

U.S. Department of Agriculture
Rural Utilities Service

Substantially Underserved Trust Areas

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1. Introduction

This report is submitted pursuant to Title VI, Subtitle B, Section 6105 of the Food, Conservation, and Energy Act of 2008, Pub. Law 110-246 (2008 Farm Bill), which requires the Secretary of Agriculture to report to Congress no later than one year after the 2008 Farm Bill enactment (June 18, 2008) and annually thereafter on certain measures concerning substantially underserved trust areas.

Section 6105 amends the Rural Electrification Act of 1936 by inserting after Section 306E an initiative to identify and improve the availability of eligible programs in communities in substantially underserved trust areas. Paragraph (d) of Section 6105 describes two required report components for this provision:

- (1) The progress of the initiative implemented under subsection (b) of Section 6105.

“(b) INITIATIVE.—The Secretary, in consultation with local governments and Federal agencies, may implement an initiative to identify and improve the availability of eligible programs in communities in substantially underserved trust areas.”

Progress and activities are documented in Section 2 of this report.

- (2) Recommendations for any regulatory or legislative changes that would be appropriate to improve services to substantially underserved trust areas.

Legislative opportunities are discussed in Section 3 of this report.

Regulatory needs are also discussed in Section 3 of this report.

2008 Farm Bill Section 6105 - Substantially Underserved Trust Areas (SUTA) Provision Summary

The SUTA provision amends the Rural Electrification Act of 1936 (REA). The SUTA provision is applicable to most Rural Utilities Service (RUS) Program areas, including Electric, Telecommunications and Broadband programs under the REA, and by specific reference to specific Water and Environmental Programs in the Consolidated Farm and Rural Development Act (Sections 306(a) (1), (2), (14), (22), and (24), and 306A, 306C, 306D and 306E).

RUS Programs that are affected by this provision include:

- Rural Electrification Loans and Guaranteed Loans, and High Cost Energy Grants.
- Water and Waste Disposal Loans, Guaranteed Loans, and Grants.
- Telecommunications Infrastructure Loans and Guaranteed Loans.
- Distance Learning and Telemedicine Loans and Grants.
- Broadband Loans and Guaranteed Loans.

For further information on RUS Programs administered by the Department of Agriculture's (USDA) Rural Development (RD), please visit the web page at www.rurdev.usda.gov/Utilities_Assistance.html.

Section 6105 includes a definition of "substantially underserved trust area." For discussion purposes, we bifurcate this term.

- 1) "Substantially underserved" are trust lands which the Secretary of Agriculture determines to have a high need for benefits of RUS Programs.
- 2) "Trust area" means a geographic area where lands are held in trust (further defined in 3765 of Title 38, USC). This Title of United States Code is a Department of Veteran Affairs (VA) definition that provides the **Veterans Affairs Secretary** with further discretionary powers in delivering VA programs to U.S. Territories in the Pacific Islands if such land is, by cultural tradition, communally-owned. See the definition from Title 38 in the table below. The definition of trust land cited in this legislation is quite expansive and includes most of the territory commonly referred to as Indian Country, and includes land owned by Alaska Native Villages and Corporations, native Hawaiian homelands and other lands in the Pacific Islands.

Full Trust Land Definition from Title 38, Section 3765

For the purposes of this subchapter—

- (1) The term "trust land" means any land that—
 - (A) is held in trust by the United States for Native Americans;
 - (B) is subject to restrictions on alienation imposed by the United States on Indian lands (including native Hawaiian homelands);
 - (C) is owned by a Regional Corporation or a Village Corporation, as such terms are defined in section 3(g) and 3(j) of the Alaska Native Claims Settlement Act, respectively (43 U.S.C. 1602(g), (j)); or
 - (D) is on any island in the Pacific Ocean if such land is, by cultural tradition, communally-owned land, as determined by the Secretary.

Substantially Underserved Trust Area Initiative

The SUTA initiative identifies the need and improves the availability of RUS programs to reach trust areas when they are considered substantially underserved. The USDA's Office of Tribal Relations (OTR) and RUS began exploring SUTA initiative implementation strategies in 2008 after passage of the 2008 Farm Bill.

RUS in conjunction with OTR interpreted the consultation mandated in the provision to include formal USDA Tribal Consultation on a government-to-government basis with federally-recognized Indian Tribes. RUS also used the Tribal Consultation standard and approach for Hawaiian homelands, Alaska regional and village corporations, and Pacific Islanders. RUS acknowledges that the Department of the Interior (DOI) is the primary Federal agency with direct responsibilities to serve Native American and Pacific Islander stakeholders and as a result, RUS has and will continue to consult with the DOI in implementing this provision. In addition to local governments, the statute required consultation with Federal agencies. Federal agencies that have and will be consulted include: the VA for definition of "trust land" clarification or expansion, the Department of Health and Human Services (HHS) because it provides direct benefits to Indian Tribes and has shared interest in RUS infrastructure programs, the Environmental Protection Agency (EPA) because it may be involved with underserved areas with environmental challenges, the Department of Defense because it has an interest in infrastructure and needs in the Pacific Islands, and the Office of Management and Budget. RUS also welcomes comments and direction from the United States Senate Committee on Indian Affairs, and other Congressional Committees in the House and Senate that have jurisdiction over the affected areas subject to this provision.

Implementation Authority

The authority of the USDA to implement the SUTA provision is included in Section 6105 of the 2008 Farm Bill. The three optional programmatic tools and a fourth stipulation are as follows:

- 1) The Secretary may make loans and guarantee loans with interest rates *as low as* 2 percent and with extended repayment terms.
- 2) The Secretary may waive non-duplication restrictions, matching fund requirements, or credit support requirements from any loan or grant program to facilitate construction, acquisition or improvements of infrastructure.
- 3) The Secretary may give highest priority to designated projects in substantially underserved trust areas.
- 4) The Secretary shall only make loans or guarantee loans that are financially feasible and that provide eligible program benefits to substantially underserved trust areas.

RUS Longstanding Commitment to Native Americans and Pacific Islanders

It is the mission of USDA's RD to increase economic opportunity and improve the quality of life for all rural Americans. RD pursues this mission by providing guaranteed loans, direct loans, grants, technical assistance and payments through more than 40 programs aimed at creating and improving housing, businesses, essential community facilities, and infrastructure throughout rural America. These programs are administered by three RD agencies: the Rural Utilities Service; the Rural Business and Cooperative Service; and the Rural Housing Service.

RUS loan and grant investments act not only as a catalyst for economic and community development but also can improve other measures of quality of life including: public health, safety, environmental protection, conservation, and historic preservation. Given these challenges, dynamics, and opportunities, RUS recognizes the importance of fostering a process that includes the voices of tribal leaders, tribal community members, Alaska Native Regional or Village Corporations, the governments of the U.S. Territories in the Pacific islands, and other stakeholders in implementing this initiative.

Implementation of the SUTA provision is critical to RUS's broader efforts with tribal governments and communities, including residents of Hawaiian homelands, Alaskan Natives, and Pacific Islanders. SUTA implementation will be part of a long-term strategy to assist tribes in meeting utility infrastructure needs that are unique to underserved trust areas. Consultation on the SUTA provision will also assist RUS to build on its longstanding relationships with federally recognized tribes while bolstering USDA's response to the November 5, 2009, Presidential Memorandum on Tribal Consultation, that stated tribal consultation is "a critical ingredient of a sound and productive Federal-tribal relationship."

2. Progress and Activities - The Implementation of the SUTA Provision

Actions Completed Prior to June 19, 2011

RUS met internally with a team from RUS programs (Electric, Telecommunications and Broadband, and Water and Environmental Programs) and the Office of the General Counsel to review Section 6105: the (a) Definitions, (b) Initiative, and (c) Authority of Secretary. RUS is actively collaborating with the USDA's OTR to further implement SUTA and to expand our consultation and programmatic efforts with tribal communities and residents of Hawaiian homelands, Alaskan Natives, and Pacific Islanders.

RUS completed the following actions with regard to the implementation of SUTA:

- Completed and approved a formal SUTA Tribal Consultation Plan encompassing the SUTA stakeholders in Hawaii and the Pacific Island (as defined in VA Title 48) following a rigorous process to capture consultation data and findings. This plan guides how we conducted our consultation on the SUTA provision and serves as the formal administrative record to comply with the USDA Tribal Consultation guidance.

- Created a SUTA initiative web page (<http://www.usda.gov/rus/suta>) that includes background materials and a brief description of the SUTA Initiative and future consultation locations and dates. Three SUTA Consultation webinars were hosted by RUS during the months of July, August, and September 2010.
- Hosted a listening session on SUTA on February 22, 2010, at the Reservation Economic Summit in Las Vegas, Nevada. The session was co-hosted by Janie Hipp, USDA's Senior Advisor for OTR and Jessica Zufolo, RUS's Deputy Administrator, and was facilitated by Tedd Buelow, RD's Native American Coordinator.
- Sent an official invitation from the Under Secretary of RD (signed June 1, 2010) to tribal leaders to initiate consultation in various geographic locations on the SUTA provisions.
- Conducted several teleconferences with key RD State Directors that have trust lands in their state to plan regional SUTA consultation sessions.
- Hosted a formal consultation session on SUTA at the National Congress of American Indians (NCAI) Mid-Year Conference on June 23, 2010, in Rapid City, South Dakota.
- Conducted twenty (20) direct government-to-government SUTA consultations, seven (7) regional consultations, one listening session and three (3) internet and toll free teleconference based webinars on the implementation of the SUTA provision with Tribal nations and village corporations from across the country and in the Western Pacific territories. Additionally, RUS is currently reviewing final results from three consultations that were convened in Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands in late May. The Agency will review comments from these consultations as it drafts regulations to implement the SUTA provision. Please see Appendix I "Consultation Locations" for a detailed list of the current and planned consultations.
 - USDA-wide guidance was provided by OTR including policies and procedures for conducting Tribal Consultation throughout the SUTA consultations. RUS was diligent to conduct consultation for the SUTA provision that conformed with evolving USDA policies.
 - The agency heard from six Federal agencies at three separate consultations on how best to implement the SUTA provision. Federal agencies that were consulted include: the DOI, as the primary Federal agency with direct responsibilities to serve Native American and Pacific Islander stakeholders; VA, for its clarification of the definition of "trust land"; HHS, because it has an interest in providing health and sanitation infrastructure in trust areas; the EPA, because of its efforts in underserved trust areas with environmental challenges; the Department of Energy (DOE), because it has an interest in promoting renewable energy development in trust areas; and the Department of Commerce and the Federal Communications Commission, because each Agency has an interest in telecommunications development in trust areas.

- A written transcript was made a record of each consultation with discussions, proposals, and insights from the participating tribes, stakeholders, and Federal officials. Several written responses on SUTA were also received by RUS. The transcripts represent the raw data that was further reviewed, analyzed, and categorized to inform RUS decision making regarding implementation of the SUTA provision and its authorities. A complete set of the administrative record is preserved digitally and hard copies are maintained at the RUS offices for use as necessary.
 - RUS received many recommendations from the government-to-government consultations with Tribal nations and native communities in the Western Pacific and Hawaii. For example, the Department of Hawaiian Homelands (DHHL) provided extensive and detailed recommendations to the RUS both orally and in writing that address numerous factors for determining high need such as certain land characteristics, housing costs, the absence of community facilities and services, and give preference to Department of Hawaiian Homelands regional planning projects for SUTA eligibility. Comments from the USDA Rural Development Consultation in Guam focused on how the Agency may identify boundaries of underserved trust areas, quantify the ratio of the underserved within trust areas, address the lack of land use policies and ensure that the most underserved areas are indeed reached through the SUTA process. The USDA Rural Development consultation in American Samoa echoed similar concerns about the need to pursue methods to identify boundaries of underserved areas, prioritize funding requests, and set standards for performance of services and programs funded. Among concerns addressed by the Northern Mariana Islands was the need to leverage and maximize limited funding sources, allow flexibility in use of funding, identify characteristics to best define hardships in underserved areas, provide services at affordable rates in persistent poverty areas, and obtain technical assistance. The need for more grant than loan dollars to provide viable utility services was a theme that ran through many of these consultations. The preliminary results from these reviews are included in Appendix II of this report.
 - RUS received many recommendations from the consultations. The Hawaiian Homelands provided extensive and detailed recommendations addressing a number of factors to be considered in determining need, such as how to target the most appropriate population, determine level of need, reflect certain land characteristics, account for the cost of housing, address the lack of community facilities and services, and give preference to DHHL regional planning projects for SUTA eligibility. Comments from Guam focused on how to identify boundaries of underserved trust areas, quantify the ratio of the underserved within trust areas, address the lack of land use policies, and ensure that the most underserved areas are indeed reached through the SUTA process. American Samoa echoed concerns about methods to identify boundaries of underserved areas, prioritize funding requests, and set standards for performance of services and programs funded. Among concerns addressed by Northern Mariana Islands was the need to leverage and maximize limited funding sources, allow flexibility

in use of funding, identify characteristics to best define hardships in underserved areas, provide services at affordable rates in persistent poverty areas, obtain technical assistance. The need for more grant than loan dollars to provide viable utility services was a theme that ran through many of these consultations. The preliminary results from these reviews are included in Appendix II of this report.

- Each program area under RUS provided data for SUTA Budget Authority subsidy impact projections.
- It is the preliminary opinion of RUS senior management that the impacts to the subsidy rate will be minimal if any, as the main control under the SUTA provision is financial feasibility, which remains a key component in managing the RUS grant and loan portfolio throughout the REA's 75 year history. In addition, RUS currently has experience with tribal and islander borrowers in its loan portfolio, and they are performing consistently with the performance of other borrowers in the portfolio. The SUTA provision does not require or instruct the Agency to accept higher risk. All projects must be financially feasible. The result is that there is no significant cost expected to be imposed on the public by the SUTA regulation.
- A section on the SUTA provision was included in the Broadband Loan Program regulations published on March 15, 2010. The new regulations implement program changes under the 2008 Farm Bill and represents the first implementation of the SUTA provision in a RUS program. These regulations were issued as interim final rules. The rules will be used to administer the Broadband Loan program. As an Interim Final rule, the public was provided an opportunity to comment on the rules through May 13, 2011. RUS is currently analyzing public comments for consideration on regulation effectiveness for the Broadband program.
 - RUS is drafting SUTA regulations at the time of this report and expects to move a proposed rule through the Departmental review process in the summer of 2011. The effort seeks to implement the SUTA discretionary authorities (2 percent interest and extended repayment terms; waivers of nonduplication restrictions, matching fund requirements, or credit support requirements; and highest funding priority) in a manner which provides flexibility for applicants and the agency and complements the Agency's mission.
 - The SUTA authorities are bounded by one overriding requirement, namely that the Agency "shall only make loans or guarantee loans that are financially feasible and that provide eligible program benefits to substantially underserved trust areas."
 - The unprecedented consultation process provided the Agency a valuable opportunity to meet with tribal leaders for government-to-government discussions and to inform tribal communities about the opportunities to work with RUS to

improve utilities service on trust lands. This historic level of outreach enhanced mutual understanding between tribal leaders and the RUS.

- The Agency expects that full implementation will result in new interest among prospective and existing borrowers serving trust lands. However, given RUS' existing substantial investment in tribal communities and the time it takes to prepare a loan or grant application, and evaluate it, the Agency expects initially modest but steady program growth.
- Agency action in promulgating this rulemaking is consistent with our responsibility and authority under the REA, as amended and with the President's policies and Congressional action. A "no action" alternative would hamper the Agency's response in meeting the need for RUS programs in substantially underserved trust areas as identified by Section 6105.

Plans of next steps in implementation of the SUTA Provision

- RUS will obtain, analyze, and code input from the latest SUTA consultations in the Pacific Islands to inform the proposed SUTA regulations and file this data as part of the administrative record.
- The Agency will finalize the proposed SUTA regulation based on the consultations and administrative records. RUS will:
 - Finalize the analysis on the subsidy rate impact from implementing the authorities within the SUTA provision.
 - Continue with comprehensive outreach to all Tribal nations on how the Agency can meet their critical infrastructure needs.
 - Continue with comprehensive outreach to Federal government agencies on how we can effectively collaborate to support the needs of tribal communities.

3. Legislative and Regulatory Actions

Legislative Opportunities

As of the date of this report, the Agency recommends no further legislative changes to the SUTA provision. The USDA and RUS believe the authorities within this provision provide the Secretary with the ability to successfully carry out the intent for SUTA beneficiaries.

Regulatory Needs

RUS is drafting a specific Agency-wide SUTA regulation after taking into consideration the information gathered through Tribal Consultation, consultation with the Hawaiian Homelands, consultation with Pacific Islanders, and input from other Federal agencies and local governments.

The SUTA provision of the Broadband Loan program is now effective. The RUS will be reviewing the record of the recently closed comment period for interim final rule to determine if any changes are appropriate.

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Appendix I – SUTA Consultation Locations

1.	2/22/10 - Las Vegas, NV (Listening Session)	17.	10/15/10 - Toppenish, WA
2.	6/23/10 - Rapid City, SD	18.	10/20/10 - <u>3rd Webinar/Teleconference</u>
3.	7/1/10 - Picuris Pueblo, NM	19.	11/22/10 - <u>Inter-Departmental Meeting, Washington, D.C.</u>
4.	8/3/10 - Blue Lake, CA	20.	11/29/10 - Carson City, NV
5.	8/18/10 - <u>1st Webinar/ Teleconference</u>	21.	1/11/11 - <u>Inter-Departmental Meeting, Washington, D.C.</u>
6.	8/24/10 - Billings, MT	22.	1/27/11 - Honolulu, HI, with Hawaiian Homelands
7.	8/31/10 - Phoenix, AZ	23.	2/7/11 - <u>Inter-Departmental Meeting, Washington, D.C.</u>
8.	9/1/10 - Ogden, UT	24.	5/10/11 - Guam on Island
9.	9/14/10 - Charlestown, RI	25.	5/12/11 - Saipan
10.	9/15/10 - Aquinnah, MA	26.	5/18/11 & 5/19/11 - American Samoa on Island
11.	9/15/10 - Mashpee, MA	27.	10/28/11 & 10/29/ 11 - USDA Regional Consultations which included SUTA – SD
12.	9/22/10 - <u>2nd Webinar/Teleconference</u>	28.	11/3/10 & 11/4/10 - USDA Regional Consultations which included SUTA – OK
13.	9/30/10 - North Bend, OR	29.	11/8/10 & 11/9/10 - USDA Regional Consultations which included SUTA – MN
14.	10/6/10 - Orono, ME	30.	11/22/10 & 11/23/10 - USDA Regional Consultations which included SUTA – WA
15.	10/7/10 - Omaha, NE	31.	11/29/10 & 11/30/10 - USDA Regional Consultations which included SUTA – TN
16.	10/14/10 - Olympia, WA	32.	12/1/10 & 12/2/10 - USDA Regional Consultations which included SUTA –NM
		33.	1/10/11 & 1/11/11 - USDA Regional Consultations which included SUTA –AK

Appendix II – SUTA Consultation Summary

Topics Discussed by Tribes	# of Comments By Tribal Participants	Major Concerns Raised by Tribes	Alternatives/Solutions
Trust Area Concern	51	Checker-boarded reservation lands (trust lands and non-trust lands); reservation land is not currently in trust, or partially in trust; for many tribes, trust lands do not adequately encompass all of the reservation lands; trust lands are under application to DOI for designation; fee land v. land in trust; concern about the impact of <i>Carcieri v. Salazar</i> , 129 S. Ct. 1058 (2009) on trust lands.	RUS is without statutory authority to address trust land definition concerns; summarize consultation comments and forward recommendations regarding trust areas to Bureau of Indian Affairs and VA; draft legislative recommendations for inclusion in 2012 Congressional report or to include discussions in the next Farm Bill; tribes mentioned reservation lands, not necessarily trust areas; checker-boarded trust lands within non-trust lands - can investments flow through non-trust lands to service trust areas?
High Need Definition	80	Define high need using local/regional tribal data instead of national economic metrics (on poverty rate, per capita	Leave to the discretion of the Programs and the Administrator

Topics Discussed by Tribes	# of Comments By Tribal Participants	Major Concerns Raised by Tribes	Alternatives/Solutions
		income, median household income, unemployment rate, number of residents on government assistance): national data may present an incomplete view of tribal economic conditions; local/regional data, though dated in some instances, should more accurately reflect current economic conditions within the tribal community; aim for the least restrictive definition of high need; level of existing service by incumbent providers is inadequate for tribal needs; state utilities laws and/or local governments' hesitance to extend service may negatively impact tribal service levels.	on a case-by-case basis; create a Trust Area HIGH NEED Definition; if service does exist, evaluate current level of service by incumbent providers to determine if trust area is substantially underserved; use Notice of Funding Availability process to expand on any SUTA high need and evaluate for each funds announcement.
2 % Interest Rate	8	Tribes have limited assets, revenue streams, and physical collateral, as well as aging utilities infrastructure; RUS should use federal revenue sources for matching funds.	Evaluate interest rate on a case-by-case basis to determine whether a 2 percent rate should be granted; this could impact the Programs' subsidy rate, the extent to which cannot be determined at this point and is part of our analysis in issuing a final SUTA regulation.
Extended Repayment	14	Tribes have limited assets, revenue streams, and physical collateral, as well as aging utilities infrastructure; RUS must	Evaluate repayment term on a case-by-case basis.

Topics Discussed by Tribes	# of Comments By Tribal Participants	Major Concerns Raised by Tribes	Alternatives/Solutions
Term		consider the age of existing collateral and level of depreciation when evaluating extended repayment terms; RUS should use federal revenue sources for matching funds.	
Waiver: Non-duplication Restrictions	11	Level of existing service by incumbent providers is inadequate for tribal needs: the level of existing service is unequal between non-tribal and tribal areas; new Broadband Regulations are suggesting a 24-month waiting period.	Enforce loan agreements between agency and incumbents to ensure deployment and service delivery to tribes in the service area; waive non-duplication restrictions only if a tribal entity has certified (as in Broadband Initiatives Program) that they are receiving inadequate service from their existing provider; enable tribal entities the ability to purchase networks from existing borrowers unwilling or unable to deploy service to customers in tribal (trust) lands; programmatic tools like lower rates and extended periods could allow financial feasibility in some cases.
Waiver: Matching Fund Requirements	11	Tribes do not have financial capacity to meet current matching fund requirements and need access to lower interest rates or a waiver from the matching fund	Lower or fully waive matching fund requirements based on level of need.

Topics Discussed by Tribes	# of Comments By Tribal Participants	Major Concerns Raised by Tribes	Alternatives/Solutions
		requirements.	
Waiver: Credit Support Requirements	23	Tribes do not have financial capacity to meet current credit support requirements and need access to lower interest rates or a waiver from credit support requirements.	Lower or fully waive credit support requirements based on level of need.
Highest Funding Priority	13	Tribes should receive highest funding priority by virtue of submitting a RUS application; RUS should utilize highest funding priority across the board to create a de-facto set-aside for tribal applicants; an applicant's ability to immediately implement development plans should not be a prerequisite to receiving highest funding priority; applicants should not have to race to file to receive highest funding priority.	Arguments are for Tribes in many cases, as RUS is limited to trust lands definition in this provision; given that this provision is specific to RUS grants, does funding priority have any impact for loans as funding is primarily done on first come, first served basis; highest funding priority for grants runs the risk of not providing funds to other non-trust rural areas, some possibly with higher needs (dependent on selection criteria); additional points is not the same as highest priority, will additional points cover this requirement; evaluate priority status based on level of need and leave this as we currently do; should a set-aside

Topics Discussed by Tribes	# of Comments By Tribal Participants	Major Concerns Raised by Tribes	Alternatives/Solutions
			within the programs' current funding be a solution?
Financial Feasibility		Tribes have limited revenue streams and physical collateral among their assets; RUS' evaluation of financial feasibility should account for the lack of adequate collateral; tribes have aging utilities infrastructure with limited remaining economic life; internal tribal studies of financial feasibility, and compliance are costly.	Utilize existing RUS guidelines to determine financial feasibility on a case-by-case basis; offer reduced interest rates and adjusted repayment terms to ensure feasibility; use grants or set-asides for operational funding and feasibility help ensure financial feasibility; waive the matching fund requirement and develop a point scoring system that is more amenable to tribal financial structures.
Need for New Regulation	8	Simplify RUS application process for SUTA applicants; reduce time and resource costs of putting together RUS application under SUTA.	Promulgate regulation/issue policy statement re: SUTA application process; incorporate set-asides for tribes in Electric and Telecom Programs.
Need for New Legislation	11	Fund SUTA separately from existing RUS programs; fund the training of tribal personnel to support future upkeep of infrastructure; fund the purchase of fee-simple land for tribal	Assemble legislative recommendations for inclusion in 2012 Congressional report if

Topics Discussed by Tribes	# of Comments By Tribal Participants	Major Concerns Raised by Tribes	Alternatives/Solutions
		utilities use.	necessary and appropriate.
General Electric Comment / Recommendation	27	Tribes face high electrical rates on reservation lands; tribes are interested in funding upgrades to existing lines, purchasing backup generators, and exploring alternative energy solutions.	Include SUTA language in upcoming Electric Program regulatory revisions; conduct additional outreach with tribal communities re: breadth of potential projects that could receive Electric Program funding.
General Water Comment / Recommendation	40	Tribes struggle with non-tribal water districts that provide water service but do not upgrade utility infrastructure; tribal members have limited experience maintaining water utility infrastructure on reservation lands.	Include SUTA language in upcoming Water Program regulatory revisions; conduct additional outreach with tribal communities re: breadth of potential projects that could receive Water Program funding.
General Telecom Comment / Recommendation	55	Tribes are interested in expanding distance learning and telemedicine offerings; with limited exceptions, tribes interested in providing telecom service are not incumbent providers; tribes do not have a productive relationship with incumbent providers, many of which are RUS borrowers.	Include SUTA language in upcoming Telecom Program regulatory revisions; conduct additional outreach with tribal communities re: breadth of potential projects that could receive Telecom Program funding.

Topics Discussed by Tribes	# of Comments By Tribal Participants	Major Concerns Raised by Tribes	Alternatives/Solutions
General - RUS	82	RUS applications are among the most time- and resource-intensive of Federal loan/grant applications completed by tribes; simplify RUS application process and cover costs of putting together an application.	Conduct additional outreach with potential SUTA applicants re: RUS application process; promulgate regulations/issue policy statement re: RUS application process.
General – USDA	27	RD should conduct more outreach with tribes re: economic development; RD consultations as a whole should occur more frequently; tribes are interested in building better relationships with RD state offices and General Field Representative.	Summarize consultation comments re: economic development and forward to OTR and applicable RHS, RBS staff; work with OTR on long-term RUS consultation strategy.