

A LISTENING SESSION ON CANNABIS IN INDIAN COUNTRY

FRIDAY, JUNE 17, 2022

U.S. SENATE

Committee on Indian Affairs

Washington, D.C.

The committee met, pursuant to notice, at 3:35 p.m. in room 628, Dirksen Senate Building, Jennifer Romero, Staff Director and Chief Counsel, presiding.

Present: Jennifer Romero, Breann Nu'uhiwa, Connie Tsosie de Haro, Darren Modzelewski, John Simermeyer, Dasan Fish.

Ms. Romero. Good afternoon, everyone, and welcome. My name is Jennifer Romero, and I serve as the staff director and chief counsel to Chairman Schatz on the Senate Committee on Indian Affairs. Thank you again for logging in to today's listening session, Cannabis in Indian Country. We are grateful for your participation and look forward to your comments.

Tribes have been participating in the cannabis industry for roughly the last decade. Yet a path forward remains undefined. In that time, a number of bills have also been introduced that address cannabis commerce.

As the landscape of cannabis commerce in Indian Country continues to take shape, the Indian Affairs Committee is interested in hearing from stakeholders. That is why we are here today.

In order to guide our conversation, we shared four questions that we are interested in getting feedback on. We have placed these questions in the chat for your reference.

Before we get to your comments, a few housekeeping notes. First, because we have had an overwhelming response to this listening session, and we want to make sure we hear from as many people as possible, we are asking that you tailor your comments to three minutes. For those of you providing comments, you will see a small countdown clock to help guide you.

Second, as we indicated in the announcement, we will be

prioritizing comments from tribal leaders, tribal designees, and tribal organizations.

Third, when called on, please state your name and tribal or organizational affiliation. We will provide a transcript of this session on our website, and we want to make sure we accurately capture this information.

Fourth, as you logged in, you were automatically placed on mute. Once you are called on, please unmute your line and start your video.

Fifth, if you would like to submit written comments, which we also encourage, you can send them to tribal_cannabis@indian.senate.gov. That is tribal_cannabis@indian.senate.gov. This email address is in the chat for your reference. We will accepting written comments until July 8th.

Finally, I would like to acknowledge that today's listening session is a bipartisan effort and have staff introduce themselves.

Ms. Nu'uhiwa. Hello, everyone. My name is Breann Nu'uhiwa, and I serve as senior counsel to Senator Schatz on the Committee.

Ms. Tsosie de Haro. Hello, everyone. My name is Connie Tsosie de Haro, and I serve as counsel for Senator Schatz on the Committee.

Mr. Modzelewski. Hello, everyone. My name is Darren Modzelewski, and I serve as policy advisor to Senator Schatz on the Committee.

Mr. Simermeyer. Hello. My name is John Simermeyer, and I serve as policy advisor to Senator Murkowski on the Committee.

Ms. Romero. With that, I will turn to our first pre-registered speaker. Please note that a list of speakers will be placed in the chat and refreshed throughout today's session.

As a reminder, please state your name and tribal or organizational affiliation before you begin your comments. Thank you.

Mr. Fish. Mr. Josh Jimerson, would you please start your video, unmute yourself and proceed. Thank you.

Mr. Jimerson. Hello, I am going to ask our general counsel to make the comments for me, Mr. Redeye.

Mr. Fish. Yes, please proceed. Thank you. Mr. Lee Redeye, you have been promoted. Please start your video, unmute yourself and proceed.

Mr. Redeye. Good afternoon. Thank you for this opportunity to address the Committee. My name is Lee Redeye. I am an attorney for the Seneca Nation of Indians. I will be providing comments to the fourth question presented, and just share the Seneca Nation's position on the types of regulations or rules, regulations, laws, that we would like to see in the

event that cannabis is decriminalized at the federal level.

To begin with, it is incumbent upon me to share the unique position that the Seneca Nation occupies in Indian Country. The Seneca Nation has absolutely and exclusive title to its lands, as recognized by treaties between the Seneca Nation and the United States government. Any attempts to require the Seneca Nation to yield its sovereign authority to the State of New York through the compacting process would violate the 1794 Treaty of Canandaigua, which promised that the Seneca Nation shall have free use and enjoyment of its lands for all time.

If the Federal Government wants to place tribal economies at the mercy of States through the compacting process, the Seneca Nation requests a carve-out from any such requirement.

Let me see if any tribal leaders want to make a comment. I will continue to make our comments. The Seneca Nation of Indians supports the tribal, federal, State framework that allows tribe to create and regulate their own cannabis industry completely free from State interference. Tribe and tribal communities are in the position to determine what will and what won't work on their territories. We believe that States have no role in this process.

We implore the Federal Government to fully support tribal economic development and self-determination by allowing tribes to make their own laws regarding the cannabis industry.

The Seneca Nation would invite a set of minimum standards for tribes engaging in the cannabis industry so long as such minimum standards do not over-regulate or strangle innovation or the viability of on-territory cannabis economy. The Seneca Nation is not opposed to commonsense policies that will assist with quality and safety.

One thing that is really relevant to us that we would like to see addressed is the transportation of cannabis and cannabis products between non-contiguous reservations. The Seneca Nation has several territories spread across the western part of New York. We would like to see some regulations that protect us when we transport from one territory to another.

We would oppose any sort of transportation requirements that require us to go to the State first. We think that there is some useful language in the 2018 Farm Bill with regard to the transportation of hemp products, meaning States don't have the right to stop that transportation.

I see my time is running out. Before I dive into the other topics we have, I think we will save those for the written comments. We appreciate the opportunity to speak before this body and before all the tribal nations in attendance. Thank you.

[The prepared statement of Mr. Redeye follows:]

Mr. Fish. Thank you.

Mr. Calvin Juliet, would you please unmute yourself and start your video. Please proceed.

[Pause.]

Mr. Fish. It seems we are having technical difficulties. We will move on to the next one. Just a moment.

Ms. Whitney Gravelle, would you please start your video and unmute yourself?

[Pause.]

Mr. Fish. Okay, it seems we are having some technical issues here. Give us just a moment.

Okay, we are moving on. Ms. Carol Burr, you have been promoted. Would you please start your video, unmute yourself and proceed.

Ms. Burr. Hello, can you hear me?

Mr. Fish. Yes, please proceed. Thank you.

Ms. Burr. I am from the Bois Forte Band of Minnesota Chippewa Tribe in northern Minnesota. I am on here because I believe the tribes should have access to this program or this ability. I am currently in the process of applying to do a feasibility on hemp.

So I am actually on here to learn what is out there in the Nation for tribes. That is what I wanted to hear. Thank you.

Mr. Fish. Thank you so much.

Ms. Sharron Osuna, would you please start your video, unmute yourself and proceed?

[Pause.]

Mr. Fish. Okay, we will move along. Seems she may be having some issues.

Mr. Donald Kilgore, would you please start your video, unmute yourself and proceed?

Mr. Kilgore. Yes, can you hear me?

Mr. Fish. Yes, please proceed. Thank you.

Mr. Kilgore. Okay. I am Don Kilgore. I am counsel to the tribal chief of the Mississippi Band of Choctaw Indians.

One of the things we would like to see addressed is, as you are aware, there were some memos during the Obama Administration regarding the federal position on cannabis in Indian Country that basically told the U.S. attorneys not to enforce the law. The Trump Administration AG Sessions revoked those memos. We have asked the Administration to reinstate those memos. We have not heard back from them. That would be a big help to us in addressing the federal concerns about cannabis in reservation lands.

So that was one of the things I wanted to bring out. We would certainly like to see the DOJ reinstate those positions if they would.

Mr. Fish. Thank you for that.

Mr. Aaron Schlehuber, would you please start your video, unmute yourself and proceed?

[Pause.]

Mr. Fish. Are you with us, sir?

Okay, we will move along. Mr. Demolli, Judge Demolli, would you please start your video, unmute yourself and proceed?

Mr. Demolli. Good morning, everyone. Can you hear me?

Mr. Fish. Yes, thank you. Please proceed.

Mr. Demolli. Good afternoon, committee members and staff. Santa Clara Pueblo Governor Chavarria sends his regards. He is currently on travel. My name is Frank Demolli. I am Chief Judge at Santa Clara Pueblo. I have been a judge and attorney for the Pueblos over the past 26 years.

Santa Clara Pueblo does not participate in legalizing marijuana use, possession, or sales at this time because Santa Clara Pueblo does not want to step into the legal quicksand right now. We request that the committee pass legislation ending the discriminatory practices of the U.S. regarding the possession, use and sale of marijuana within Indian Country.

All of these promises about not prosecuting, any judge or attorney knows that they don't hold water. It is very nice, but they can't be used as a defense.

So apparently right now DOJ's unwritten policy is to ignore the illegal possession, use and sale of marijuana in the States.

However, they do prosecute the citizens of Indian Country for the same thing. So we would like the committee to consider passing some type of legislation that would end this discriminatory prosecution.

With that, I want to echo what Seneca said, that the States, if marijuana is ever legalized, the States should have no role whatsoever in the regulation of marijuana, cannabis, whatever you want to call it, within Indian Country. We just saw what happened with gaming, where this whole revenue sharing came up. When we allow the States to interfere with tribes, we get problems.

So I strongly suggest that whatever is passed in Congress does not include a role for the States. Because we have seen what happens.

There was an act that was passed in 1953 when liquor was illegal in Indian Country. But it was legal in most of the States. Congress passed P.L. 277, an act to eliminate certain discriminatory legislation against Indians in the U.S. An Congress should consider that same type of act to prohibit the U.S. Attorney from criminally prosecuting Indians and Indian Country when their actions are the same as the actions of New Mexico citizens outside of Indian Country.

I will submit written testimony. Thanks for all your help.

[The prepared statement of Mr. Demolli follows:]

Mr. Fish. Thank you for that.

Mr. Rob Pero, would you please unmute yourself, start your video and proceed.

Are you with us, sir? Okay, let's move along.

Mr. Michael Blacksmith, would you please start your video, unmute yourself and proceed.

Mr. Blacksmith, are you with us? Okay. Please proceed, Mr. Blacksmith.

Mr. Blacksmith. Hi, I am the general manager for a cannabis retail store owned by the James S'Klallam Tribe in Washington State. It is a retail cannabis operation. Overall, I am looking forward to seeing what develops with the Safe Banking Act. I think that should be the biggest priority right now.

From a retail perspective, we have seen a high number of robberies, armed robbers in our State and up and down the west coast over the last several months. Removing the cash burden from this business would be probably the biggest thing that the Federal Government could do to protect us right now. I know this is less of an Indian Country issue, but considering that the Safe Banking Act has seemingly stalled four times now, it would be nice to see that get pushed through.

Beyond that, I would echo some of the concerns that the Judge just voiced regarding State involvement on affairs in

Indian Country. In our State, Washington, the liquor control board has quite a heavy hand in its interpretation of compacts with the tribes. So it would be nice to see something a little bit less discriminatory in the bigger picture.

That accounts for my biggest concerns right now. I can yield my time. Thank you.

[The prepared statement of Mr. Blacksmith follows:]

Mr. Fish. Thank you for that.

Ms. Mary Jane Oatman, would you please start your video, unmute yourself and proceed.

Ms. Oatman. [Greeting in Native tongue.] Mary Jane Oatman. I am an enrolled member of the Nez Perce Tribe in Idaho. I am the Executive Director of the Indigenous Cannabis Coalition. We are a 501(c)(3) that works to advocate for the protection of tribal sovereignty in local, State, and federal legislative efforts as well as ending the negative stigma through the preservation of story and plant medicine.

My tribe, the Nez Perce Tribe, does not currently participate in cannabis because we are in Idaho. We have a long history of hostile State-tribal relations when it comes to the economic development of our tribal initiatives and enterprises. Most notably, having to go to the Idaho legislature, to the Idaho voters to be able to pass a gaming proposition here in the State of Idaho.

The main concern for our tribe in not moving forward and entering in is the interference of State and federal agencies in Indian commerce and taxation in cannabis. Some of the legislative solutions, I think we have many robust compliant tribal operations that we need to look to, like Native Nations Cannabis in South Dakota, all of the tribes in the State of Washington, very high bar in their compliance systems. Same

thing with the Intertribal Cannabis Commission out of Nevada where they have already a sister of tribe working together in the cannabis trade, commerce and economy.

So the biggest legislative solution that we have our battle cry for with the Indigenous Cannabis Coalition is deference to tribal sovereignty, and language in their for non-intervention and non-interference from States. We need to do everything that we can do keep States at arms' length with cannabis commerce and economies, because tribes know how to do things for the public health and safety of our communities.

If this is truly about public health and safety and not about taxation, then we will allow tribes to lead with self-determination and make sure that the States do not have access to any types of revenue sharing.

Another legislative solution in regard to tribes being able to start up is providing technical assistance to supplement that lack of knowledge. Also an increased access for research and development for medical cannabis with the National Institutes of Health I think is really imperative because that is a big caveat to not moving forward for many communities, is not having solid medical data or any kind of data. The one kind of data we do know that we have is that since States have begun to legalize cannabis the arrests as well as the possession for arrests and sales have increased at the federal level for indigenous

communities.

So I concur with what the past speakers have said in regard to the deficiencies. But Indian Country already has the solutions in hand.

[Phrase in Native tongue.]

[The prepared statement of Ms. Oatman follows:]

Mr. Fish. Thank you for that.

Ms. Whitney Gravelle, would you please unmute yourself, start your video and proceed.

Ms. Gravelle. [Phrase in Native tongue.] My name is Whitney Gravelle, and I currently serve as the President of Bay Mills Indian Community. My tribal nation is an active participant in the cannabis industry in the State of Michigan, with current operations known as Northern Light Cannabis Company. It is my understanding that we are the only, if not one of the few tribal operators in the United States that functions without a State-tribal marijuana or cannabis compact. That has not come without a lot of lessons learned and without a lot of difficulties that could be resolved by federal legislation or some type of rulemaking.

However, I really want to emphasize that Bay Mills Indian Community licenses, regulates and oversees the operations of our facility as a sovereign nation. It is extremely important that tribal nations are treated with respect, because we are more than capable of regulating cannabis just as much as we regulate many of the other complex legal jurisdictional schemes within our reservations.

As a current operator, Bay Mills Indian Community has identified some key items that I think the committee should take into consideration, which includes transportation, taxation, the

model tribal-State compacts throughout the United States, banking, as well as SLEC cards for tribal law enforcement.

Just as was identified earlier, transportation continues to be an issue, not only for the reasons of transporting on non-contiguous reservations, but also having protections to transport within the boundaries of the State in which each tribal nation resides. Cannabis commerce is not limited to a reservation, it is not limited to Indian Country. In order to effectively engage in that commerce, that transportation protection needs to be provided throughout the States as well.

Another important issue is taxation. We will see a lot of different taxation models and State and tribal compacts that are produced, or as Bay Mills operates without a compact, what does taxation look like. We know that there is a lot of [indiscernible] out there, that is an extremely complex system in which how you determine where taxation falls and that is dependent on where purchases are made, where product is grown, what type of alteration to the product has been made by the tribal nation itself.

So taxation needs to be addressed as well as for the SLEC cards. Many tribal law enforcement agencies go through great hurdles to achieve their SLEC cards, and those should not be threatened to be taken away or jeopardized because their tribal nation has decided to engage in economic diversity and

supporting their tribal operations by entering the cannabis industry.

Thank you.

[The prepared statement of Ms. Gravelle follows:]

Mr. Fish. Thank you.

Mr. Michael Murphy, would you please start your video, unmute yourself, and proceed.

Are you with us, sir?

Okay, let's move along. Ione Jones, would you please unmute yourself and proceed? Thank you.

Ms. Jones. Good morning, oh, actually, it is 1:03.

[Greeting in Native tongue.] I am the Executive Director for a newly formed 501(c)(3) under the name of Himstenek [phonetically]. We hope to engage in climate and economic resiliency plans within Indian Country.

Today's presentation is very informative and mostly we appreciate Mary Jane Oatman's presentation and her link for access to more resources. I think it is important for us to be able to work together, identify the barriers and continue the conversation so that we may continue to reach throughout the ceded territories and break the lines that continue to be the reservation, and if we can, encourage lineal descendants that hold land patents in the ceded territories to be able to engage in the cannabis business, and to have support from other individuals like industries with indigenouscannabis.org, and other Washington State tribes.

Although there was an opinion submitted by the Yakima Nation in 2019, not all citizens within the Yakima Nation

reservation hold that opinion. I would like to suggest that a study for demographics or a complete research and development be conducted by non-profit individuals like myself to verify whether or not all the individuals on the federally recognized reservations support refraining from legalizing cannabis, similar to Yakima Nation.

Although I am an enrolled member of the Yakama Nation, I do not hold their opinion. We live in a high crime area. We have weekly deaths from fentanyl and opioids. I would hope that we would find alternative methods to help our tribal members to find other ways to save their health and to stop flooding the medical and community with opioids.

Thank you for allowing me to speak. I yield my time.

[The written statement of Ms. Jones follows:]

Mr. Fish. Thank you.

Xavier Barraza, would you please start your video, unmute and proceed.

Mr. Barraza. I don't have a question. I was just a waiting and listening.

Mr. Fish. Thank you. We will move along.

Gem Moon Montes, would you please unmute and proceed. Are you with us? Let's move along.

La Vonne Peck, would you please unmute and proceed. Okay, let's move along.

Lewis Lincoln, would you please unmute and proceed.

Mr. Lincoln. Hello?

Mr. Fish. Yes, please proceed.

Mr. Lincoln. Yes, Lewis Lincoln here. Tribal Homeland Cannabis out of northern California.

I would like to comment and agree with all the prior tribal leaders and their statements about cooperation with States, but also incorporating tribal tourism, international commerce and trade, and incorporating solid banking structures to support tribal framework for business in the cannabis industry and hemp industry.

And also interstate tribal commerce that happened before State lines were imposed, to support tribes or tribal business owners that cannot, or are not in the right climate or

conditions but yet want to open stores and have final dose forms of cannabis medications or CBD treatments all in the pharmaceutical arena and approaching it to international trade, and to supporting the pharmaceutical companies in the EU systems and their commerce of tribal products.

So just having those framework structures with the banking and tribes being able to create their own commerce laws and do commerce with each other, and also international.

I will yield the rest of my time. Thank you.

[The prepared statement of Mr. Lincoln follows:]

Mr. Fish. Thank you.

Gem Moon Montes, please unmute and proceed.

Ms. Montes. My name is Gem Moon. I am with NORML, the National Organization for the Reform of Marijuana Law, and am contacting you from in Southern California. I am also a cannabis consultant and a policy analyst.

I am currently working with E-Pay Nation Incentives, a botanical facility. Some of the problems that they are currently encountering is their lack of outlets due to their inability to bring other tribes into the market. Mainly that is because of the fear that is instilled with lack of protections, federal protections, and they are not able to sustain themselves currently without being able to participate in the California market as well. They have been excluded from that.

So it leaves them in a vulnerable position, as well as their inability to distribute between the tribes that are outside of the State. We are currently only working with tribes inside of California.

I would say that those are some of the greatest obstacles. We are hoping that this group will be able to work together collectively to pass the critical federal legislation that will provide inclusion to be able to participate should they decided to do so.

Thank you for holding this session and allowing me to

speak. That is it. Thank you.

[The prepared statement of Ms. Montes follows:]

Mr. Fish. Thank you.

Mr. Kyle Jaeger, please unmute and proceed. Are you with us? Okay, let's move along.

Natalie Fertig, would you please unmute and proceed. Okay, let's move along.

Cora White Horse, would you please unmute and proceed. Okay, let's move along.

Elijah Moreno, would you please unmute and proceed.

Mr. Moreno. I am just attending. I don't have any comments.

Mr. Fish. Okay, let's move along. Andy Lyman, would you please unmute and proceed with your comments.

Ms. Romero. Hi, everyone. This is Jennifer Romero. It seems we have recognized most of our pre-registered speakers, and we have some time remaining. So I would like to open the floor to anyone else who might have comments. If you could please use the "raise hand" function, and we will call on you on a first-come, first-served basis. Thank you.

Mr. Fish. Jyl Wheaton-Abraham, would you please unmute and proceed with your comment.

Ms. Wheaton-Abraham. Hi, my name is Jyl Wheaton-Abraham. I am a member of the Kootenai Tribe of Idaho and owner of Medical Grade, Inc. I am a licensed hemp grower in Oregon.

I am one of the first Native women-owned and operated

licensed hemp farms in the U.S. I have been in cannabis culture for over two decades.

As both a business owner, grower, and medical marijuana patient, I know what is like to be on both sides of the industry as both a manufacturer and a consumer.

My tribe is in the northern Idaho panhandle and does not currently have any plans for cannabis businesses, because they are in Idaho. The current political climate there is very hostile to all things cannabis. Because Idaho is not a cannabis-friendly State, I must live and operate my business out of Oregon, 550 miles away from my tribal community and my mother. I would like to see cannabis decriminalized so tribal people like myself who want to own and operate small businesses are not forced to live and work far from their own cultures.

We haven't talked about it a lot today, but I would like to see cannabis removed from Schedule I listing in the Controlled Substance Act. This is by far the greatest barrier to safe and legal cannabis cultivation, transportation of raw cannabis and cannabis products, and leaves tribal nations behind as the cannabis industry continues to grow.

Current Schedule 1 listing further holds tribal nations and tribal people back by misrepresenting cannabis as a dangerous substance with a high potential for abuse with no medical use. For communities and people recovering from hundreds of years of

trauma, the current Schedule 1 listing perpetuates myths about the plant which have been disproven by research. It also widens the educational gap between tribal people and others.

This educational gap is actually a huge barrier to tribal people and tribal councils even considering any sort of cannabis business, simply because the Schedule 1 listing mischaracterizes the plant.

I would like to see the passage of the Safe Banking Act, so we can all have access to the banking industry. Right now, as a business owner, I can only bank with a bank two hours away. This bank charges me thousands of dollars a year to have a simple business checking account. As a small business owner and member of a marginalized group, I face so many challenges every day just to stay open. Passage of the Safe Banking Act would remove one barrier to my success, and could hopefully help tribes in the future who want to open and operate cannabis business from wasting the time and money I have had to just to be able to simply bank.

We said it before, but I also would like to see more free and open commerce within and across State and tribal lands. My tribe, as I said, is in the northern Idaho panhandle. The closest interstate highway is an hour and a half away. Any cannabis businesses my tribe could open would be at risk for search and seizure, the same with our customers as well.

Finally, I would like to see federal funding for small businesses like mine who practice sustainable and regenerative agricultural methods. As tribal communities get into farming cannabis, I would like to see less emphasis on large scale industrial farming practices, which promote soil erosion, soil degradation, water loss, and contamination, and more of an emphasis on sustainable and soil building methods, which in the end will produce just as much plant as traditional farming practices, but without all the pollutants and the fossil fuel use.

That is all I have to say. Thank you.

[The prepared statement of Ms. Wheaton-Abraham follows:]

Mr. Fish. Thank you for that.

Dean Seneca, would you please unmute and proceed.

Mr. Seneca. Hello, everyone. Good afternoon.

My name is Dean Seneca. I am a cannabis consultant with Seneca Scientific Solutions Plus. I am not speaking on behalf of the Seneca Nation. I am a Seneca descendant.

My comments are basically threefold. One is, tribal nations should have the ability to trade and exchange product between tribal nations without any State interference or Country interference or any kind of, they should be able to trade freely without any boundaries. I want to extend it not only between tribes in the northeast and our tribes in the southwest, but also our First Nation communities in Canada as well as our indigenous populations in Mexico. Tribal nations should be able to trade product, cannabis product, freely without any interference, any customs or taxation or anything like that on the product, among other indigenous tribal nations and indigenous businesses. That is first.

Second is that from a public health perspective, I really do believe that the Federal Government should provide some research dollars for tribal nations, tribal organizations and companies like mine to be able to understand and research the public health benefits of cannabis. We know there are a lot of mental and behavioral health issues throughout the whole Country

in which cannabis has been able to make some impacts on. We also know there is a lot of other products out there that we know cannabis has been able to make an impact on. I really do think that the Federal Government should provide some research to look at the public health and the medical benefits of cannabis and make that available to tribal nations to participate, just like the National Institutes of Health and other federal agencies are involved with.

My last comment is that as State jurisdictions start to legalize cannabis, they are developing committees and boards in order to help monitor, to help develop legislation, to help the businesses flourish. All State governments and things are developing these boards and committee. I want to urge the Federal Government to mandate that these State entities that are developing these boards and committees include tribal leaders, tribal representatives, and Native experts on these committees and boards, so that they can help advise these State governments on how to work effectively with our tribal nations in the business of cannabis and how do we work collaboratively and cooperatively in this business so that we all mutually benefit.

Thank you for your time.

[The prepared statement of Mr. Seneca follows:]

Mr. Fish. Thank you.

Lee Redeye, would you please unmute and proceed with your comments.

Mr. John. This is Ross John, from the Seneca Nation. I am counsel for the Seneca Nation.

I want to expound upon some of the difficulties and some of the unknown benefits to the area and the States around us that we have had with generating an economy. One of the things I really want people to understand, at least from the Seneca Nation's standpoint, is that we do support a lot of private sector developments, in trying to do that, but it has already been around gas, gaming, and tobacco, fuel, gaming, tobacco, and now it is cannabis.

What the States fail to realize is that we don't have economies. We have businesses. Why? Because we don't have banking. We can't use our land for collateral. So it leaves us out of the banking business. We need a different economic model in order to even invest back into our businesses. For us normally it is, use cash, build from the ground up and reinvest, reinvest, reinvest. That is the reality of our situation.

So I think on a national level, we need people to really understand the economic impacts and the handicaps that we have. We don't have a tax base. One main reason is we can't use our land as collateral. So there is no way to assess tax value for

it.

As far as the Seneca Nation is concerned, 100 percent of the revenue they generate from operating their business is used for the same things as many other municipalities would recognize as tax funding operations, health, education, language programs and housing and infrastructure buildouts and those kinds of things. So when we get hit by States saying, well, you guys don't pay taxes, or even by the Federal Government trying to accuse us of that, we like to remind them that it is 100 percent taxed, or the equivalent to 100 percent taxed, so every dollar that we are able to keep.

But because we don't have economies, and we don't develop, we don't build, we don't manufacture anything, what we like to remind the States around us when they want to compact and say we owe them above and beyond, we want them to realize that every dollar that we make ends up in their communities, just as quick as we make it. Because we have no place to place it. It is not here. We don't buy anything.

Everything that we buy from the Seneca Nation, even the shoes and the shoelaces that I have on, come from some place else. So we don't have economies. That is why it is so important for us to have the leeway to be able to incubate these types of businesses and have, again, the leeway to be able to kind of start from the beginning, move through and backwards

integrate.

Then without rigid structures, because we are trying to develop this as it goes forward, if we don't, we fail. It has been our experience that it is almost better for us to stay in a legal battle as we have with our tobacco and gas than it is to compact as we did with our gaming. We maintain a lot more sovereignty and are still in a retail and manufacturing and we are allowed to manufacture, employ, train, more people in the business that mostly the U.S. and the State governments maintain are still contraband. It is when we go under compacts, because those compacts are driven mainly by States, with their misunderstanding that we are stealing something from them, and we are not.

Again, for our gaming, for gas and tobacco, the State of New York is the primary beneficiary of all of our economic activity. They get the turn on the dollar seven times, we barely get to keep it. So I think a real financial analysis of the real strain and difficulty that we have in Indian Country on developing economic activities really needs to be understood. It can't just be policy driven. There really has to be economic analysis.

To be honest, the stranglehold and the systemic racism that is built into the system that undermines us and devalues us and puts us in a position that somebody has to be our overseer has

always been difficult. I think this is an opportunity to kind of take that stranglehold from us and give us the ability to move forward and develop. We can develop better, again, those offshoot businesses, like I have also heard. The things we will look at going forward is that, can we do clinical trials. Right now we know we are probably going to have to fight a legal battle. Even if we pull the standards that are familiar in the outside world, the universities and contract the lab work, all the rest of that kind of stuff, is that just because there is this misunderstanding of what we are trying to do, or for some reason the States are losing out when again, I will say it again, they are the primary beneficiary of everything we do.

I know that is kind of a lot, and I hope we can articulate it in our write-ins and other things. I just wanted to take the time to mention that. Thank you.

[The prepared statement of Mr. John follows:]

Mr. Fish. Thank you for that.

Just as a friendly reminder, if you would like to jump in the queue and add a comment, please use the "raise hand" feature on the WebEx meeting window, and we will add you to the queue.

Tanner Tootosis, would you please unmute and begin y our comments.

Mr. Tootosis. Yes, thank you. Thank you for providing this time today to allow me to speak to the committee regarding my position in the cannabis industry.

My name is Tanner Tootosis. I am the founder, president, and CEO of SpeculationBrands.com. I added some comments in the comment section and it is First Nations business. I am seeking to empower the next generation and invest in the tribal First Nation cannabis tech sector.

I am currently based out of Toronto, Ontario, so there are a number of areas that the U.S. Government can learn from regarding cannabis legalization due to Canada's early mover advantage.

I should also note that I am a U.S. Army veteran, and my community and my family members have been displaced. We are originally from the U.S. I am Lenape and Three Fires Confederacy.

Like I said, I am seeking to empower First Nations people, because there are a lot of different opportunities when it comes

to technology and the internet. The internet is non-discriminatory.

I am also interested in the Safe Banking Act and promotion of diversity and inclusion, veterans' access to cannabis, the dormant commerce clause and intertribal trade. Based on my experience, I don't want to feel discriminated against because I am an enrolled member of a Canadian tribe, even though my family does come from the States.

Some of the examples that I have experienced throughout my journey with cannabis so far is that similar to the U.S., Canada has community development financial institutions so when the government develops programs and provides funding to these organizations, they can provide it to indigenous entrepreneurs. Within those transfer payment agreements, there is language in there that projects must meet certain eligibility criteria.

So I am hoping that this doesn't happen and that SBA provides loans for businesses that are non-plant touching like mine, so there is no reason for us to touch the plant. We could do white-labeling or just work on the tech side. Like I said, there are lots of different opportunities related to the cannabis tech sector.

So I also hope that you consider the Jay Treaty when developing any type of legislation. It is uninterrupted travel for Native Americans across the Canadian-U.S. border.

Thank you for your time.

[The prepared statement of Mr. Tootoosis follows:]

Mr. Fish. Thank you for that.

Eric Foster, would you please unmute and proceed.

Mr. Foster. Yes, thank you. Hello, my name is Eric Foster. I am the National Policy Director for Cannabis and Hemp for Minorities for Medical Marijuana. In that particular role, we are tasked as an organization with working to improve the opportunities for people of color and especially minority communities, the indigenous population within both sectors. I dropped in the chat link to our public policy agenda for 2022 through 2024.

Some of the things that have been mentioned today fit directly into things that we are wrong to push both at the federal level but then also trying to improve the State by State systems. We definitely know and see the challenges that take place between how the State regulatory structures are and how they interlay with the tribal nations and how there has been a complete disconnect and a challenge of actually creating that sort of spur of economic development activity within the communities and the States kind of interfering. So those are some things that we definitely want to see addressed going forward.

We also want to see and make sure as we are going for the Safe Banking Act that with the current structure for depository institutions, minority depository institutions, community

development financial institutions that could provide and do in some instances provide banking services to cannabis-related businesses based on the 2014 DOT guidelines for doing business with marijuana-related businesses, providing more technical support and financing support to help ease the regulatory burden for those banks and credit unions to be able to do business and support the tribal nation cannabis-related businesses, hemp businesses, and other minority businesses. That is a critical area. So while we are working to get the Safe Banking Act passed, let's also look at the regulatory steps we could take looking forward.

We also believe there needs to be in the federal legislation, any of the legislation addressing the totality of economic opportunity, how are we building in supplier diversity, how are we building in career mobility, and how are we dealing and building with cross-minority community partnerships, how do we get African American community businesses and investors to work with tribal nations, how do we get Latino American, Asian American, Arab and Chaldean Americans, how do we cross those boundaries so that we can have the industry grow and also have that dual ability to grow inside of the tribal nations and outside the tribal nations. There is that spin of economic activity and return that helps lift both communities. Those are some key things.

Then lastly, and I will be quiet, on the hemp side, in the 2023 Farm Bill, putting more emphasis and structure around getting the opportunities for the tribal nations to be able to build into the producer side, so that they can take advantage of the export opportunities and the other commercial product developments, alternative fuels, and other activities that can really branch out and really generate huge economic returns.

We are here to help and would love to work with the committee, the members from both sides, and any of the nations as we try to improve everything that we are doing. Thank you.

[The prepared statement of Mr. Foster follows:]

Mr. Fish. Thank you for that.

Chanae Bullock, would you please unmute and proceed. Thank you.

Ms. Bullock. [Greeting in Native tongue.]

I am from the Shinnecock Nation. I am the managing director of our tribe's cannabis business, Little Beach Harvest. I want to thank you all for giving me an opportunity to speak for my community and many, many, many other indigenous peoples throughout the land who are not here today.

I am not going to spend too much time but I really want to address what was stated a little earlier about how we do not have economies, we have businesses. I think that is something that needs to be a top priority and responsibility for all people in office. Because when we think about it, we are doing everything we can as governments and tribes to have economies without the support, not only just the support, I think it was stated earlier, the technical support, but also the respect. That really comes usually when we try to have meetings or when we try to set up invitations to our homelands. We are kind of left unanswered in a lot of our States.

We do know that every tribal community has a different relationship. That is historic. We are in New York. We are the first contacted tribe in the entire State of New York, and there have been many people who have never even known that we

are still even existing.

So there is some work, I think educational wise that has to be done also on the other side. But that top responsibility and understanding that as a new industry is being reclaimed by indigenous peoples, that we need technical support and we need support in understanding the responsibility that people have to us as communities.

But one of the other things, too, that was brought up during conversations about Safe Banking, I think one of the things we have to also address is the challenges in tribal business entities obtaining an EIN number. To open up a business account, you have to have one. Many of us might be Native American-owned businesses, but when you move over to a tribal-owned business, there is difficulty in the IRS, in governmental affairs responsibility that they have, to provide an EIN number to a tribe to then go and open up a bank account. So I think that yes, there are Safe Banking issues that we need to also address and include. But I think we also need to address the challenges that tribes have in even starting a business.

There was also, I believe that if we are going to be looked as governments and be respected as governments, if we have our own cannabis regulatory divisions and committees and boards, and licenses are given to tribal businesses or independent tribal

member businesses from those particular regulators within a tribe, the States should recognize that as reciprocity. If you were to buy a house in the State of New York, or sell the house, just giving an example, if you were able to sell a house in the State of New York, and you have your license in the State of New York, there is reciprocity in other States to be able to do the same thing. We should be able to have respect as having reciprocity.

So those are just some of my comments. I want to thank you for the opportunity to speak up, really as a young person from our community, and also speak up for a plant that has been within our communities for thousands and thousands of years, and we are having to speak up not only for the plant but for our people about this medicine.

Thank you.

[The prepared statement of Ms. Bullock follows:]

Mr. Fish. Thank you.

Lael Echo-Hawk, would you please unmute and proceed.

Ms. Echo-Hawk. My name is Lael Echo-Hawk. I am an attorney in private practice in Washington, D.C. and an enrolled member of the Pawnee Nation of Oklahoma.

I have had the opportunity to work in the tribal cannabis space since the introduction of the Wilkinson memo in December of 2014, both as general counsel for the National Indian Cannabis Coalition, later as a consultant, now as a regulator, and also advising other tribes and their partners in making deals and bringing cannabis development to Indian Country.

I am grateful for this opportunity. My comment relates specifically to the work of the committee, recognizing that the Senate Committee on Indian Affairs, while its specific jurisdiction is of Indian Country, recognizing your unique ability to deal with the issues and address them on a committee-to-committee basis with the other committees that have jurisdiction. The cannabis industry covers so many different issues that are all being addressed, sometimes separately in the Congress. I want to urge the committee to continue to reach out to your counterparts at the various committees of jurisdiction, the Judiciary, the Finance Committee, Ag, the Health Committee, and make sure that as they develop law around this issue that tribes are included.

I want to flag one issue that is really important right now, in the Senate at least, that of clearing convictions of folks who have been convicted of crimes specifically as they relate the cannabis industry. As we know, Black and Brown communities have been hit harder with those convictions, primarily our men have suffered. I want to encourage this committee to continue talking to Judiciary. Because as any legislative efforts roll out to ensure that folks that are convicted, that have those convictions, have their convictions expunged, that you also consider the unique structure of criminal jurisdiction across Indian Country. That includes federal courts, tribal courts, CFR courts. And make sure that we are also included.

I thank you for the time. I will be submitting comments probably wearing one or two different hats. I wanted to raise that issue with you folks today. Thank you.

[The prepared statement of Ms. Echo-Hawk follows:]

Mr. Fish. Thanks so much.

Shere Wright-Plank, would you please unmute and proceed.

Are you with us?

Ms. Wright-Plank. Hi, yes. Sorry, have never used WebEx before. This is my first time using this, I am used to Zoom.

[Greeting in Native tongue.] Greetings, relatives. I greet you with a heartfelt handshake. My Lakota name is Pretty Woman and my English name is Shere Wright-Plank.

I want to thank you for this time today, it is very important and thoughtful of you to hear from tribal nations. There have been a lot of good words spoken here today. It is important that you hear from us, because all the assumptions made about Indian Country, that we are all cookie cutter and we are all the same, that we are not all created equal, a lot of us suffer in poverty. We want to come out of that poverty.

I am sure most of you are all well aware of the Marshall Trilogy cases that came forth and deemed Indian nations conquered nations. Well, I am from the Rosebud Sioux Tribe, I am a councilwoman for my tribe. When that court case happened, my people were still at war with the United States government. In 1851, we signed a treaty of peace, because the government could not defeat my people, which I am very proud of.

That treaty was broken. I am sure you government officials get tired of hearing us Indians say broken treaties. But we

live it every day. We live the effects of it every day.

I really want to express and reiterate economy. That is how my nation was broken. You hear the term not to put all your eggs in one basket, well, that is how my people lived. We lived off of the buffalo. That was our entire economy. That was our source of trade, our food, our clothing, our shelter. When that was taken from us and the buffalo were almost extinct, we got put on this ration system by the United States government. We lived off of rations up until the 1950s. That is when money started becoming more common on my reservation.

The reason I am bringing this up is because every little piece of business that we do on the reservation, the States or the Federal Government gets their hands in our money, they get a piece of it. If it is our compact with the casino, if it is our sales tax agreement with the State. Some of those relationships are good, and some of them could be better. However, I do want to speak on the decriminalization of cannabis and what this means to Indian Country. Right now with the States exercising their sovereignty and having the ability to legalize marijuana within their State, it puts them ahead of tribes yet again, and puts them in the forefront and leaves us in the back. We will be collecting whatever we can if it ever gets legalized. But we won't have that head start.

A lot of people are scared because a lot of our land is in

trust. So there are issues there with our land. I encourage the Safe Banking Act. I would like to see cannabis removed from Schedule 1 listing in the Controlled Substance Act. I do feel like we need to make sure that specific government programs that were mentioned earlier, that they like the Native community development institutions, the Native CDFIs, that they are able to lend money to business owners in all areas of cannabis and hemp without fear or restriction.

I really feel like my reservation has suffered from opioids. We recently won a case against IHS, and it was deemed that they did not fulfill their trust obligation with the Rosebud Sioux Tribe. A lot of our people were exposed to opioids, and after that opioid epidemic ended, the IHS hospitals had to put restrictions on how much opioids they are releasing into the community. A lot of our people turned to meth.

I really think that cannabis as an alternative to opioids is something that we really need to start thinking about and offering to people for medicine and medicinal purposes. I would like to see the United States government recognize our sovereignty and not a quasi-sovereignty, but a true sovereign nation. The only way we are going to be able to be truly sovereign is for us to not be dependent on the government. Until we can build our economies, we are going to constantly be at this table asking you for money.

With the Lakota, we were broken up, because our people, we were a fierce nation and we were united. They broke up our bands, our [phrase in Native tongues]. Now we have tribes distributed throughout the State of South Dakota. Then within those reservations that we were placed on, our people were also scattered. In my reservation, we have 20 different communities. They are all so far away that we cannot sustain an economy. We can't sustain a transit system, a public transit system. We cannot support other tribal businesses. It has created food deserts within specific communities.

The only businesses that thrive on the Indian reservations here are businesses that rely on a federal subsidy, like food stamps. So grocery stores are one of the biggest businesses here, convenience stores are another one. Those seem to be the only businesses that survive on our reservation. The reason is, there is not enough money here circulating and there is not enough jobs.

I can foresee that the legalization of cannabis could bring a lot of potential jobs. Because the cost of startup, it is not going to be one person here with that ability. It is going to have to go and be something that a lot of people come together and do. I think it is going to bring great opportunity to Indian Country. I really think it is something that needs to be supported by Congress.

Thank you for your time today. I truly appreciate it. I hope you all have a great day.

[The prepared statement of Ms. Wright-Plank follows:]

Mr. Fish. Thank you.

Brie Coyle Jones, would you please unmute and proceed with your comments.

Ms. Jones. [Greeting in Native tongue]. Good afternoon. I am Brie Coyle Jones, I am an attorney based out of Seattle, Washington. I have been working in the cannabis industry for nine years, and I have assisted tribes entering the cannabis industry in three States, including Washington, Michigan, and New Mexico. I have negotiated government-to-government cannabis agreements and compacts in both New Mexico and Washington.

I am here on behalf of myself and want to offer comments on how a tribal-federal-State framework can best save our tribes' interests. I have three areas of comments. First is how to safeguard, how to impose some safeguards for tribal governments. As many other folks have offered today, tribes must remain sovereign over their Indian Country with respect to cannabis. This means tribes need to be on an equal footing as States in their governmental ability to both regulate and tax commercial cannabis activities within a tribe's Indian Country.

So any legislative or administrative regime that would deny that ability to regulate to a tribe over both its own enterprises and any non-tribal enterprises within its Indian Country would impede upon tribal sovereignty and self-government. But like other governments facing an increase in

cannabis possession and use, there is a huge governmental need for additional tax dollars to mitigate negative impacts, additional youth prevention programs, funding a regulatory agency.

So in order to address these needs and prevent harm caused by double taxation, I would recommend that a tribe's right to tax cannabis activities within its Indian Country should be exclusive.

Another important aspect for protecting tribal governments is that a State should not be empowered to operate, the operation of a non-tribal cannabis business within a tribe's Indian Country without consent of that tribe. There are similar provisions, both statutory and administratively in Washington and Oregon. I think that has worked well and would recommend that federally.

Also, I want to talk on a few safeguards that I think are important for tribal cannabis operators. Most of these you have heard, but I want to echo them just to get at the important substance, which is a reinstatement of the Cole Memorandum or a new memo that offers similar guidance. The importance to tribal operators to be able to engage in commerce with State licensees and also with other tribal cannabis operators, including across State lines. And then

finally, the third area of comment I would like to offer is protection of public health and safety. A top priority there is to have guidance from the Office of Justice Services, specifically that they will not revoke a special law enforcement commission or a SLEC from tribal police merely because a tribe or tribal operator enters into a well-regulated cannabis industry.

Thank you.

[The prepared statement of Ms. Jones follows:]

Mr. Fish. Thank you.

Bryce In The Woods, would you please unmute and proceed with your comments.

Mr. In The Woods. Hello there, this is Bryce In the Woods. I am a tribal council representative for the Cheyenne River Sioux Tribe here in South Dakota, one of the multi-billion-dollar ag States in this Country. According to the 1868 treaty, when an individual heads of family go to cultivate the soil for a living, it is paramount.

Also same Article 8, it says when 100 Lakotas shall cultivate the soil, we should be getting assistance. In Article 14 it says that when we come up with a crop, and it is a lucrative cash crop, then there is kind of a competition to have the most valuable crop grown. If you look back in history, a lot of the vegetables here in America provided food for the world.

Now you have the hemp, which is recognized under the USDA now, finally, pioneers like Alex White Plume just trying to get into the business of hemp, which is probably like the next buffalo, trade and revenue, coming in.

But our people, in November of 2020, voted to legalize recreational and medicinal marijuana. So we have

ordinances in place, we are updating those ordinances. I believe the vote of the tribal membership should be honored by the Federal Government, and the State should stand down against this.

When Schumer was going to bring the MORE Act, I don't know what they are calling it now, but it was the MORE Act, Marijuana Opportunity Reinvestment Expungement Act, getting it off that schedule of cocaine, meth, and heroin, and fentanyl on there, which is killing people. Just like the D.C. Chief of police said years ago that she preferred people on marijuana, go down to the local store, then going home and watching TV instead of out in the streets killing each other over drugs. I don't believe that marijuana is in that category. I believe there must be more factual information going out to all peoples on our cannabinoid system that is in our human body, with the THC receptors.

So big businesspeople are attacking tobacco and the pharmaceuticals, of course, they will be wanting to corner the market. But for us tribal governments, we need to have full range now, especially when our people voted to have legalization of the medicinal and recreational marijuana.

The tax revenue that was mentioned also some of these

toxins that are being sprayed in the pesticides here, they are having an impact on the soil. So we have to look at regenerative soil practices. If you want to grow organically, then you need that soil to be alive and rich with those microbes and the root system. These chemicals sprayed kill the soil and make dirt. We need regenerative soil practices to counter this continued insecticide, pesticide, herbicide spraying.

The risk, there is always a risk for farming. But I think the banking and insurance needs to be insured that those individuals or those cooperatives that go into growing, it isn't a barrier. You see billions and billions of dollars going over to Ukraine right now. That is not good. The Article 1 in the 1868 treaty, we are supposed to be at peace, stop wars.

So if we are allowed, because 25 C.F.R., we are the most regulated people, original people, on these soils. It is time to lighten up. I think the crop which grows silently and with the good sun and rain that we need, but climate change has to be a factor. So you see, some of our sister-brother tribes like the [indiscernible] that have a good medicinal business going on now, and talking to them

and touring their facilities, they are growing, 55 employees, said he needs more employees. So there is a lucrative business, medicinal and also recreational.

I agree with the D.C. Chief of Police that the recreational, Montana is the same thing to South Dakota, because now they are into the millions of dollars with their recreational marijuana. Colorado already has the data on some of the opioids and drinking alcohol was lowered because of the marijuana. Hopefully, that happens. We won't know until we collect our own data.

But I think the banking and the insurance is critical. We have ordinances in place that should be honored by the State. We should have no fight between the State of South Dakota, the governor and the tribe here. Because our treaty gives us a right to farm. And it is very clear that we have our laws in place. So they should be honored. If they are in place, we should be treated to go ahead instead of having any type of battle between the States or the Federal Government.

It is kind of discouraging to know that some of the Senators and House Reps that do not have tribes or tribal governments in their States know nothing about tribes, yet

they are on committees that are decisive, that make decisions that affect us. So I think when they understand that it is a treaty right to farm as individuals and cooperatively, that the federal legislation, if it is not the MORE Act anymore, but to take it off the schedule immediately, as soon as possible. That would be the number one thing.

But also the banking to ensure those crops, if hail comes in because of this climate change, we have a community hit pretty hard in the west with hail. It damaged over, this was in South Dakota, 2,000 vehicles from the dealerships, all of them were damaged. So putting them in steel buildings and [indiscernible], it is going to be a good business for us. It is medicinal, recreational, but it also would counter hopefully some of these socioeconomic issues that America is looking at, not only on the reservations, but in the cities, too, to address poverty, to have that extra income coming in to help in the treatment programs and help our children and elders out, which would be critical.

So again, we need the MORES Act to take it off the schedule. We need the banking and insurance due to climate

change. And we want our laws respected. Our people voted to legalize this in November of 2020, that we get support and we don't have barriers and anything thrown before us. Let us decide. It is our land. We want to do regenerative soil practices with the hemp and marijuana, recreational plants that would be most valuable and productive for us at this time.

I believe more than ever because of what happened to the buffalo, which was our economy, that the hemp and marijuana industry will help, again, be more productive off our lands and see some return to our revenue that will also assist our membership.

[The prepared statement of Mr. In The Woods follows:]

Mr. Fish. Thank you. Thank you for that. We really appreciate your comments.

Okay one last comment to be made, Mr. Xavier Barraza, would you please proceed and unmute.

Mr. Barraza. Thank you. Sorry for the first time, I actually didn't know my name was up there.

I have a few comments. I am calling on behalf of True Bloom, which is a tribal cannabis cultivation company in northern New York, actually [indiscernible] and Fort Independence in California.

Overall, our tribal clients definitely recommend the Safe Banking Act. We do have one specific request. As currently drafted, the Safe Banking Act would only recognize cannabis-related legitimate businesses if they only comply with the State law, and that is even if those tribal businesses were tribal-owned or on tribal land. We find that in effect it would grant States a regulatory monopoly over tribal lands for adult use cannabis industry. We would like that changed.

Most recently in the 12018 Farm Bill, Congress authorized tribes the primary regulatory authority separately from States over the production of industrial

hemp, hemp products, including cannabinoids, CBD, on tribal lands. That is one of our main requests for the Safe Banking Act.

As far as the Cannabis Administration and Opportunity Act, we are well aware that language has not been released and there are only a few Congressional staffers and offices who have seen the current language. But while it is still being gathered together as a draft, we have a few recommendations on the draft that was released in September.

Under the Congressional findings, it states many minority communities and States that have authorized the legal cannabis. But we would also like it to reflect the fact that tribes have also decided to deregulate, decriminalize the adult use of cannabis as well in the definitions section. We think that the States' definition section should also include tribes. This will offer parity for tribal communities on the same or similar circumstances that are offered to States.

We want to make sure that descheduling is included in Indian Country, so that there is no ambiguity existing between tribal businesses and State businesses, whether

they are regulated on State land or tribal land. Another one we want to make sure that intertribal and interstate tribal commerce provisions need to be treated to the same extent and the same manner as other cannabis that is produced in the State within Indian tribe or on territories, we don't want to get into regulatory conflicts, especially if it is just transitions. This is similar to tribe-on-tribe trade, that it should be exempt from State and federal taxes if it is going from one tribe to another.

Then finally, in Section 501 of the discussion draft, it is recommended that a Cannabis Production Regulatory Advisory Committee, which the FDA will convene, and consult before promulgating regulations, we want to make sure that tribes are also included in this administrative committee to make sure they take their concerns, regulatory authority, descheduling and regulation of businesses on tribal lands.

With that, I have no more comments. Thank you.

[The prepared statement of Mr. Barraza follows:]

Ms. Romero. Thank you, Mr. Barraza. You are our last recognized participant who has raised their hand. I would like to give a last call for any others who are online who would like to make a comment.

We have about 15 minutes left in this time. Any other folks online who would like to make a comment today?

Mr. Fish. Ms. La Vonne Peck, please unmute and proceed.

Ms. Peck. Thank you. I appreciate the time and I appreciate your holding this conversation. It is very much needed.

My name is La Vonne Peck. I am a tribal citizen of La Jolla Band of Luiseno Indians in southern California. I have been working as a consultant in the green space for going on eight years now.

One of the things that is very clear, I also sat on the California Advisory for Cannabis for the State of California, appointed by the governor, for the last five years. I just got off. One of the reasons that I did is all of the comments that have been made today. It was very challenging. It is hard to see tribes sitting in this space wanting to get into business and we aren't allowed in

the State of California. We can't apply for social justice grants. Our hands are tied in a \$3 billion industry in the State of California.

We have 111 tribes in this State. Not every tribe can do gaming. There is lots of opportunity in the hemp and cannabis industry, and I think it is time that the Senators, Congressmen, recognize the strength that Indian tribes have, indigenous tribes have. I have to be politically correct now that I am an elder. So I say, I always say, American Indian, Indian Country, so please forgive me if I am not being politically correct.

It is time that something has to happen in this industry. A lot of colleagues that I work with in this industry have spoken today. One thing I have found is that the banking industry definitely needs to be addressed. The fact that tribes are having to deal with cash, almost all cannabis industries are dealing with cash, trying to find a bank that will work with us is almost impossible.

It was almost impossible for me to find a bank that will even deal in hemp that is legal because of the Farm Bill. We were one of the first hemp companies to come in and get an account in Colorado. I thought I found a bank

for a tribe in California, but they wouldn't touch us because we aren't compacted.

I would say my speech to most tribes is, you want to be vertical. If you want to exercise your sovereignty, you have to do it all. You have to grow it, process it and dispense it on tribal land.

One of the biggest things, it was nice to see Brie on her. I introduced myself to her at NAFOA a couple months ago. One of the other things is where we can really exercise our sovereignty is start looking at commerce. Commerce is so important. Washington is doing a great job, but there are so many tribes out there that can't get product. How are we that are growing in California, not me, but those tribes that are growing in California that have excellent product that should be able to transport to other tribal nations that have dispensaries?

We need to get down to, we just talk, talk, talk, and excuse me, I am not trying to be disrespectful. But when you see the money that is being made and we as tribes can't possibly get into that, be involved in that type of business, there are so many ancillary businesses that would open up for tribes once we can get the banking and the

commerce and some of the regulatory pieces addressed.

It is hard, especially I would say, and I always say this, not to be disrespectful again, but if you are west of the Mississippi, it is a lot different looking at those issues, or if you are east of the Mississippi, I should say.

So I would implore you to please, talk to people that are in this industry, that have worked it. We have written, my company, Native Network Consulting, we have written probably six or more hemp plans for tribes. Tribes are contacting us now to do the regulatory documents, working with attorneys within their tribe to help with cannabis.

So people want to get into it. But it is similar to gaming. It is going to take one big tribe to dip their toe in and open it up. I could probably talk for two hours on what I have run into in the past eight years.

But I really feel that until we can address the banking issue, and until we can address, I think someone made a good comment about looking at the Cole Memo, if we could get something similar to that out there. The other thing is that I think if we had some assurance that tribes aren't

going to lose their 538 dollars, their DOJ dollars, all the dollars that every municipality receives, that we aren't going to lose those, I think there needs to be assurances in that area too.

I am jumping all over the board. But when my name came up, I didn't know I was supposed to speak. I apologize for that.

I appreciate your time. Please, please, please, take the time and look at the banking and look at all of the issues that you heard today from all the tribal leaders. We need to move forward. What an opportunity this is in Indian Country if we could have the support from Washington.

Thank you so much.

[The prepared statement of Ms. Peck follows:]

Ms. Romero. Thank you, Ms. Peck.

I want to thank everyone who has provided comments and joined us today to listen in. This has been a very productive session. We certainly appreciate your time.

As we review the comments and suggestions, my staff may follow up directly with additional questions. As a reminder, we will be accepting written comments until July 8th at tribal_cannabis@indian.senate.gov. That is tribal_cannabis@indian.senate.gov.

Thanks to you all for logging in. Good night.

[Whereupon, at 5:19 p.m., the listening session was concluded.]