

The Native Farm Bill Coalition and the 2018 Farm Bill: building a strong, sustained voice on food and agriculture issues in Indian country

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When the 2018 Farm Bill, the Agriculture Act of 2018 (Pub. L. No. 115-334), was signed into law on December 20, 2018, it cemented 63 new provisions across 11 of the 12 titles aimed specifically at supporting food, agriculture, infrastructure, research and education for Tribal governments and Tribal food producers. While this marks a strong acknowledgement of Tribal sovereignty, parity and inclusion in programs at the US Department of Agriculture (USDA), the impetus for this effort came from a strong movements in food and agriculture in Indian Country, and a newly formed Native Farm Bill Coalition (NFBC) and represents the first time that Tribes came together to speak with one voice on the importance of the Farm Bill to Indian Country.

The NFBC was established in October 2017 by the Shakopee Mdewakanton Sioux Community (SMSC), the Intertribal Agriculture Council (IAC), the National Congress of American Indians (NCAI) and the Indigenous Food and Agriculture Initiative at the University of Arkansas (IFAI) as the research partner. It counts over 170 Tribal governments as members with 78 individual Tribes passing resolutions of support, 15 national and regional Tribal organizations/entities, and several ally organizations, including MAZON: A Jewish Response to Hunger and the National Sustainable Agriculture Coalition. However, the Coalition's beginning started in early 2017 with the writing of a report.

As part of its Seeds of Native Health Campaign, the SMSC recognizes the need for a 'national campaign ... to encourage broader strategies to improve Indian nutrition now and in the future'.¹ To facilitate the development of policy and research information necessary to support Tribal governments during the development of the 2018 Farm Bill, the SMSC commissioned IFAI to write a report about the Farm Bill and perform an analysis of the potential opportunities for Indian Country.

In June 2017, the SMSC published *Regaining Our Future: An Assessment of the Risks and Opportunities for Native Communities in the 2018 Farm Bill*² with significant contributions from IAC, NCAI and the Inter-Tribal Timber Council (ITC). It provides background information on food and agriculture historically in Indian Country, a review of the 2014 Farm Bill, and includes opportunities previously identified and requested by IAC, one of Indian Country's longest standing voices on the Farm Bill since 1987, and input from NCAI and ITC.

Regaining Our Future frames the historical and current issues of food and agriculture Indian Country by talking about it two tales. 'On one hand we, as Indigenous peoples, have long been engaged in feeding ourselves. Our significant relationship with this continent's plants, animals, and food systems is well-established in written historical accounts, oral traditions, and archaeological and anthropological evidence.'³ Yet, the realities of food and agriculture for Indigenous peoples were changed through colonization and forced removal in the other tail: 'On the other hand, we, as Indigenous peoples, have been forced for centuries to endure the sidelining of our deep and complex food system knowledge in favor of supporting the food systems of those who claimed this continent as their new home.'⁴ In order to address the impacts to Tribal agricultural and food systems, changes must occur in federal policy which support a return to Tribally driven food systems that support Tribal self-governance and Tribal self-determination.⁵

The capacity, capability and room for expansion already exist for Tribal agriculture. Currently, there are over 79,000 individual American Indian and Alaska Native farmers and ranchers producing a multitude of different food products that amount to over \$3.5 billion in annual market value on nearly 59 million acres of land.⁶ However, since many of the

¹Seeds of Native Health: A Campaign for Indigenous Nutrition website, available at: <https://seedsofnativehealth.org/>.

²Hipp, Janie Simms, and Duren, Colby D. June 2017. *Regaining Our Future: An Assessment of Risks and Opportunities for Native Communities in the 2018 Farm Bill*. Prior Lake, Minnesota: Shakopee Mdewakanton Sioux Community; available at: https://seedsofnativehealth.org/wp-content/uploads/2017/06/Farm-Bill-Report_WEB.pdf.

³Regaining Our Future at pg. 9.

⁴Id.

⁵Id.

⁶Indian Country Farm-to-Data-Table: 2017 Census of Agriculture Update, Indigenous Food and Agriculture Initiative, available at: <https://static1.squarespace.com/static/5aaa2bd4611a0a9a6f8353d/t/5ce487623200ac0001182263/1558480739909/Final+2017+Ag+Census+IFAI+Infographic.pdf>.

USDA and Farm Bill laws and policies on food and agriculture do not take into account either the Tribal government's status as inherent sovereign governments or the unique circumstances facing Tribal producers, there are significant barriers. Any changes in policy must: be responsive to the incredible work that has been occurring in Tribal communities throughout Indian Country to revitalize Tribal food systems; acknowledge Tribal sovereignty; expand infrastructure investment; provide business opportunities; and, most importantly, allow for Indian Country to feed itself in Tribal food systems with Tribally produced foods.⁷

The NFBC developed Indian Country 'asks' across all 12 titles of the Farm Bill that centered around the acknowledgement of Tribal government sovereignty and parity on par with state governments in USDA authorities, the inclusion of Tribes and Tribal producers in USDA programs and support for addressing critical food system and infrastructure development in Indian Country.

The efforts of the Tribal leaders and organizations led to 63 Tribal-specific provisions in the 2018 Farm Bill, including two programs to support Tribal self-governance in nutrition and forestry. This is an incredible win for Indian Country, and an important acknowledgement of the role that Tribes and Tribal producers have in feeding their own people and developing Tribal food systems. A handful of the provisions are highlighted below.

First, the federal Food Distribution Program on Indian Reservations (FDPIR), the commodity food package program necessary to reach many places in Indian Country that are in food deserts, is managed and run by over 100 Inter-Tribal Organizations (ITOs) for over 90,000 people from 276 Tribes every month. With a new pilot project that will allow Tribal self-governance contracts for food procurement under the Indian Self-Determination Education and Assistance Act (Pub. L. No. 93-638) ('638' Contracting/Authority), ITOs will be able to source more traditional foods for the program that best fit not only the needs of the participants, but also sourced from local, regional Tribal producers to help support their growth and production. This supports the inclusion of healthy, traditional and Native-produced foods in FDPIR for the participants, while also providing a market for Native producers to sell into a federal food assistance program on a smaller scale to build their capacity.

The other 638 authority in the 2018 Farm Bill will allow Tribes to enter into forestry management contracts to manage US Forest Service and Bureau of Land Management lands adjacent to Tribal lands. Extending the Tribal management practices to these federal-controlled lands will help support forest health and reduce the impacts of wildland fires. Tribes are now also eligible under the Good Neighbor Authority in Forest Service.

In the Conservation Title, the Secretary of Agriculture is now required to enter into Alternative Funding Arrangements (AFAs) with Tribes under the Environmental Quality Incentives Program (EQIP) and the Conservation Stewardship Program (CSP). This recognizes not only the importance of these programs for Tribal lands and Tribal producers, but also that barriers that have existed for accessing them which are based on how Tribal agriculture has historically, and is currently, practiced should not bar entry into these programs.

In Rural Development, an agency where Tribes and Tribal entities have had historic issues accessing many of the loan

authorities, there were several changes that can helpfully build strong and vibrant communities in Indian Country. The 2018 Farm Bill creates a permanent Tribal technical service and assistance office across all Rural Development funding authorities to provide support for Tribal applicants. Further, there is a new refinancing authority for loans currently within the Substantially Underserved Trust Areas (SUTA) designation allowing for flexibility in payment structuring over the life of 30 to 40-year infrastructure loans. In both of the broadband programs in the Rural Development title, there is significant Tribal inclusion and priority to build out broadband systems in rural parts of Indian Country.

Recognizing and acknowledging the government-to-government relationship that exists between Tribes and the federal government, and the longstanding issues of access to USDA programs in Indian Country, the 2018 Farm Bill creates a permanent Tribal Advisory Council to directly advise the Secretary of Agriculture on Tribal agriculture issues which includes representatives from the US Department of the Interior (DOI). The continued line of communication not only connects USDA directly with Tribal agriculture experts but will also allow for cross-agency communications with DOI which is essential to ensure land management oversight that is supportive of Tribal agricultural practices. Additionally, the new industrial hemp provision makes a strong statement allowing Tribal governments to develop plans to regulate the production of hemp on par with state governments.

The 2018 Farm Bill also provides parity for Tribal Colleges and Universities to access programs like the McIntire-Stennis Forestry program capacity funding, Children, Youth and Families at Risk (CYFAR), and the Federally Recognized Tribes Extension Program (FRTEP). There are opportunities for Native American student scholarships to attend land grant universities and colleges.

While there are still some NFBC priorities that were not included in the final bill, the 63 Tribal-specific provisions that are in 2018 Farm Bill represent a seismic shift in Tribal agriculture that will redefine the landscape for years to come. Just the initial acknowledgement and expansion of 638 Tribal Self-Governance to USDA is a huge step alone and makes USDA one of only four federal agencies with that authority. It is also a recognition that Tribal governments are the best suited to tailor programs to best serve their citizens and address unique circumstances facing their own communities. These changes help bridge the gap between the two tales mentioned in *Regaining Our Future* that continue to build a solid foundation and future for Indian Country food and agriculture through many federal policies, programs and authorities which are now included in Indian Country.

However, the Farm Bill itself represents just 49% of the overall picture. The remaining 51% is USDA's implementation of programs. The changes and new programs must be implemented to retain the intent of each provision and ensure that the changes reach the Tribes and Tribal producers on the ground. Without that, the strength of these changes will not be fully realized.

With this in mind, the NFBC and its partners remain actively engaged keeping Tribal leaders, Tribal Organizations and Tribal producers informed during this implementation as USDA begins holding Tribal consultation, listening sessions, and promulgates proposed regulations. It is also gearing up for the 2023 Farm Bill, because you can never start looking too far ahead on how to maintain the strong wave for food sovereignty efforts in Indian Country.

⁷*Regaining Our Future* at pg. 134.