of agriculture. When you talk about the SNAP program or the FEED, a Federal distribution program on Indian reservations, these programs can be run by the tribes. Even the States have difficulty implementing them effectively. The States have tremendous resources that the tribes do not have.

So with proper investment, again, not quite the way that it was mentioned earlier, but another form of investment to bolster administrative ability and bring technical assistance to the tribes, tribes have proven that left to their own devices, their own traditions, cultures and practices, and the support in the trust responsibility, they can do tremendously excellent work in administering not just health, but all programs.

The last thing I want to mention, and I will bring it up later, is the special diabetes program for Indians. Probably the most successful public health program ever seen in Indian Country and perhaps elsewhere. Through this program, tribes have been able to bring hemoglobin A1C levels down an entire percentage point. We are very disappointed that the reauthorization that was promised us yesterday in the House, through the CR, did not occur. We must get this program done. I know it is not an Agriculture Bill program, but it dovetails with health, access to health and Native foods, and healthy Native ways of implementing programs that work.

Senator UDALL. Absolutely. We got it in the last CR, we were pushing very, very hard on that. We are going to do everything we can to get it in this one.

Senator Heitkamp?

Senator HEITKAMP. First off, I want to thank Keith and the Shakopee for the wonderful work that you guys did. Just be happenstance, I was at an Indian gaming meeting and I think your report, Janie, had just come out. You had a copy of it and we were able to get a copy of it.

There is a number of things within the Farm Bill that is not just exclusively dedicated to food and food security. There is a number of housing things I think are also significant. I think you did a great job highlighting where we have fallen down, maybe, on some of the housing programs as well. I want to focus on that, since food is a critical piece of what we are talking about today. But probably in follow-up, talk about some of the housing ideas you have for the Farm Bill.

Mr. Vice Chairman, if I could just run through some of the things that we are planning on doing. What I asked my staff to do is take the Shakopee report and identify things that we think we could introduce in a separate bill to lay down a marker for the Farm Bill. So I want to run through some of these, but I want maybe in response, Janie, you to tell me if I have hit the right priorities, if there are other things we need to look at. Because the report is pretty complete, and I think it would be difficult to get everything that is recommended in the report.

So we are looking at introducing a bill probably next week that will establish a permanent rural development tribal technical assistance office. So there is automatically built-in collaboration that recognizes the sovereignty of the tribes.

We are eliminating the matching funds requirement for food distribution programs on Indian Reservations, which I think is critical. Sometimes those matching programs make it inaccessible.

Make Native community development financial institutions, this again goes to the housing program, eligible borrowers for new lenders under USDA's 502 direct home loan program. Make tribes and tribally-designated housing entities eligible as borrowers under 502. And then establish a 5 percent set-aside for tribes in the tribally-designated housing entities in the rural development housing programs. So this would not be dependent on going through housing finance agencies.

Now, I have been around long enough, I did a housing conference. I can tell you that some States do it pretty well, some States don't want. Kind of ironically, because we always think we do things better than South Dakota, South Dakota has been particularly engaged in housing issues, through their housing finance agency. It is something we should encourage all our counterparts in State government to look to.

But I think when you cull through some of the stuff that you did, and you realize how comprehensive and extensive it is, I think we got lost in some of the minutiae. It would be really valuable for either of you to give us ideas from that report, where you see the top priorities. Maybe Keith, you can start out, or Janie, I don't care who looks at it.

Senator UDALL. Thank you, Heidi. I know you will be fighting for all those ideas on the Ag Committee.

Keith, please.

Mr. ANDERSON. I would like to step back for a second. I would be remiss, I needed to credit, Jackie reminded me that her support and NCAI's goes along with Zach, and us, and Janie as well. I didn't mean to leave you out. I apologize.

I don't know if I am the best to prioritize that list. I do certainly emulate the areas that you have identified. I also have some things to add to that. But I think you guys might be better aware of how that would prioritize, as far as our report goes.

Senator HEITKAMP. Well, Keith, one of the things Zach raised, which is which is value-added agriculture and meat processing, one of the challenges we know we are going to have in Standing Rock, if we ever get that project off, is training. There is a real opportunity to benefit training and other tribal meat processing facilities cross training. There are some really great things we can do. But value-added agriculture is a critical part of this as well, especially as it relates to buffalo and beef.

Mr. ANDERSON. There is technical assistance available too, and other areas are available, and other bills as well that could apply. We were talking about those this morning. That is definitely on a priority, I don't know where exactly, but it ranks right up there with the technical assistance with the bill, technical assistance beyond that.

Ms. HIPP. And also, when you talk about value-added, remember when you are talking about value-added, some of the other things in our recommendations that we have talked about together was just being able to be part of the whole marketing scheme of agriculture and products. So when we talk about the meat slaughter plants, one of the big pieces is going to be able to make sure that we will be able to deal with export issues and all the other kinds of food production pieces that tribes are on a level playing field in those areas.

Senator HEITKAMP. Janie?

Ms. HIPP. I realize there is a lot of minutiae in that report. As I told the Vice Chairman, when they commissioned it from us, I said, I may only get one shot at this to get in the weeds. To me, there is a lot in there that can be worked on for future Farm Bills as well. What I have seen in my experience, over and over and over again at USDA is a disconnect with the definitions of who is eligible and how tribes do their business.

A general, because there are really no specialized tribal-only programs, really, to speak of, throughout the department, it leads to this misunderstanding of how, like for instance, when a tribe creates an authority of some ilk, like a State does, to do economic development or any other service delivery, that sometimes is seen by the rank and file folks at USDA as being non-tribal. It is not a part of the tribal government any more. Does that make sense?

Senator HEITKAMP. Yes, you aren't dealing directly with the council.

Ms. HIPP. Right. So to me, those things can be fixed. It literally is almost, yes, we need technical assistance on the tribal entry into USDA. But we also need USDA technical assistance back to us to really get a sense of how modern tribes do their work, how they do it through their governments, how they do it through their businesses. That to me is one of the areas that I think the department is right to be

in those conversations. I really do. I think they are ready to be in those conversations.

Senator HEITKAMP. Do you think that establishing a permanent rural development tribal technical assistance office, is that the first step toward that identification and that awareness of sovereignty and that these are entities that need to be dealt with directly?

Ms. HIPP. I believe it is for rural development. Particularly if you think about the value-added producer grant program, that thing is so technically written by Congress, because they are very keen. The folks in Congress are very keen on making sure whoever applies for that is actually the owner of the crop, and not some broker out there.

So convincing the folks who actually manage those programs, that they are actually looking at someone who owns the crop, that is an important piece. We actually, when I was back there, we actually did a year and a half of background work with the Office of General Counsel to explain how tribes do their business in food. So that it led to an administrative notice that was sent out throughout the entire department to actually explain to the rank and file people, all the way down, how tribes did food. That kind of technical assistance office would help.

Senator UDALL. Ross, just before we go to you, Janie, I am working on legislation in terms of 638 of USDA programs. How does that fit into what you are talking about right there?

Ms. HIPP. It is the same piece of the puzzle.

Senator UDALL. Of being able to take it over and do it, right?

Ms. HIPP. Okay, Ross, go ahead.

Mr. RACINE. I wanted to address Senator Heitkamp's question about housing. One of the primary problems as we attempt to take tribal housing groups, whether they are recognized by the tribe or an association, what have you, there is a direct conflict in the regulations of rural development housing development and HUD. One of the things this committee could take a very close look at is how can we align those two housing programs to benefit, to remove some of those barriers and allow tribes to make regular use of rural development housing programs.

Senator HEITKAMP. So more harmonization between HUD and USDA.

Mr. RACINE. There you go.

Senator HEITKAMP. Zach, could you comment a little bit on value-Added and the set challenges you have had in Cheyenne River? I know you are familiar with the challenges at Standing Rock also.

Mr. DUCHENEAUX. Yes, Senator Heitkamp, I sure will. We got a lot of requests with regard to credit and access to credit. They are all tied back to having access to capital that will let us take that \$3.3 billion a year and turn it into something on the order of \$15 billion a year for Indian Country. Because the \$3.3 billion a year represents the producers' share of the food dollar, which is anywhere from 11 to 14 cents. So there is some math to be done there.

It doesn't take a lot of impact before you realize that if we take \$15 billion and spread it throughout Indian Country that is more than the BIA budget, that is more than the Indian Health Service budget. We can take care of our own things if we have the resource to develop the infrastructure to get the value-added agriculture, so we are selling food instead of selling food products into the commodity cycle.

Senator UDALL. One of the other parts of this has to do with Native food traditions and education, so that people understand what those traditions are. Mariah, you have, I think, something to say on that, and Carrie, you do also in terms of coming from the education perspective and the work you are doing there at colleges and universities. Mariah, why don't you kick it off?

Ms. GLADSTONE. Yes. Tying this back into the whole nutrition discussion and policy from the nutrition side is the underlying statistic that 25 percent of Native people are receiving some type of Federal food assistance. Obviously indigenous histories in the U.S. are marred with Federal food assistance that has severely disrupted our traditional foods and caused us to lose a lot of that traditional knowledge.

Looking at that from the policy side, the real things that we need to be promoting in those food programs are more flexibility for tribes to be able to tailor Federal food assistance programs to their own needs and their own traditions. That includes consultation with tribes from the USDA side, it includes regional partnerships for the Federal distribution program on Indian reservations. It would additionally, I think, require the Federal distribution program on Indian reservations to purchase traditional foods, including bison, wild rice, blue corn, salmon, things that are known to the community and have been eaten over thousands of years.

Not only is there a nutritional benefit to the recipients of that, but there is an additional benefit of promoting the Indian producers. I think that is key as well to revitalizing a lot of those traditional food ways.

Then of course, allowing participation in both the FDPIR as well as SNAP. That is my brief summary.

Senator UDALL. People can find that on your videos, right? All of that?

Ms. GLADSTONE. My videos are much faster than that.

[Laughter.]

Senator UDALL. Carrie, then Tina, I will come to you.

Ms. BILLY. First, before I speak to that issue, let me just throw out one idea with the rural development and community facilities funds. What would be really useful I think for Indian Country, I definitely know for tribal colleges, is if there was sort of a, these are loan programs. But if after a time they could be turned into grants, so there could be a loan forgiveness after five or ten years, that would be extremely helpful to tribal entities that are trying to build tribal community facilities.

But related to this, we have been talking about food. But research is critically important. By 2020, we are going to have ten billion people on this planet. Right now, we only have the ability to feed half of them. So this is a huge global challenge, in addition to being a challenge for us as Native people.

Tribal colleges are doing research to try to address these issues, big global challenges. But in a way that is place-based, that is related to our land and water and our people. For example, at Nueta Hidatsa College in North Dakota, they are doing research on June berries, and trying to find native pollinators to restore the habitat for native pollinators, so we can export June berries. June berries are an ancient plant that has incredible levels of protein, calcium, antioxidants, and they sustained generations of people until westward expansion practically eliminated them.

So tribal colleges are doing research in that area through specialty crop research. That is one thing we really need to strengthen and make sure we maintain throughout the Farm Bill, specialty crop research. But there is also a huge inequity in the research funding. So right now, the State institutions, the 1862s, get \$263 million a year in formula funding for research, \$263 million. Nineteen HBCUs get \$51 million a year, formula-driven. Thirty-four 1994 land grants get \$1.8 million in research funding that is competitive every year.

So we have an idea to use Commodity Credit Corporation funding, \$17.5 million a year from Commodity Credit Corporation to establish additional funding to support research in Indian Country for native plants and place-based research. That is how historically Hispanic-serving institutions were funded in the last Farm Bill. There was legislation to increase funding for the 1890s that has been introduced in the House. So we think that we Native people need legislation similar to that that could really help spur the research that we need in Indian Country to exploit and to do more value-added crop production.

Senator UDALL. Senator Smith, please.

Senator SMITH. Thank you. I have a question, first, on the food side of this. We have had some of our tribes in Minnesota that have had some success with developing international markets for their food products, like wild rice, for example. But I would be really interested to hear from any of you about what we could do in the Farm Bill to try to expand opportunities for building those markets.

Mr. RACINE. Honestly, I am not trying to hog the show. But IAC holds the contract with Foreign Ag Service for the market access program. We are the entity that took Red Lake, Leech Lake, all overseas to market those products.

We have been basically flat-lined since 1997, when we first entered into this agreement with Foreign Ag Service. It is a wonderful program in that what we have found, when you talk to experts, they tell you you first need a local market, a regional market, then a U.S. market before you ever think about going overseas. Because of the way MAP is set up to where we can pay those Native producers, food product producers, pay their way, pay their sample product's way to these international food shows, the contracts they secure at those often become the first infusion of cash into their business, which is totally contrary to the traditional export.

We sold about \$150 million worth of Indian products overseas. Red Lake was selling wild rice for 60 cents a pound when they got into our program. Right now they are selling those for \$8 for about a quarter of a pound of wild rice. So it has been great benefit to our producer. What we need in market access program is to enhance our ability to deliver that program out there on the ground, to take more Indian food products overseas.

The greatest thing about that program is there is a lot of Europe and the Pacific Rim countries that know more about us as Indians than we know about ourselves. So the first thing they look at is that Indian motif, and that is the people we want to buy from. There is a ready-made market, just let us get more products over there.

Mr. ANDERSON. To add to that, what Ross is saying is there is an opportunity to promote that international trade opportunity and find ways to send Zach overseas and—

[Laughter.]

Mr. ANDERSON. But it had happened before. It needs to happen again. Just adding on, everybody has a little piece of what I have to say, IHS and Interior use a Buy Indian Act requirement that could be applied to USDA so its purchases of food affirmatively seek out the Native producers and the Native products. Promoting that international trade and requiring USDA to purchase a higher portion of food from the local and regional sources, and supply those, and not try to send Bison to Southern California or wild rice to Alaska, but keep it regionally appropriate or culturally appropriate to fit with our traditional customary diets.

I think I am just going to throw this out here as well, you mandate that P.L. 93–638 statutes and regulations apply to all aspects of it. I think we are hearing those pieces. That is what I took out of what Jackie had to say. You apply, get HUD and rural development married, you get access to those funds. You buy Native American products and regionally support those where appropriate, and not try to, unless Zach is going overseas with it, but find ways to apply that comprehensive use of Buy Indian and apply it to the USDA.

I can't help but think about something you said about private financing on trust land. I don't know if I understand it fully enough to like it or not, but I don't know what that would encompass, encumbering trust property. We have a portfolio, a significant portfolio of loans to other tribes. We have found ways to use depository agreements and so forth. Through the BIA, and that is an aspect of the BIA, I think that is flexible, I don't think they want to see themselves doing a lot of extra accounting and so forth. If you can get it in front of those depositories, it is probably not as solid as garnering a piece of asset, such as land. But I don't know if I am hearing it right.

Mr. MATTESON. Yes, and no. But I will accentuate the positive and say one of the things we have talked about with IAC is the idea of a first loss loan fund, so essentially the depository agreement, but a source of capital would be put up by tribe or tribes that would allow any private lender, Farm Credit or whoever else, to do lending in Indian Country, no matter what the ownership of that land was. If we could make that ownership irrelevant, because in the first place the issue is that securing a mortgage, and then in the second place it would be recovery.

Where that lending could essentially be brought to Indian ag country through contractual arrangements, to allow the tribe to have full control over what happens on tribal lands, but the lender is secured so as to be able to encourage, to actually show up and do business there. The CDFI that the Intertribal Ag Council is setting up now can serve that sort of introductory function for the very small producer, to get them credit-worthy, so that they have access to credit from a tribal source that is easy to access and then that relationship can be the stepping stone, the basis for larger credit, if that is what that producer needs.

Mr. ANDERSON. And a way to get in front of those USDA loans, turn them into grants and get that depository security that way. I think that starts to branch off the Farm Bill.

Senator UDALL. Yes, I agree. Lionel, when I was in the House in 2006, I took a trip with your general manager, the general manager of NAPI, down to Cuba. There were a lot of governors who were taking trips like this, it was an agricultural trip. The whole idea was, they have 11 million people, and we ought to be able to open up markets to sell. I remember there was a wonderful discussion down there with the general manager and the head of the Cuban government that buys food for the Cuban government.

I would like to expand this discussion a little about international, since you are producing significant amounts of food. Have you had barriers, have you had problems? Have you tried to market internationally? I just raise that as one question, but you may want to comment on some of the other things you have heard also.

Mr. HASKIE. Thank you, Vice Chair. Some of the recent barriers that come to mind regarding moving our table stock potatoes into Mexico, there is a regulatory issue with regard to food safety to prevent certain diseases from entering the Mexican producers. We find that one of the barriers of moving our potatoes. We have a significant amount of potatoes, our volumes change each year.

Then just to add to the point of the potatoes, one of the challenges that we have experienced on the production side related to a section in the Farm Bill, 507–51, it is a limitation on land eligibility for the producers who own farm land. We own about 75 acres of farm land.

The language in this particular regulation states that some of our acreages that are under sub-lease, they are not eligible for us to receive CSP conservation funds

for cover crop growth. Since potatoes is one of the crops that we typically need to use a cover crop after the season is over, it has been a challenge on us. We initially, in 2008, for CSP, we have been funded a full acreage for cover crop. But recently it has been changed.

Going back to the international market, we moved beans into the international markets and also do our sub-lease, the contractors, they move a lot of alfalfa into the Asian markets. What we understand is that the product quality is very good. I think some of the programs that are related to MAP, my understanding is that our invites to some of these conferences, some of the challenge is that the buyers want a price at that moment.

Just based on our internal procurement process with our business, we have to develop contracts and develop the right pricing by going prior, or after we go to these conferences, to make sure that we validate the prices that we are going to give.

Senator UDALL. Thank you for that. Janie, please. Janie, just before you start. Senator Cortez Masto is coming, Tina is still here. We will keep the roundtable discussion going. All of you should know that this is part of the record. Janie was a witness yesterday, we have made this whole roundtable a part of the record. So if you would like to submit additional things after we are finished, please feel free to do so. That will be part of the record.

It will really help us in terms of working with all of you in improving the Farm Bill. Go ahead, Janie, and Tina, I am going to give you the gavel.

Thank you very much.

Senator SMITH. [Presiding.] I feel like I have just made a rapid rise to power.

Senator UDALL. Don't let it go to your head.

[Laughter.]

Senator SMITH. Go ahead, Janie.

Ms. HIPP. I want to pick up on one thing that Lionel was just saying and another thing that Carrie was talking about as well.

With regard to food safety, the Food Safety Modernization Act was passed. It is having significant changes in a lot of areas, produce, new rules. Animal feed, new rules. International movement of foods, new rules.

Our initiative was selected in a competitive round to be basically the Native center for outreach, training technical assistance and education in food safety. We received the smallest amount, we cover over 30 some odd, likely 40, States. And all the other centers have small regions. Granted, they are west, south. It just gives you an example.

And the types of questions that we receive from tribes when we actually go out and do the training, which we are being pulled and taxed in many very complicated ways, because we received the lowest amount of funding. And our funding goes down every year, three years, while everybody else's remains stable. Why? I have no idea.

Look, if the money is out there, I am going to go for it to actually do the work. But why? Why was that built in in that way?

But when we go out and get questions, we don't get questions about microbiological issues related to bugs and parasites on food. We get issues directly related to enforcement, jurisdiction, land tenure, interrelationships between tribal producers and other Federal relationships that they have that no one can give us the answer to.

So that gives you an example that, as Lionel said, the food safety regulatory scenario is difficult enough as it is domestically, and that is changing. But it is even more challenging when you are dealing with an international component, and that is built into the export-readiness piece that IAC does.

The other thing I will share just briefly, and I can write a book on it, which I think I will later, is this whole issue of research, education and extension is so critical. It is absolutely critical. All the tribal colleges are underfunded. Carrie just shared with you why. The extension is even worse, absolutely worse. There is not near enough money that is allocated. The entities that receive the largest amount of extension funding, if you actually trace the plans of work and the reports on the plans of work, there is no match-up with the audience that the formula is based on with the actual use of the funds.

So it affects the federally-recognized tribal extension program, makes it fight for funding every year, it has been flat since creation, basically. And it makes the tribal colleges fight for their piece of the puzzle. You can't actually get this sort of technical assistance done like on a food safety piece unless you have access to some sort of formula money or the competitive overlay that literally allocates specifically a set-aside or whatever you want to call it into those pots that allow us to have access to that critical information.

Senator SMITH. Jackie?

Ms. PATA. Thanks, I would like to add to this conversation around food. Also, some simple things is trying to make sure the definitions are reflective of the traditional foods that should be included. For example, in livestock, to include reindeer and elk, caribou, horses, those kinds of things are important. Otherwise, it excludes certain Native food products from being able to be included. We want to be able to make sure that that doesn't happen.

Another thing that hasn't been in our coalition conversation, so don't throw stones at me right now, okay? I'm looking over at the guys here. One of the things that has been a big issue, particularly for certain areas of the Country, and even in the Protect Native Seeds conversation, is this protection and marketing of authentic Native food products, being able to make sure that they have the proper labeling, that that labeling isn't utilized by those who are not necessarily from an authentic Native food source or authentic foods or traditional foods. Not any different from genetically engineered versus not, genetically engineered food products.

I think that is going to be really important as Indian Country moves more into the distribution models, that we actually are able to take credit for those foods that come from our communities. So I wanted to bring that up too.

Senator SMITH. Yes. Zach?

Mr. DUCHENEAUX. Thank you, Senator Smith. I just wanted to go back to the trust land and the mortgage of trust land thing, just to provide a point of clarification. Since 1956, an individual Indian has had the capacity and ability to mortgage their trust land, and encumber it and properly effect a mortgage, with the approval of the Secretary of Interior. Tribes have prohibitions on encumbrance of trust land, their land, tribal land, in their constitutions.

So that prohibition is a tribal, that is a community-based decision. The individual's right to mortgage trust land is something that since 1956 we have had the ability to do it, but banks still will not do it in Indian Country. They are hiding behind the myth and we need to make sure that we shed light on that. That is one of the reasons that the GAO report, that we are requesting to examine. Commercial credit's lending in Indian Country agriculture is so important and it underlies all the other credit asks that we have.

Senator SMITH. So just so I understand, you are saying there is a standard business practice among lenders to sort of ignore this right that people have to mortgage their trust land?

Mr. DUCHENEAUX. One example that we have on Cheyenne River, there was a young fellow that wanted to purchase trust land. He went to the bank to get a loan and the bank gave him a six-year note on the land. Instead of a 30 to 40 year mortgage to pay that back, they gave him six years to pay back the loan that he got to secure that land.

That is what we talk about when we mention our credit desert. That is not fair and equitable and that bank is likely getting discount money from the Fed to serve their community. So it is in effect red-lining, and we have banks that will flat tell you, we are not going to loan on your individually-held trust land.

Ms. PATA. If I could follow up on that a little bit.

Senator SMITH. Please.

Ms. PATA. In housing, we have done things where tribes have actually created their own loan secure fund, what you were talking about earlier, for agriculture, basically bearing the right of first refusal if there is a default. But really, if you look at the default rate in Indian Country, it is significantly low. So it almost contradicts the rationale from a lender for why they aren't willing to expose themselves to that type of risk.

I think partially it is the expense of managing the loan and actually dealing with some of the initial loan papers, putting those pieces together sometimes creates a difficulty in the cost of actually managing the loan process. But we have used things like, we have created government guarantees, and those are a significant incentive. Even with government guarantees, it is difficult to get certain lending institutions to come to the table, partially because I think that once again, you have to have a general understanding of the tribes, the business processes, the community.

And this element of confidence, and that is why the CDFIs end up being such a good vehicle, because there is this lack of financial institutions. Being able to have the CDFIs with greater ability to provide the services, which are a gap, would be an important, it is important in the discussion. I guess I don't want to say that lenders should be off the table, I feel like there needs to be more pressure. Recently, there hasn't been enough pressure on providing on-reservation loans versus off-reservation loans for these kinds of services.

Senator SMITH. So this reminds me of, one other thing, lots of things I want to ask about. We had a little bit of a conversation yesterday about the needs to help sustain beginning farmers. This relates directly to issues of credit and access to cap-

ital. But I would be really interested to know what your advice to us would be on that issue, as we think about helping beginning farmers in Indian Country.

Mr. MATTESON. Well, if I had read my title, please, may I be the first to call you Madam Chairman?

[Laughter.]

Mr. MATTESON. I am working on that power thing you have going.

That is in my job title. I spent a lot of time and have done it on tribal lands with Janie and many different groups of small producers in many different tribes, doing financial skills education. Although there are lots of USDA programs, I will bring up the one that everybody likes to talk about, the Beginning Farmer and Rancher Development Program, to assure that there are financial skills components that are required for any of those training programs that typically smaller non-profits or others get grants in order to do farmer training.

There needs to be a very consistent requirement for financial skills, because those skills are not just for, you are going to be a farmer some day on your own, they are really a social skill, they are a life skill. An employee with financial skills is a better employee. They may never get to be an employer. I think that is something we really need to track, that business-mindedness.

And I would point out that that is really the basis of the Indian Ag Youth Summit, that we have been involved with, with the IAC and the University of Arkansas for the three years of its existence, is really entrepreneurship training. It is getting people ready to have a business-minded approach to helping their communities succeed.

Senator SMITH. Thank you. Does anyone else want to comment on that? Yes, Carrie.

Ms. BILLY. I would like to say something about that, thank you very much. We actually, AIHEC has a small grant from FSA and USDA to develop an agri-business course, set up agri-business courses at tribal colleges that could then be used throughout the tribal college system and in other rural communities. But it is specifically to get at that purpose, to try to help train local beginning farmers, young farmers and ranchers.

But also, the FSA loan officers, where we are finding a huge disconnect between Indian Country, they are out there, the centers, but really not understanding or working with Indian Country, as people have said. So we are hoping, through this program, we can begin developing American Indian and Native Alaskan loan officers who have more sensibility and the cultural awareness so they can work with their communities. But it is a very small program, it is a one-time initiative that was actually funded by Congress last year.

But those kinds of training programs need to be continued. We are developing, a component of it is going to be an apprenticeship program, which we think will be very useful. So these young students will be able to get the academic programs and that baseline knowledge, but also working in the centers, with the centers, so there will be that kind of give and take. So they will be training USDA while they are learning the USDA methods. Those kinds of programs that develop those relationships really need to be continued in some statutory or sustained way.

Senator SMITH. That is great, thank you.

Mr. HASKIE. I would like to add, Madam Chair. So when we look at our Native American crop program as a small business unit, it really has a tough time making the revenue. So it is usually subsidized by the regular business of our conventional crops.

Some of the crops that we look for in terms of grant funding are along the lines of efficient growing techniques to grow these Native American types of crops. Then on the education component, the education component would assist in developing the menu that we would basically supply the food. Locally, we are not set up for distributing to provide product in a Federal bid or 638 system to feed the local programs.

But some of the areas that would help is in the efficient growing techniques, the assistance to help traditional Native foods pass some of the regulatory inspections that we have to inspect with our other products. Then also just to address the ready to serve menus. As a producer, we can pretty much grow any crop. It is just a matter of growing it efficiently and then knowing what to grow in terms of what would fill that gap for an area that would assist our diabetes plague, what foods would we grow. Then how do we get that food through that program.

One of the programs that comes to mind is the COPE program. I think it is a good source to maybe not guarantee that we will fill that gap, but to get the menu circulated to us as a producer, and try to fill it with the Native traditional foods.

Senator SMITH. Thank you. So I have been passed a note saying I am going to have to leave. I am going to turn to Senator Udall's staff. I want to thank you all

so much. It has been so interesting, and I think we have gotten lots of good food for thought, no pun intended. There are so many more things I would love to hear your comments on, especial as we think about conservation programs in the Ag Bill. Certainly we have had a good conversation about how some of the nutrition programs need to be adapted and how we really need to think about treating tribal governments like government governments, as we work to do the implementation that happens with so many of the programs and strategies that are in the Farm Bill.

So thank you so much. It was really a treat to have a chance to hear all of you. I look forward to continuing this conversation as we work on this big bill. Thank you.

Ms. ROMERO. Thank you, Senator Smith. Thank you, panelists, for your indulgence. Mike and I will fill in for Senator Cortez Masto, who I understand is on her way. But we do have a hard stop at 4:00 o'clock, so that gives us a little over 10 minutes.

I thought that I would pivot a little bit, and I think Senator Udall has a great interest in hearing from folks about really just expanding opportunities for Native youth in farming, bringing Native youth back to their homelands to really not just cultivate and harvest their foods, but pass on Native food traditions to the next generation.

So I understand that NAPI has a scholarship program that really trains Native farmers, has a scholars program that I think has been pretty successful. I know NIHB, through your SDPI work, perhaps you can speak to this generally.

Also I know that there is a Native culinary institute, or Ms. Billy, you may speak to this, about how our Native youth are being trained to also prepare these foods and reach a larger audience. With that, I will kick it off.

Ms. GLADSTONE. All right. Janie, as well as the IAC, does some really cool work with the Indigenous Food and Agriculture Leadership Summit. It is a really cool 10-day intensive program at the university of Arkansas, which helps Native youth gain a lot of the skills that they need in order to enter the agriculture community. That includes everything from training for applying to micro-grants to marketability of the products, writing marketing plans. So a very, very intensive program. I think there is incredible work that is being done there as well as the newly-created Native Youth Food Sovereignty Alliance, which is a branch off the IAC, but also works on similar things and promoting the same training and values within Native youth and agriculture. So I think those are a couple examples of programs that are doing that.

But of course, for Native youth, it is always important to expand upon that training, create more opportunities, especially with the early college age students or the new college graduates. There is work being done at the high school level that I have been lucky to be a part of, but I think there is also potential for expansion beyond that.

And then of course, access to capital, both micro grants for young Native people as well as the ability to use trust lands as leverage and gain access to some of those things, so parity within the world of capital.

Mr. ANDREWS. I did want to get in one quick question. Is there a role for Treasury with CDFIs and lending for USDA? If so, could you tell us in two minutes kind of tell us what your thoughts on that are?

Mr. MATTESON. I will give you less than two minutes. Treasury charters CDFIs and can provide some grant money to direct their activity, so that Treasury actually charters the CDFI. That is the process that Zach and Ross have been going through. I think Zach is more appropriate to answer.

Mr. DUCHENEAUX. Beyond chartering the entity, Treasury will also provide technical assistance funding to set up the policies and the loan products and the governance structure of those CDFIs. Once certified, those entities can apply for Treasury funds to seed their loan fund. That is absolutely critical in Indian Country, to have access, affordable access to the loan fund to get out in your community. That is what hamstrings most of our Native CDFIs, is they spend more of their time trying to raise loan funds than they can out there putting the loan to work in Indian Country. Treasury absolutely has a role.

Senator CORTEZ MASTO. [Presiding.] Thank you, and thank you all for being here and being part of this roundtable. I apologize, I have had other committee hearings that I had to get to. So I apologize for being late.

I know we have started this conversation in Indian Affairs, and I am going to continue it. I think it is important for all of us, as we come to address many of these issues.

One of the things that has been a focus for me as well and the tribal communities in Nevada, and I talk to them about this, and we I brought it up a little bit at our hearing, is this idea of how traditional foods can really address diabetes, obesity,

that we see in our tribal communities. There was a report that just came out that talked about how SNAP is a benefit, and really, if they are looking at foods and how they can not only reduce costs but have health benefits to our communities.

So I am curious about your thoughts on that subject, and if there is anything that we can do here in Congress also to continue this discussion and address this as well and support tribal communities in this matter. I will open it up to whoever wants to comment.

**Ms. BOHLEN.** I am Stacy Bohlen, a Sioux Ste. Marie Chippewa Member and the Executive Director of the National Health Board. I am so glad that you asked this question, because we find ourselves in the midst of a challenge to ensure that the Special Diabetes Program for Indians continues.

I would say that 80 percent of Native American Indians and Alaska Natives suffer from obesity. The chronic disease processes that we face that are totally preventable are due to a number of factors, including social determinants of health, poverty, adverse childhood experiences. But no less important is the lack of access to healthy foods, healthy Native foods and food sovereignty being present in our communities.

There are over 300 tribal grantees in the Special Diabetes Program for Indians. It is one of the most successful public health programs in the United States. And they have actually proven that through these programs, run by the tribes, using tribal tradition and the best that western medicine has to offer, they have brought down kidney rate failure in tribal communities by 54 percent. That saves the Federal Government \$85,000 per patient per year out of Medicaid alone. The program pays for itself.

There has been a 1 point drop in the mean hemoglobin A1C blood level for our diabetic folks. One of the most important aspects of this is nutritious food, access to Native food, access to nutritious Native foods. It has proven to work over time. I mentioned earlier, it is not unique to the Pima Indians. Throughout Indian Country, the historical trauma and historical interference we have had with access to our Native food supply has led to this crisis in completely preventable diseases. Having foods that are not wild rice, that are not bison, that are not juniper berries and the variety of foods that we as Native people, we have salmon, that we rely upon, has led to the incidence and prevalence of diabetes in our communities.

In the 1970s, there was no diabetes among Alaska Natives. It did not exist. And 60 years ago, it didn't exist in Indian Country. The high sugar, high fat, high gluten foods that are offered to us as part of the western diet have completely contributed to the health crisis that we now face.

But we certainly have the capacity to bring those numbers down, when we are supportive, when we have the ability to direct our own programs and rely upon our own sovereignty and traditions to meet those health challenges through the food.

I wanted to mention one other thing, if I may. We were just talking about Native youth. I wanted to mention that the National Indian Health Board has a year-long fellowship with all American Indian and Alaska Native tribal youth 18 to 22 years old. It is a brand new program, it is part of our First Kids First, generously funded through the Kellogg Foundation. We share with the program with the National Congress of American Indians, National Indian Education Association, and National Indian Child Welfare Association.

Our part of this is that as part of what we are doing is creating this fellowship with policy. We believe that if you are born Native you are born into politics. So it is very important to understand and respect tribal government, Federal government, Congressional actions and how they interplay with us as Native people.

Our people are having to fight to the Supreme Court for the right to our fish. That should give some weight to how profoundly important access to our Native foods is. We had 22 kids in our last cohort. They put two resolutions forward that could be anything they chose to bring to the board of directors of the National Indian Health Board for consideration for advancement. And one of them is funding for Native food sovereignty. The youth themselves had two, one was the opioid epidemic and behavioral health. And one was Native food sovereignty, which I would love to submit.

**Senator CORTEZ MASTO.** Please, I was just going to ask. We will submit it for the record and I will make sure all my colleagues have it.

**Ms. BOHLEN.** But the findings are that our tribes throughout the United States oversee successful food sovereignty programs. We need to have increased funding to support tribal capacity to develop and sustain food sovereignty initiatives throughout Indian Country, which this group collectively is looking to do. So thank you for letting me share that.

**Senator CORTEZ MASTO.** Sure, thank you. Yes, please.

**Ms. PATA.** Let me quickly just add. Overall, part of the Coalition that many of us are part of, this Farm Bill Coalition from tribal governments, and we have the co-chairs here with us right now, one of the recommendations is that we look into

the SNAP program through a 638 lens, and that we see the success through HHS and DOI with 638. Having the funds going to the local level, having that flexibility in that local decision-making will make all the difference, because of the identity of tribes and the interest areas that we are in.

Speaking to that report that you talked about, which I also looked at, it showed us that there is 25 percent less medical cost to those adults who are participating in the SNAP program. I think even with the addition of traditional foods that are more aligned to those who will choose to actually eat those foods, I think we will get a greater success rate. Having that local determination to 638 could really help us with access to the kinds of foods regionally that we could utilize better.

Senator CORTEZ MASTO. Thank you. Yes, please.

Mr. DUCHENEAUX. Thank you, Senator Cortez Masto. A couple of things, with regard to the youth. At our last membership meeting in December, our membership took the action of installing on our board of directors a voting member that is represented by the Native Youth Food Sovereignty Initiative that Mariah is on the board of directors for. We feel it is that important, and we have that much trust in that next generation to provide guidance that can steer the entire organization.

With respect to the 638, I am all about tribal self-determination. Fast forward five years from now, if we hit full 638 self-determination for SNAP and food distribution programs on Indian reservations, we are going to be here wondering why is there no Native American food here. We don't have enough to fulfill the need. That ties directly back to the access to credit, the lack of commercial credit in Indian Country and the need for Federal rural development programs to develop the infrastructure to get us there.

Because I am pro-tribal choice, grow whatever you want, we are going to help you. We have to make sure that the resources are there, so we can make those better choices. Thank you.

Senator CORTEZ MASTO. Thank you.

Ms. HIPP. I just want to briefly say that the Native youth are there. Every group that you gather that are Native youth will have food as a primary topic. Maybe there are two or three others, but they will be talking about food. When we talk to the national FFA, they talk with us all the time. There are 12,000 Native youth in 200 chapters all across the U.S. If you actually dig into the data that you can get hold of in the 4-H, there are 60,000 Native 4-Hers, and about the same number of chapters.

What are we doing to actually do a pipeline in support for them? They are self-presenting. And that is just in those two organizations, and a lot of kids don't have access to either one of those. So they go where they can to present themselves around food.

So what are we doing to build that pipeline? Because that is the pipeline that is going to be our producers, that is going to stay in the same, that are going to stay at home, that are going to make sure we have the foods.

But they are also going to be the ones who become the scientists and go into the higher education system. We have to build it out for them. They are there, and they are hungry for this. They want it to happen, because they know it will benefit their communities. At the end of the day, something is leading them into food, because they know that it is the lifeline for their communities to stay in place and stay healthy and move forward.

Senator CORTEZ MASTO. Thank you.

I think we were only going until 4:00 o'clock, is that right? Okay, I get to close it out. First, let me say thank you. Thank you for being here today and accommodating everybody's schedules. I know some of you have traveled long distances. This is so important. Every single member of the committee is there because they want to be there and they want to address the issues. We can't do it without all your help and support.

Please know that we are committed to working on this issue, committed to continuing the dialogue and discussion with all of you. We cannot thank you enough for being here and participating with us. Thank you again, and I will close out the hearing.

[Whereupon, at 4:04 p.m., the roundtable was concluded.]

