September 17, 2022

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| The Honorable David ScottChairman House Agriculture Committee1301 Longworth House Office BuildingWashington, D.C. 20515 | The Honorable G.T. ThompsonRanking MemberHouse Agriculture Committee1010 Longworth House Office BuildingWashington, D.C. 20515 |
| The Honorable Debbie StabenowChairSenate Agriculture Committee 328-A Russell Senate Office BuildingWashington, D.C. 20510 | The Honorable John BoozmanRanking MemberSenate Agriculture Committee328-A Russell Senate Office BuildingWashington, D.C. 20510 |

**Re:** **Tribal Governments and First Nation Communities Urge the House and Senate Agriculture Committees to Authorize FNS to Issue Waivers for Traditional Foods Procured from Traditional Homelands Across International Borders for the Purposes of FDPIR**

Dear Chairman Scott, Ranking Member Thompson, Chair Stabenow, and Ranking Member John Boozman:

On behalf of the co-chairs of the [Jay Treaty Border Alliance](https://www.jaytreatyborderalliance.com/about), and the Tribal governments and First Nation communities signed onto this letter, we are writing to urge leadership on the House and Senate Agriculture Committees to include a provision in the 2023 Farm Bill that considers traditional foods such as fish, meat, wild rice, grains, and other produce procured from traditional homelands across international borders “domestic” for the purposes of the Food Distribution Program on Indian Reservations (FDPIR).

As a result of the Treaty of Amity Commerce and Navigation of 1794 (commonly referred to as the Jay Treaty) between the United States and Great Britain, the United States-Canada border bisects the traditional territories of several federally recognized Native American and First Nations Tribal communities. Despite this international boundary line, these communities have remained connected culturally and many Tribal members cross the United States-Canada border for education, employment, ceremony, fishing, hunting, harvesting, and farming in their traditional territories.

While traditional foods in these territories are abundant, Tribal governments located along the United States-Canada border are limited in their ability to access these foods because FDPIR requires foods to be domestically-sourced. This limitation significantly restricts the ability of Tribal governments to source traditional foods and build regional Tribe-to-Tribe trade networks.

During the 2023 Farm Bill negotiations, the **House and Senate Agriculture Committees should** **authorize FNS to issue waivers for the procurement of traditional foods sourced from Tribal homelands across international borders**. This will result in increased access to traditional, nutritionally-valuable foods and create new agricultural trade opportunities for Tribal governments.

**A. Increased Availability and Access to Traditional, Nutritionally-Valuable Foods in FDPIR**

FNS’ 2022 [Food Distribution Program on Indian Reservations (FDPIR) Available Foods List](https://www.fns.usda.gov/fdpir/usda-foods-available-list-fdpir) includes several traditional foods ranging from bison to catfish, blue cornmeal, wild rice, salmon, and walleye. In late 2015, bison and blue cornmeal became the first traditional foods delivered through FDPIR as a permanent part of the food package, rather than as bonus items. Most recently, FNS added traditionally harvested wild rice and wild frozen sockeye salmon fillets in August 2016, and walleye in 2021. While FNS has broad legal authority to add traditional foods to its Available Foods List, there are several barriers that make it difficult for Tribal governments to be successful in their efforts. One of these barriers is the inability to source traditional foods across international boundaries. Some Tribal governments participating in FDPIR have identified opportunities to procure traditional foods from sister communities in Canada that are the same community of people but for the creation of the United States-Canadian border. Recognizing the importance of increasing access to traditional foods in FDPIR, the House and Senate Agriculture Committees should clarify that Tribal governments with bands or communities across international borders may source food products sourced from those bands—especially traditional and culturally significant food products—for the purposes of FDPIR sourcing.

**B. Creates New Agricultural Trade Opportunities for Tribal Governments**

Agricultural trade is a valuable part of economic development for all communities. Tribes are no exception. Tribal communities whose communities are bifurcated by international boundaries should have expanded opportunities to trade with each other. This will enhance Tribal economic development opportunities, secure reliable and regional supply chains of food, and establish new trade partnerships for Tribal governments.

Thank you for taking the time to learn more about the importance recognizing internally-sourced traditional foods as “domestic” for the purpose of administering FDPIR. Enacting this provision will ensure that our Tribal communities have access to healthy, affordable, and regionally sourced foods and more importantly, it will create new agricultural trade opportunities for Tribal communities located on or near the United States-Canadian border. We look forward to working with you to advocate for this important provision throughout the 2023 Farm Bill negotiations. For any questions, please contact Kayla Gebeck Carroll at kayla.gebeck@hklaw.com.

Sincerely,

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| INSERT SIGNATURE |  |