



# USET

SOVEREIGNTY PROTECTION FUND

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*Transmitted Electronically*

March 15, 2023

Bruce Summers  
Administrator  
Agricultural Marketing Service  
U.S. Department of Agriculture  
1400 Independence Ave, SW  
Washington, DC 20250

Heather Dawn Thompson  
Director  
Office of Tribal Relations  
U.S. Department of Agriculture  
1400 Independence Ave, SW  
Washington, DC 20250

Dear Administrator Summers and Director Thompson,

On behalf of the United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we write to express our concerns with the award of funds for the Resilient Food Systems Infrastructure (RFSI) Program absent proper engagement and consultation with Tribal Nations. The Program is administered by the U.S. Department of Agriculture (USDA), Agricultural Marketing Service (AMS), and provides funds to any agency, commission, or department responsible for agriculture within the 50 states and the U.S. territories. The intent of the Program is to build resilience in the middle of the food supply chain by providing increased access to markets for small and mid-sized farms and food businesses. State agriculture departments are to make competitive subaward Program funds to support infrastructure in the middle of the supply chain for domestic small and mid-sized food and farm businesses and other eligible entities.

While we understand the Program was established to create cooperative agreements between USDA AMS and state agriculture departments for these subawards, we are disappointed that USDA AMS has failed to include Tribal Nations, our agriculture departments, and Tribally owned and operated agriculture and aquaculture enterprises in this program. Due to this neglect, Tribal Nations, and our agriculture and aquaculture enterprises have been essentially excluded from accessing these critical funds to contribute to and participate in the agriculture supply chain. Further, with the limited funds available to states under the current RFSI Program, the absence of a Tribal set-aside, and the highly competitive nature of the grant, Tribal Nations and our agriculture and aquaculture entities are further excluded from participating in the RFSI Program.

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.<sup>1</sup> USET SPF is dedicated to promoting, protecting, and

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<sup>1</sup> 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*

advancing the inherent sovereign rights and authorities of Tribal Nations and in assisting its membership in dealing effectively with public policy issues.

Under Sec. 1001 of the American Rescue Plan Act of 2021 ([P.L. 117-2](#)), USDA was appropriated \$4 billion to address food supply chain and agriculture concerns resulting from the COVID-19 pandemic. On May 3, 2023, USDA issued a [Press Release](#) on the establishment of the RFSI Program and allocated \$420 million to address issues with the agriculture supply chain and strengthen local and regional food systems. However, ironically, while this Press Release also announced \$400 million to fund USDA Regional Food Business Centers—which included a National Intertribal Food Business Center—USDA has failed to consult with Tribal Nations on the establishment of the RFSI Program or the possible award of funds to Tribal Nations, our agriculture departments, and Tribally owned and operated agriculture and aquaculture enterprises. Instead, USDA has chosen to pursue cooperative agreements with state agriculture departments and has relied on states to develop plans for how these funds are to be utilized and subawarded to address state-specific agriculture supply chain issues for small and mid-sized food and farm businesses. This action was taken without direct engagement and consultation with Tribal Nations and does not uphold USDA's trust and treaty obligations since this adopts and implements a state-centric approach.

USDA has failed to recognize how important Tribal Nations and our agriculture and aquaculture enterprises are to the overall U.S. economy. We contribute significantly to the economic growth and job creation of local and regional economies, and our Tribal agriculture and aquaculture enterprises can often be a primary source of jobs and income for local Tribal and non-Tribal citizens alike. Additionally, according to a [publication](#) from the Native Farm Bill Coalition, the 2017 Census of Agriculture determined the market value of agriculture products sold by Tribal producers was estimated at \$3.5 billion. USDA is at fault for not including Tribal Nations and our agriculture and aquaculture enterprises in the RFSI Program with a direct Tribal set-aside to improve upon and expand our contributions to these social and economic demographics.

Moving forward, we strongly urge USDA AMS to identify additional funds from the \$4 billion it was appropriated under Sec. 1001 of P.L. 117-2 to support direct allocations to Tribal Nations, our agriculture departments, and Tribally owned and operated agriculture and aquaculture enterprises. Further, we strongly recommend that any future re-authorization and appropriation of funds for the RFSI Program must include a Tribal set-aside for our Tribal Nations, our agriculture departments, and Tribally owned and operated agriculture and aquaculture enterprises. This must be done to uphold USDA's trust and treaty obligations to Tribal Nations and support our efforts to contribute to the resiliency of the agriculture supply chain. We strongly recommend that USDA AMS and the USDA Office of Tribal Relations (OTR) consult with Tribal Nations on how these funds should be allocated.

USET SPF has also noted that the current RFSI program is relying on the [Distressed Communities Index](#), which relies on zip code/county level data metrics that do not appropriately demonstrate specific data metrics with Tribal Nation jurisdictional boundaries. For these reasons, we strongly recommend that USDA AMS instead rely upon and utilize the [Justice40 Initiative](#), [Climate and Economic Justice Screening Tool](#) to appropriately identify Tribal Nation jurisdictional boundaries eligible for RFSI Program funds.

In addition, the RFSI Program application window, as currently structured, is too short to allow for Tribal food and agriculture supply chain projects to follow appropriate protocols for receiving the Tribal Nation approvals required to participate in the program. This is especially pertinent to the designation of land and infrastructure required as part of the current RFSI Program application. USET SPF strongly recommends that as USDA AMS restructures the RFSI Program to support Tribal Nations, our agriculture departments,

and Tribally owned and operated agriculture and aquaculture enterprises, it must include, at a minimum, a 60 day open call for proposals.

USET SPF strongly recommends that USDA AMS, in coordination and collaboration with USDA OTR, consult with Tribal Nations to determine a path forward for restructuring the RFSI Program to support Tribal Nations, our agriculture departments, and Tribally owned and operated agriculture and aquaculture enterprises. Our Tribal Nations and Tribal agriculture entities have consistently been excluded from essential federal funds to support our agricultural development and contribute to the greater U.S., regional, and local agriculture economy and supply chain. We anticipate further collaboration and engagement with USDA to address these issues. 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](mailto:LMalerba@usetinc.org) or 615-838-5906.

Sincerely,



Chief Kirk Francis  
President



Kitcki A. Carroll  
Executive Director