



## **Indian Country Priorities and Opportunities for the 2018 Farm Bill** *Title XII: Miscellaneous*

### **Key Points and Recommendations**

- 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.

### **Background Information and Context**

The issues covered within the Miscellaneous Title cover a wide variety of areas ranging from veterans' services to specific grant-making programs, to authorities related to the Office of the Secretary. There are many areas of the Miscellaneous Title that touch on issues that impact tribal communities and that also support specific programs used by tribes and individual Indian producers. This overarching title of the Farm Bill can be used to coordinate work across all titles and all federal agencies, create new programs and authorities that can be either piloted or implemented, and address issues that do not fit neatly in other titles.

### **Opportunities for Indian Country in the Miscellaneous Title**

#### ***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, 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 the 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 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.



### ***Interdepartmental Task Force on 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 (PSA) at Cornell University designs all 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***

- 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.

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September 2017

