



National
Congress of
American
Indians



TRIBAL FOOD SOVEREIGNTY

Indian Country's Policy Recommendations for the Federal Government

INTRODUCTION: Across Indian Country, tribal nations, organizations, and individual food producers and harvesters are working in innovative ways to reclaim, revitalize, and grow tribal food systems. From commercial-scale agriculture to traditional wild food gathering to school nutrition programs, these food sovereignty, production, and security efforts are driven by tribal self-determination, specifically the responsibility tribal nations and their citizens exercise to create food-secure futures based on their cultural traditions and values, particular circumstances, and long-range priorities. The federal government has solemn trust and treaty obligations to support these efforts on tribal terms, doing so through an approach to consultation rooted in free, prior, and informed consent.

POLICY RECOMMENDATIONS: Below are timely top-line policy priorities that will enhance the ability of tribal nations, organizations, and individual food producers and harvesters to establish, protect, and grow self-determined food sovereignty, production, and security initiatives and operations. These recommendations should inform the ongoing dialogue between tribal nations and the Administration and Congress about key actions the federal government should take to support the growth of tribal food systems.

TOP-LINE POLICY RECOMMENDATIONS

AGRICULTURE

- Implement Farm Service Agency (FSA) borrowers' assistance relief policies to support tribal producers and entities including: (1) immediately deferring all USDA loan principal due for the 2021 and 2022 production years, extending all loans for two years, and offering 2% interest buy-downs to lenders who offer the same deferrals and extensions to their borrowers; and (2) allowing use of FSA Farm Ownership loans to refinance real estate and other debt to aid recovery from the crisis caused by COVID-19.
- Waive the prohibition on dual use of the Supplemental Nutrition Assistance Program (SNAP) and FDPIR in the same month.
- Promptly implement all remaining provisions of the 2018 Farm Bill to support Native food production and to provide food assistance to tribal citizens, notably allowing the PL 93-638 Tribal Self-Governance Pilot Project for food procurement in the Food Distribution Program Indian Reservations (FDPIR) program to purchase foods locally and regionally from tribal producers.
- Ensure government parity by including Tribal Nations as state authorities in the Organic Foods Production Act so they can operate their own organic certification programs and implement certification standards in their FDPIR programs.
- Increase funding for the Federally Recognized Tribal Extension Program to hire additional 100 extension program agents.
- Amend The Emergency Food Assistance Program (TEFAP) to provide Tribal Nations the authority to partner with local and regional food banks and administer their own emergency food management programs.
- Include tribal set-aside funding under the USDA Good Agriculture Practices (GAP) Certification Program to allow Tribal Nations access to local and regional food markets and Farm to School Programs.
- Formally seat the Tribal Advisory Committee (TAC) at USDA within the next 100 days, as established in the 2018 Farm Bill.
- Implement and promote Natural Resource Conservation Service outreach to tribal producers by utilizing alternative funding arrangements (AFAs) for the Environmental Quality Incentives Program and the Conservation Stewardship Program.
- Enable Tribal Nations to incorporate Indigenous agricultural knowledge and practices in USDA standardized planning documents.
- Provide a minimum of \$1.75 billion for the Environmental Quality Incentives Program as required by the 2018 Farm Bill.
- Provide at least \$725 million for the Conservation Stewardship Program.
- Provide \$200 million annually for the FDPIR program, plus an additional \$5 million to develop a FDPIR traditional foods market.
- Provide \$5 million annually for the FDPIR PL 93-638 Tribal Self-Governance Demonstration Program.

LAND

- Withdraw M-Opinion 37064 and reinstate M-Opinion 37043 to ensure *all* Tribal Nations can benefit from the intent of Section 5 of the Indian Reorganization Act (IRA).
- Reinstate M-Opinion 37029, which established a definition for the IRA’s term “under federal jurisdiction” and restored some certainty to the 25 C.F.R. Part 151 Indian Fee-to-Trust Process. Congress also should pass a clean *Carciari* fix.
- Prioritize the restoration of tribal homelands by placing more land into trust.
- Implement the PL-93-638 Forestry Tribal Self-Governance Pilot Project under the 2018 Farm Bill to expand Tribal Nations’ authority to manage program and projects on adjacent federal Forest Service and Bureau of Land Management lands under TFPA to conserve and restore first foods.
- Amend the Indian Land Consolidation Act to declare permanent, covered structures on trust property as restricted fee assets.
- Include Tribal Nations in land management decisions at every level of the federal government by incorporating tribal co-management principles and practices (see NCAI Resolution [PDX-20-003](#)).
- Make the Land Buy-Back for Tribal Nations Program permanent so all Tribal Nations and individual Native land owners can address land fractionation. Increase funding to \$60 million annually for 10 years and establish a \$10 million set-aside for estate and will planning.
- Include all Tribal Nations in NRCS programs regardless of acreage size or trust land status.
- Establish a “First Right of Refusal” for Tribal Nations to purchase available USDA Lands in their ancestral territories; in addition, create an inter-agency MOA to establish a tribal “First Right of Refusal” agreement across federal agencies for excessed land.

WATER

- Waive Operation and Management (O&M) fees charged by the Department of the Interior’s Bureau of Water Management, Planning, and Pre-Development Program for tribal water projects as Tribal Nations recover from the COVID-19 pandemic.
- Permanently reauthorize the Reclamation Water Settlement Fund (RWSF), which will ensure the time-tested Indian water rights settlement process can continue without the threat of losing settlement funding by a certain date.
- USDA-Rural Development (USDA-RD) should produce a water infrastructure report to identify those water and sewer systems in need of repair or replacement on tribal lands that impact tribal food economies. USDA-RD must then prioritize completion of these tribal projects within its applicable rural water infrastructure programs.
- Increase funding by \$200 million for water infrastructure and create a tribal set-aside within USDA-RD water programs, including the Community Facilities Direct Loan & Grant Program, Water & Waste Disposal Grants to Alleviate Health Risks on Tribal Lands and Colonias Program, and Water & Waste Disposal Loan & Grant Program.
- Ensure a 5% tribal set-aside for the Clean Water Act and Safe Drinking Water Act State Revolving Fund.
- Increase funding for the Bureau of Indian Affairs (BIA) Water Management, Planning, and Pre-Development Program to \$10.5 million in FY 2022 to assist Tribal Nations in protecting and managing their water resources.
- Increase funding for the BIA Water Rights Litigation/Negotiation Program to assist Tribal Nations in protecting and managing their own water resources.
- Increase funding for the Environmental Protection Agency’s Indian Environmental General Assistance Program to \$100 million in FY 2022 to provide \$175,000 to each Tribal Nation, which will enhance Tribal Nations’ ability to protect food-critical ecosystems.

CLIMATE

- Ensure government equity in climate action funding by including Tribal Nations when federal assistance is provided to state and local governments, accounting for the disproportionate impacts of climate change on tribal lands and food-based resources.
- Provide lending, credit, and land valuation incentive programs within USDA and BIA to improve soil health and carbon sequestration on tribal leased lands.
- Expand USDA financial support for and collaboration with tribal conservation districts and intertribal entities like the Intertribal Agriculture Council, Indigenous Food and Agriculture Initiative, and Intertribal Timber Council (see NCAI Resolution [PDX-20-024](#)).
- Include tribal leaders in international and interstate negotiations and advisory councils (e.g., the United Nations Framework Convention for Climate Change, Bering Sea Intergovernmental Tribal Advisory Council, Columbia Basin Regional Advisory Committee, etc.)
- Ensure Tribal Nations are fully integrated into Congressional and Executive Branch climate planning and interagency workgroups.
- Include Tribal Nations’ climate change concerns and priorities in all tribal-federal planning documents (e.g., forest management, wildfire management, emergency management, irrigation project management, water resource management, etc.).
- Increase funding for the U.S. Department of Housing and Urban Development’s Indian Community Development Block Grant Program to \$100 million in FY 2022 to support tribal climate action projects.
- Increase funding for the BIA Tribal Climate Resilience Program to \$35 million in FY 2022 to support Tribal Nations’ design and advancement of long-term climate action initiatives that will protect and strengthen tribal food ecosystems. The Program also should move from single- to multi-year grants, and develop a non-competitive funding pool for all repetitive applicants.

About This Brief: This document and the recommendations it contains will be updated as federal policy and funding developments warrant. For more information about these recommendations, contact NCAI’s Julia Wakeford at jwakeford@ncai.org.