

The INTER-TRIBAL COUNCIL of the FIVE CIVILIZED TRIBES

A Resolution Urging the United States Department of Agriculture to Support the Expansion of Self-Determination and Self-Governance Authority Throughout the Agency

Resolution No. 24-05



Chuck Hoskin Jr.
Principal Chief



Bill Anoalubby
Governor



Gary Batton
Chief



David W. Hill
Principal Chief



Lewis J. Johnson
Chief

WHEREAS, the Inter-Tribal Council of the Five Civilized Tribes (ITC) is an organization that unites the tribal governments of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek) and Seminole Nation, representing approximately 815,000 Indian people throughout the United States; and

WHEREAS, the Indian Self Determination and Education Assistance Act of 1975 (“ISDEAA”) (P.L. 93-638 or “638”) established contracting and compacting authority that allows for the direct Tribal administration of programs, services, functions, and activities (“PSFAs”) housed in the Indian Health Service (“IHS”) and the Bureau of Indian Affairs (“BIA”). For more than 50 years, ISDEAA has authorized Tribes to assume the operational responsibility and federal funding for certain programs previously administered by the federal government for the benefit of Indians. Self-Determination and Self-Governance options have consistently proven to be the most cost-effective approach in administering federally supported programs in Indian Country. Tribes know best how to meet the needs of their own people and how to do so most efficiently; and

WHEREAS, for decades, Congress has extended Self-Determination and Self-Governance authority to IHS, BIA, and other U.S. Department of the Interior agencies. Congress has previously extended somewhat similar authority to the Department of Housing and Urban Development, the Department of Labor, the Department of Transportation, and most recently, the Department of Agriculture (USDA) through two pilot programs for the Food Distribution Program on Indian Reservations (FDPIR) and activities authorized by the Tribal Forest Protection Act (TFPA); and

WHEREAS, to date, 16 Tribal Nations are participating in the FDPIR pilot program, the Forest Service (FS) has negotiated 13 Self-Determination agreements for activities under the TFPA and the Department of Transportation (DOT) has negotiated three Self-Governance agreements. Through the FDPIR Self-Determination Demonstration Project, Tribes have successfully replaced USDA FDPIR food items with traditional foods. One specific example is the Menominee Indian Tribe of Wisconsin and the Oneida Nation, which partnered to participate in the pilot project. Replacing FDPIR food items with traditional foods for their citizens has been a key point of success for

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this pilot project. Through the project, they have also been able to source much higher quality food products than with USDA's national sourcing and secure more foods from Tribal producers, including bison, beef, apples, wild rice, and fish. The project has been successful in promoting Tribal sovereignty, providing better, more nutritious foods to Tribal citizens, expanding cultural and historical knowledge through the use of traditional foods, and providing economic benefit to Tribal vendors and other local food vendors. TFPA was the first agreement negotiated with the Tulalip Tribes. Cherokee Nation was the first tribe to negotiate a Self-Governance agreement with DOT; and

WHEREAS, making the FDPIR pilot program permanent is crucial for the 16 Tribes already administering the program, Tribal citizens who are benefiting from Tribal administration of FDPIR, and Tribal producers who rely on the program for a continual revenue stream. Participating Tribes have already invested in systems and infrastructure, and the programs are operating more effectively with the local control of Tribes. Discontinuing the program would be a step backward. Tribes have been able to better serve their citizens and can be more responsive to their citizens' needs and day-to-day issues that may arise. Pilot projects are not feasible long-term and discourage Tribal producers and other non-Tribal vendors from engaging because funding is finite and future revenue streams are uncertain. This is especially true for small producers who would need to increase production capacity but are unlikely to do so without a known market for their product; and

WHEREAS, TFPA pilot must be made permanent to continue the important work already being undertaken through the 13 Self-Determination agreements the FS entered into with Tribes for activities under the TFPA since the 2018 Farm Bill's enactment. In an effort to ensure the success of these projects, the FS and the Intertribal Timber Council (ITC), a member of the Native Farm Bill Coalition, worked together for 18 months to create a library of TFPA resources and templates. The FS has since encouraged its employees to take advantage of technical assistance provided by the ITC and the FS Washington Office of Forest Management, which negotiated the first TFPA pilot, to pilot additional 638 agreements. To simply throw away all of this important work would be a waste of federal resources and an unnecessary step backwards in promoting mutually beneficial, cross boundary work to improve forest and grassland conditions, protect tribal lands and communities from risks, and restore trust assets with the National Forest System; and

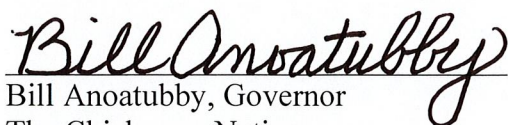
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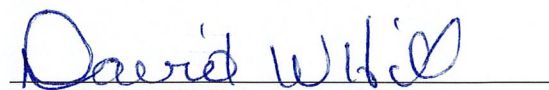
WHEREAS, in an effort to implement the FDPIR 638 pilot program authorized by the 2018 Farm Bill, USDA spent \$5 million contracting with BIA to negotiate the 638 agreements with Tribes on behalf of USDA. While BIA is more familiar with 638 agreements, pilot participants reported that BIA officials negotiating the agreements were often unfamiliar with their regions and agricultural/food options available. Establishing an Office of Self-Governance in USDA would assist the agency with institutionalizing and uniformly negotiating Self-Determination and Self-Governance agreements throughout the agency, especially as Indian Country and Congress alike continue to advocate for expanded self-determination and self-governance opportunities at USDA.

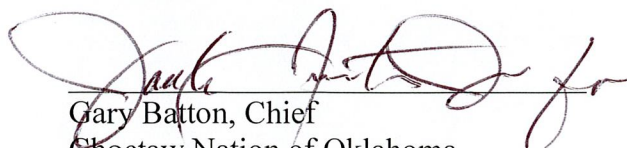
NOW THEREFORE LET IT BE RESOLVED THAT, the Inter-Tribal Council of the Five Civilized Tribes Tribes urges United States Department of Agriculture and Congress to support the expansion of P.L. 93-638 Authority throughout the USDA.

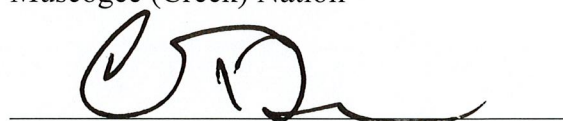
CERTIFICATION

The foregoing resolution was adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting in Thackerville, Oklahoma on this 19th day of April, 2024, by a vote of 21 for 0 against and 0 abstentions.


Bill Anoatubby, Governor
The Chickasaw Nation


David W. Hill, Principal Chief
Muscogee (Creek) Nation


Gary Batton, Chief
Choctaw Nation of Oklahoma


Chuck Hoskin Jr., Principal Chief
Cherokee Nation


Lewis J. Johnson, Chief
Seminole Nation of Oklahoma