

**NATIVE PRIORITIES FOR THE 2023 FARM BILL  
REAUTHORIZATION**

---

---

**HEARING**

BEFORE THE

**COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE**

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

—————  
JULY 26, 2023  
—————

Printed for the use of the Committee on Indian Affairs



U.S. GOVERNMENT PUBLISHING OFFICE

COMMITTEE ON INDIAN AFFAIRS

BRIAN SCHATZ, Hawaii, *Chairman*

LISA MURKOWSKI, Alaska, *Vice Chairman*

MARIA CANTWELL, Washington

JON TESTER, Montana

CATHERINE CORTEZ MASTO, Nevada

TINA SMITH, Minnesota

BEN RAY LUJÁN, New Mexico

JOHN HOEVEN, North Dakota

STEVE DAINES, Montana

MARKWAYNE MULLIN, Oklahoma

MIKE ROUNDS, South Dakota

JENNIFER ROMERO, *Majority Staff Director and Chief Counsel*

AMBER EBARB, *Minority Staff Director*

## CONTENTS

---

	Page
Hearing held on July 26, 2023 .....	1
Statement of Senator Cortez Masto .....	36
Statement of Senator Daines .....	37
Statement of Senator Hoeven .....	4
Statement of Senator Luján .....	34
Statement of Senator Mullin .....	4
Statement of Senator Murkowski .....	2
Statement of Senator Schatz .....	1
Statement of Senator Smith .....	3

### WITNESSES

Desautel, Cody, President, Intertribal Timber Council/Executive Director, Confederated Tribes of the Colville Reservation .....	14
Prepared statement .....	15
Fain, Abi, Director, Policy and Government Relations, Intertribal Agriculture Council .....	17
Prepared statement .....	19
Kissee, Trenton, Director, Division of Agriculture and Natural Resources, Muscogee (Creek) Nation .....	21
Prepared statement .....	23
Peterson, Hon. Richard, President, Central Council Tlingit and Haida Indian Tribes of Alaska .....	6
Prepared statement .....	8
Price, Davis, Regional Director, Hawaii NDN Collective .....	10
Prepared statement .....	12
Spaan, Jay, Executive Director, Self-Governance Communication and Edu- cation Tribal Consortium .....	24
Prepared statement .....	26

### APPENDIX

Baring, Nathan, Program Director, Kawerak’s Reindeer Herders Association, prepared statement .....	46
Firethunder, Cecilia, President, Little Wound School Board; Oglala Lakota Nation Education Coalition, prepared statement .....	49
Hoskin Jr., Hon. Chuck, Principal Chief, Cherokee Nation, prepared state- ment .....	50
Initiative on Universal Access to Clean Water for Tribal Communities, pre- pared statement .....	54
MAZON: A Jewish Response to Hunger, prepared statement .....	47
Navajo Agricultural Products Industry, prepared statement .....	53
Snoqualmie Indian Tribe, prepared statement .....	51
Ute Indian Tribe of the Uintah and Ouray Reservation, prepared statement ...	43



## **NATIVE PRIORITIES FOR THE 2023 FARM BILL REAUTHORIZATION**

**WEDNESDAY, JULY 26, 2023**

U.S. SENATE,  
COMMITTEE ON INDIAN AFFAIRS,  
*Washington, DC.*

The Committee met, pursuant to notice, at 2:43 p.m. in room 628, Dirksen Senate Office Building, Hon. Brian Schatz, Chairman of the Committee, presiding.

### **OPENING STATEMENT OF HON. BRIAN SCHATZ, U.S. SENATOR FROM HAWAII**

The CHAIRMAN. Good afternoon. During today's hearing, we will receive stakeholder testimony on Native Priorities for the 2023 reauthorization of the Farm Bill. Our goal is to consider these priorities with an eye toward compiling a bipartisan bill with the full support of the entire Committee.

I want to thank the Agriculture Committee Chairman Stabenow and Ranking Member Boozman for being such great partners in advancing Native priorities in the Farm Bill.

The 2018 Farm Bill was the first to meaningfully expand USDA program support for Native producers and Native communities. From tribal self-governance expansion to new authorities for forest co-management, the 2018 Farm Bill was a big step forward. But it was just a start, and we can and should build on that progress.

For the upcoming reauthorization, Native stakeholders are calling for additional support, self-governance and autonomy in food production, inspection and distribution and management of natural cultural resources, including forest resources.

They are also seeking acknowledgement and incorporation of traditional ecological knowledge in USDA's Conservation Practice Standards, so that Native land stewards can use traditional conservation methods while also modeling best practices for others to follow.

Most notably, Native communities are calling for wraparound navigator services, that is, targeted engagement for on-the-ground help to identify and apply for USDA grants, provide technical assistance with grant applications, and assist with compliance issues through the life of the grants. These are essential priorities for Federal agriculture policy.

American Indians, Alaska Natives and Native Hawaiians have come together to advocate, engage, and be heard by Congress on

their Farm Bill equities. This Committee in particular has been listening.

In addition to regular engagement from Native stakeholder groups on their Farm Bill priorities, the Committee worked diligently with member offices over the course of two Congresses, gathering and analyzing input from Native communities. So far, our record reflects testimony from the Administration and Native producers on challenges with credit, insurance, infrastructure, access to markets, and technical assistance, numerous site visits to Native community farms, ranches, rivers, lakes, and fishponds, multiple field hearings on the continent and in Hawaii, a roundtable discussion with community leaders and the work continues with today's hearing, the next step toward our overall goal of developing a bipartisan bill.

Before I turn to Vice Chair Murkowski for her opening statement, I would like to extend my welcome and thanks to our witnesses for joining us today. I look forward to your testimony and to our discussion.

Vice Chair Murkowski?

**STATEMENT OF HON. LISA MURKOWSKI,  
U.S. SENATOR FROM ALASKA**

Senator MURKOWSKI. Thank you, Mr. Chairman. I really appreciate that we are here today to talk about the Native priorities within the 2023 Farm Bill. I really want to thank all the staffs, all the staffs, for the work that they have done in getting us to this place.

You mentioned all the different steps that have brought us to this place, in addition to the roundtable that we had. Everything that we have put in place is just another step forward in progress.

But we know we need to do so much more here. Hunger and poverty in Indian Country are significant reasons why the Farm Bill matters. One in four Native Americans relies on federally supported nutrition assistance programs in the Farm Bill. Alaska Native and American Indian communities pay more for food than the average consumer while also earning incomes well below the national average.

In places in my home State, fresh vegetables, fresh fruit, basic staples are just more expensive because of travel and storage costs. Oftentimes, you can't get anything fresh at all. So what we have in front of us is a major opportunity to support tribal producers, food sovereignty and traditional ways of life.

In the 2018 Farm Bill, we authorized a demonstration program that allows tribal governments to procure tribally produced foods for USDA food projects. We did this by expanding 638 self-governance contracting authority to the food distribution program, FDPIR. So as a result, more traditional, locally grown food is making it to the plates of Native elders and kids. But we need to take this further and expand the authority to the entirety of FDPIR, not just the sourcing.

You have mentioned the forest management. I think we have some opportunities here to expand self-governance at the USDA Forest Service. In 2018, again, we extended the 638 contracting authority for certain forest management activities on Federal lands,

including harvesting timber for subsistence and resources under the Tribal Forest Protection Act.

But the authority is underutilized. I think we have seen the Forest Service approve only about a dozen agreements over the last 20 years, and only a handful of those utilize in any way the 638 authorities. Based on what we have heard from tribal leaders, this tool isn't working as intended. So, what more we can do there to develop a legislative proposal to bring meaningful self-determination and self-governance authorities to the USDA and Forest Service, again, is going to be one of my priorities as we move forward.

I want to extend a special welcome and thanks to President Peterson from Central Council of Tlingit and Haida. He is participating virtually today. Tlingit and Haida has been a leading advocate for greater tribal self-determination across the board, including with respect to traditional food systems and incorporating traditional practices into forest and land management. I think we are going to hear President Peterson talk about his efforts on the 638 agreements with the Forest Service as it relates to Mendenhall Glacier.

So I am looking forward to hearing his comments on expanding 638 authorities at USDA and all that that can do to make a difference, particularly in southeast Alaska.

Mr. Chairman, thank you again for this hearing, and for the good work of all of our Committee members in advancing this.

The CHAIRMAN. I will now turn to Senator Smith for introductory remarks.

**STATEMENT OF HON. TINA SMITH,  
U.S. SENATOR FROM MINNESOTA**

Senator SMITH. Thank you so much, Chair Schatz, and Vice Chair Murkowski.

I want to say how much I appreciate the chance to work with both of you on Native Farm Bill provisions. We have had many conversations about this, and I greatly appreciate it. I am really grateful for this Committee's attention to the unique needs of Native and tribal communities in this upcoming Farm Bill.

I serve as both a member of this Committee as well as a member of the Agriculture Committee, along with Senator Luján and Senator Hoeven. I represent a State with 11 sovereign tribal nations and a very strong ag sector. So these issues are very close to my work and very close to my heart.

For months, this Committee has been working to create the building blocks of a strong Native Farm Bill. I want to thank everybody who I have had a chance to work with on this, especially Senator Hoeven and Senator Mullin. We have been working together on various provisions as well as many others.

I know that this hearing today is going to focus on our ongoing effort to build a strong bipartisan Native Farm Bill that expands self-governance, that boost Native agriculture, ranching, forestry, and food production and makes sure the tribal priorities are included in every title of the Farm Bill as we go forward.

Thanks so much to our witnesses for being here today. I look forward to this discussion and the work we can do together.

The CHAIRMAN. Thank you very much.

Senator Hoeven?

**STATEMENT OF HON. JOHN HOEVEN,  
U.S. SENATOR FROM NORTH DAKOTA**

Senator HOEVEN. Thank you, Chairman Schatz. I appreciate it. I want to thank both you and Vice Chair Murkowski for holding the hearing, and I really look forward to the input that we will receive.

USDA plays a critical part in supporting our farmers and ranchers. There are over 80,000 American Indian or Alaska Native producers in farming and ranching, and they generate over \$3.5 billion in ag sales each year.

I am on the Ag Committee as well, and when we wrote the 2018 Farm Bill, I was actually chair of this Committee, and worked on it as a member of the Ag Committee, as did Senator Smith and others here. We included 62 different provisions in the Farm Bill which benefited tribes in the current Farm Bill. So now as we look to write the new Farm Bill, we need to be mindful of the kinds of things that we can do that are important in Indian Country.

Senator Smith is right on top of it with the FDPIR, Tribal Food Sovereignty Act. We actually put that legislation in as a pilot program, included it in the 2018 bill. So now you are taking it to an established program and again, consolidating the administration of it, which will streamline and improve it. So I am really pleased to cosponsor that legislation with you, Senator Smith, and I thank you for taking this initiative. It is just a really cool program, and I think it is going to touch a lot of people, already is, but a lot more people in Indian Country, in a very important way, and certainly reflects our belief in self-determination.

Also, I want to commend Senator Peters and Senator Fisher on the Tribal Conservation Priorities Inclusion Act which really gives Native Americans more say when it comes to the NRCS programs. Then also, I am working with Senator Tester, who is a member of this Committee, on bipartisan legislation that will greatly strengthen both the Livestock Forage Program and the Emergency Livestock Assistance Program, not just for tribal members but for all farmers and ranchers.

But because we have so many Native farmers and ranchers, it is a really important provision, particularly as we try to get this next generation into, really young people, like Senator Smith and Senator Murkowski and Senator Cortez Masto, get this next generation into farming and ranching. The average age overall for farmers and ranchers is about 60 years old. And there are a lot of hurdles to getting into farming and ranching. We need to continue providing these programs.

Thank you, Mr. Chairman, for your indulgence. I appreciate it.  
The CHAIRMAN. Thank you.  
Senator Mullin?

**STATEMENT OF HON. MARKWAYNE MULLIN,  
U.S. SENATOR FROM OKLAHOMA**

Senator MULLIN. Thank you, Mr. Chairman. I am glad we are having this hearing today, and I would like to say a few words about the bill Senator Smith and I introduced, the Prime Meat



Processing in Indian Country Act. I believe the Self-Determination and Education Assistance Act has been one of the most successful policy initiatives in Indian Country to date. The 638 contracting has paved the way for Federal Indian policy to be one of the most self-determinations and empowerment programs around.

The 638 contracting in Indian Country began with Interior in 1970, and later HHS had brought it into the fold. Neither agency accepted with open arms broad changes to how business would be done within Indian Country. Nevertheless, tribes and agencies stayed the course and worked extremely well together.

Now tribes manage over one-half of the programs offered by BIA and IHS. I believe it is time for USDA to help move 638 contracting in a new direction within Indian agriculture. That is why Senator Smith and I came together and introduced the Prime Meat Processing in Indian Country Act. This straightforward bill gives tribes full 638 contracting authority for USDA's meat inspection process.

I understand that 638 contracting with tribes is new to USDA. This process was new to Interior and HHS at one point. But there can be and there are some very talented people at USDA, and I believe they will figure this out, because no one can deny that 638 has been a gold standard within Indian Country.

With that, I yield back.

The CHAIRMAN. Thank you very much.

We will now turn to our witnesses. Senator Murkowski, if you would like to introduce your witness from Alaska.

Senator MURKOWSKI. Thank you, Mr. Chairman.

I briefly introduced President Peterson. As I mentioned, President Peterson is with the Central Council of Tlingit and Haida Indian Tribes of Alaska. Not only has President Peterson been leading on matters related to self-determination, he has been truly a leader when it comes to all aspects of Native governance, not only in the southeastern region, in the Tlingit Haida region, but state-wide.

So, it gives me great pleasure to be able to welcome him back to the Committee today.

The CHAIRMAN. We are also pleased to welcome Mr. Davis Price, the Hawaii Regional Director of NDN Collective in Ewa Beach, Hawaii; Mr. Cody Desautel, President of the Intertribal Timber Council in Portland, Oregon; Ms. Abi Fain, the Director of Policy and Government Relations in the Intertribal Agriculture Council, Billings, Montana; and Senator Mullin, you have two witnesses to introduce.

Senator MULLIN. I do, thank you again for giving me time, Mr. Chairman.

I would like to introduce two Oklahomans to this Committee. The first being Jay Spaan, a Cherokee citizen and Executive Director at Self-Governance Communication and Education Tribal Consortium, in Tulsa. Earlier in his career, Mr. Spaan served as a senior analyst for GAO. We are very lucky to have someone with Mr. Spaan's skill and experience promoting self-governance and self-determination policy inside Indian Country.

I thank you, Mr. Spaan, for coming to D.C. I am excited to hear your ideas on how this Farm Bill can be best for all of us inside Indian Country.

Second, I would like to introduce Trent Kissee, Eastern Oklahoma Shawnee Tribe, member from Ottawa County, Oklahoma. Mr. Kissee currently serves as the Director of Agriculture and Natural Resources at Muscogee Creek Nation. Trent is also one of many talented individuals running Muscogee Creek's Looped Square meat processing facility in Beggs, Oklahoma. Trent also serves on the board of the Intertribal Agriculture Council.

We are all very grateful to work with him and his guidance from the Intertribal Ag Council as we write the Farm Bill that works for Indian Country. Mr. Kissee holds an Ag degree from Oklahoma State, and a master's degree from OU. Very confused, there, sir. Oklahoma State is kind of known for Ag, but I got to tell you, I got one boy wrestling at University of Oklahoma and one boy wrestling at Oklahoma State, so I understand the confusion you have there. But we won't hold that against you or me hopefully.

Thank you, Mr. Kissee, for joining us here today.

The CHAIRMAN. Are they the same weight class?

Senator MULLIN. Unfortunately, yes.

The CHAIRMAN. Oh, wow.

Senator MULLIN. Yes, I am trying to work that out. The other one I am trying to have eat a little bit more.

The CHAIRMAN. I wish you luck.

[Laughter.]

Senator MULLIN. I want to wear a shirt when they wrestle each other that says, it is white and says "America" on it.

[Laughter.]

The CHAIRMAN. Or Mullin.

[Laughter.]

The CHAIRMAN. All right. We will start with our witnesses, and we will remind our witnesses that we have your full testimony as part of the written record. We would like you to confine your remarks to five minutes or even less if possible.

We will now start with Mr. Peterson. Please proceed with your testimony.

**STATEMENT OF HON. RICHARD PETERSON, PRESIDENT,  
CENTRAL COUNCIL TLINGIT AND HAIDA INDIAN TRIBES OF  
ALASKA**

Mr. PETERSON. Good afternoon, Chairman Schatz, Vice Chair Murkowski, and honorable members of the Senate Committee on Indian Affairs.

My name is Richard Peterson, my Tlingit name is Chalyee Éesh, and I am Kaagwaantaan from the Eagle's Nest House. I grew up in the Haida village of Kasaan, Alaska. I have served as President of Central Council of the Tlingit and Haida Indian Tribes of Alaska since 2014.

Tlingit and Haida is the largest federally and State recognized tribe in Alaska and the 12th largest tribe in the Nation. I am grateful for the opportunity today to provide testimony on behalf of the over 35,000 tribal citizens we represent worldwide regarding

our tribal priorities and our support for the expansion of authorities within the U.S. Department of Agriculture's 2023 Farm Bill.

As indigenous people, our connection to the land and waterways is not only deeply spiritual but practical, providing us with sustenance and resources vital to our existence. We advocate for co-management agreements that respect tribal sovereignty and traditional ecological knowledge while promoting cooperation between tribes and Federal and State agencies to protect the delicate balance of our ecosystems.

Tlingit and Haida serves 18 villages and communities spread across 43,000 square miles, which is about the size of Kentucky, our traditional homelands here in southeast Alaska. The management of traditional indigenous lands and waters is crucial to maintaining our way of life and is an expression of our sovereignty.

Our shared ancestral lands and waters provide incredible opportunities for indigenous-led, large-scale, collaborative projects that can connect and restore the lands, waters, and wildlife that are the foundation of our cultural existence and economic welfare.

Tlingit and Haida strongly supports the 2023 Farm Bill policies that can positively impact tribal self-governance and co-management opportunities, as well as economic development opportunities to sustain present and future generations of Alaska Native peoples. Tlingit and Haida recognizes and is grateful for the incremental steps that have been made through the Southeast Alaska Sustainability Strategy, for example, but current agreements are limiting in scope for both tribes and the USDA.

First and foremost, the expansion of 638 and self-governance authorities is both an opportunity and obligation for the Federal Government. As you know, the Federal Government has fallen short in implementing its trust responsibility to adequately address the unique challenges and opportunities faced by Indigenous communities, particularly here in Southeast Alaska.

Self-governance and the co-management that can go hand in hand with it are not gifts to Tribes. They are a recognition that the Federal Government cannot and does not have the right to tell our history upon our homelands or to shape the future of this place without us at the table.

I would like to take a brief moment and share a personal story. Here in Juneau, we have the Mendenhall Glacier. The Glacier is operated under the Department of Agriculture and receives over a million visitors each year for tourism.

While there, on a funding tour with both Federal representatives, State representatives and municipal representatives, along with philanthropic groups, when asked where are the Tlingit people recognized here in this visitor's center, the staff responded that the Tlingit didn't have anything to do with the glaciers.

Now, I can tell you that is incredibly offensive. Because my own clan and many others have migration stories, our history is told about us traveling over, under, and through the glaciers. That is even substantiated now in western science, when the remains of a man were found and dated back nearly 10,000 years, and DNA tested to find living Tlingit relatives here now, today.

So our history is very important, and a part of this landscape. With that said, Tlingit and Haida is actively pursuing co-manage-

ment of the Mendenhall Glacier Recreation Area and Visitor's Center here in Juneau, Alaska. The Mendenhall Glacier Visitor Center attracts, as I said, over a million visitors each year.

As I mentioned, there is no acknowledgment of indigenous peoples, our culture or our history at this location managed by the U.S. Forest Service. This is a failure to tell the story of that place that Tlingit and Haida seeks to remedy.

More than enrichment, a visitor experience that incorporates and fosters cross-cultural understanding and appreciation of our heritage and the rights to tell that story and promoting indigenous-led tourism are incredibly important.

Alaska tribes have a strong history and track record when it comes to successful 638 compacts and contracts. The Alaska Tribal System speaks for itself as a resounding success for compacting. Tlingit and Haida was one of the first of 20 tribes in the U.S. to compact with the government, and the very first to take on the full measure of self-governance, nearly shutting down the Bureau of Indian Affairs' Southeast Regional Office.

If compacting authorities are expanded to USDA, it is a win-win scenario for the Federal Government, tribes, and the public. As governments, we will finally have the tools to allow us to work together for the management of our lands and waters. Anything less than this self-governance would continue the gap between the rhetoric of co-management from our Federal partners and the reality of what they can deliver using existing templates. Why re-create the wheel when it is 638 authority that has a demonstrated record for honoring indigenous sovereignty and successful implementation?

Our people have stewarded the traditional homelands and waters of southeast Alaska since time immemorial. We are the experts of this place, where we thrived and nourished our people for tens of thousands of years.

Again, we seek to work collaboratively to enhance co-management and stewardship opportunities, not only for Alaska tribes, but to enrich that the way U.S. agencies operate and understand our unique challenges and opportunities within our region.

Tlingit and Haida is actively working to advance our regional greenhouse program to support our youth and elders. We have traditional potatoes, distinct potato varieties that have been proven to trace their roots to Peru, which demonstrates how far our culture and economies have stretched. Our traditional foods should be included on the list of approved foods for the Food Distribution Program on Indian Reservations.

I realize, sir, I am over time. So I thank you for this opportunity.  
[The prepared statement of Mr. Peterson follows:]

PREPARED STATEMENT OF HON. RICHARD PETERSON, PRESIDENT, CENTRAL COUNCIL  
TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA

Chairman Schatz, Vice-Chair Murkowski, and honorable members of the Senate Committee on Indian Affairs,

My name is Richard *Chalyee Éesh* Peterson, and I am Kaagwaantaan from the Eagle's Nest House. I grew up in the Haida village of Kasaan, Alaska. I have served as President of Central Council of the Tlingit & Haida Indian Tribes of Alaska (Tlingit & Haida) since 2014. Tlingit and Haida is the largest federally and state recognized tribe in Alaska and the 12th largest tribe in the nation. I am grateful

for the opportunity to provide testimony on behalf of the over 35,000 tribal citizens we represent worldwide regarding our Tribal priorities and our support for the expansion of authorities within the U.S. Department of Agriculture's 2023 Farm Bill (USDA). As Indigenous people, our connection to the land and waterways is not only deeply spiritual but practical, providing us with sustenance and resources vital to our existence. We advocate for comanagement agreements that respect tribal sovereignty and traditional ecological knowledge while promoting cooperation between Tribes and federal/state agencies to protect the delicate balance of our ecosystems.

Tlingit & Haida serves 18 villages and communities spread across 43,000 square miles (about the size of Kentucky) of our traditional homelands throughout Southeast Alaska. The management of traditional Indigenous lands and waters is crucial to maintaining our way of life and is an expression of our sovereignty. Our shared ancestral lands and waters provide incredible opportunities for Indigenous-led, large-scale, collaborative projects that can connect and restore the lands, waters, and wildlife that are the foundation of our cultural existence and economic welfare.

Tlingit & Haida strongly supports the 2023 Farm Bill policies that can positively impact Tribal self-governance and co-management opportunities, as well as economic development opportunities to sustain present and future generations of Alaska Native peoples. Tlingit & Haida recognizes and is grateful for the incremental steps that have been made through the Southeast Alaska Sustainability Strategy, for example, but current agreements are limiting in scope for both tribes and the USDA.

First and foremost, the expansion of 638 and self-governance authorities is both an opportunity and obligation for the federal government. As you know, the federal government has fallen short in implementing its trust responsibility to adequately address the unique challenges and opportunities faced by Indigenous communities, particularly in Southeast Alaska. Self-governance—and the co-management that can go hand in hand with it—are not gifts to Tribes—they are a recognition that the federal government cannot and does not have the right to tell our history upon our homelands or to shape the future of this place without us at the table.

Tlingit & Haida is actively pursuing co-management of the Mendenhall Glacier Recreation Area and Visitor's Center in Juneau, Alaska. The Mendenhall Glacier Visitor Center attracts over 1,000,000 visitors each year. Currently, there is no acknowledgment of Indigenous peoples—our culture or our history at this location managed by the U.S. Forest Service (USFS). This is a failure to tell the story of that place that Tlingit & Haida seeks to remedy. More than enrichment, a visitor experience that incorporates and fosters cross-cultural understanding and appreciation of our heritage is the accurate narrative only the Indigenous people have the knowledge and the right to tell. By not only promoting Indigenous-led tourism, but shared management of this very significant ecosystem, we can generate economic opportunities for our people, support local businesses, and most importantly, showcase the rich cultural diversity of our region to the world. While this desire has been made clear to Secretary Tom Vilsack and all levels of leadership at the USFS, the development and implementation of meaningful agreements continues to be held up because USDA lacks 638 authorities.

Alaska Tribes have a strong history and track record when it comes to successful 638 compacts and contracts. The Alaska tribal health system speaks for itself as a resounding success for compacting. Tlingit & Haida was one of the first of twenty tribes in the U.S. to compact with the government, and the very first to take on the full measure of self-governance, nearly shutting down the Bureau of Indian Affairs' Southeast regional office.

If compacting authorities are expanded to USDA, it is a win-win scenario for the federal government, tribes, and the public. As governments, we will finally have the tools to allow us to work together for the management of our lands and waters. Anything less than this self-governance would continue the gap between the rhetoric of co-management from our federal partners and the reality of what they can deliver using existing templates. Why re-create the wheel when it is 638 authority that has a demonstrated record for honoring Indigenous sovereignty and successful implementation?

Our people have stewarded the traditional homelands and waters of Southeast Alaska since time immemorial. We are the experts of this place—where we thrived and nourished our people for tens of thousands of years. Again, we seek to work collaboratively to enhance co-management and stewardship opportunities—not only for Alaska Tribes, but to enrich the way U.S. agencies operate and understand our unique challenges and opportunities within our region.

As is true in the face of a rapidly changing climate, access to our traditional and customary foods has changed since colonization. Being one of the largest, most isolated, and most geographically dispersed Tribal populations nationwide, Tlingit &

Haida citizens largely rely on foods and goods that are shipped by water or air from the lower 48. This makes access to healthy foods difficult, costly, and volatile. We seek to expand opportunities to secure access to healthy foods that support our physical, mental, and spiritual wellbeing. In addition, our solutions have the further benefits of advancing opportunities for economic sovereignty for our communities as well.

Tlingit & Haida is actively working to advance our regional greenhouse program to support our youth and elders, and the overall well-being of our communities. It's here that we've grown both Haida and Tlingit potatoes, distinct potato varieties that have been proven to trace their roots to Peru, which demonstrates how far our culture and economies have stretched. Our traditional foods should be included on the list of approved foods for the Food Distribution Program on Indian Reservations (FDPIR). Tlingit & Haida has recently become the owner of the Alaska Seafood Company in Juneau and we are thrilled about the opportunities this will provide to advance our traditional food security program and our economic sovereignty. Furthermore, our potatoes, seaweed, gumboots, salmon, halibut, berries, beach asparagus, kelp and seal nourish our bodies differently and better than the foods we currently import. We support Senator Murkowski's efforts for FDIPR and that of her micro-grants for food security opportunities that enhance the access to an improved quantity and quality of locally grown and harvested food for our communities.

Finally, Tlingit & Haida supports efforts to better research and develop sustainable mariculture opportunities for our communities. Alaska's traditional foods, such as kelp, are not only part of our cultural heritage but also essential to our food security and health. The inclusion of these traditional foods within FDIPR and the development of mariculture programs is vital to preserving our cultural practices and ensuring the availability of nutritious and locally sourced food for our communities. We call upon this committee to support initiatives that promote sustainable mariculture practices, rooted in our traditional knowledge, and respect Tribal rights to harvest and co-manage mariculture resources.

Tlingit & Haida is actively working with regional partners to develop and support programs for our communities that provide food and economic security. These programs offer not only the promise of nourishing foods and stable economies, but also an opportunity to restore the resources that have long sustained us as Indigenous people. The lands and waters were not pristine and untouched, they were stewarded for the success and longevity of our people and ecosystems.

I express my most sincere gratitude to the Senate Committee on Indian Affairs for considering our testimony. As the President of Tlingit & Haida, I urge this committee to take meaningful action that supports Tribal self-governance, the expansion of 638 compacting, co-management of our lands and waters, and opportunities to include, enrich, and protect access to our traditional foods. Together, we can build a future that preserves our culture, strengthens our communities, and ensures the well-being of generations to come.

Gunalchéesh, Háw'aa (Thank you) for your time and consideration.

The CHAIRMAN. Thank you very much, sir.

I am happy to welcome and say aloha to Mr. Davis Price, the Hawaii Regional Director of NDN Collective, Ewa Beach.

**STATEMENT OF DAVIS PRICE, REGIONAL DIRECTOR, HAWAII  
NDN COLLECTIVE**

Mr. PRICE. Aloha mai kakou, greetings. My name is Davis Price. I am the Hawaii Regional Director for NDN Collective. I am kanaka 'oiwi, or Native Hawaiian, and reside on the island of Oahu.

I would like to extend sincerest gratitude to Senator Schatz and Senator Murkowski for the opportunity to testify today, and for the Committee's diligent efforts to include the voices of Native peoples in this highly impactful legislation.

NDN Collective is a nationwide organization dedicated to empowering indigenous communities and nations to exercise our inherent right to self-determination. Since 2019, NDN has deployed philanthropic grants to over 700 indigenous led organizations and projects across the U.S. and its territories, from Puerto Rico to

Guam. In Hawaii, NDN has deployed over \$4 million in grants to Native Hawaiian led projects.

One of the core functions of our work is to foster and develop economic systems that center the transformative value of traditional ecological knowledge.

Today, I would like to highlight the groundbreaking TEK work, Traditional Ecological Knowledge work, that has been underway in Hawaii for many years. This 'aina-based, or land-based work, is happening across Hawaii, and is focused on restoring culturally significant spaces that once supported a thriving population and food system that was completely self-sufficient. Today, Hawaii is grappling with the impacts of a rapidly changing natural environment, and our traditional Hawaiian management practices are providing a guiding metric for what once existed and what is possible in the future.

Hawaii is the most isolated land mass on earth, a small island chain in the center of the largest body of ocean on the planet that once supported an estimated population of 1 million people, prior to western contact with no imported goods. This is nearly the same size as the population today.

However, today, Hawaii imports approximately 90 percent of its food, which leaves our entire island population extremely vulnerable to disasters, whether they be natural or man-made. This statistic has become a mantra of sorts in the Hawaiian community as a movement for self-determination, cultural revitalization, and reconnection to ancestral land has gained momentum. We know the solution to our own food insecurity and greater collective sustainability is grounded in our ancestral knowledge systems.

For many years, most people overlooked the fact that Hawaii has become increasingly more dependent on outside sources of sustenance, such as importing nearly all of our food, while our land and water resources are used for other extractive economic purposes or neglected altogether.

That was until the COVID-19 pandemic and subsequent economic shutdowns actually gave everyone a taste of what happens when the ships stop coming. Empty store shelves, spikes in gas prices, and limited access to the bare necessities were wakeup calls to many who probably hadn't paid much attention to how vulnerable we actually are in the middle of a vast ocean.

Since that time, much more attention has been given to the work happening in the Native Hawaiian community to restore spaces that are not only culturally relevant to our community but are also a glimpse into the economic bedrocks of a once thriving ecosystems, our traditional food system. Our traditional food system is traditional ecological knowledge in Hawaii, and it is recognizable to indigenous communities throughout the Country and around the globe.

Indigenous ancestral knowledge systems most often highlight the capacity that humans have to enhance our environment, not only extract from it. This is the foundation of TEK, and it is imperative that we embrace the potential for a truly symbiotic relationship between our human societies and the environment.

Developing these relationships better positions us to protect our resources and leave future generations with healthy environments

that can continue to provide the resources they need not only to survive, but to thrive.

The conservation and research titles of the Farm Bill provide opportunities to codify the value of TEK and ensure that we continue to enhance conservation standards and practices. This also requires the compilation of data that measures the positive impacts of TEK related work. There are many examples in Hawaii of restoration projects that focus on restoring land and food system resources. We can visibly see the positive impacts of these projects.

When traditional mahi 'aikalo, or wetland taro fields are restored, the surrounding streams become healthier, native species return, and habitats are reinvigorated. Where traditional loko i'a, or fishpond spaces, are restored, the shoreline and reefs become healthier, the upland streams become healthier, and native species return.

These are the magnificent outcomes when people are engaging the land to amplify the natural occurrences of mother nature and optimize the natural environment's capacity to produce food. True symbiosis.

I have been a part of a small working group that has been gathering input from 70 Native Hawaiian food producers regarding this year's Farm Bill. In addition to being food producers, these are cultural, environmental, and community stewards. This group represents just a fraction of the work happening across Hawaii to achieve self-determination and develop solutions to some of the greatest challenges we collectively face in our island society.

TEK is recognition that our indigenous communities around the world hold foundational knowledge that can help us mitigate the existential threats we face with rapidly increasing natural disasters. Inclusion of TEK into the conservation and research titles was just one of many recommendations from the Native Hawaiian producers and members of the Native Farm Bill Coalition.

Mahalo. I am humbled to be just one voice amongst the many thousands of our ancestors and relatives to carry forth the work of our lahui Hawaii, or Hawaiian Nation. Mahalo for your time and consideration.

[The prepared statement of Mr. Price follows:]

PREPARED STATEMENT OF DAVIS PRICE, REGIONAL DIRECTOR, HAWAII NDN  
COLLECTIVE

Aloha mai kākou, my name is Davis Price and I am the Hawai'i Regional Director for NDN Collective. I am kānaka 'ōiwi (Native Hawaiian) and reside on the island of O'ahu. I would like to extend sincerest gratitude to Senator Schatz and Senator Murkowski for the opportunity to testify today and for the Committee's diligent effort to include the voices of Native peoples in this highly impactful legislation.

NDN Collective is a nationwide organization dedicated to empowering indigenous communities and nations to exercise our inherent right to self-determination while fostering a foundation of justice and equity for all people and mother earth. Since 2019, NDN has deployed philanthropic grants to over 700 indigenous led organizations and projects across the U.S. and its territories, from Puerto Rico to Guam. In Hawai'i, NDN has deployed over \$4 million dollars in grants to Native Hawaiian-led projects. One of the core functions of our work is to foster and develop economic systems that center the transformative value of traditional ecological knowledge (TEK.)

Today, I would like to highlight the groundbreaking TEK work that has been underway in Hawai'i for many years. This 'āina-based (land-based work) is happening across Hawai'i and is focused on restoring culturally significant spaces that once



supported a thriving population and food system that was completely self-sufficient. Today, Hawai'i is grappling with the impacts of a rapidly changing natural environment and our traditional Hawaiian management practices are providing a guiding metric for what once existed and what is possible in the future.

Hawai'i is the most isolated land mass on earth. A small island chain in the center of the largest body of ocean on the planet that once supported an estimated population of 1 million people prior to western contact, with no imported goods. This is nearly the same size as the population today. However, today, Hawai'i imports approximately 90 percent of its food, which leaves our entire island population extremely vulnerable to disasters, whether they be natural or manmade. This statistic has become a mantra of sorts in the Hawaiian community as a movement for self-determination, cultural revitalization, and reconnection to ancestral land has gained momentum. We know the solution to our own food insecurity and greater collective sustainability is grounded in our ancestral knowledge systems.

For many years, most people overlooked the fact that Hawai'i has become increasingly more dependent on outside sources of sustenance, such as importing nearly all of our food, while our land and water resources are utilized for other extractive economic purposes or neglected altogether. That was until the COVID-19 pandemic and subsequent economic shutdowns actually gave everyone a taste of what happens when the ships actually stop coming. Empty store shelves, spikes in gas prices, and limited access to the bare necessities were wake up calls to many who probably hadn't paid much attention to how vulnerable we actually are in the middle of a vast ocean. Since that time, much more attention has been given to the work happening in the Native Hawaiian community to restore spaces that are not only culturally relevant to our community but are also a glimpse into the economic bedrocks of a once thriving ecosystem, our traditional food system. Our traditional food system is traditional ecological knowledge in Hawai'i, and it is recognizable to indigenous communities throughout the country and around the globe.

Indigenous ancestral knowledge systems most often highlight the capacity that humans have to enhance our environment, not only extract from it. In practice, this is recognition that our treatment of natural resources impacts our communities and the larger environment, and those impacts are considered as much as potential profits are when evaluating land use. This is the foundation of traditional ecological knowledge and it is imperative that we embrace the potential for a truly symbiotic relationship between our human societies and the environment. Developing these relationships better positions us to protect our resources and leave future generations with healthy environments that can continue to provide the resources they need for survival.

The conservation and research titles of the Farm Bill provide opportunities to codify the value of TEK and to ensure that we continue to enhance conservation standards and practices. This also requires the compilation of data that measures the positive impacts of TEK related work. There are many examples in Hawai'i of restoration projects that focus on restoring land and food system resources, and we can visibly see the positive impacts of these projects.

When traditional mahi 'ai kalo (wetland taro fields) are restored, the surrounding streams become healthier, native species return and habitats are reinvigorated. When traditional loko i'a (fishpond) spaces are restored, the shoreline reefs become healthier, the upland streams become healthier, and native species return. These are the magnificent outcomes when people are engaging the land to amplify the natural occurrences of mother nature and optimize the natural environment's capacity to produce food. True symbiosis.

I have been fortunate to be a part of a small working group that has been gathering input from 70 Native Hawaiian food producers regarding this year's Farm Bill. In addition to being food producers, these are cultural, environmental, and community stewards. This group represents a fraction of the work happening across Hawai'i to achieve self-determination and to develop solutions to some of the greatest challenges we collectively face in our island society. This work is also reflective of aligned work happening in Native communities throughout the country. TEK is recognition that our indigenous communities around the world hold foundational knowledge that can help us mitigate the existential threats we face with rapidly increasing natural disasters. Inclusion of TEK into the conservation and research titles was one of many recommendations from Native Hawaiian producers and members of the Native Farm Bill Coalition. Attached is a report that summarizes the outreach effort to gather input from Native Hawaiian producers and in it are a handful of recommendations that we hope this committee can work to include in the 2023 reauthorization of the Farm Bill.

I am humbled to be just one voice amongst the many thousands of ancestors and relatives to carry forth the work of our lāhui Hawai‘i (Hawaiian Nation), mahalo for your time and consideration.

The CHAIRMAN. Thank you very much.

We will now hear the testimony of Mr. Desautel. Please proceed.

**STATEMENT OF CODY DESAUTEL, PRESIDENT, INTERTRIBAL  
TIMBER COUNCIL/EXECUTIVE DIRECTOR, CONFEDERATED  
TRIBES OF THE COLVILLE RESERVATION**

Mr. DESAUTEL. Thank you, Mr. Chairman and members of the Committee. I am Cody Desautel, President of the Intertribal Timber Council and Executive Director for the Confederated Tribes of the Colville Reservation.

On behalf of the ITC and its more than 60 member tribes, I appreciate this opportunity to speak about the ITC’s priorities for the next Farm Bill. We appreciate the work this Committee and its members did to provide tribes with new authorities in the 2018 Farm Bill. In the years since, the ITC has worked with Federal agencies and tribes across the Country to make sure those authorities are understood and utilized.

The growing risk of wildfire to Indian lands is compounded by the thousands of miles of shared boundary with Federal agencies, primarily the U.S. Forest Service and Bureau of Land Management. There are countless examples of wildfire spilling over from Federal lands onto tribal lands, causing significant economic and ecological losses. Congress recognized the need for cross-boundary restoration and the result was the Tribal Forest Protection Act in 2004.

The 2018 Farm Bill not only expanded that TFPA authority, but also gave tribes and counties the authority to enter into good neighbor agreements with Federal agencies. Unfortunately, a drafting error in the final text precludes tribes or counties from retaining revenue generated from GNA projects for restoration services. GNA provides latitude in retaining project revenues needed to build additional tribal capacity to expand this work as States have done since 2014.

With respect to TFPA, the ITC recommends expansion of the TFPA authority. First, we would like to see the 638 contracting authority expanded to include additional Forest Service and BLM functions within the context of an approved tribal co-management or co-stewardship agreement. The Secretaries would be authorized to carry out forest management demonstration projects by which tribes may contract to perform administrative, management, and other functions of Federal programs under applicable co-management agreements and project planning areas of up to 50,000 acres.

The ITC also recommends creating broad pilot authority for 638 agreements within USDA and beyond the TFPA structure. This could cover all of the Forest Service and NRCS.

Other Farm Bill priorities, the Bipartisan Infrastructure Law authorized increased pay for Federal firefighters. However, the law has been interpreted to exclude firefighters operating under a 638 contract pursuant to the Indian Self-Determination and Education Assistance Act. Without statutory and administrative changes, these tribal firefighters are treated the same as contractors subject

to the Federal Acquisition Regulations. Such an interpretation fails to capture the unique relationship between tribes and Federal agencies.

In its Fiscal Year 2024 budget justification, the Biden Administration proposed legislation to establish a special base rate salary table for wildland firefighters, to create a new premium pay category that provides additional compensation for all hours a wildland firefighter is mobilized on an incident, and establish a streamlined pay cap that provides waiver authority to the Secretary using specific criteria.

The ITC supports these recommendations and requests new legislation that is inclusive of tribal firefighters working under 638 contracts.

The 2018 Farm Bill also authorized the Large Landscape Scale Restoration Program which clearly intended to include Indian tribes. The ITC recommends a technical change to the statute to ensure tribal participation is not challenged in the future due to land classification.

The Tribal Biomass Demonstration Project was authorized in Public Law 115–325 and directed the Secretary of Interior to enter into contracts and agreements with Indian tribes for biomass projects by providing reliable supplies of woody biomass from Federal land. The demonstration project expired in 2021 and the ITC recommends an extension of this authority for five years to give tribes an additional opportunity.

Lastly, the Small/Isolated Parcel Conveyance Authority. Current law provides a process for the conveyance of excess Federal property to the Secretary of Interior when such property is located within the reservation of any tribe.

The ITC recommends providing the Forest Service and BLM with pilot authority to convey small, isolated parcels of land to the Secretary of the Interior to be held in trust when such parcels are adjacent to Indian lands, and of such small size and isolation to make Indian forest management a more practical option for maintaining forest health and resilience.

With that, thank you for the opportunity to share my comments.  
[The prepared statement of Mr. Desautel follows:]

PREPARED STATEMENT OF CODY DESAUTEL, PRESIDENT, INTERTRIBAL TIMBER COUNCIL/EXECUTIVE DIRECTOR, CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

I am Cody Desautel, President of the Intertribal Timber Council (ITC) and Executive Director for the Confederated Tribes of the Colville Reservation in Washington State. On behalf of the ITC and its more than 60 member Tribes, I appreciate this opportunity to speak about the ITC's priorities for the next Farm Bill.

We appreciate the work this committee and its members did to provide tribes with new authorities in the 2018 Farm Bill. In the years since, the ITC has worked with tribes across the country and federal agencies to make sure those authorities are understood and utilized. Tribes are an important part of landscape scale forest restoration that is needed in every region of the United States.

All of America's forests were once inhabited, managed and used by Indian people. Today, only a small portion of those lands remain under direct Indian management. On a total of 334 reservations in 36 states, 19.3 million acres of forests and woodlands are held in trust by the United States and managed for the benefit of Indians.

Tribes actively manage their forests for multiple uses, including economic revenue, jobs, cultural foods and materials and for other cultural purposes. Catastrophic wildfire can negatively impact all of these uses for multiple generations.

The risk of wildfire to Indian lands is compounded by the thousands of miles of shared boundary with federal agencies, primarily the U.S. Forest Service and Bureau of Land Management. There are countless examples of wildfire spilling over from federal lands onto tribal forests, causing significant economic and ecological losses. These fires regularly pose a risk to human life on Indian lands and have resulted in fatalities.

Congress recognized the need for tribes to work closely with their federal neighbors to reduce the threat of fire across shared boundaries. The result was the Tribal Forest Protection Act (“TFPA”), which allows tribes to petition the Secretaries of Agriculture and Interior to perform stewardship activities on their lands adjacent to Indian lands.

The 2018 Farm Bill not only expanded TFPA authorities but also gave tribes and counties the authority to enter into Good Neighbor Agreements with federal agencies. Unfortunately, a drafting error in the final text precludes tribes or counties from retaining revenue generated from GNA projects for planning. This is a key component of building successful GNA stewardship programs as states have done since 2014.

GNA provides tribes and federal agencies an additional tool for improving forest health across boundaries. While the scope of GNA projects is slightly narrower than what tribes may accomplish with TFPA and 638 authorities, GNA provides greater latitude in retaining project revenues and building additional capacity.

There is freestanding legislation in the Senate to make the necessary correction to this issue: S.697, the “Treating Tribes and Counties as Good Neighbors Act,” sponsored by Senator Risch.

With respect to TFPA, the ITC recommends expansion to TFPA authority. First, we would like to see the 638 contracting authority expanded to include additional Forest Service/BLM functions within the context of an approved tribal co-management/co-stewardship agreement. The Secretaries would be authorized to carry out forest management demonstration projects by which tribes may contract to perform administrative, management, and other functions of federal programs under applicable co-management agreements. Demonstration projects may include project planning areas of up to 50,000 acres.

The ITC also recommends creating broad pilot authority for 638 agreements within USDA, and beyond the TFPA structure. This could cover all of the Forest Service and Natural Resource Conservation Service.

#### **Other ITC Farm Bill Priorities**

*Tribal Firefighter Pay Parity:* The Bipartisan Infrastructure Law authorized increased pay for “federal” firefighters. However, the law has been interpreted to exclude firefighters operating under a “638” contract pursuant to the Indian Self-Determination and Education Assistance Act (ISDEAA). Without statutory and administrative changes, these tribal firefighters—fighting federal fires on federal lands—are treated the same as contractors subject to the Federal Acquisitions Regulations (FAR). Such an interpretation fails to capture the unique relationship between tribes and federal agencies.

In its FY24 budget justification, the Biden Administration proposes legislation—and the ITC supports—to establish a special base-rate salary table for wildland firefighters, create a new premium pay category that provides some additional compensation for all hours a wildland fire responder is mobilized on an incident, and establish a streamlined pay cap that provides waiver authority to the Secretary using specific criteria.

*Large Landscape Scale Restoration Program Technical Correction:* The 2018 Farm Bill authorized this program which clearly intended to include Indian tribes, and the term itself was included in the definitions of various landowners to participate in the program. While the USDA has correctly decided that Indian tribes are eligible, the ITC recommends a technical change to the statute to ensure tribal participation is not challenged in the future.

*Tribal Biomass Demonstration Project:* This program was authorized in Public Law 115–325 (“Indian Tribal Energy Development and Self-Determination Act Amendments of 2017”) and directed the Secretary of the Interior to enter into contracts/agreements with Indian tribes for biomass projects by providing “reliable supplies of woody biomass from Federal land.”

The demonstration project expired in 2021 without any significant agreements with tribes accomplished. The ITC recommends extension of this authority for five years.

*Small/Isolated Parcel Conveyance Authority:* Current law provides a process for the conveyance (at no cost) of excess federal real property to the Secretary of the Interior when such property is located “within the reservation of any tribe.” (40

U.S.C. § 523). Additionally, the Forest Service has had limited authority to convey excess buildings/structures and associated land. The BLM has limited authority (under the Recreation and Public Purposes Act) to sell public lands for public purposes to state and local governments, and certain non-profit organizations. The ITC recommends providing the Forest Service and BLM with pilot authority to convey (at no cost) small, isolated parcels of land to the Secretary of the Interior to be held in trust when such parcels are (1) adjacent to Indian lands and (2) of such small size and isolation as to make Indian forest management a more practical option for maintaining forest health and resilience.

The CHAIRMAN. Thank you very much.

We will now hear from Ms. Abi Fain. Ms. Fain, please proceed.

**STATEMENT OF ABI FAIN, DIRECTOR, POLICY AND GOVERNMENT RELATIONS, INTERTRIBAL AGRICULTURE COUNCIL**

Ms. FAIN. Chairman Schatz, Vice Chair Murkowski, and members of the Committee, thank you for the opportunity to submit testimony on behalf of the Intertribal Agriculture Council as it relates to agriculture priorities in tribal communities in 2023.

My name is Abi Fain, and I am here in my capacity as the Director of Policy and Government Relations for the IAC, an organization headquartered in Billings, Montana, that has worked alongside tribal producers in their agriculture resource development for more than 35 years.

I am a citizen of the Choctaw Nation of Oklahoma and currently reside within the boundaries of the Muscogee Creek Nation Reservation. Prior to joining IAC, I had the opportunity to spend eight years at law firms that represented tribal governments, tribal economic development entities and tribal individuals.

It was during this time that I began to learn more about tribal agriculture through Janie Hipp, the Chickasaw founder of the Indigenous Food and Agriculture Initiative, and most recently General Counsel for the USDA, and the untapped opportunities in tribal agriculture as well as existing hurdles for both tribes and individual tribal producers in their agriculture endeavors.

Today I appear as an extension of my colleagues at IAC who provide direct services to tribes and tribal producers throughout Indian Country to ensure they are equipped with information about available resources at USDA, and have access to assistance to navigate these resources.

For more than three decades, IAC has come before this Committee on several occasions to emphasize the importance of agriculture in tribal communities and the need for laws that support tribes and individual tribal producers in accessing critical programs at USDA and the Department of Interior free of bureaucratic barriers. While great strides have been made in the last 35 years, much remains to be done.

The upcoming Farm Bill marks a unique opportunity for Congress to ensure we continue to build momentum that supports the conservation, development, and use of tribal agriculture resources for the betterment of our people.

For the purposes of today's hearing, I am going to focus my testimony on the value of technical assistance opportunities available at USDA. It is also important to consider how these proposals will impact tribal producers whose livelihoods are inextricably linked to

the laws that govern agriculture in Indian Country to ensure that well-intended provisions achieve their purpose upon implementation.

When IAC was founded in 1987, we were originally funded through the BIA. The lack of dedicated resources and funding available at the BIA prompted the IAC to look to the USDA for opportunities to develop Indian Country's agricultural resources. While AIC spent more than two decades working to improve tribal producers' access to USDA programs, it wasn't until 2010 that a technical assistance framework was developed for better addressing USDA service delivery in Indian Country.

It was at this time that the IAC and USDA's Office of Tribal Relations began to work on an agreement that would establish a network of offices in different regions in Indian Country for the purpose of providing technical assistance to tribes and tribal producers. IAC's technical assistance network is at the heart of many of our efforts. We have approximately 20 technical assistance specialists who are strategically located in IAC's 12 regions that mirror BIA's regions.

The objective of the network is to improve and enhance Indian participation in USDA programs, and in the last 10-plus years has worked to fill a void in delivery of programs to Indian Country to begin addressing tribal producers' lack of access to capital, exclusion from conservation programs, and USDA's historic failure to provide outreach to potential producers.

While IAC's cooperative agreements with the USDA encompass technical assistance in Indian Country, these agreements are not the result of any one program enshrined in statute. Even so, the agreement deeds opportunities to enter agreements directly with multiple agencies at USDA have steadily increased over time. These represent a marked improvement at USDA that warrants continued growth and greater accessibility around these opportunities.

When it comes to codifying technical assistance support, the IAC cannot overemphasize the value of outreach to tribal producers from technical assistance specialists who come from their same communities and are often producers themselves. Even so, we would caution that the language that is drafted to support this type of legislation be considerate of creating potential barriers at USDA.

First, language around broad technical assistance requirements at USDA, depending on how written, might be interpreted as a quota that serves as a cap to these types of agreements. Second, the language, if not carefully drafted, could result in a program that lacks funding and support to adequately address the agriculture needs within Native communities.

I have reached my time limit, and I want to thank you for this opportunity to discuss the importance of technical assistance outreach from community-based organizations, and let you know that IAC remains available to talk about opportunities to draft language that would fulfill its intended purpose. Thank you.

[The prepared statement of Ms. Fain follows:]

PREPARED STATEMENT OF ABI FAIN, DIRECTOR, POLICY AND GOVERNMENT  
RELATIONS, INTERTRIBAL AGRICULTURE COUNCIL

Chairman Schatz, Vice Chair Murkowski, and Members of the Committee, thank you for the opportunity to submit testimony on behalf of the Intertribal Agriculture Council as it relates to agriculture priorities in Tribal communities in 2023. My name is Abi Fain, and I am here in my capacity as the Director of Policy and Government Relations for the Intertribal Agriculture Council (IAC); an organization headquartered in Billings, Montana, that has worked alongside Tribal producers in their agriculture resource development for more than 35 years. I am a citizen of the Choctaw Nation of Oklahoma and currently reside within the boundaries of the Muscogee (Creek) Nation Reservation. Prior to joining IAC, I had the opportunity to spend 8 years at a law firm that represented Tribal governments, Tribal economic development entities and Tribal individuals in litigation, and matters related to Tribal governance and federal advocacy. It was during this time I began to learn about Tribal agriculture through Janie Hipp—the Chickasaw founder of the Indigenous Food and Agriculture Initiative, and most recently, General Counsel for the United States Department of Agriculture (USDA)—and the untapped opportunities in Tribal agriculture, as well as existing hurdles for both for Tribes and individual Tribal producers in their agriculture endeavors.

Today, I appear as an extension of my colleagues at IAC who provide direct services to Tribes and Tribal producers throughout Indian Country to ensure they are equipped with information about available resources at USDA, and have access to assistance to navigate these resources. Further, I hope to build upon the foundation provided by my predecessors at IAC who, for more than three decades, have come before this Committee on several occasions to emphasize the importance of agriculture in Tribal communities and the need for laws that support Tribes and individual Tribal producers in accessing critical programs at USDA and the Department of the Interior—free of bureaucratic barriers. While great strides have been made since IAC's establishment as an outgrowth of the National Indian Agricultural Working Group that the Senate Select Committee on Indian Affairs tasked with reporting on the status of agriculture in Indian Country in the 1980s, much remains to be done. The upcoming Farm Bill marks a unique opportunity for Congress to ensure we continue to build momentum that supports “the conservation, development and use of [Tribal] agriculture resources for the betterment of our people”, some of which may be accomplished through:

1. Enhanced Technical Assistance;
2. Supporting Tribal Self-Determination by:
  - a. Expanding 638 authority to include Tribal administration of the Supplemental Nutrition Assistance Program (SNAP);
  - b. Making permanent the 638 Food Distribution Program on Indian Reservations; and
  - c. Establishing an Office of Self-Governance within the Office of the Secretary of the USDA.
3. Removing barriers, including additional costs uniquely borne by Tribal producers in accessing USDA programs, and developing USDA services & programmings tailored to Tribes and Tribal Producers.

Within these priorities, it is also important to consider how these proposals will impact Tribal producers, whose livelihoods are inextricably linked to the laws that govern agriculture in Indian Country, to ensure that well-intended provisions achieve their purpose upon implementation.

**Enhanced Technical Assistance**

When IAC was founded in 1987, we were originally funded through Bureau of Indian Affairs appropriations. The lack of dedicated resources and funding available at the BIA, however, prompted the IAC to look to the U.S. Department of Agriculture for opportunities to develop Indian Country's agriculture resources. IAC's efforts to bring the resources of the USDA to Indian Country were not always met by welcoming overtures. Even so, the IAC stayed true to its mission, and continued to promote the improvement of Indian Agriculture. While IAC spent more than two decades working to improve Tribal producers' access to USDA programs, it wasn't until 2010 that a framework was developed for better addressing USDA service delivery in Indian Country. It was at this time the IAC and USDA's Office of Tribal Relations began to work on an agreement that would establish a network of offices in different regions in Indian Country for the purpose of providing technical assistance to Tribes and Tribal producers.

Tribal land issues are inextricably linked to the delivery of services under USDA programs Tribes and Tribal producers access. Since its inception, the Intertribal Agriculture Council (or IAC), has worked to close the gap between the Department of the Interior and the USDA in order to make relevant and needed agriculture programs more accessible to Tribes and Tribal producers alike. IAC's technical assistance network is at the heart of these efforts. We have approximately 20 technical assistance specialists who are strategically located in IAC's 12 regions that mirror BIA's regions. The objective of the Network is to improve and enhance Indian participation in USDA programs, and in the last 10 plus years has worked to fill a void in delivery of programs to Indian country to begin addressing Tribal producers' lack of access to capital, exclusion from conservation programs, and USDA's historic failure to provide outreach to potential producers. While the IAC's cooperative agreements with the USDA encompass technical assistance in Indian Country, these agreements are not the result of any one program enshrined in statute. Even so, the opportunities to enter agreements directly with multiple agencies at USDA have steadily increased over time. Currently, IAC has 23 cooperative agreements with USDA to provide technical assistance to Tribes and Tribal producers in relation to 8 different USDA agencies and/or programs. These represent a marked improvement at USDA that warrants continued growth around these types of agreement.

When it comes to codifying technical assistance support, the IAC cannot over-emphasize the value of outreach to Tribal producers from Technical Assistance specialists who come from their same communities and are often producers themselves. Even so, IAC would advise caution around codifying technical assistance requirements for the following reasons: in the first instance, language around broad technical assistance requirements at USDA—depending on how written—might be interpreted as a quota that serves as a cap to these types of agreements; and in the second instance, the language, if not carefully drafted, could result in a program that lacks funding and support to adequately address the agriculture needs within Native communities. One example of this is the Federally Recognized Tribes Extension Program (FRTEP)—a program that is of tremendous value, but has never been fully funded, nor has its authorization amount changed since it was established in 1993. The result? Approximately 35 FRTEP agents expected to serve the whole of Indian Country through a competitive grant process.

### **Supporting Tribal Self-Determination**

Food security issues are always present in Indian Country. Tribal members across Indian Country live in the most remote regions of the United States. This presents significant food access challenges when Tribal members, both food program recipients and producers, are expected to access resources in the same manner as those with easier access to more readily available options. There are common sense proposals that would not only serve to better address food security, but would also improve the efficiency of feeding programs in Tribal communities.

#### *a. Expand 638 authority to include Tribal administration of the Supplemental Nutrition Assistance Program (SNAP)*

Government programs administered at the local level are best suited to be responsive to the needs of local community members and more effective in identifying eligible participants. The same is true for SNAP and supports the need for Congress to authorize federally recognized Tribes to administer SNAP pursuant to the Indian Self Determination and Education Assistance Act of 1975 (ISDEAA), Pub. L. 93-638—more commonly referenced as “638” contracts.

The Native Farm Bill Coalition, in *Gaining Ground*, notes: “Expanding ‘638’ authority to the SNAP program would allow for a more robust Tribal option than programmatic administration and be a significant acknowledgment of Tribal sovereignty in food systems. ‘638’ has been shown to reduce programmatic costs and produce cost-savings in other arenas and could do so here as well.”<sup>1</sup>

In the 2018 Farm Bill, Congress authorized a 638 pilot program for Tribal authority over the procurement of food for the Food Distribution Program on Indian Reservations (FDPIR). Participating Tribes administered the programs within their communities with great success—providing fresher, locally procured food items, while building Tribal economies. While every Tribe may not choose to exercise 638 authority, for those that do, it is an option—within SNAP and FDPIR—to build food security and local economies.

---

<sup>1</sup>*Id.*



*b. Make permanent the 638 Food Distribution Program on Indian Reservations*

In the 2018 Farm Bill, Congress authorized a 638 pilot project that enabled participating pilot Tribes to procure food included in their Food Distribution Program on Indian Reservations (FDPIR) offerings. The pilot project was a success, with Tribes procuring food from their own agriculture operations, for Tribal producers in their communities, and from neighboring Tribes' agriculture operations. This not only ensured eligible Tribal members received high quality, fresh food, it created market opportunities for Tribal producers that did not previously exist and served to further support Tribal economies. Accessing USDA vendor opportunities can be incredibly challenging for Tribal producers, who are required to invest significant resources without the guarantee of a contract. By making the 638 FDPIR pilot project permanent, Congress would be affirming the stability of a market that more Tribal producers may be able to reply upon and participate in.

*c. Establish an Office of Self-Governance within the Office of the Secretary of the USDA*

Finally, as Tribes and Tribal advocates continue to push for greater recognition of fulfillment of the government-to-government relationship between federally recognized Tribes and the USDA, it is critical that the self-governance opportunities are administered within the USDA, in an Office of Self-Governance housed in the Secretary's Office. This would provide the expertise needed to negotiate 638 agreements across all of USDA in a centralized place, instead of spending USDA dollars to contract services from the Bureau of Indian Affairs (BIA), as has been the case with the 638 pilot projects from the 2018 Farm Bill.

**Removing barriers, including additional costs uniquely borne by Tribal producers in accessing USDA programs, and developing USDA Services & Programmings Tailored to Tribes and Tribal Producers**

1. Enhanced USDA Services and cooperation that re-imagines farm loans, conservation support, and disaster responsive programming to better serve small family operations that account for the majority of Tribal producers. Livestock operations should have the same options as crop growers; including market assistance, price loss support, or on-farm storage facility loans that crop producers have had access to for generations. There should also be more realistic values attributed to livestock losses in disaster programs.

2. Solutions must encompass Cost-shared Risk Mitigation and Price Guarantee Tools that are affordable and enhance a small family operation's management; ensuring that the value received at the farm gate is proportional to the retail price enjoyed later on in the supply chain.

3. Further, Unrestricted and Quality Access to Fair Credit that models a greater appreciation for small family operations as the multi-generational businesses they truly are would prove monumental to the future of small family-sized farms.

4. Lack of access to credit is exacerbated by the lack of financial investments in the operational infrastructure that otherwise ensures family operations can continue stewarding our most important ecosystems. This is especially true in Tribal communities.

5. Smaller operations are limited in the manner in which they can plan and grow when there is a lack of diversified market opportunities & a lack of transparency in the marketplace.

6. Tribal producers become victims to the demands of homogeneity and uniformity preferences that offer them nominal value but demand tremendous investment; Increasing market options & practicing rigorous, unbiased scrutiny of the industry monopolies that currently amass wealth at the expense of our livelihoods and sanity is long overdue. IAC will follow this summary of Farm Bill priorities with comprehensive written testimony within two-weeks of the date of the July 26, 2023 hearing.

The CHAIRMAN. Thank you very much, Ms. Fain.  
Mr. Kissee, please proceed with your testimony.

**STATEMENT OF TRENTON KISSEE, DIRECTOR, DIVISION OF AGRICULTURE AND NATURAL RESOURCES, MUSCOGEE (CREEK) NATION**

Mr. KISSEE. Chairman Schatz, Vice Chair Murkowski, and members of the Committee, mvto, niyawee, thank you for the opportunity

to be here today to discuss ways that the Farm Bill can better serve agricultural production and the food supply in Indian Country.

My name is Trent Kisse, I am the Director of the Division of Agriculture and Natural Resources for the Muscogee Creek Nation. I am also a citizen of the Eastern Shawnee Tribe, and I also serve on the IAC board of directors representing Eastern Oklahoma. My family also raises beef and sells direct-to-consumer on our allotment land in Shawnee and Modoc territory.

The Muscogee Creek Nation is the fourth largest tribe in the United States, and the Division of Agriculture and Natural Resources houses programs supporting tribal youth and producers and manages the nation's agribusinesses, our beef cattle ranch and Looped Square Meat Co., a USDA-inspected meat facility and retail space which features our own beef. The facility is located in a USDA-designated food desert, filling a much-needed void of fresh food access within the heart of our reservation.

The nations operate robust FDPIR, WIC, child nutrition, and TANF programs. The retail space, which is open to the public, accepts SNAP. Feeding our people nutritious food and offering healthy choices for families in our community is of utmost importance to us.

Since opening in December of 2021, Looped Square has served over 20,000 customers with fresh, wholesome and nutritious food, some of which is grown and produced right there on the Muscogee reservation. I receive calls weekly from livestock producers and other tribes about entering the processing or direct-to-consumer sales space.

The food supply and the players involved are changing for the better, and a sound Farm Bill policy can accelerate the enhanced security, sustainability and fairness of our agricultural markets and food supply.

One of the most effective ways to increase the efficiency and effectiveness of Federal programs is to allow tribes to administer these programs ourselves. Tribal governments are sophisticated enough to carry out complex programming and know the nuanced needs specific to our individual communities.

The 638 compacts have proven successful in the delivery of some of the most critical services, and there is strong support in Indian Country for the expansion of 638 authority throughout USDA programs. Whether food procurement or distribution, disaster relief or meat and food inspection, offering tribes the opportunity to compact Federal programs expands opportunities within our communities, allows tribes to prioritize needs and sovereignty and uniqueness of each tribal nation.

Recent investments in infrastructure and capacity were an important step in increasing the security and viability of our food supply by expanding processing capacity and market share for livestock producers and increasing choices and availability for consumers. Additional investments are needed in workforce development and technical assistance to ensure these operations can get off the ground in a good way and maintain the skilled workforce needed to meet the increasing demand for safe, locally produced meat and other foods.

Tribes throughout Indian Country offer an array of education benefits, scholarships and training programs. Many tribal communities even have training centers or colleges, like the College of the Muscogee Nation, which makes tribes the perfect conduit for increased investments in workforce development programs.

Finally, Indian Country continues to push for parity throughout Federal law and policy. In the Farm Bill this would be particularly impactful, as tribes are often limited by rules and procedures set by State committees or governments. Decisions that affect tribal citizens and governments are best for everyone when those decisions are made respecting the tribes as sovereign nations, not through the lens of varying tribal-State relations. Including tribal language where State and local governments, committees and standards are mentioned is crucial.

It is my honor to work towards stronger, healthier and more sustainable communities in Indian Country. Tribal agriculture is thriving, but there is still work to be done.

I look forward to the good this Congress can do with a new Farm Bill prioritizing the needs of tribes and tribal ag producers. Mvto. [The prepared statement of Mr. Kissee follows:]

PREPARED STATEMENT OF TRENTON KISSEE, DIRECTOR, DIVISION OF AGRICULTURE AND NATURAL RESOURCES, MUSCOGEE (CREEK) NATION

**Introduction**

Chairman Schatz, Vice Chair Murkowski, and members of the Committee, mvto, niyawe, (thank you) for the opportunity to be here today to discuss ways that the Farm Bill can better serve agricultural production and the food supply in Indian Country. My name is Trent Kissee, I am the Director of the Division of Agriculture and Natural Resources for the Muscogee (Creek) Nation, a citizen of the Eastern Shawnee Tribe, and I also serve on the Intertribal Agriculture Council board of directors representing Eastern Oklahoma. My family and I raise our own beef and sell direct-to-consumer on our allotment land in far northeast Oklahoma.

The Muscogee (Creek) Nation is the fourth largest tribe in the United States, and the Division of Agriculture and Natural Resources houses programs supporting Tribal producers and manages the Nation's agribusinesses: our beef cattle ranch and Looped Square Meat Co., a 25,000 square foot meat processing facility and retail space which features our own Tribally-raised beef. We purposely placed the facility in a USDA-designated "food desert" in order to fill a much-needed void of fresh food access within the heart of our reservation. The Nation operate robust FDIPIR, WIC and TANF programs, and the retail space accepts SNAP. Feeding our people and communities nutritious food and offering choices for families is of utmost importance to us.

The demand for locally- and Tribally-produced food is stronger than ever before. Since opening in December of 2021, the retail space at Looped Square has served over 20,000 customers with fresh, wholesome and nutritious food, some of which is grown and produced right there on the Muscogee reservation. I receive inquiries weekly from livestock producers, Tribes and others about entering the processing or direct-to-consumer space. The food supply and the players involved are changing for the better, and sound Farm Bill policy can accelerate the enhanced security, sustainability and fairness of our agricultural markets and food supply.

**Self-Governance and "638"**

A tested and proven way to efficiently deliver federal programs in Indian Country is by allowing Tribes to administer these programs themselves. Tribal governments interact with our communities every day and are both sophisticated enough to carry out complex programming and agile enough to know the intricate needs specific to each community. 638 compacts have proven successful time and again, and there is strong support in Indian Country for the expansion of 638 authority throughout USDA programs. An Office of Self Governance within USDA would give the agency a touch-point to streamline this process. Whether food procurement or distribution, FSA farm enrollment or meat and food inspection, offering Tribes the opportunity to compact and administer federal programs expands opportunities within our com-

munities, gives Tribes a say in what is important to us and respects the sovereignty and uniqueness of each Tribal nation.

**Meat Processing Training and Technical Assistance**

Recent timely investments in infrastructure and capacity by Tribes and the federal government were an important step in increasing the security, sustainability and viability of our food supply by expanding processing capacity for livestock producers and increasing choices and availability for consumers. Additional investments are needed in workforce development and technical assistance to ensure these operations can get off the ground in a good way and maintain the skilled workforce needed to meet the increasing demand for safe, locally-produced and processed meat and other foods. Tribes throughout Indian Country offer vast education programs and benefits, scholarships and training programs. Many Tribal communities have training centers or colleges, like the College of the Muscogee Nation, which makes Tribes perfect conduits for increased investments in workforce development programs.

**Tribal Parity**

Finally, Indian Country continues to push for parity throughout federal law and policy. In the Farm Bill this would be markedly impactful, as Tribes are often subject to rules and procedures put forth by state committees or governments. Decisions that affect Tribal citizens and governments are best for everyone when those decisions are made respecting the Tribes as sovereign nations, not when through the lens of tribal-state relations. Additionally, parity in funding should be considered for all programs. About 2 percent of Americans identify themselves as Native American or Alaskan Native. If funding for a particular initiative falls short of at least 2 percent when compared to the funding allocated to state governments, this allocation should be reconsidered.

**Conclusion**

It is my honor to work towards stronger, healthier and more sustainable communities in Indian Country and to be here today to discuss these priorities. I look forward to submitting additional comment for the written record by the deadline.

The CHAIRMAN. Thank you very much.

Mr. Spaan, please proceed with your testimony.

**STATEMENT OF JAY SPAAN, EXECUTIVE DIRECTOR, SELF-GOVERNANCE COMMUNICATION AND EDUCATION TRIBAL CONSORTIUM**

Mr. SPAAN. Good afternoon, Chairman Schatz, Vice Chair Murkowski and members of the Committee.

My name is Jay Spaan. I am a citizen of the Cherokee Nation and Executive Director for the Self-Governance Communication and Education Tribal Consortium. I also serve as an adjunct faculty to Arizona State University, teaching courses on tribal self-governance.

It is a great honor to be here today to share and discuss priorities for the 2023 Farm Bill Reauthorization. I am going to start with a few remarks about self-determination and self-governance authorities, then quickly move to the Farm Bill priorities.

For decades, self-determination contracting and self-governance compacting have proven to be effective mechanisms that tribal governments use for delivering Federal programs to tribal communities. Nearly all tribes administer Federal programs through self-determination contracts and more than 365 tribes administer Federal programs through self-governance compacts.

While both self-determination and self-governance are authorized in the Indian Self-Determination and Education Assistance Act, or Public Law 93-638, they are each distinct authorities and mecha-

nisms with their own attributes, benefits, and regulatory framework.

Self-governance was developed as a tribally driven initiative to improve upon and move beyond the limitations that tribal nations experienced when taking over administration of programs using self-determination. As such, self-governance authority provides tribes with greater flexibility and more efficiencies. For instance, under self-governance, tribes have the authority to revise Federal programs in ways that will better address local needs without Federal interference. Self-determination authority differs, and it requires tribes to submit redesigned proposals for Federal review and approval.

Overall, self-governance authority facilitates tribes using Federal funds more effectively because they can integrate related resources to reduce fragmentation, redesign programs, and waive some Federal agency rules that can hinder local solutions. It also reduces administrative and reporting burdens, allowing more focus on program delivery.

Moving to priorities for the 2023 Farm Bill reauthorization, I respectfully offer the following for your consideration. First, the Food Distribution Program for Indian Reservations Self-Determination Demonstration Project has already demonstrated success incorporating local, higher-quality and more nutritious foods into tribal programs. The program is also boosting local economies.

To build upon that success, Congress can include self-governance compacting, not just self-determination contracting, as a tribal option for delivery of the program. Congress can also expand the authority for the entirety of FDPIR, not just the sourcing opportunity. Expanding authority beyond the sourcing provision, along with the addition of self-governance authority, will provide tribal governments the ability to quickly respond to the unpredictability of growing seasons and current economic conditions.

Two, allow tribal nations to directly administer their Supplemental Nutrition Assistance Programs, with the option to use self-determination or self-governance authorities. And three, remove statutory prohibition for individuals that qualify for both FDPIR and SNAP. Doing so would allow tribal governments to develop more comprehensive approaches to address food insecurity in their communities.

Number four, allow tribal nations to assume administration for meat processing inspections, again, with the option to use either self-determination or self-governance authorities. Conducting inspections for food service licensing is something that tribes are very familiar with already, and often do under their IHS self-governance compacts. Through this process, they are ensuring compliance with applicable Federal, tribal and State laws. There is no reason to believe we would not have similar success under this program.

Number five, direct USDA to prioritize and dedicate funding for additional tribal forest management self-determination demonstration projects. Six, direct the USDA to determine the feasibility of self-governance demonstration projects for additional USDA agencies and programs, including rural development programs, conservation programs, rural utility service programs, and additional

food and nutrition programs, such as Women, Infants and Children.

We believe this study should be conducted by a workgroup that includes both tribal and Federal representatives that collectively demonstrate knowledge of USDA programs, self-determination authority and self-governance authority. For programs the Department deems feasible for self-determination or self-governance, Congress could provide USDA with the authority to move forward for the agency to initiate these types of projects.

Demonstration projects have proven to be a successful approach for identifying how tribal nations and Federal agencies can implement new program delivery models and to identify any obstacles that need to be addressed before widespread rollout.

Lastly, establish an Office of Self-Governance at USDA. An Office of Self-Governance could help with successful implementation by serving as a central point of contact within the Department to help educate USDA agencies and programs.

Thank you for the opportunity to present priorities for the 2023 Farm Bill reauthorization to the Committee. This completes my prepared statement.

[The prepared statement of Mr. Spaan follows:]

PREPARED STATEMENT OF JAY SPAAN, EXECUTIVE DIRECTOR, SELF-GOVERNANCE  
COMMUNICATION AND EDUCATION TRIBAL CONSORTIUM

Chairman Schatz, Vice Chairman Murkowski, and Members of the Committee:

On behalf of the Self-Governance Communication and Education Tribal Consortium (SGCETC), I am pleased to be here today to share and discuss priorities for the 2023 Farm Bill Reauthorization. SGCETC appreciates this Committee's longstanding support for Self-Determination and Self-Governance authorities. SGCETC, a non-profit intertribal consortium, supports Tribal Nations and federal agencies in implementing Self-Determination and Self-Governance authority, showcases Tribal Nations' success and innovation in delivering governmental programs, fosters information sharing, and promotes leading practices related to program administration and use of Self-Governance authority.

The enactment of the Indian Self-Determination and Education Assistance Act (ISDEAA) (Public Law 93-638) marked a significant shift in federal Indian policy. Before the act, the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) administered most federal resources and programs that serve Tribal citizens and communities. Passage of the ISDEAA and its subsequent amendments provide Tribal Nations with alternative models for delivering some Department of the Interior (DOI) and IHS resources and programs. Tribal governments now have the option to use Self-Determination contracting and/or Self-Governance compacting to transfer the administration of some federal programs from DOI and IHS to their governments.

Self-Determination and Self-Governance are distinct authorities and mechanisms—each with its' own attributes, benefits, and regulations. For instance, Self-Governance authority allows Tribal Nations to administer and redesign federal programs based on their priorities and local needs, free from federal interference. Self-Determination authority generally requires Tribal governments to submit standards and redesign proposals for federal review and approval. Self-Governance was developed as a Tribally driven initiative to improve upon and move beyond the limitations that Tribal Nations experienced when taking over the administration of programs using Self-Determination contracts.

Each Tribal Nation decides the most effective institutional arrangement for delivering federal programs and services to its citizens and community. Nearly all Tribal Nations entered a Self-Determination contract with BIA and/or IHS, and more than 385 Tribal Nations entered a Self-Governance compact with the BIA and/or IHS to assume administration of one or more federal programs.

In recent years, Congress expanded Self-Determination and Self-Governance authorities to more federal agencies and programs. Examples include:

- In 2015, the Fixing America's Surface Transportation Act allowed Tribal Nations to negotiate Self-Governance agreements with the Department of Transportation for certain programs.<sup>1</sup>
- In 2018, the Farm Bill established a Self-Determination Demonstration Project for the USDA's Food Distribution Program on Indian Reservations.<sup>2</sup> Seven Tribal Nations and one Tribal consortium now participate and report successful outcomes.
- The 2018 Farm Bill also established the Tribal Forest Management Demonstration Project authorizing the USDA's Forest Service to negotiate project-specific Self-Determination contracts with Tribal Nations for activities covered under the Tribal Forest Protection Act (TFPA).<sup>3</sup> The Congressional Research Service reported in May 2023 that at least one Tribal Nation successfully entered a Self-Determination contract with Forest Service for a watershed restoration project.<sup>4</sup>

Decades of experience demonstrate that Tribal Nations' use of alternative program delivery models, like Self-Determination and Self-Governance, is tremendously successful. Yet, Self-Governance authority remains limited in both the number of applicable agencies and programs and the scope of authority. Expanding Self-Governance authority to additional agencies and programs could significantly assist Tribal governments as they build and maintain strong and healthy communities. For example, the Native Farm Bill Coalition reports that extending Self-Determination and Self-Governance to USDA's Conservation Title programs will increase Native producers' access, due to Tribal governments' understanding of land holdings issues.<sup>5</sup> In another example, the Indian Law and Order Commission reported in 2013 that expanding Self-Governance authority to the Department of Justice could help reduce the high rates of violent crime that have plagued Indian country for decades.<sup>6</sup> Self-Governance authority provides flexibility for Tribal Nations to use federal funds more effectively by (1) redesigning programs to meet local priorities, (2) integrating related resources to reduce fragmentation at the Tribal government level, and (3) providing opportunities to waive some federal agency rules and guidance that hinder local solutions. It also reduces administrative and reporting burdens, allowing more focus on program delivery.

#### **Priorities for the 2023 Farm Bill Reauthorization**

SGCETC wishes to highlight the following policy priorities for the 2023 Farm Bill Reauthorization:

1. Make permanent the FDPIR Self-Determination Demonstration Project, expand opportunities for additional Tribal Nations to participate, add Self-Governance compacting as an option for FDPIR, and expand the authority for the entirety of FDPIR, not just the sourcing opportunity. Expanding authority beyond Self-Determination for the sourcing provision will provide Tribal Nations with an even greater opportunity to implement FDPIR efficiently and effectively. For instance, Tribal Nations should have the option to decide the food provided through its food distribution program without federal review and approval. This authority would allow Tribal governments to quickly respond to the unpredictability of growing seasons and current economic conditions. It would also provide Tribal Nations the opportunity to ensure that all ingredients required to prepare traditional foods are available through its food distribution program.
2. Expand Self-Determination and Self-Governance authorities to SNAP, allowing Tribal Nations to assume administration for the program. Nearly 25 percent of all native households receive SNAP benefits. Tribal governments are

<sup>1</sup>Section 1121 of the Fixing America's Surface Transportation Act, Pub. L. 114-94.

<sup>2</sup>Agriculture Improvement Act of 2018 (2018 farm bill; P.L. 115-334).

<sup>3</sup>Tribal Forest Protection Act of 2004 (TFPA), 25 U.S.C. § 3115(a).

<sup>4</sup>CRS Report R47563. *Tribal Co-management of Federal Lands: Overview and Selected Issues for Congress* by Mariel J. Murray.

<sup>5</sup>Parker, Erin, and Griffith Hotvedt, Carly, et al. September 2022. *Gaining Ground: A Report on the 2018 Farm Bill Successes for Indian Country and Opportunities for 2023*. Prior Lake, Minnesota: Shakopee Mdewakanton Sioux Community.

<sup>6</sup>In 2010, Congress passed, and the President signed, the Tribal Law and Order Act, P.L. 111-211 (TLOA), which created the Indian Law and Order Commission. The Commission is an independent national advisory commission comprised of nine members who have all served as volunteers in unanimously developing the Roadmap. The President and the majority and minority leadership of Congress appointed these commissioners.

best positioned to shape and administer SNAP to meet local needs. SGCETC supports the bipartisan Tribal Food Sovereignty Act.<sup>7</sup>

3. Expand Self-Determination and Self-Governance authorities to Food Safety and Inspection Services, allowing Tribal Nations to assume administration for meat processing inspections. SGCETC supports the bipartisan Promoting Regulatory Independence, Mastery, and Expansion (PRIME) for Meat Processing Act.<sup>8</sup>
4. Provide Tribal governments an exemption or waiver option for the simultaneous program participation limitation. Decades of experience with Self-Governance have proven that it fosters and enables local innovation in delivering federal resources. Yet, statutory limitations can hinder Tribal Nations' ability to implement innovative approaches to address unique, local needs. For instance, under current Title IV provisions, Tribal citizens cannot simultaneously participate in both SNAP and FDPIR. This restricts access and choice about where and what kinds of food the participants can purchase. It also restricts Tribal governments from developing holistic approaches to address local food insecurity challenges. Tribal Nations administering both SNAP and FDPIR under Self-Determination contracts or Self-Governance compacts should have the option to decide when and how their citizens can participate in each program.
5. Expand Self-Determination and Self-Governance authorities to USDA's Conservation Title programs. Providing Tribal Nations with these options would enable Tribal governments to directly administer Conservation Title programs to eligible Native producers—placing program access within easier reach for Native producers because their Tribal governments understand the land holdings issues that often prevent participation.
6. Provide additional funding or direct USDA to prioritize and dedicate funding for additional Tribal Forest Management Self-Determination Demonstration Projects.
7. Direct the USDA to determine the feasibility of a Self-Governance demonstration project for additional USDA agencies and programs, including Rural Development programs; Rural Utilities Service programs; and additional Food and Nutrition programs, such as the Emergency Food Assistance Program, the Commodity Supplemental Food Program, and the Women, Infant, and Children Program (WIC). The study should identify, at a minimum, (1) the probable effects on specific programs and program beneficiaries of such a demonstration project; (2) statutory, regulatory, or other impediments to the implementation of such a demonstration project; and (3) strategies for implementing such a demonstration project.

The study report could include the results of the feasibility assessment and a list of the USDA programs, services, functions, and activities (or portions thereof) that would be feasible to include in a Self-Governance Demonstration Project. The list must indicate which programs would be feasible to include both with and without amending statutes or waiving regulations that the Secretary may not waive. In the case of those programs and other functions that could be included only with amending statutes or waiving regulations that the Secretary may not waive, the study must identify legislative actions required to include those programs.

The study should be conducted by a workgroup that includes both Tribal and Federal representatives that are knowledgeable of USDA programs, Self-Determination authority, and Self-Governance authority.

For programs that the Tribal-Federal workgroup deems feasible for Self-Governance authority, Congress could provide USDA with the authority to initiate demonstration projects. Self-Determination and Self-Governance are not “one-size-fits-all” mechanisms, and each Tribal Nation negotiates the terms of these agreements based on its unique situation. Demonstration projects have proven to be a successful approach for identifying how Tribal Nations and fed-

<sup>7</sup>The Tribal Food Sovereignty Act proposes to give Tribal governments a more active role in the administration of the USDA's vital Supplemental Nutrition Assistance Program (commonly known as SNAP). If passed, the bill would help make sure SNAP is administered in a culturally-appropriate way that promotes the health and economic well-being of Tribal communities.

<sup>8</sup>The Promoting Regulatory Independence, Mastery, and Expansion for Meat Processing Act proposes to amend ISDEAA to provide Tribal Nations with the opportunity to enter Self-Determination contracts with the FSIS for meat processing inspection, keeping processing local and available and facilities running smoothly and safely.



eral agencies can implement the authorities and to identify any obstacles that need to be addressed before the widespread rollout of the authority.

8. Establish an Office of Self-Governance at USDA. Although USDA has limited authority for Tribal Nations to assume greater control over federal resources and activities through Self-Determination contracts and Self-Governance compacts, SGCETC is optimistic that those opportunities within USDA will increase. As such, authorization for an Office of Self-Governance could significantly benefit the implementation and success of authorities as they are provided to the Department.

The office should have the flexibility to transition its primary focus over time. For instance, when initially established, it could serve as a lead for (1) establishing a Tribal/Federal workgroup that will evaluate feasibility of Self-Determination contracting and Self-Governance compacting across USDA, (2) negotiations with Tribal Nations for the Self-Determination authority currently available at USDA, and (3) educating USDA agencies and programs about the mechanics of Self-Determination and Self-Governance authorities. As Self-Governance within USDA evolves from a concept under evaluation to full implementation, the office could transition to manage Self-Governance compacts, Self-Determination contracts, and to provide technical assistance to Tribal Nations considering and negotiating Self-Determination and Self-Governance agreements with the Department.

SGCETC appreciates the opportunity to present priorities for the 2023 Farm Bill Reauthorization to the Committee. Chairman Schatz, Vice Chairman Murkowski, and Members of the Committee, this completes my prepared statement. I would be pleased to respond to any questions that you may have.

The CHAIRMAN. Thank you very much.  
Senator Smith?

Senator SMITH. Thank you very much, Chair Schatz, and thanks to all of you, and Vice Chair Murkowski. Thanks very much to all of you for being here.

Mr. Spaan, I think your testimony touched on everything that I am hoping we can accomplish in the Native Farm Bill. So I really appreciate that.

Let me just dive in a little bit on this question of self-governance. Ms. Fain, I am going to come back to you, too.

I think the history of self-governance and self-determination has really proven that tribes are the best stewards of Federal resources. What we did in the last Farm Bill was to include the first ever self-governance program at USDA. I want to thank Senator Hoeven and others, a lot of us worked on that in the pilot project for FDPIR.

Now the question is, how do we build on this, and how do we take it to the next level. Could each of you just talk briefly about why the self-governance for SNAP and FDPIR, what it would mean for tribes and tribal citizens as we work to move this forward? Ms. Fain?

Ms. FAIN. With both of those opportunities, I think the benefits are two-fold. With regard to FDPIR, you are providing opportunities for fresher, higher quality food products to the community members. You are also supporting opportunities for a new market for tribal producers who don't have that to rely upon.

But when the tribes are able to make those determinations for the good of their community, they can either rely on their own ag operations or work directly with tribal producers who have otherwise been unable to participate in that type of program.

Then within SNAP, it is an opportunity to administer a program at the local level and to achieve a greater efficiency and a greater

impact because the administration of the program is happening on the ground by the government most familiar with the people that that program is supposed to be serving.

Senator SMITH. Thanks very much.

I want to pull you into this, get your take on this. Maybe you could also talk about why having a dedicated Office of Self-Governance would be helpful to an agency that by its own admission doesn't have a ton of experience working with 638 authority and other kinds of self-governance.

Mr. SPAAN. Thank you for that question. I agree with everything that the prior witness mentioned as far as the benefits. We are also seeing that invoking a sense of pride in the customers of the food distribution programs, that they are very proud to go in and see Oneida beef, Oneida buffalo, in their food distribution program.

In fact, in the Oneida Nation, they found that one item on their approved food list was catfish and they swapped it out for local whitefish. However, because the beef and buffalo are coming directly from Oneida, that was just going off the shelves like crazy. They actually had to change out and implement, bring in more beef and more buffalo, and substitute it for the fish. Because people were so proud to see that it was locally grown and locally produced.

So I think there are a lot of benefits to these programs. I think that the Office of Self-Governance would benefit, we have heard USDA express concern about having the capacity or the knowledge to be able to negotiate with tribes. I think that an Office of Self-Governance or even a single point of contact could really help to educate all the different programs. USDA is a huge, massive organization, and lots of different departments.

So having somebody that has that knowledge about what is self-governance, what is self-determination, and helping guide the rest of the agency and the rest of the programs through, we feel that would be very beneficial. It would also help building that internal capacity. Once more authorities are provided, then that office could start handling being the primary contact for negotiation for tribes across all USDA, they are sitting in.

There are similar approaches at IHS where they have agency lead negotiators that will sit in. They focus just on the negotiations process. I see something similar for USDA as a benefit.

Senator SMITH. Thank you.

Mr. Chair, if I could just ask, I want to take a little bit more time. I really appreciate that, and I think the USDA has relied on other Federal agencies when it comes to doing this kind of contracting. It seems to me high time that they develop their own expertise and their own capacity to do this which the Office of Self-Governance could accomplish.

Last thing I just want to touch on, in my conversations with the Native Farm Bill Coalition and others it has become clear to me that we need to look through all the titles of the Farm Bill to look for places where we can ensure that issues of equity for tribal producers and agriculture are addressed. Even if the USDA continues on a journey, I will say, they continue on a journey of addressing equity in all of its work, something that I know Secretary Vilsack and Deputy Secretary Torres Small are committed to.

So let me just ask a follow-up. Do you think it is important that we look through all the titles of the Farm Bill to make sure we are looking for those issues of equity where we can address them?

Mr. SPAAN. Absolutely. I completely agree with that. Yes.

Senator SMITH. Thank you. Thank you, Mr. Chair.

The CHAIRMAN. Thank you very much. And thank you for your leadership on both committees, Senator Smith.

Senator MULLIN, likewise.

Senator MULLIN. Thank you, Mr. Chairman.

Mr. KISSEE, Muscogee Creek Nation obviously is very lucky to have the ability to have a dedicated USDA inspector in your meat processing plant, and very fortunate to be able to get that. However, other tribes and other businesses have to rely on a traveling inspector, which means they are very limited on when they can process the proteins.

How does that affect the bottom line for these other tribes and businesses out there?

Mr. KISSEE. Sure. Actually, the FSI's inspector that we have onsite now was formerly a traveling inspector. So he talks a lot about the fact that he is glad to be in one place. It is frustrating for USDA as they try to fill those gaps.

It is hard to project for the businesses. Because I have an inspector onsite every day if we need them. I can set our schedule, whether that is bringing in new producers or our own livestock from the ranch. I am a little more easily able to forecast that need out. It helps with staffing, because I am not going to have a bunch of guys standing around all day because someone couldn't show up, or because another plant needed the inspector.

Having that dedicated inspector onsite every day, it goes a long way. I have a great staff. I have no complaints about the staff, but it also helps just having that extra set of eyes and that accountability on the cleaning staff, on the staff as they go about their day. Having that dedicated staff onsite every day goes a long way in ensuring cleanliness and wholesomeness and safety of the product.

But from a business standpoint, like I said, it just keeps logjams from happening, it keeps me from having to turn away customers because I am not sure when or what day I am going to be able to carry out slaughter and processing. Because you have to have a USDA inspector onsite for both of those activities.

So you can run custom, you can run custom exempt, but then the customer that brings that livestock in is limited with what they can do with that animal. So it limits their marketability as well.

Senator MULLIN. So you have one dedicated inspector, right?

Mr. KISSEE. Yes, sir.

Senator MULLIN. So what happens if an emergency takes place and he can't be there that day?

Mr. KISSEE. The responsibility then would fall to the USDA to get a substitute, which has only happened one time. Thankfully we were able to pull from another plant that was not doing any slaughter that day. But it does create issues. Like I said, we have only been open a year and a half. It has only happened once. But it can create issues. At that point, the front-line supervisor has to call all the plants within the region.

Eastern Oklahoma, as you well know, Senator, is fortunate, we have several, we have four tribally owned and several other locally owned meat processing facilities, a couple are USDA inspected as well. So we sort of have a pool that makes us a little bit unique in terms of Indian Country meat processing facilities.

But I don't want the record to show that as the norm, because it is not. Tribes throughout Indian Country are in remote areas, difficulty getting processors. I am an hour away from the next nearest plant, and some may be three or four or more hours away from the nearest inspected plant. So that creates even more issues not in eastern Oklahoma.

Senator MULLIN. So do you feel like if we would have 638 and tribes were allowed to do their own inspections, would it be able to increase reliability and production in the areas to which they serve?

Mr. KISSEE. I believe so. Just as a general stance, I am always in favor of self-governance and using 638 compacting when appropriate. I know there may be some issues in terms of just kinks that need worked out in the negotiations with tribes and staff. Again, all tribes are unique. That is why these compacts are important, because they allow tribes to negotiate directly with the agency to come up with a solution that works best for them.

If we were looking at marketability and things, as long as there is parity there with the Federal inspector and the tribal inspector, so that there is no limitation on what a tribe can do with their product inspected by the tribal inspector, that would be fantastic. I know the CFR in Section 9 already talks about voluntary inspection and export. So whether that is a non-amenable species, such as bison, what voluntary means is that USDA will inspect it, but you are charged a fee, you have to reimburse them for that cost.

So it is not like beef and pork, which is taxpayer funded. The facility is responsible for non-amenable species, bison or venison or other products, buffalo. The same would be true for the export certification. So you can be a non-USDA inspected facility and meet export criteria. You just have to do that on a voluntary basis currently.

So as long as there were no limitations put on the tribes, if they do choose to go the 638 route, I would be in full support.

Senator MULLIN. Thank you.

Ma'am, quickly, we have heard concerns from USDA that implementing 638 authority for meat inspections would be difficult and impractical at the agency. What are your thoughts on that?

Ms. FAIN. My thought is that where there is opportunity to improve at the agencies, government-to-government relationship, then that needs to happen. Even if that takes time and space for people to get comfortable with tribes in that space, at least from IAC's view, it is always our position that we are to support tribal sovereignty, and 638 is a component of that, including with the FSIS services.

Senator MULLIN. In your experience, though, tribes have been able to do the job with HHS and BIA, correct?

Ms. FAIN. Absolutely. Tribes have undertaken very complex systems in life and death situations, especially when it comes to IHS in particular. I think that is something that we always encourage

agencies to understand, that there are other models, while they may not be identical to what it looks like for a transition with regard to meat, that there was a process in place for tribes to build out the program and make sure that there is not a gap in services or some other risk that might justify not going down that route.

So generally, I always like to share the really complex systems that tribes have taken over. Again, I am fortunate to get to work throughout Indian Country, but having grown up in Oklahoma, have been able to see that first-hand, especially through my own tribe and the services they provide.

Senator MULLIN. Great panel when everybody there has Oklahoma ties. Can't get something better than that.

[Laughter.]

Senator MULLIN. Thank you.

Senator MURKOWSKI. [Presiding.] Senator Mullin, I really appreciate what you have worked out here in the sense that, look, every agency that has to take that first step, whether it was within Interior, BIA, we have some examples in Alaska between Park Service, where Park Service is not working as well as Forest Service when it comes to the 638 compacting.

And it is a little bit of a learning curve, and I think with some of the agencies, it really is a matter of bringing them along. This is not that scary; it can be done. And it can be done in a way that meets the needs of all involved.

I really appreciate the conversation that you had with Mr. Kisse about what happens if you don't have that individual that can be onsite when you are ready to go to slaughter. I went out to Nunivak Island. Look at it on a map, it is off the coast of Alaska, community of Mekoryuk. Mekoryuk is known for muskox and reindeer. They are really anxious to try to get a small livestock production facility. They had one before. They have the facility that they have built. I saw it, they are ready to go.

But their biggest challenge is, you are not going to be able to get a USDA inspector out there for the inspection to look at the cleanliness of the facility, to be there for the slaughter. So how do you bring along this nascent industry in a remote area like that, where the tribe stands ready and is anxious for what you and Senator Smith have really been working hard on?

So I commend you for those efforts. I think we just need to get these agencies used to it. You can show them, again, we are not recreating the wheel here. There are good examples. Sometimes capacity can be a bit of a challenge, but we help with that. We help with that, and the tribes have demonstrated time and time again that they will surpass all of the expectations, all of the naysayers who said, you can't do this, you can't do it. We have to make that possible.

I want to ask a question to you, President Peterson, because you have raised the issue of the Forest Service and the potential for management at the visitor's center out there, and what true management authority could look like for Tlingit Haida there at Mendenhall.

It really hurt to listen to your story about the response from the Forest Service that the Tlingit people had nothing to do with the glacier. It completely ignores the history of the people, the history

of the region. It was a really offensive statement by probably somebody who was not very well informed.

So if you can, in the two minutes that I have given you here, explain what you think management authority would look like for Tlingit Haida there at Mendenhall Glacier.

Mr. PETERSON. Thank you, Senator Murkowski, and your staff, for all your work. To me, I think what co-management looks like for us is coming in and really taking over the tours, hiring staffing, and making sure that everybody has that base education and understanding of not only the area. It is an important scientific area, because of the glacier receding and all those things. So you need to have a baseline on those sciences.

But it is incredibly important also to have the true history of the area, the people of the area, and to understand that, so when those visitors come and are looking for that experience, that we are able to fully give that experience.

So we are looking at not only those staffing needs, but also for all the maintenance and infrastructure needs there as well, so that we are offering a first-class experience through our nation's resources.

Senator MURKOWSKI. So if this is a matter of Forest Service needing Congressional authority, would a demonstration program be helpful, or have you given much thought to that?

Mr. PETERSON. Absolutely, I think it would be incredibly helpful. We have met with everybody from Secretary Vilsack, Assistant Secretary Homer Wilkes, and they have all said they really want to work with us and have us take over the management of the visitor's center.

But they always come back with the lawyers saying they don't have the ability to do it. And we know that 638 contracting is that tool. We have a really long history with IHS, with the Department of Interior, on 638 contracting.

Senator MURKOWSKI. You absolutely have, and have demonstrated that time and time again in a very good and strong way. Thank you for being part of this Committee this afternoon, and for your words. We will look forward to working with Tlingit Haida under your leadership.

Mr. PETERSON. Gunalchéesh to you, [phrase in Native tongue.]

Senator MURKOWSKI. Gunalchéesh.

The CHAIRMAN. [Presiding.] Thank you very much, Senator Murkowski.

Senator Luján, followed by Senators Cortez Masto and Daines.

**STATEMENT OF HON. BEN RAY LUJÁN,  
U.S. SENATOR FROM NEW MEXICO**

Senator LUJÁN. Thank you to our Chair and Vice Chair for this important conversation as more and more legislation is being established and built, filed, to make a positive difference, especially in the area of food security and addressing problems that have been identified with pilot programs and things of that nature. Thank you all for being here.

This week I am proud to introduce the Tribal Nutrition Flexibility Act and the Tribal Nutrition Program Administration Act to improve FDPIR, which as we all know is the Food Distribution pro-

gram. One of the things that my bill addresses is the need for greater tribal ownership over program implementation and flexibility to source traditional and local foods.

My first question, Ms. Fain, yes or no, did the FDPIR 648 pilot result in higher take rates with traditional and tribally procured foods?

Ms. FAIN. From what we have gleaned from the pilot tribes, the answer is yes. One of the interesting examples that Mr. Spaan shared was about Oneida, and it actually entered into an agreement with Menominee. Menominees were purchasing Oneida produced, I think it was Black Angus beef.

What was shared by Menominee was that they saw a significant increase in program participation and general excitement around the food that was actually coming through their offerings.

So some of the things I think are important to note about that is, and again one that was brought up, was those tribes that were able to do that know what is the right type of food for the region they are in.

I believe it was Mississippi Choctaws that replaced some of the vegetables in their package with vegetables that are more appropriate for Mississippi and the southern region of the U.S. Whereas tribes that haven't been able to participate in that program, some we have heard from, especially in the Great Plains region were, we have a whole lot of whitefish left over, we want beef or we want bison.

So I think for those pilot tribes in particular, there was really good participation and an increase in more appropriate foods by region, by season, things that the nationwide administration don't necessary take advantage of because the framework doesn't permit it.

Senator LUJÁN. I hope we can strength it and learn from it.

President Peterson and Mr. Spaan, yes or no, would increase sourcing flexibility under FDPIR, the Food Distribution Program, help more tribes include more traditional and tribally procured foods in their packages? President Peterson?

Mr. PETERSON. Yes, absolutely.

Senator LUJÁN. Mr. Spaan?

Mr. SPAAN. Yes, I agree.

Senator LUJÁN. Ms. Fain, yes or no, would increased sourcing flexibility have allowed tribes to better meet the needs of program participants during supply chain shortages caused by the COVID-19 pandemic?

Ms. FAIN. Absolutely, it would.

Senator LUJÁN. Likewise, added flexibility to source regional and local ingredients can help support more, as we have seen, with those Title I programs. Mr. Kissee, yes or no, does the Muscogee Creek Nation FDPIR program currently allow local tribally raised and processed beef to be included in the food packages?

Mr. KISSEE. No, not yet, Senator.

Senator LUJÁN. I hope we can fix that. And yes or no, would you agree that added flexibility to include these types of locally and regionally produced products is important to address food insecurity?

Mr. KISSEE. Absolutely.

Senator LUJÁN. I appreciate that very much.

Ms. Fain, yes or no, do you agree that the Federal Government should remove the cost match for tribes administering FDPIR on tribal lands?

Ms. FAIN. Yes, definitely.

Senator LUJÁN. I appreciate that very much. Another bill that I have been proud to work on and that I introduce into the record, Mr. Chairman, and to our Vice Chair, is around farmer-to-farmer education, which would allow the USDA to contract with tribes and State-based organizations to provide technical assistance outreach and improve access to these conservation programs.

These are important, but we need to ensure that everyone can access them. By working with USDA and State partners, I believe that we will only grow those opportunities as well.

Thank you for the time today. I yield back.

The CHAIRMAN. Senator Cortez Masto?

**STATEMENT OF HON. CATHERINE CORTEZ MASTO,  
U.S. SENATOR FROM NEVADA**

Senator CORTEZ MASTO. Thank you, Mr. Chairman.

Let me stay on the same vein of conversation. I do appreciate my colleague, Senator Luján, for what you are doing with respect to the food insecurity that I see amongst my tribes in Nevada, and that I am hearing across the Country.

We do know that about one in four Native Americans experience food insecurity compared to one in nine Americans. I do believe, and I think everybody here believes that the Federal Government, Congress, has an obligation to really uphold our trust responsibility to support tribal members and work with tribes and tribal communities to ensure that their basic needs are met.

One anomaly that has come to my attention, and this is why Senator Murray and I have introduced legislation, is that a tribal member's inability to use SNAP and FDPIR within the same month cannot occur. So if you can touch on this, Mr. Spaan, or any panel member, what impact does this have on our tribes when they are limited to one or the other and they cannot utilize them in the same month, unlike in other areas that we have allowed that to occur?

Mr. SPAAN. Yes, Senator, thank you for that question. I believe that the statutory prohibition really limits tribes from being able to develop comprehensive approaches to address food insecurity in their communities. The self-determination project through FDPIR has been wonderful in providing tribes with additional flexibilities that they need to implement those programs appropriately.

But there are still emergency situations, there are still unpredicted growing seasons, things that can occur where it can displace some foods that are intended for a food distribution program. In those cases, it would be nice for tribes to have that option of incorporating SNAP benefits so whenever they need to, they have these different tools in their toolbox that they can pull upon to devise the best approach for addressing the issues in their local communities.

Senator CORTEZ MASTO. Thank you. This week, Senator Murray and I introduced legislation to reduce that tribal food insecurity by allowing tribal members who qualify for the Supplemental Nutri-



tion Assistance Program, SNAP, and the Food Distribution Program on Indian Reservations to use both programs in any given month. Let me ask, does anybody disagree that that is necessary or not necessary? Would everybody agree that this is an important piece of legislation? Ms. Fain?

Ms. FAIN. It definitely is. I just want to highlight that the current prohibition doesn't acknowledge the realities of many tribal members who, due to school or jobs, maybe within one month on their reservation and may be in a more urban area where they are forced to choose a program that they may not be able to have access to later in the month because of the more mobile nature that a lot of us live in today.

Senator CORTEZ MASTO. Anyone else?

Mr. KISSEE. Thank you, Senator. I would like to touch on my experience in the retail space, because the Muscogee Nation does have both a FDPIR program and the retail space which accepts SNAP. We are sort of uniquely positioned.

I have had conversations with tribal citizens who come in the shop and have lamented the fact that if they were to stop FDPIR there would be a month or more lapse in their benefit. So not only would they not be able to receive the benefit that month, but they would have to go a full additional month or even longer before they were able to utilize their SNAP benefits.

That really hurts. And overall, it affects the stretch of a dollar, because we have had a few sales where they could have gotten more food for the benefit cost, if they would have been able to come to the plant and utilize SNAP that month, as opposed to going to the FDPIR program. Like I said, it fluctuates a lot of months, the FDPIR program, they get more food to feed those families.

But at certain times, it would be fantastic if they had the flexibility to be able to switch over without having to stretch a month or even longer without any benefit.

Senator CORTEZ MASTO. Thank you. Because let me just say, my understanding, there are currently estimated 276 tribes that receive benefits under FDPIR. In the Fiscal Year 2020, the program served 75,000 Native American adults and children each month. According to the 2009 Urban Institute study, 87 percent of FDPIR participants are eligible for SNAP. So this would make a difference for so many of our communities.

I thank you. Thank you for being here. I will yield the remainder of my time. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Senator Daines?

**STATEMENT OF HON. STEVE DAINES,  
U.S. SENATOR FROM MONTANA**

Senator DAINES. Chairman Schatz, thank you. Thank you, Ms. Fain, for being here to represent the Intertribal Agricultural Council, which is headquartered in Billings. That is where my mom and dad grew up. My dad literally married the girl next door from Billings. It is always a pleasure to highlight the important work being done back home.

Farming and ranching, as we all know, is truly the foundation of our economy in Montana. It is the number one economic driver.

It is our Montana way of life. It also plays a very important role in our tribal communities.

As the Senate crafts the Farm Bill, it is important to ensure that Montana's tribal ag producers and their voices are heard. Supporting crop insurance, promoting ag research, protecting drought and disaster relief programs, and maintaining important conservation programs are a few of Montana's biggest Farm Bill priorities.

The Farm Bill also provides a great opportunity to advance important forest management and conservation reforms. We are already well into fire season. It is the time of year when I am making those phone calls back to folks on the front line, to forest supervisors, spending time when I am back home on the front lines getting updates on these fires. They are already burning in a significant way in Montana as we speak.

Ensuring that we can advance these forest management priorities to produce more healthy forests, thin forests, better wildlife habitat, better watersheds, more jobs, and reducing the risk of catastrophic wildfires is so important. In fact, in 2018, Congress amended the Good Neighbor Authority Program to allow the Forest Service to partner with our tribes to advance some of these vital forest management projects.

Some of the stark contrasts I have in my office, I have pictures, if you take a look at private land, oftentimes State lands, you see vibrant green forests. You look at Federal lands, you will see gray, dying, decaying forests, literally the section line running up the boundary, the dying forest that has not been managed, a vibrant forest that has. Our problem is on national forest ground. It is not on the State ground, it is not on private ground.

There is still a lot of work to be done to ensure that tribes are fully empowered to manage forests and invest in conservation and restoration projects, which is why I was glad to support Senator Risch's Treating Tribes and Counties as Good Neighbors Act, so tribes can fully participate in this effective program.

To my questions. As the wildfires are now burning in Montana, I am keenly aware of the urgent need to get on-the-ground management work done. This commonsense legislative fix would fully incorporate tribes as partners with the Forest Service by allowing them to retain timber receipts for restoration projects they undertake. It will keep a great incentive to keep the tribes engaged in forest management. These receipts could then be used by tribes to fund additional work to further protect communities and forests from catastrophic wildfires.

Mr. Desautel, you previously talked about a good neighbor authority project in the Colville National Forest in Washington State that the Colville Tribe had to abandon because of the cost. What would the impact be for tribes working to improve forest health if we could successfully expand full good neighbor authority for tribes?

Mr. DESAUTEL. Thank you for the question. As I noted in my testimony, States have done a great job implementing this authority really since 2014 when it was expanded. But the limitation that tribes have is that we are already limited in the amount of funding we have available and what we receive from the Bureau of Indian Affairs to do forest management is limited to trust acres.

So unless we have access to that program revenue to do the planning and restoration services allowed for with good neighbor authority, those would have to come from tribal dollars and tribal investment in every single situation. Most tribes just don't have adequate funding to manage their own lands, as the most recent infomatter report showed, in addition to adding those costs to adjacent Federal lands, which we know get three to four times per acre what the tribes do.

So if we had a mechanism that allowed us to retain revenue to continue that work, to build staffing and capacity, to be able to help our adjacent Federal land managers, that would be huge. I think it would completely solve the problem, and you would see much more utilization of that program.

Senator DAINES. There couldn't be a better answer. You just gave it. Completely solve, it is huge, this is clearly something we can address legislatively. That is a really important statement you made here for the record in this hearing as to why we need to get this done. Thank you.

I often hear from producers in Indian Country about the barriers that make it difficult to participate in some of these valuable farm programs. Ensuring fair access to these programs is going to help grow tribal economies, help improve food access, and support infrastructure investment. Ms. Fain, what steps can Congress take to increase tribal access and participation in valuable Farm Bill programs?

Ms. FAIN. Thank you, Senator. Congress, a way they can do this is to recognize tribes within Farm Bill provisions and actually tailor existing programs to recognize the unique places that tribes have within USDA. Right now especially, a lot of the programming is administered in a way that leaves tribes out of the process where it might be, for instance, around disaster and where a drought occurs.

I know that for a lot of our producers, some arbitrary county lines make a difference between whether they are eligible for disaster funding or not. It is not reflective of the fact that they are operating on tribal lands and the reservation as a whole, instead of within a county that, depending on where the weather monitor is, may not account for where they are within the reservation.

So being careful and mindful of how these programs are reaching tribal producers or alternatively aren't because they haven't been designed for input from tribes and individual producers is an important step to making sure producers do have that same type of access that their neighbors do who aren't necessarily operating on tribal lands.

Senator DAINES. Ms. Fain, thank you. Mr. Chairman, thank you.

The CHAIRMAN. Thank you very much, Senator Daines.

Mr. Price, you know better than most, Hawaii has successfully incorporated traditional ecological knowledge in its agricultural practices, including biocultural restoration, agroforestry and food systems. Can you share a specific example that shows how traditional conservation practices are best practices?

Mr. PRICE. Mahalo, Senator Schatz, mahalo for that question. There are many examples that highlight the value of traditional conservation practices in Hawaii. I would like to answer that first

by pointing out that what we often think of as conservation is to protect land from overdevelopment and just leave it as open space, which oftentimes incentivizes neglect or power stewardship.

In Hawaii, neglected land actually becomes a threat to surrounding communities as invasive species take root, and massive invasive trees, such as albizia or opeuma [phonetically] can become uprooted projectiles in massive flood events, for example. We have seen this happen over and over again.

Overgrown land also becomes cover for seedy activity that feeds the underbelly of society. So we need to incentivize proper stewardship. Traditional conservation practices are grounded in human engagement and maintenance of land and water resources and is rooted in enhancing ecosystems and increasing productivity of the natural environment.

What I hope is that by codifying TEK we can open a door to greater investment to capture the impacts of TEK work through the use of technology such as environmental sensors, LIDAR and GPS, just a few examples, to track environmental data such as soil health, nutrients, and moisture, to tell the story of TEK in practice through data.

Some sites that are doing this groundbreaking work, to answer your question, are [name in Native tongue] on Oahu, 'Aina Momona and Sustainable Molokai on Molokai, on the island of Molokai, [place names in Native tongue] Foundation on Kaua'i. These are just a few, and these are projects that are restoring spaces utilizing traditional conservation practices.

I will be adding a report to the record that was produced by our working group that outlines the input gathered through our engagement process that lists 70 Native Hawaiian producers and practitioners, which all serve as examples of the TEK work happening across Hawaii. If we can use the Farm Bill to further empower creating investment in that work, this will be transformative for Hawaii and potentially the world. Mahalo.

The CHAIRMAN. Thank you, Mr. Price. I just want to say, I have that aloha shirt, so it is a good thing I didn't wear it today.

[Laughter.]

The CHAIRMAN. Mr. Spaan, USDA previously testified that there are structural barriers to 638 expansion with the Department. How can we set up USDA for successful expansion of this program?

Mr. SPAAN. Thank you, Chairman Schatz. Federal agencies identifying structural barriers to self-determination and self-governance are certainly not new. You can look back to the 1970s, 1980s, 1990s, as early as the 2010 timeframe, you look at DOI, IHS, Department of Transportation, all presenting barriers that they said it couldn't happen.

However, what we have seen is that once everybody comes together, we can make it happen. And I fully believe the same would be true with USDA. I do think that having a feasibility study to take a very systematic look at all programs and agencies across USDA could really help to ease some of that uncertainty.

What we tend to find is there are a lot of agencies that come up with hypothetical can't-dos. And when you actually get into the weeds, it is like, hang on, it is not that difficult to overcome. So

I think that a systematic look at all the programs would be beneficial.

There was a study for HHS feasibility 20 years ago that found it was feasible, and it has never been implemented. So I think that if Congress were to consider giving that flexibility to USDA, let it initiative some limited administration projects when they find a program feasible, that that could be helpful to make sure that this is action-oriented and not just a report that goes on the bookshelves for 20 years.

I also think the use of demonstration projects has been critical across all agencies that have self-governance authority now, and allows a small number of tribes to participate, work with the agency to identify what the challenges are, how do we overcome these the best way. Self-governance and self-determination, one of the beauties of it is that it is unique for every single tribe that implements it.

So you have a nice sampling of different tribes participating in it, and it allows the tribes to work with the agency to overcome the challenges. It also allows the agency not to get overwhelmed before they are comfortable with it.

So I think those would be two recommendations I would have.

The CHAIRMAN. Thank you.

Just some final thoughts on that. We did a lot in IIJA and IRA to include Native communities in programs that already existed. First of all, that is great news. That is a huge policy victory.

But what we are finding is it is not quite enough to say, and Indian Tribe and Alaska Natives and Hawaiians, because those people who are administering whatever program they are administering don't know really what that means. They don't understand the trust relationship, they don't understand the government-to-government relationship. So they end up interacting with tribes and Native people as though they are just some county sub-grantee or some NGO or some trade association.

So first of all, we have a long way to go to enact the Farm Bill and all these provisions in it. But we really have to track implementation, because it is not someone's fault if they work at USDA all their lives and they haven't actually had to interact with tribes because it hasn't been public policy yet.

So I just have a real keen eye toward implementation and saying to the Department of Energy, some of these long-time civil servants are just not familiar with the relationship. I don't want to have a couple of years of failure and then we all point our fingers in the air and, why aren't you doing this. I think we have to have an eye toward how hard it is going to be to get agencies that are not accustomed to interacting with sovereigns to do so.

If there are no more questions for our witnesses, members may also submit follow-up written questions for the record. The hearing record will be open for one month. I want to thank all of the witnesses, both in-person and online, for their time and their testimony today.

This hearing is adjourned.

[Whereupon, at 4:14 p.m., the hearing was adjourned.]



# A P P E N D I X

## PREPARED STATEMENT OF THE UTE INDIAN TRIBE OF THE UINTAH AND OURAY RESERVATION

### **Introduction**

The Ute Indian Tribe of the Uintah and Ouray Reservation (Tribe) appreciates the opportunity to provide this testimony for the Senate Committee on Indian Affairs' hearing on Native Priorities for the 2023 Farm Bill Reauthorization. While the Farm Bill addresses several important issues for Indian Country, there is no more important issue than restoring tribal homelands. We respectfully request that the Committee champion efforts to ensure that the Farm Bill includes authority for the United States Department of Agriculture (USDA) and the Forest Service return and help restore tribal homelands. We have drafted legislative proposals that would restore tribal homelands for the Committee's consideration.

Through countless misguided and intentional laws, failed federal policies, and devastating court decisions, the Federal government and state governments continue to attack and take tribal homelands reserved in treaties and agreements with the United States. Some of the lands taken are currently being held by the USDA and Forest Service. The Committee should seek provisions in the Farm Bill that would ensure that Indian tribes are provided the first right of refusal to obtain any Forest Service lands that are up for disposal or purchase. Such lands should be transferred to the Bureau of Indian Affairs (BIA) to be held in trust for the tribe at no cost to the tribe.

This authority should apply within exterior boundaries of an Indian reservation, within a tribe's ancestral homelands, and where a tribe maintains rights, interests, or resources. Congress should also generally authorize the USDA and U.S. Forest Service (Forest Service) to review lands under their management and prioritize the restoration of tribal homelands. Other federal agencies already have general authority to transfer lands under their management to the BIA to be held in trust for tribes—USDA and the Forest Service should be included on this list. This authority would further the Administration's goal of restoring tribal homelands and specifically, the policy in Section 6 of the Joint Secretarial Order No. 3403 "to restore Tribal homelands to Tribal ownership[.]"

### **Taking of Lands Within Our Uintah and Ouray Reservation**

Our 4.5-million-acre Uintah and Ouray Reservation (Reservation) is a perfect example of the need for the USDA and Forest Service to have the authority to restore tribal homelands and transfer lands to BIA in trust for tribes. Our present-day Reservation was originally two separate reservations. Our Uintah Valley Reservation was established by Executive Order on October 3, 1861, and confirmed by Congress in the Act of May 5, 1864. Our Uncompahgre Reservation was established pursuant to the Act of June 15, 1880, and Executive Order of January 5, 1882.

Despite these actions to preserve, protect, and set aside our tribal homelands, we currently have more Forest Service managed lands within our Reservation than any other tribe in the United States. The Ashley National Forest overlaps about 1,000,000 acres within our Uintah Valley Reservation. These lands are a part of our Reservation and are Indian Country.

The Ashley National Forest grew out of the Uintah Forest Reserve which was created on February 22, 1897. The original Uintah Forest Reserve bordered on but did not include lands within our Uintah Valley Reservation. However, in 1905 the Uintah Forest Reserve was expanded into our Reservation and later became the Ashley National Forest.

The Act of March 3, 1905, 33 Stat. 1069, opened the Uintah Valley Reservation to settlement by non-Indians and called for additional forest reserves. Under the 1905 Act, President Theodore Roosevelt issued a presidential proclamation expanding the Uintah Forest Reserve by designating some 1,010,000 acres within the Uintah Valley Reservation as an addition to the existing Uintah Forest Reserve. President Roosevelt issued this proclamation under authority in the 1905 Act to "set

apart and reserve any reservoir site or other lands necessary to conserve and protect the water supply for the Indians.” Later, on July 1, 1908, the Ashley National Forest was created via Executive Order No. 884 out of the Uintah Forest Reserve, including the 1,010,000 acres within the Reservation.

While one of the primary purposes for the creation of the Ashley National Forest was to protect the watershed of the Tribe, this purpose has been lost as the USDA and Forest Service encroached on the management of lands and resources within our Reservation. Two 1923 Court Decrees adjudicating water rights for the Tribe included discussion of this need for water storage and the purpose of the forest reserve. *United States v. Cedarview Irrigation Company*, No. 4427 (D. Utah 1923), and *United States v. Dry Gulch Irrigation Company*, No. 4418 (D. Utah 1923). The United States recognized that insufficient natural flow exists in the Uinta-Whiterocks and Lake Fork-Yellowstone River Basins to properly irrigate Indian allotted lands and so the Ashley National Forest was created, in part, to protect these flows.

### **Recognition of Tribal Jurisdiction Over the Ashley National Forest**

All lands of the Ashley National Forest within the exterior boundary of the Tribe’s Reservation are Indian Country, and the Tribe retains jurisdiction over these lands. In a series of cases known as *Ute v. Utah*, the United States Supreme Court and the Tenth Circuit Court of Appeals repeatedly held that the Ashley National Forest is within the Tribe’s Reservation and under the Tribe’s jurisdiction.

In *Ute III*, the Tenth Circuit addressed “the status of the 1,010,000 acres of the Uintah Forest Reserve, which was set aside under the authority of the 1905 Act.” *Ute Indian Tribe v. State of Utah*, 733 F.2d 1087, 1089–90 (10th Cir. 1985) (*Ute III*). Examining the 1905 Act and its legislative history, the Tenth Circuit explained that there was nothing that established:

‘a total surrender of tribal interests’ or a ‘widely-held contemporaneous understanding that the affected reservation would shrink.’ The act merely authorized President Theodore Roosevelt to set apart reservation lands as a forest reserve. This he did. Indeed the 1905 Act specifically reserved the Utes’ timber interests in the lands by authorizing forest officials to sell as much timber as could be safely sold for fifteen years and to pay the money to the Utes.

In fact, the Tenth Circuit found that “[t]here is clear evidence that Congress did not intend to extinguish the forest lands of the Uintah Reservation,” and therefore held that the “Uintah Reservation was not diminished by the withdrawal of the national forest lands.”

The Tenth Circuit’s decision in *Ute V* did not disturb this holding. *Ute V* only modified *Ute III*’s holding that the entire Uintah Valley Reservation remained Indian Country to provide that “lands that passed from trust to fee status pursuant to non-Indian settlement under the 1902–1905 allotment legislation” were no longer Indian Country. Because the Forest Reserve Lands (as that term is used in the *Ute v. Utah* cases) were not opened to non-Indian settlement under the 1902–1905 allotment legislation, all Forest Reserve Lands remain Indian Country under *Ute III* and *Ute V*.

### **Farm Bill Should Prioritize the Return of Tribal Homelands**

The history of our Uintah Valley Reservation demonstrates how even laws passed by Congress to protect and maintain tribal resources, in this case the headwaters of our Reservation, are often used by the Federal government to encroach on tribal interests and authorities. Decades later the Forest Service has difficulty acknowledging that the Ashley National Forest is within our Reservation and subject to tribal authority. While the Administration talks about promoting tribal decision-making and utilizing indigenous knowledge in the management of lands, local Forest Service employees managing the Ashley National Forest repeatedly fail to include the Tribe in management decisions and activities.

The best way to resolve these issues and ensure tribal decisionmaking that has properly managed and sustained these lands for all time is to promote the return of tribal homelands. We reserved these lands in treaties and agreement with the United States. Providing the USDA and Forest Service with the authority to transfer lands to the BIA to be held in trust on behalf of tribes and promote restoration of tribal homelands will help to put an end to this tortured rollercoaster of federal laws and policies.

The 2023 Farm Bill presents a perfect vehicle to authorize the Forest Service to transfer lands to the BIA, as well as providing general authority to the USDA to restore tribal homelands. Tribes across the country have had land taken by the Federal government for centuries, and often must purchase ancestral lands back. Allow-



ing tribes to obtain transfers of reservation and ancestral lands would correct this historical wrong without requiring tribes to repurchase their own lands.

The Ute Indian Tribe is already working with our local Forest Service to obtain the return of our lands no longer being used for the Ashley National Forest. However, the Tribe is often the last to know and the Forest Service has a practice of first offering disposal lands to the State of Utah. Even within our Reservation!

The 2023 Farm Bill provides an opportunity to correct this history as well as current agency actions. The right of first refusal would require that any lands not being utilized be restored to tribes, with a right of first refusal for lands located within ancestral homelands. Congress should also generally authorize the USDA and Forest Service to transfer land to BIA in trust for tribes. USDA should have the ability to transfer lands administratively. Currently, the USDA and Forest Service do not have authority to make this transfer without Congressional authorization.

#### **Proposed Legislative Language to Restore Tribal Homelands**

The first proposal would authorize the Forest Service to transfer land to BIA and Tribes. The Tribe has been diligently working with the USDA and Forest Service to have lands transferred from Forest Service to the BIA to be held in trust for the tribe. This legislative proposal promotes Tribal Sovereignty by allowing tribes to assert their jurisdiction over lands within their ancestral territory, as well as furthering the Administration's commitment to restoring tribal homelands.

*Insert the following language in Title XII—Miscellaneous, Subtitle E—Other Miscellaneous Provisions, after Sec. 12520:*

“Sec. XXX. Authorization of the U.S. Forest Service to Transfer Lands.

(a) AUTHORIZATION TO TRANSFER LANDS.—The U.S. Forest Service is hereby authorized to transfer lands under its jurisdiction to:

- (1) Indian Tribes as defined in the List Act (25 U.S.C. § 5130, 108 Stat. 4791); or
- (2) at the request of the Indian Tribe described in subsection (a)(1), the Bureau of Indian Affairs to be held in trust for the benefit of the Indian Tribe.

(b) LANDS ELIGIBLE FOR TRANSFER.—Lands that are eligible to be transferred under this Section are:

- (1) lands located within the exterior boundaries of an Indian Reservation; and
- (2) lands located within an Indian Tribe's ancestral territory.”

The second proposal would require that any lands not being utilized be restored to tribes, with a right of first refusal for lands located within ancestral homelands. This legislative proposal would facilitate the restoring of lands that are not being used back to the tribe or to the BIA to be held in trust. The proposal would also allow the tribe to participate in transfers of Forest Service lands located within the Reservation or ancestral territory to a state or local government. The proposal is below:

*Insert the following language in Title XII—Miscellaneous, Subtitle E—Other Miscellaneous Provisions, after Sec. 12520:*

“Sec. XXX. Right of First Refusal of Department of Agriculture Lands.

(a) IN GENERAL.—In addition to any and all other rights specified in this section, an Indian Tribe shall have the right of first refusal during the 15 days after the Secretary has provided notice of either the sale of Department of Agriculture real estate or after a determination that the lands described in subsection (1) are not being utilized.

(1) LANDS ELIGIBLE FOR TRANSFER.—Lands that are eligible to be transferred under this Section are:

- (i) lands located within the exterior boundaries of an Indian Reservation; and
- (ii) lands located within an Indian Tribe's ancestral territory.

(2) FIRST RIGHT OF REFUSAL.—Within 15 days after the Department of Agriculture first elects to sell real estate, or any portion of such real estate, the Secretary shall notify the Indian Tribe(s) by certified mail of their right to request the Department to transfer lands described in subsection (1) to the Bureau of Indian Affairs or the Tribe.

(3) ELIGIBILITY TO REQUEST TRANSFER.—To be eligible to request a transfer of the property under paragraph (2), the Indian Tribe must, within 60 days after receiving the notice required by paragraph (2), submit the request

to transfer such lands and indicate whether the Tribe is seeking transfer to the Bureau of Indian Affairs or the Tribe.

(b) TRIBAL APPROVAL.—The U.S. Forest Service may transfer lands described in this Section to a state or local government only if the applicable Indian tribe consents to the transfer of such lands.”

### Conclusion

The Ute Indian Tribe has been sustainably managing its lands and resources for all time. Tribes everywhere have centuries of experience in land management and sustaining natural resources. In addition to being stewards of the land, tribes have experience in economic development on their lands while protecting the environment and resources. Like every other land management agency, the USDA and Forest Service need the authority to transfer lands to the BIA in trust for tribes. This authority is needed to promote restoration of tribal homelands and to help put an end to ongoing attacks on tribal lands, resources, and authorities. The Tribe respectfully requests that the Committee champion these authorities as a top priority for the 2023 Farm Bill Reauthorization.

---

#### PREPARED STATEMENT OF NATHAN BARING, PROGRAM DIRECTOR, KAWERAK'S REINDEER HERDERS ASSOCIATION

Chair Schatz and Vice Chair Murkowski,

The Reindeer Herders Association (RHA) of Kawerak, Inc., the tribal non-profit corporation serving 20 Inupiaq, Yup'ik and St. Lawrence Island Yupik tribes across the Bering Strait region of Northwest Alaska, is grateful for the opportunity to submit written testimony supporting Vice Chair Murkowski's work on the 2023 Farm Bill Reauthorization.

The RHA represents the interests of 18 Alaska Native reindeer herders, who collectively manage over 20,000 reindeer on the Seward Peninsula, as they have continued to do for many generations. Reindeer herding, with the food and knowledge sharing it promotes, is an integral part of the cultural fabric of many of our communities, in addition to providing a key source of food security for 31 tribes in the Bering Strait and Northwest Arctic regions. RHA herders speak fondly of growing up with parents and grandparents out on herd grazing ranges and seek to pass this cultural knowledge on to their descendants.

However, reindeer herding has been hampered for decades by significant restrictions on the herders' ability to provide reindeer meat products, and, thereby, their ability to sustain their operations. Field slaughter for reindeer is currently regulated under the Alaska Food Code, which provides that reindeer may only be sold in carcass sections and may only be processed in below-freezing temperatures during the winter. While herders have found limited success under these requirements, providing a sustainable pathway to achieving USDA inspections would be a significant win in sustaining reindeer operations with higher-value products, and would be a significant win for food security in the region.

To this end, the RHA voices strong support for the 'Improving ARCTIC Act,' as introduced by Vice Chair Murkowski and its provisions that expand tribal compacting authority under USDA programs, while broadly promoting food security for tribes. The RHA will always advocate increased flexibility and decisionmaking authority in USDA programs, with appropriate recognition for the government-to-government relationships that exist therein.

More specifically, the RHA supports the amendments regarding the Federal Meat Inspection Act (21 U.S.C 601) and the Agricultural Marketing Act of 1946 under the proposed language of the Improving ARCTIC Act, Title VIII, Section 801. These provisions that expand tribal compacting authority to carry out USDA meat inspections in our region will be a potential game-changer for our reindeer herders in their ability to create value-added products for sale in the region and beyond. Beyond the language of this proposed legislation, the RHA would advocate for permanent funding support for the program and reasonable flexibility in the provisions requiring tribal food codes, as to allow for appropriate decisionmaking differences from tribe to tribe.

The RHA appreciates the efforts of the Senate Committee on Indian Affairs in the 2023 Farm Bill Reauthorization and looks forward to continuing efforts to advance tribal food security.

Thank you for your time.

## PREPARED STATEMENT OF MAZON: A JEWISH RESPONSE TO HUNGER

Chairman Schatz, Vice Chairman Murkowski, and distinguished members of the Committee, thank you for the opportunity to share this statement for the record from MAZON: A Jewish Response to Hunger for the hearing on Native Priorities in the 2023 Farm Bill Reauthorization. We applaud the genuine bipartisanship that Committee members demonstrated at the hearing and hope the same bipartisan support and collaboration will extend throughout the Farm Bill reauthorization process.

Inspired by Jewish values and ideals, MAZON: A Jewish Response to Hunger is a national organization fighting to end hunger among people of all faiths and backgrounds in the United States and Israel since 1985. MAZON is not just a Jewish response to hunger, it is the Jewish response to hunger. In Jewish tradition—and across all faith traditions—there is a fundamental value of taking care of the most vulnerable among us. In Leviticus, we are commanded to leave the corners of our fields and the gleanings of our harvest and vineyards for the poor and the stranger. This commandment is a clear expression of our responsibility to each other. It reminds us that we are not to judge those who are poor, nor should we assume to know the circumstances of their lives. The federal government fulfills this moral obligation and collective commitment to care for those among us who struggle with hunger by providing a robust, equitable, and accessible nutrition safety net.

MAZON advocates for policy and program solutions that confront hunger's root causes, and we are committed to shining a spotlight on populations that are often overlooked and under-resourced. This includes hunger among military families, veterans, single mothers, LGBTQ older adults, college students, the people of Puerto Rico, and Indigenous peoples.

Throughout our nearly 40 year history, MAZON has recognized the longstanding and unacceptably high rates of food insecurity among American Indians, Alaska Natives, and Native Hawaiians. Since time immemorial, Indigenous peoples in what is now the U.S. sustained themselves and thrived on foods they cultivated, harvested or fished. Only since European settler colonialism<sup>1</sup> have Indigenous peoples experienced hunger due to displacement from their homelands and loss of their food systems and culture. Broken treaties and failed federal policies have left many tribes with some of the highest rates of food and nutrition insecurity<sup>2</sup> and diet-related diseases<sup>3</sup> such as obesity, diabetes, and cardiovascular disease. As a result of these health disparities, Native Americans suffered the highest rates of mortality due to COVID-19<sup>4</sup> of any racial group.

In response to these dire health inequities, MAZON supports the Indigenous-led movement to reclaim Native foodways, strengthen federal nutrition programs, and express Tribal sovereignty by advancing policies to increase food security and food sovereignty across Indian Country. Supporting Native-led partnerships and coalitions has allowed MAZON to leverage our advocacy and resources in mutual efforts to end hunger in Indian Country. National partners including the Indigenous Food and Agriculture Initiative at the University of Arkansas, the research partner to the Native Farm Bill Coalition, and the Native Food and Nutrition Resource Alliance, the advocacy group for the National Association of Food Distribution Programs on Indian Reservations (FDPIR), have made substantial progress in the last several years in advancing food security and food sovereignty in Indian Country. MAZON's more recent partnerships with state-Tribal organizations in Alaska, Hawaii, and South Dakota have great potential to significantly reduce hunger and expand food sovereignty among Native populations in these states.

As the founding ally partner of the Native Farm Bill Coalition, MAZON supported the Coalition in achieving an unprecedented 63 Tribal provisions in the 2018 Farm Bill. MAZON proudly supports the Native Farm Bill Coalition's priorities for the

<sup>1</sup>McKinley CE, Jernigan VBB. "I don't remember any of us . . . having diabetes or cancer": How historical oppression undermines indigenous foodways, health, and wellness. *Food Foodways*. 2023;31(1):43–65. doi: 10.1080/07409710.2023.2172795. Epub 2023 Feb 2. PMID: 36843960; PMCID: PMC9956020.

<sup>2</sup>Jernigan VBB, Huyser KR, Valdes J, Simonds VW. Food Insecurity among American Indians and Alaska Natives: A National Profile using the Current Population Survey-Food Security Supplement. *J Hunger Environ Nutr*. 2017;12(1):1–10. doi: 10.1080/19320248.2016.1227750. Epub 2016 Oct 25. PMID: 28491205; PMCID: PMC5422031.

<sup>3</sup>Warne D, Wescott S. Social Determinants of American Indian Nutritional Health. *Curr Dev Nutr*. 2019 May 23;3(Suppl 2):12–18. doi: 10.1093/cdn/nzz054. PMID: 31453425; PMCID: PMC6700461.

<sup>4</sup>Williams, Riis L. "Native American Deaths from COVID-19 Highest Among Racial Groups." *Princeton School of Public and International Affairs*, 02 Dec 2021, <https://spia.princeton.edu/news/native-american-deaths-covid-19-highest-among-racial-groups>. Accessed 08 August 2023.

2023 Farm Bill<sup>5</sup> which build on the successes from the 2018 Farm Bill and propose greater parity, self-determination, self-governance, and sovereignty for Tribes.

Below is a summary of key priorities in the Nutrition Title (IV) that will ensure that Indian Country has a consistent, comprehensive, and Tribally-led approach to tailor federal food assistance programs to the specific needs of Tribal communities and citizens:

- **Apply 638 authority for all Farm Bill food and nutrition programs** including self-determination and self-governance for the Supplemental Nutrition Assistance Program (SNAP), the Food Distribution Program on Indian Reservations (FDPIR), the Emergency Food Assistance Program (TEFAP), and the Commodity Supplemental Food Program (CSFP) among others. This will ensure maximum flexibility and best service to Tribal citizens across the Farm Bill nutrition support portfolio. It also opens up a host of opportunities for food producers to access new institutional markets as Tribes are able to source food directly from producers, instead of going through USDA markets.
- **Expand and make permanent the 2018 Farm Bill's FDPIR 638 Self-Determination Project:** Based on the success of the FDPIR 638 Project for sourcing local and/or traditional foods, Congress must expand and make permanent this procurement opportunity with designated mandatory funding so more Tribal Nations are able to participate in and take advantage of this pathway to improved Tribal food access and economic development.
- **Allow dual use of SNAP and FDPIR:** Remove the statutory prohibition of dual use of SNAP and FDPIR to improve food access and opportunities for Tribal citizens to feed their families and to bring parity similar to allowed dual use of SNAP and TEFAP.
- **Include more traditional and Tribally-produced foods in FDPIR on a regional basis** to ensure more culturally appropriate food access across Indian Country and achieve significant cost savings to the federal government.
- **Continue the new Nutrition Education funding in recent appropriations bills,** especially on a non-competitive basis, to improve the health of FDPIR participants across Indian Country.

The proposed legislation announced by Senator Cortez Masto at the hearing, the Tribal Access to Nutrition Assistance Act,<sup>6</sup> to allow for dual enrollment in the SNAP and FDPIR programs, is welcome and reflects one of the key Native Farm Bill Coalition priorities. MAZON also supports Senator Murkowski's Improving ARCTIC Act<sup>7</sup> and the host of provisions that address food security for Alaska Natives. In addition, we look forward to proposed legislation from Senator Lujan to address issues related to Tribal food security.

In addition, we want to acknowledge the distinct issues and opportunities this Farm Bill presents for Native Hawaiians. Since the illegal overthrow, annexation and occupation of the Kingdom of Hawai'i, Native Hawaiians have long faced unique challenges to protecting their homelands, culture and foodways. Due to their unique history culturally and legally, Native Hawaiians are often left out of public policy conversations when it comes to food sovereignty, self determination and Indigenous rights. Therefore, it is important to lift up the priority areas for Native Hawaiian inclusion in the 2023 Farm Bill outlined in the "Summary Report on Native Hawaiian Community Stakeholder Input for the U.S. 2023 Farm Bill."<sup>8</sup> This report by the Senate Committee on Indian Affairs aligns with the advocacy efforts of the Native Farm Bill Coalition and identifies, among other priorities, several policies that recognize and support Native Hawaiian Traditional Ecological Knowledge (TEK) needed to further revitalize and expand traditional ʻōiwi (indigenous) food systems.

We know that hunger in the United States, the wealthiest country in the world, is far too pervasive. And sadly, this crisis is preventable but for the lack of political will. We must all realize the true sense of collective responsibility that is due to Tribal Nations and other historically marginalized communities.

MAZON urges the Senate Committee on Indian Affairs to make recommendations to the Senate Committee on Agriculture, Nutrition and Forestry that will support

<sup>5</sup> <https://www.indigenousfoodandag.com/project/2023-farm-bill-executive-summaries/>. Accessed 8 August 2023.

<sup>6</sup> <https://www.cortezmasto.senate.gov/news/press-releases/cortez-masto-and-murray-introduce-legislation-todemand-equal-food-access-for-tribal-communities>. Accessed 08 August 2023.

<sup>7</sup> <https://www.murkowski.senate.gov/imo/media/doc/07.12.23%20Arctic%20Ag%20one%20pager%20-%20KM-nm.pdf>. Accessed 08 August 2023.

<sup>8</sup> <https://drive.google.com/file/d/1UjrzyquNxNXwT8zRh5xSv89u9Jm5l7D5/view>. Accessed 08 August 2023.

and empower Tribal Nations and Indigenous communities to feed themselves and their neighbors. With the capacity to exercise Tribal sovereignty over all federal nutrition programs and to repair and revitalize Indigenous food systems, Tribal Nations and other marginalized communities will be able to meet their unique needs and provide for their health and wellbeing for generations to come.

MAZON stands ready with expertise, passion, and resolve to work together to achieve a Farm Bill that endeavors to end hunger in Indian Country and across the nation.

---

PREPARED STATEMENT OF CECILIA FIRETHUNDER, PRESIDENT, LITTLE WOUND SCHOOL BOARD; OGLALA LAKOTA NATION EDUCATION COALITION

Chairman Schatz, Vice-Chair Murkowski, and members of the Senate Committee on Indian Affairs thank you for the opportunity to submit testimony on issues of importance regarding Native Priorities for the 2023 Farm Bill Reauthorization. My name is Cecilia Firethunder, and I am the President of the Little Wound School Board and the Oglala Lakota Nation Education Coalition.

Little Wound School is one of six tribally controlled grant schools on the Oglala Sioux Tribes Pine Ridge Indian Reservation; thus, we express a unique voice within the Bureau of Indian Education (BIE) system of schools. First, we support all the programs included in the testimony for the Native Priorities Farm Bill for 2023. Still, one specific item continues to be avoided in discussions of the 2023 Farm Bill, the United States Department of Agriculture (USDA) School Lunch Programs.

Many people don't understand why BIE-funded schools care so much about the USDA School Lunch Programs, but it is simple: BIE does not fund Indian students' nutrition at BIE-funded schools. BIE schools are often left to fend for themselves in receiving nutrition assistance for Indian children. We need help, and the 2023 Farm Bill is the opportunity to help feed our children.

#### **100–297 Tribally Controlled Grant Schools**

BIE-funded schools are the primary provider of education for on-reservation Indian students. Yet, schools operating within the BIE system are woefully underfunded, outdated, and dangerous for students and staff. According to the Department of Education, in Fiscal Year (FY) 2023, the federal government funded Indian students at roughly half, \$6,283 of the actual funding expended to educate non-Indian students at \$12,500.

Since more than 90 percent of tribally controlled school funding comes from Congress to meet the federal government's treaty and trust obligations for Indian education, only Congress can solve our funding problem. When discussing Indian education, one key element often overlooked is child nutrition. BIE-funded schools receive nearly 45 percent of the total cost of their child nutrition funding from the USDA School Lunch Programs.

Unfortunately, Tribal schools were notified by USDA that starting July 1, 2023, they would only be reimbursed .36 cents per dollar. Further restricting access to child nutrition is already insufficient. State assistance is even worse. In the State of South Dakota, Tribal schools are reimbursed less than .10 cents per dollar from the State. BIE schools have been forced to cannibalize our education, teacher, transportation, and safety funds to fill the gap to feed our children adequately.

#### **USDA School Breakfast, Lunch and Summer Programs**

As you know, Native American/Alaskan Native/Native Hawaiian (Tribes) populations are particularly vulnerable to food scarcity. We have double the rate of nutrition-related health conditions compared to white Americans, and the gap has been growing.<sup>1</sup> Unfortunately, this is also true in our education systems, and our children are paying the price.

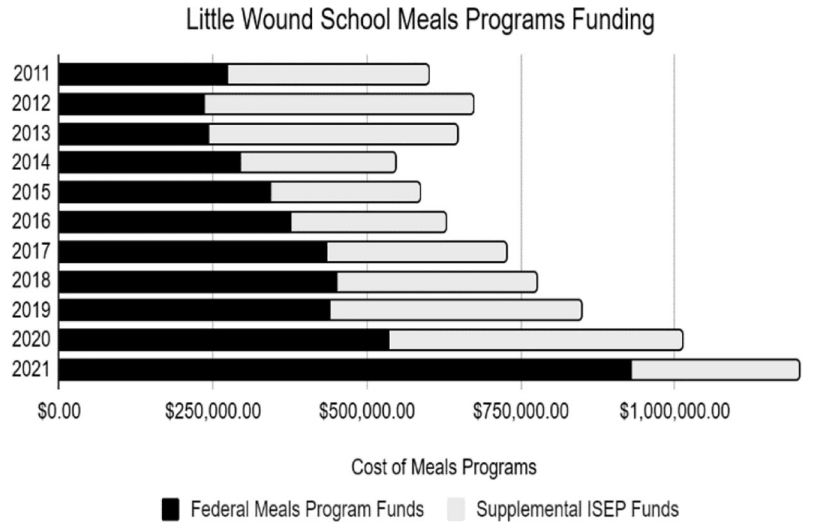
Since 2010, federal funding for meal service has only covered 45 percent of the total cost. The USDA School Lunch Programs are vital to K–12 student health and are currently among the highest tribal school-associated costs. They are all entirely state-administered, leaving out many financial and cultural concerns. One approach to address this underfunding is to allow Tribal schools to directly administer USDA National School Lunch Programs.

In the 2014 Farm Bill, Congress instructed USDA to issue a Report on the "Feasibility of Tribal Administration of Federal Nutrition Assistance Programs." The Report showed that all tribes USDA visited, and over 90 percent of tribes surveyed,

---

<sup>1</sup> Kaufman, P., Dicken, C., & Williams, R. (2014). *Measuring access to healthful, affordable food in American Indian and Alaska Native Tribal areas*. U.S. Department of Agriculture, Economic Research Service. EIB–131.

expressed an interest in directly administering USDA Nutrition Assistance Programs.<sup>2</sup>



In 2022 the Biden Administration signaled support for the direct administration of nutrition programs by tribes. On April 14, 2022, the USDA released its Equity Action Plan, which expresses a commitment by USDA to increase Tribal Treaty and Trust Responsibilities, including removing barriers to tribal access to USDA programs and services, promoting tribal self-determination and greater tribal decision-making, as well as incorporating indigenous values in USDA programs.

Authorizing BIE-funded schools to directly administer the USDA Nutrition Assistance Programs; would strengthen tribal sovereignty, provide direct and meaningful services to students at tribal schools, increase the nutrition quality of the food provided, and increase culturally appropriate programming and services. Imagine the Oglala Sioux schools being able to provide their children traditional buffalo, Navajo schools serving mutton, Swinomish schools serving salmon, Alaskan Native schools serving caribou, and Native Hawaiian schools serving laulau, foods common to each culture.

Tribes have proven for decades that they can successfully administer federal programs such as law enforcement, education, and healthcare. Authorizing direct administration of USDA school lunch programs would allow the tribes and tribal schools—those best acquainted with their students—the flexibility they need to fulfill the nutrition needs of their students.

Providing Indian students with quality education must include child nutrition. Wopila.

PREPARED STATEMENT OF HON. CHUCK HOSKIN JR., PRINCIPAL CHIEF, CHEROKEE NATION

Dear Chairman Schatz and Vice Chairman Murkowski:

I write today on behalf of the more than 450,000 citizens of Cherokee Nation, many of whom work in the agricultural sector. Thank you for this opportunity to submit thoughts and comments the upcoming reauthorization of the Farm Bill.

Cherokee Nation and citizens of Cherokee Nation are innovators in the agriculture space and regularly partner with the U.S. Department of Agriculture to fight hunger, advance food sovereignty efforts, and lift up Native producers. Historically, these producers are underrepresented in the agriculture industry and often lack adequate resources to grow their operations. We see the upcoming Farm Bill

<sup>2</sup> *Feasibility of Tribal Administration of Federal Nutrition Assistance Programs: Final Report*, IMPAQ International, LLC. February 2016 at page 70.

as a way to help Tribes and Native producers grow their agriculture efforts and promote Native sovereignty.

We look forward to working with you to:

- **Stabilize and grow the FDPIR program.** Congress should make permanent the Food Distribution Program on Indian Reservation (FDPIR) Self-Determination Demonstration Project, expand opportunities for Tribal Nations to participate, add Self-Governance compacting as an option for FDPIR, and expand the authority for the entirety of FDPIR, not just the sourcing opportunity. Expanding authority beyond Self Determination for the sourcing provision will provide Cherokee Nation and other tribes with an even greater opportunity to implement FDPIR efficiently and effectively. Cherokee Nation and other Tribal Nations should have the option to decide the food provided through its food distribution program without federal review and approval. This authority would allow Tribal governments to quickly respond to the unpredictability of growing seasons and current economic conditions. It would also provide Tribal Nations the opportunity to ensure that all ingredients required to prepare traditional foods are available through its food distribution program.
- **Expand Self-Determination and Self-Governance authorities to SNAP,** allowing tribes to administrate this program. Cherokee Nation and other Tribal Nations are best positioned to shape and administer SNAP to meet local needs. Currently, there is a statutory bar on individuals who qualify for both FDPIR and SNAP but, are unable to swap from one program to the other from month to month. This creates an administrative headache for certification of anyone who chooses to move between programs. It also is not representative of any other food program combination. Individuals who qualify for both TEFAP and SNAP may use both, or WIC and SNAP, and on and on. Removing this statutory prohibition would improve food access and opportunities for Tribal citizens to feed their families.
- **Include the PRIME Act in the Senate's Farm Bill.** Cherokee Nation is proud to support the PRIME Meat Processing in Indian Country Act (S. 1780), which would amend the Indian Self-Determination and Education Assistance Act to allow the Secretary of Agriculture to enter into self-determination contracts with Tribal organizations to carry out the authority of the Food Safety and Inspection Service. This bill promotes sovereignty and would provide opportunities for growth and streamlined processes at our 1839 Cherokee Meat Company. Food sovereignty is all about knowing where your food comes from, exercising some control of production, and doing it on a sustainable basis. Cherokee Nation is a leader in Tribal self-governance and, as we've done with the Food Distribution Program on Indian Reservations, we look forward to working with our federal partners at the U.S. Department of Agriculture to demonstrate the significant benefits of self governance contracting for Tribes and Tribal citizens.
- **Change to the Livestock Forage Program (LFP) to allow tribes the flexibility to use their own drought monitor and shorten the wait time from 8 weeks to 2 weeks.** Northeastern Oklahoma has experienced record heat waves and brutal weather conditions that livestock and pasture lands cannot sustain for weeks at a time. Cherokee Nation is uniquely situated to evaluate and determine the needs of Cherokee producers. As a tribal government, we are aware of the evolving and pressing needs of our citizens. The U.S. Drought Monitor alone is an insufficient measure of the needs of Cherokee producers.

We appreciate the opportunity to share in put to help make the 2023 Farm Bill better and stronger for all farmers and ranchers across the Nation, and we look forward to collaborating further on these efforts in the future.

---

PREPARED STATEMENT OF THE SNOQUALMIE INDIAN TRIBE

Dear Chairman Schatz and Vice-Chair Murkowski,

On behalf of the Snoqualmie Indian Tribe, thank you for allowing us to submit these comments to the Committee to outline the Snoqualmie Indian Tribe's priorities in the 2023 Farm Bill reauthorization. The Snoqualmie Indian Tribe is a federally recognized tribe in the Puget Sound region of Washington State with a reservation near Snoqualmie, Washington. The Snoqualmie Indian Tribe has inherent sovereign rights and certain reserved rights as a signatory to the Treaty of Point Elliott of 1855. Our priorities for the 2023 Farm Bill include:

### **1. Tribal Parity with USDA Good Neighbor Authority**

The Good Neighbor Authority allows the U.S. Department of Agriculture (USDA) Forest Service (Forest Service) and the Bureau of Land Management (BLM) to authorize states, counties, and federally recognized Indian tribes to conduct certain projects on federal lands in pursuit of specified land management goals. Specific to forests, the Good Neighbor Authority allows the Forest Service to enter into agreements to provide critical management work to keep forests healthy and productive.

Snoqualmie currently owns and manages 12,000 acres of forest land located in King County, Washington. The Tribe acquired the forest, known as the Snoqualmie Ancestral Forest, in 2021. The forest is located within the ancestral homelands of the Tribe and near the reservation that was promised to the Tribe by the United States, but was never delivered. The Tribe is currently engaged in conservation harvests and restoration projects within the Ancestral Forest.

Snoqualmie appreciates the support the Forest Service is able to provide through the Good Neighbor Authority. That said, because of a drafting oversight in the original legislative language authorizing the Good Neighbor Authority, Tribes and counties cannot retain and utilize revenue generated from Good Neighbor Authority projects.

As such, Snoqualmie requests that the 2023 Farm Bill include language allowing Tribes and counties to retain and utilize revenue generated from Good Neighbor Authority projects.

### **2. Expansion of Anchor Forests**

An Anchor Forest, as addressed in multiple Forest Service studies, is a “multi-ownership land base of any size able to support sustainable long-term wood and biomass production levels backed by local infrastructure and technical expertise and endorsed politically and publicly to achieve improved forest health and reduced fire risk conditions through management objectives of multiple interests.” The Anchor Forest “concept is founded on the premise that these tracts of forestland[,] under long-term stewardship [and] inclusive of commitments for commodity production, can economically incentivize cross-boundary collaborative management.”

Anchor Forests facilitate forest management by multiple entities and can support broad sustainable forestry management. Anchor Forests also have the potential to facilitate carbon reduction, especially as it relates to carbon credit production and markets.

Snoqualmie requests that the 2023 Farm Bill support the study and further expansion and implementation of Anchor Forest concepts and practices.

### **3. Permanent Reauthorization of the USDA Food Distribution Program on Indian Reservations**

The USDA’s Food Distribution Program on Indian Reservations provides essential foods to income-eligible households living on Indian reservations and to Native American households residing in designated areas near reservations. The Program also distributes both food and administrative funds to participating Indian Tribal Organizations and qualifying state agencies.

The Snoqualmie Indian Tribe supports amendments to the Food Distribution Program on Indian Reservations that promote Tribal autonomy and food security. Therefore, Snoqualmie requests that the 2023 Farm Bill make the Public Law 638 pilot program for the Food Distribution Program on Indian Reservations permanent.

### **4. Public Law 638 Expansion**

Public Law 638, also known as the Indian Self-Determination and Education Assistance Act, was established to support Tribal autonomy and self-governance. Public Law 638 created a contracting framework with federally recognized Indian tribes to assure maximum, effective, and meaningful Tribal participation in the administration of contractible programs within the U.S. Department of the Interior that serve Tribal communities and members.

Snoqualmie supports the broad adoption and expansion of government initiatives that utilize Public Law 638 contracts. Specifically, the Snoqualmie Indian Tribe asks that the 2023 Farm Bill:

- Expand Public Law 638 forestry opportunities to allow for increased Tribal control over conservation practices and related economic development opportunities.
- Establish a USDA Office of Tribal Self-Governance to drive the development of new Public Law 638 contracts and the expansion of existing Public Law 638 contracts.



- Expand Public Law 638 to be further incorporated into the Supplemental Nutrition Assistance Program (SNAP).
- Facilitate the use of Public Law 638 contracts as it relates to the Natural Resources Conservation Service.
- Establish a Public Law 638 demonstration project that would allow tribes to procure local and traditional foods for the Senior Food Box Program.

##### **5. Utilization of Traditional, Ecological, Knowledge Technical Standards**

Traditional, ecological, knowledge (TEK) has allowed Tribes to steward and protect their cultural resources and sacred sites for time immemorial. For example, Tribal nations have always understood the importance of controlled fires to cleanse forests, the medicinal value of numerous plants, and the significance of utilizing resources sustainably.

TEK is vital to the preservation of indigenous resources and Snoqualmie asks that the 2023 Farm Bill develop technical standards and practices to promote the use of TEK in federal initiatives. Again, thank you for this opportunity to share the Snoqualmie Tribe's priorities for the 2023 Farm Bill reauthorization. We look forward to working with you on these important issues.

Sincerely,  
 ROBERT M. DE LOS ANGELES, TRIBAL CHAIRMAN; SHAUNA SHIPP-MARTINEZ,  
 SECRETARY OF TRIBAL AFFAIRS

---

##### PREPARED STATEMENT OF THE NAVAJO AGRICULTURAL PRODUCTS INDUSTRY

My name is Lionel Haskie and I serve as Director of Operations—Public Law 638 and Government Relations for the Navajo Agricultural Products Industry. On behalf of the Navajo Agricultural Products Industry, which we refer to as NAPI, thank you for allowing us to submit testimony for the July 26, 2023, hearing entitled “Native priorities for the 2023 Farm Bill Reauthorization.” NAPI is an agricultural enterprise wholly owned by the Navajo Nation that manages over 70,000 acres of farmland in northwest New Mexico. Our crops include potatoes, wheat, beans, alfalfa, chili, organic watermelon, organic squash, sumac, and corn. We employ 300 people annually and an additional 350–375 seasonal workers during harvest. The Farm Bill is critically important to our farm system, and as one of the largest Native American producers in the country we respectfully request the Committee and Congress implement the following priorities as part of the 2023 Farm Bill:

##### **1. Expanding Public Law 638 eligibility to the Food Safety and Inspection Service under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.)**

NAPI supports expanding Public Law 638 eligibility to the Food Safety and Inspection Service under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.). Public Law 638, also known as the Indian Self-Determination and Education Assistance Act, was established to support Tribal autonomy and self-governance. Public Law 638 created a contracting framework with federally recognized Indian tribes to assure maximum, effective, and meaningful Tribal participation in the administration of contractible programs within the U.S. Department of the Interior that serve Tribal communities and members.

Currently, NAPI experiences severe delays in food inspection and shipping due to a lack of availability of inspectors. This expansion of Public Law 638 will provide NAPI and other Tribes the ability to administer meaningful programs themselves, resulting in more timely and tailored inspections and shipping all while supporting Tribal self-governance.

##### **2. The creation of a Public Law 638 Office at the U.S. Department of Agriculture to support Tribes expanding existing programs to utilize 638 contracts**

As discussed, Public Law 638 contracts support essential programs while providing necessary autonomy to Tribes. As such, NAPI supports the creation of a Public Law 638 Office at the U.S. Department of Agriculture to support Tribes expanding existing programs to utilize 638 contracts. In addition, the office would assist Tribes and Tribal entities in expediting negotiations of self-determination contracts and self-governance compacts. An office with experts in Public Law 638 contracting is sorely needed at USDA and will help ensure Tribes set up their programs in a timely and efficient way.

**3. Establishing a new provision to amend the Food Distribution Program on Indian Reservations and other nutrition programs that would allow Tribal producers to provide traditional foods through the U.S. Department of Agriculture on a regional basis**

The U.S. Department of Agriculture's Food Distribution Program on Indian Reservations provides essential foods to income-eligible households living on Indian reservations and to Native American households residing in designated areas near reservations. The Program also distributes both food and administrative funds to participating Indian Tribal Organizations and qualifying state agencies.

Federal programs of this type are essential to providing food security to Native communities and families across the U.S. The Food Distribution Program on Indian Reservations also supports Tribal agriculture and Native farmers in providing vital and healthy foods throughout Indian Country.

As such, NAPI supports establishing a new provision to amend the Food Distribution Program on Indian Reservations and other nutrition programs that would allow Tribal producers to provide traditional foods through the U.S. Department of Agriculture on a regional basis, as opposed to a national basis. By utilizing a regionally focused model, Tribes will be able to work directly with other Tribes to supply goods through their food and nutrition programs and ensure timely food delivery.

**4. Incorporate key language from the Native American Seeds Protection Act of 2019 and the Seeds and Breeds of the Future Act to require Tribal consultation and engagement with Tribal institutions regarding the protection of seeds and other related activities**

NAPI is a proponent of protecting Native American seeds as well as traditional food products and farming practices. NAPI also promotes the development of regionally adapted and publicly available seed varieties and animal breeds, particularly as it relates to fostering agriculture in various and unique regions. As such, NAPI was a strong supporter of the proposed Native American Seeds Protection Act of 2019 as well as the current Seeds and Breeds for the Future Act.

Given the importance of these two pieces of legislation, specifically as it relates to Tribal agriculture, we request that the Committee incorporate key language from the Native American Seeds Protection Act of 2019 and the Seeds and Breeds of the Future Act that would require Tribal consultation and engagement with Tribal institutions regarding the protection of seeds, traditional food products and farming practices, and other related activities.

If implemented in the 2023 farm bill, the above priorities will allow NAPI to more efficiently produce food for and distribute products to our customers. Thank you for allowing us to submit this testimony.

---

PREPARED STATEMENT OF THE INITIATIVE ON UNIVERSAL ACCESS TO CLEAN WATER FOR TRIBAL COMMUNITIES

Thank you for the opportunity to provide comments for the record on Native priorities for the 2023 Farm Bill Reauthorization.

We work on the initiative on Universal Access to Clean Water for Tribal Communities (UACW).<sup>1</sup> The UACW is comprised of Tribal members, water experts, and non-profit organizations working together to enhance Tribal capacity and secure access to clean, safe drinking water for all Native communities in the United States. As part of that initiative, we have looked closely at the various federal programs, including those at the United States Department of Agriculture (USDA), that address the provision of clean water and associated infrastructure in Indian country.

Access to clean water is a human right. Clean water is foundational for human health, growing economies, and a basic level of support for communities. However, 48 percent of households on Native American reservations do not have access to reliable water sources, clean drinking water, or adequate sanitation.<sup>2</sup> The lack of access to clean and safe drinking water in Tribal communities reflects historical and persisting racial inequities that have resulted in health and socioeconomic disparities. The federal government, through various treaties made with Tribes, promised to establish reservations as permanent homelands for Tribal communities. Unfortunately, the federal government has largely failed to fulfill its duty to provide clean water for Tribes. A permanent, livable, and prosperous homeland cannot exist with-

<sup>1</sup> Universal Access to Clean Water for Tribal Communities, <https://tribalcleanwater.org>.

<sup>2</sup> Water Delayed is Water Denied: How Congress has Blocked Access to Water for Native Families, Democratic Staff, House Committee on Natural Resources, Oct. 2016, <https://democrats-naturalresources.house.gov/waterdelayed-is-water-denied>.

out this minimum requirement of life-access to an adequate and healthful supply of drinking water.

Native American households are more likely to lack adequate water services than any other racial group. Existing water infrastructure on reservations continues to deteriorate and inadequate water quality remains pervasive across Indian country. According to the U.S. Water Alliance, Native households are 19 times more likely than white households to lack indoor plumbing.<sup>3</sup> Without a safe, reliable, affordable, and easily accessible water supply, Tribal households are unable to meet basic personal hygiene, food preparation, domestic cleaning, and other needs required for good health.

The USDA provides a number of programs that can address access to clean drinking water for Tribes. While these programs have improved conditions for some Native American communities, several barriers exist which prevent Tribes from fully realizing the benefits of these programs.

According to USDA data (received through a FOIA request), from 2010–2020, Tribes had lower application numbers than expected and received less funding per application than other applicant groups. Tribes represented only 3.4 percent of applications across all of USDA’s drinking water and wastewater programs, and they received only 2 percent of funding. Current USDA allocation structures for grant funding fail to apportion funding to properly support Tribal needs or respond to Tribal applications. Nearly 90 percent of Tribal applications are for grants rather than loans, and Tribes apply for grant funding in far greater numbers than other applicant groups (87 percent of Tribal applications are for grants, not loans, as compared to 36 percent overall). Despite this demonstrable expression of Tribal grant funding needs over loans, 70 percent of USDA Water and Sanitation Program funding is for the water and waste disposal loan program, whereas only 22 percent of funding is allotted for grants.<sup>4</sup>

In addition, the USDA is required by its agency regulations to complete the underwriting process in evaluating a Tribal application that a traditional lender would use, even if the Tribal applicant is not able to finance a loan and is only interested in a grant. During this process, the USDA reviews the Tribe’s assets and debts and the pre-development work to apply for funding can be extensive. It is not uncommon for the USDA to work with a Tribe for up to two years before an application is submitted to ensure that all the necessary pre-work is completed.<sup>5</sup> Many, if not most, Tribes simply do not have the human or technical resources available to slog through this application process.

Furthermore, the matching contribution requirements and maximum grant levels imposed by USDA can make even USDA grants unusable by Tribes.<sup>6</sup> Finally, and oddly, more favorable treatment and preference is given to “colonias” along the U.S./Mexico border than to Native American Tribes under this program. Thus, the vast majority of USDA grant and loan funding, as it is currently structured, is neither appealing nor accessible to Tribal communities and their water and wastewater needs.

Funding for safe drinking water systems for Tribal communities received a significant boost from the Infrastructure Investment and Jobs Act and the Inflation Reduction Act. While groundbreaking and long overdue, the funding now available for construction and repair of domestic water systems in Indian country is not a complete solution. Technical assistance is badly needed to allow Tribes to plan and design the systems necessary to access clean drinking water and bring those plans to the “shovel ready” stage where they can take advantage of available construction funding. In addition, Tribes need support to develop the managerial, financial, and regulatory capacity required for a fully functional and self-sustaining utility. Finally, because Tribes cannot rely on the same types and volumes of revenue streams to support operation and maintenance (O&M) of water systems, O&M assistance helps to ensure that the benefits of the historic investment in infrastructure are

<sup>3</sup>DigDeep-US Water Alliance, *Closing the Water Access Gap in the United States*, 2019, [https://uswateralliance.org/sites/uswateralliance.org/files/publications/Closing%20the%20Water%20Access%20Gap%20in%20the%20United%20States\\_DIGITAL.pdf](https://uswateralliance.org/sites/uswateralliance.org/files/publications/Closing%20the%20Water%20Access%20Gap%20in%20the%20United%20States_DIGITAL.pdf).

<sup>4</sup>Identifying Barriers in USDA Programs and Services; Advancing Racial Justice and Equity and Support for Underserved Communities at USDA, comments on the USDA request for information, Initiative on Universal Access to Clean Water for Tribal Communities, Aug. 14, 2021.

<sup>5</sup>Universal Access to Clean Water for Tribes in the Colorado River Basin, Water & Tribes Initiative, April 2021, <https://tribalcleanwater.org/wp-content/uploads/2021/09/WTI-Full-Report-4.20.pdf>, at 35–36.

<sup>6</sup>See USDA Rural Development, *Individual Water and Wastewater Grants*, <https://www.rd.usda.gov/programsservices/single-family-housing-programs/individual-water-waste-water-grants>.

fully realized. The Tribal Access to Clean Water Act of 2023<sup>7</sup> would help address these gaps and advance the federal government's treaty and trust obligations to provide clean and accessible water for Native communities. We support swift adoption of the USDA provisions in the Tribal Access to Clean Water Act by the Farm Bill, which would:

- Authorize the USDA, Rural Development, to make grants and loans for technical and financial assistance and for training, as well as for construction.
- Authorize increased funding for USDA's Rural Development Community Facilities Grant and Loan Program of \$100 million per year for five years and provide \$30 million per year specifically for technical assistance.
- Remove matching contribution requirements and ensure that Native communities are treated equitably and appropriately when considered for grants and loans.

These provisions would strengthen the USDA Rural Development program and increase the ability of Tribes to secure grant money to build drinking water and waste disposal facilities and achieve the basic quality of life taken for granted by most Americans.

Thank you for your time and consideration.

Sincerely,

HEATHER TANANA, INITIATIVE LEAD



---

<sup>7</sup>S. 2385, <https://www.bennet.senate.gov/public/~cache/files/a/6/a6fb5c6f-eac9-4d4e-9541-d1ba7e1f8ab8/64B158C296583B7B80A3A39962959A78.tribal-access-to-clean-water-act-bill-text.pdf>.