**[Month] [Day]**, 2019

The Honorable Sonny Perdue

United States Secretary of Agriculture  
1400 Independence Ave. SW

Washington, DC 20250

Administrator Bruce Summers

USDA Agricultural Marketing Service

1400 Independence Ave. SW

Washington, DC 20250

Dear Secretary Perdue and Administrator Summers:

On behalf of the **[insert name of tribe, governing body, or relevant organization]**, **[we/I]** request an agency-specific consultation between the USDA Agricultural Marketing Service and tribal leaders concerning the industrial hemp provisions of the 2018 Farm Bill. **[We/I]** appreciate your ongoing dialogue on these new legislative authorities, both as part of issue-specific listening sessions and within the framework of previous 2018 Farm Bill tribal consultations. We are quickly approaching the anticipated fall 2019 deadline identified by AMS for its release of the hemp regulations, and this represents a critical point where direct and specific tribal consultation is necessary to ensure all tribal stakeholders eagerly awaiting participation in new economic development opportunity are also afforded full inclusion in regulatory drafting process.

Earlier this spring, the USDA-AMS announced that tribes and states must rely on the 2014 Farm Bill hemp provision until regulations implementing the 2018 Farm Bill hemp authorities were released this fall. At the 2018 Farm Bill tribal consultation in May 2019, tribal leaders and delegates highlighted barriers to tribal participation posed by this position—namely the subordination of tribal sovereignty to State governance in order to participate in a hemp pilot program. Secretary Purdue acknowledged this frustration and aspired for a pathway allowing more robust tribal participation under the 2014 Farm Bill authorities. Still, a subsequent USDA Office of General Counsel interpretation of the 2014 Farm Bill language rendered an interpretation that did not reflect the flexibility or inclusion desired by tribal leaders.

At the second 2018 Farm Bill tribal consultation in June 2019, tribal leaders and delegates requested agency-specific consultation with USDA-AMS on the 2018 Farm Bill hemp regulations still in the drafting process. The request was acknowledged and recorded by the USDA consulting officials to forward it to AMS leadership for additional steps. In July 2019, the Senate Committee on Indian Affairs hosted a full committee hearing entitled “Hemp Production and the 2018 Farm Bill,” where Chairman Darrell G. Seki, Sr. of the Red Lake Band of Chippewa Indians testified as a tribal witness. In his written testimony, Chairman Seki again requested agency-specific tribal consultation for “hemp alone.” At the writing of this letter, USDA has not followed-up on these two requests for tribal-specific consultation specific to hemp.

**[We/I]** appreciate USDA’s willingness to work with tribal leaders and Native producers across Indian Country to successfully implement the 63 tribal provisions in the 2018 Farm Bill. The tribal consultations hosted over the past few months have resulted in meaningful, government-to-government dialogue between decision-making representatives on both sides of the conversation. Such discussions are critical to implementing these tribal provisions to bring about systematic change to Indian Country, just as Congress intended when passing them.

While hemp production has been included as a discussion item in each consultation, the issues surrounding this new market sector – logistical, jurisdictional, and economical – are so new and complex that additional discussions solely devoted to this item are needed. Recognizing this, USDA-AMS has hosted a series of *listening sessions* on the topic of hemp production and the draft regulations implementing the 2018 Farm Bill hemp provisions, however these conversations represent a stark difference compared to agency-specific tribal consultation. A listening session invites public input at-large, and agency officials are not able to respond much beyond a series of approved talking points. In contrast, tribal consultation allows for meaningful, government-to-government dialogue between leadership officials at the highest level.

Over the past few months, tribal leaders and delegates have consistently expressed a desire for more direct engagement with USDA on the development of industrial hemp regulations in the form of tribal consultation. Indian Country was not included in the 2014 Farm Bill hemp provisions, and we are currently seeing the aftermath of that in the interim of releasing regulations implementing the 2018 Farm Bill hemp authorities. It is imperative that we have meaningful consultation with USDA-AMS focusing solely on hemp production before regulations are released. If Indian Country is not timely engaged on a government-to-government level, tribes will continue to be excluded from this process, and decisions made in the regulatory drafting could inadvertently increase barriers to tribal participation in this new market opportunity.

**[We/I]** look forward to working with you to schedule a formal tribal consultation regarding this pressing matter. Please do not hesitate to reach out to **[us/me]** at **[insert contact information]** with any questions or concerns.

Sincerely,

**[Insert Signature, Name, Position/Department, and Tribe]**