



USET

SOVEREIGNTY PROTECTION FUND

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*Transmitted Electronically
To consultation@hhs.gov*

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Rachel L. Levine, M.D.
ADM, USPHS
Assistant Secretary for Health
U.S. Department of Health and Human Services
200 Independence Ave. SW
Washington, DC 20201

Dear Assistant Secretary Levine,

On behalf of the United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we submit these comments in response to the Tribal consultation held on June 28, 2022 to prepare for the upcoming White House Conference on Hunger, Nutrition, and Health. This Conference will be held in September 2022 and is part of the Biden-Harris Administration's initiative to end hunger and increase healthy eating and physical activity by 2030. A Framing Paper for this consultation was released identifying five pillars that the Conference will focus on, which include improving food access and affordability, integrating nutrition and health, empowering consumers to access healthy choices, support for physical activity, and enhancing nutrition and food security research. Many of these issues affect Tribal Nations frequently and to greater degrees than other jurisdictions and communities in the United States. USET SPF appreciates and supports the Administration's effort to include Tribal Nations in this initiative, recognizing that the federal government has a complicated history with food and nutrition policy in Indian Country. Meaningful inclusion of Tribal Nations in this initiative requires supporting our sovereign right to directly administer food assistance programs, as well as supporting our efforts to cultivate traditional foods.

USET Sovereignty Protection Fund (USET SPF) is a non-profit, inter-tribal organization advocating on behalf of thirty-three (33) federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico.¹ USET SPF is dedicated to promoting, protecting, and advancing the inherent sovereign rights and authorities of Tribal Nations and in assisting its membership in dealing effectively with public policy issues.

¹ USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Catawba Indian Nation (SC), Cayuga Nation (NY), Chickahominy Indian Tribe (VA), Chickahominy Indian Tribe–Eastern Division (VA), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), , Mi'kmaq Nation (ME), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Monacan Indian Nation (VA), Nansemond Indian Nation (VA), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Rappahannock Tribe (VA), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), Upper Mattaponi Indian Tribe (VA) and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

Because there is Strength in Unity

The federal government has consistently failed to live up to promises made to Tribal Nations in exchange for the cession of our land and resources. These promises are not based in poverty or need, but rather are a payment on debt to Tribal Nations. The failure to deliver upon these promises, including the chronic underfunding of federal Indian programs and a failure to fully recognize Tribal sovereignty, as well as historic and current federal Indian policy, are largely responsible for food insecurity and other substandard living conditions faced by Native people today. This includes a failure to promote and support economic development in Indian Country. Economic sovereignty is essential to Indian Country's ability to be self-determining and self-sufficient and when economic sovereignty is supported it translates into Tribal citizens having the economic means to purchase healthy, locally sourced foods. The rebuilding of Tribal Nations involves rebuilding our Tribal food economies as a core foundation of healthy and productive communities. It requires comprehensive planning to ensure that our economies have the necessary food and nutrition infrastructure, services, and opportunities for our citizens to thrive, thus resulting in strong Tribal Nations.

Support Self-Governance for Food and Nutrition Programs

As a matter of governmental parity, Tribal Nations must have the authority to engage in Tribal self-governance compacts and contracts to administer the Supplemental Nutrition Assistance Program (SNAP), Food Distribution Program on Indian Reservations (FDPIR), and other vital nutrition programs. Tribal Nations, like other units of government, are responsible for providing essential services to our citizens, including those related to nutrition. Tribal Nations have demonstrated we have the capacity to fully administer SNAP programs to Tribal citizens, as we have been administering far more complex federal programs for decades. However, and in spite of a 2014 feasibility study conducted by the U.S. Department of Agriculture (USDA), Tribal Nations continue to be excluded from administering SNAP and other nutrition programs under Indian Self-Determination and Education Assistance Act (P.L. 93-638) contracting and compacting. The 2018 Farm Bill authorized a P.L. 93-638 demonstration projection for FDPIR, but this authority should be guaranteed to any Tribal Nation that desires to administer their own FDPIR program. USET SPF encourages the Administration to recommend to Congress to enact Tribal Nation P.L. 93-638 self-governance capabilities to administer FDPIR, SNAP, and other vital nutrition programs as part of the upcoming Farm Bill reauthorization. This self-governance authority should also empower Tribal Nations to integrate traditional foods into nutrition programs.

Support the Cultivation of Traditional Foods and Self Governance for Forestry Programs

Although Tribal Nations have access to millions of acres of land that are already engaged in some form of agriculture or food production, these foods do not stay within Tribal communities. At this time, the \$3.4 billion generated annually through Tribal agriculture efforts is more than 99% raw commodities, instead of the healthy, local, economically beneficial, and nutritious food needed in Tribal communities and rural areas. Access to traditional and healthy foods is not just an economic issue, but a health and sustainability issue as well. Increasing access to these foods is a crucial part of the solution to food insecurity in Indian Country.

Across Indian Country, Tribal Nations and Tribal producers are actively engaging in food sovereignty projects that would increase the amount of traditional food, including fresh fruit, meat, and vegetables within Tribal communities. The Administration and Congress must ensure Tribal food sovereignty and traditional food programs are supported. This includes ensuring Tribal Nations and Tribal agriculture programs have equal access to vital agriculture programs that would support traditional food programs, including, for example, the Specialty Crop Block Grant Program (SCBGP). At present, SCGP lists corn and other Indigenous-origin grains and legumes as commodities, excluding Tribal Nations who are preserving unique ancestral varieties of corn and bean seeds that are grown for specialty purposes. Indigenous corn is typically not grown at commodity scale, nor does it enter the commodity market. Moving forward, we urge the U.S. Department of Agriculture (USDA) to host a consultation on specialty crops grown in Indian

Country to expand access to this program and consider this as a discussion item during the upcoming White House Conference on Hunger, Nutrition, and Health.

The sustainability of traditional foods and crops are vital to the cultural and spiritual lives of Tribal citizens. Tribal products must also be given the maximum protection under federal law so that they are shielded from non-Tribal commercialized purposes. Tribal products are often derived from traditional seeds, which are among the most sacred items to Tribal Nations. The federal government must uphold the inherent right and sovereign status of Tribal Nations to protect traditional seeds not just to ensure biosecurity and food security for our communities, but to preserve market competitiveness for Tribal products as well.

In addition, when Tribal Nations manage our own forests, we are able to prioritize traditionally harvested plants and animals that provide vital elements of a healthy Indigenous diet. Wild harvested foods are often more nutritionally dense than their cultivated counterparts and they carry a cultural connection for Indigenous people. Nutritious, local foods are an essential part of any solution to food insecurity. Therefore, we urge that P.L. 93-638 authority also be extended to forestry programs at USDA. This would also support self-governance attempts to integrate traditional foods into federal nutrition program programs administered by Tribal Nations.

Conclusion

Food insecurity and nutrition issues in Indian Country are a symptom of the larger issues we face as Tribal Nations, particularly the failure of the U.S. government to live up to the terms of our diplomatic, Nation-to-Nation relationship. Solutions that recognize and uphold our inherent sovereignty and trust and treaty obligations are necessary to alleviate food insecurity, nutrition issues, and improve conditions for Tribal Nations and our communities to enhance health and wellness. We urge you to keep this in mind as you continue to seek ways to meaningfully include Tribal Nations in the upcoming White House Conference on Hunger, Nutrition, and Health, as well as address hunger and nutrition issues at its roots in the United States. We appreciate the Administration's efforts to include Indian Country in these important discussions and we welcome further engagement as this initiative proceeds. Should you have any questions or require further information, please contact Ms. Liz Malerba, USET SPF Director of Policy and Legislative Affairs, at LMalerba@usetinc.org or 615-838-5906.

Sincerely,



Kirk Francis
President



Kitcki A. Carroll
Executive Director