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TESTIMONY OF THE HONORABLE DARRELL G. SEKI SR.
CHAIRMAN, RED LAKE BAND OF CHIPPEWA INDIANS
Regarding the Joint House Agriculture Committee and House Appropriations
Subcommittee on Agriculture Oversight Hearing Entitled "Severe Food Distribution
Shortages in Tribal and Elderly Communities"
September 11, 2024

Chairman Thompson, Ranking Member Scott, Chairman Harris, Ranking Member Bishop, and other distinguished members of your committees, Chi miigwetch (many thanks) for the opportunity to testify on behalf of the Red Lake Band of Chippewa Indians (Red Lake) on the food shortage crisis caused by the U.S. Department of Agriculture's (USDA) consolidation of warehouses supporting the Food Distribution Program on Indian Reservations (FDPIR) and the Commodity Supplemental Food Program (CSFP). Red Lake is a federally recognized Tribe responsible for promoting the health and well-being of our 17,023 Band members who call our 840,000-acre Reservation in Northern Minnesota home.

I. The Impact of the FDPIR and CSFP Consolidation on Red Lake. Due to our remote location and expansive geography, Red Lake Band member unemployment rates are high and access to healthy foods can be particularly difficult, especially in instances where Tribal members do not have access to reliable modes of transportation. While Red Lake is undertaking several efforts to promote our own food sovereignty and increase access to healthy, traditional foods through our fishery, buffalo ranch, farms, and wild rice production, Red Lake has long relied on FDPIR and CSFP to feed our members. Red Lake first began using FDPIR in October of 1996. With 28 years of FDPIR operation, we now serve 284 participants residing in 220 households on our Reservation. Red Lake additionally became one of the few Tribes to operate CSFP in November of 2005 to support Red Lake elders. Red Lake now serves 88 elders through this program.

Red Lake has experienced problems every month since USDA's decision to consolidate. Whether it is delivery delays, missing items, or additional items that we did not order, Red Lake's ability to feed our people through these programs is jeopardized. I want to recognize our Red Lake FDPIR and CSFP staff, including, but not limited to, Cora Rosebear and Corey May Sr. and their staff who work hard to feed our people. During this crisis, they have diligently tracked USDA's failures. They have also had to make decisions they never should have to and I commend them for their work. With their help, we have pulled together a summary of the negative impacts USDA's decision to consolidate the warehouse vendor has had in our community.

- **March 2024:** Red Lake was informed that Paris Brothers was transitioning to be the sole vendor for FDPIR and CSFP. To prepare, Red Lake ordered more than our usual monthly amount.

- **April 2024:** With delays in the delivery of food beginning, Red Lake was forced to make the food ordered in March last until May's delivery arrived.
- **May 2024:** Red Lake's FDPIR program did not receive 50 units of five-pound bags of flour. Additionally, we did not receive four cases of macaroni. While macaroni may not seem like a staple item, Red Lake Band members use macaroni in many of their regular meals, including a local favorite called "Mac Soup", consisting primarily of macaroni, tomatoes, and ground beef or buffalo. Not having access to macaroni was a crisis in its own for our Band members.
- **June 2024:** For the Tribe's CSFP program, we were shorted two cases of Corn Flakes cereal. For FDPIR we were shorted one case of diced tomatoes and two cases of Rice Crispy cereal. Additionally, the Tribe received one case of cream style corn, and one case of unsalted crackers that we did not ask for. Concerning to Red Lake, the driver who delivered the food cut the seal without consent. The FDPIR and CSFP staff knew not to accept the order if the seal was not cut in front of them. However, because of the shortages that all of the Tribes were having, Red Lake staff accepted the food and made the driver wait until the entire order was counted and verified.
- **July 2024:** Red Lake did not receive any food for either FDPIR or CSFP.
- **August 2024:** Our food order was late, but it did arrive on August 9. However, our CSFP order was short 10 cases of 1% milk and two cases of macaroni. Additionally, our FDPIR order was short two cases of apricots and we received 41 cases of peaches that we did not order.
- **September 2024:** Our September order, which was originally expected to arrive on August 27, was rescheduled to September 5. When we had not received our order by 5 p.m. CT, we reached out to our USDA contact. He asked us if we had talked to the Mille Lacs Band of Ojibwe (MLBO) FDPIR site to see if they received their order, as our order was likely next. MLBO confirmed they received their order. After 6 p.m. CT, the truck did eventually arrive, and Red Lake's staff were on the ground sorting the food around 8:30 p.m. CT. Unfortunately, we were shorted 20 cases of pears.

II. USDA's Short-Term Solutions Have Been Inadequate. After failing to uphold its trust obligations to Tribes across the country, USDA put forth four short-term solutions – (A) using Local Food Purchase Assistance (LFPA) dollars to purchase emergency foods, (B) encouraging states that operate The Emergency Food Assistance Program (TEFAP) to request situations of distress, (C) temporarily expanding the USDA Department of Defense (DoD) Fresh Fruit and Vegetable Program, and more recently, (D) providing at least \$11 million in Commodity Credit Corporation (CCC) funds to purchase emergency foods. As described in more detail below, Red Lake has been unable to make use of three of these four options.

A. Red Lake Cannot Steal Our Own LFPA Funds to Fix USDA's Problem. Red Lake received \$2.2 million dollars as part of our [LFPA agreement](#) with USDA to distribute locally sourced traditional foods to approximately 1,550 school aged children and 300 elders as a way to provide relief from rising food costs. Distribution boxes will be provided to school aged children at Red Lake School District locations each month and will contain traditional sources of protein such as buffalo and fish and will also include other locally harvested and produced items such as maple products, wild rice, and fresh produce as seasonally available. With roughly half of the Red Lake population under the age of 18, this effort is incredibly helpful to ensure the well-being of our people and not only does it increase access to culturally relevant foods, it allows us to buy food directly from our own fishery, buffalo ranch, farms, and wild rice production efforts. To ask us to

pull this money away from this important effort to resolve USDA's failure is not only insulting, its egregious. Red Lake refuses to rob our own programs to fix this failure, especially as USDA has told us that they will not reimburse us for the use of these funds.

B. As of September 9, 2024, the State of Minnesota Has Not Requested a Situation of Distress. While Red Lake has a good relationship with our state, the fact that Minnesota has not requested a situation of distress means that this option provides no relief to the Red Lake Band.

C. Red Lake is Not Benefiting from the USDA DoD Short-Term Solution. Outside of the FDPIR and CSFP crisis, Red Lake does utilize the DoD Fresh Fruits and Vegetable program to receive fresh produce every two weeks. However, only 10 Tribes have been able to use the short-term expansion of the program – Red Lake is not one of them.

D. The Only Short-Term Solution that Provided Red Lake Relief was the CCC Dollars. After realizing that the three initial solutions put forth by USDA did not actually provide any relief for the majority of Tribes administering FDPIR and/or CSFP, USDA [provided](#) at least \$11 million in CCC funds of which Red Lake received \$49,600. This should have been the first solution put forth by USDA, but it only provides temporary relief. We need a long-term solution.

III. Red Lake Has Had to Rely on a Shakopee Mdewakanton Sioux Community (SMSC) Emergency Food Grant to Offset the Impacts of USDA's Failure. As a result of three of the four USDA short-term solutions not applicable to Red Lake, we had to take advantage of the SMSC emergency food grant to purchase food for our FDPIR and CSFP programs. For those who may not know, upon hearing about the FDPIR and CSFP crisis, SMSC, who also serves as one of the four co-founders of the Native Farm Bill Coalition, immediately provided up to \$3 million for emergency food grants to Tribes in the State of Minnesota and to their Lakota, Dakota, and Nakota sister Tribes in other states. Red Lake is grateful for SMSC's generosity and commitment to promoting the well-being of Indian Country by advocating for critical tools that promote food sovereignty. But SMSC should not be put in a position where they felt obligated to step in. SMSC does not have a trust obligation to Tribes, USDA does.

IV. Long-Term Solutions that Should Be Implemented. The Red Lake Band has identified three long-term solutions that should be implemented as immediately as possible. These include – (A) moving to a regional sourcing model, (B) establishing an automatic tracking system for deliveries, (C) making the 638 FDPIR pilot program authorized by the 2018 Farm Bill permanent, and (D) expanding 638 to CSFP.

A. Regional Sourcing Model. On February 16, 2024, the USDA held a Tribal consultation where it informed Indian Country of its plans to consolidate from two to one warehouse vendor. USDA's own [meeting notes](#) show that Tribal leaders who were able to attend the consultation expressed concerns about existing delivery delays and that they preferred adding additional vendors who work on a regional basis rather than consolidating to one national warehouse. Tribal leaders cited lessons learned throughout the COVID-19 pandemic on the need to build redundancy in the supply chain and enhance regional sourcing. In April of this year, USDA moved forward with the consolidation promising it would provide adequate oversight, which it has clearly failed to do. It is offensive that USDA thinks it knows what is best for Tribal governments

and that they completely ignored our requests. It is time to right this wrong by directing USDA to move towards regional warehouse sourcing either through the Fiscal Year (FY) 2025 appropriations process or the upcoming Farm Bill. Because the contract is up for renewal in 2025, Congress must issue this directive before we end up in this situation again.

B. Establish an Automatic Tracking System that Alerts Tribes on Where Their Orders are in the Process. As noted in our timeline, for our recent September order, USDA could not confirm where our order was and whether other Tribes have been served. An automatic tracking system should be built to ensure transparency and reliability.

C. Enact a Farm Bill that Makes Permanent the 638 FDPIR Pilot Program Authorized by the 2018 Farm Bill. Red Lake knows that we are not truly sovereign until we are food sovereign, and this is why we strongly support the efforts of the House Agriculture Committee to make the 638 FDPIR pilot program authorized by the 2018 Farm Bill permanent. While we were not able to take advantage of the 638 pilot, Red Lake has long utilized the 638 to administer an array of critical services for our members, including, but not limited to health care, public safety, and much more. And we do so in the most cost efficient and effective manner. That is because 638 provides Tribal governments with the flexibility to make decisions based on Tribal priorities and community needs using the same dollars the federal government would have used to administer services. As evident by USDA's recent decisions and blatant waste of federal taxpayer dollars, the need for this authority is only further underscored.

For the Committee's awareness, Red Lake has long been committed to building our own agricultural production so that we can purchase local, traditional foods from our own operations in anticipation of this authority being made permanent. In 1917, the State of Minnesota worked with the Tribe and federal government to establish the Red Lake commercial fishery within the boundaries of our Reservation. The initial purpose of the fishery was to provide a source of fresh fish to support Americans during food shortages caused by World War I. After the war ended, the Secretary of Interior promulgated regulations at [25 CFR Part 242](#) for continuance and operation of the fishery, making the Red Lake fishery the only Indian fishery codified in the Code of Federal Regulations. Today, it remains the oldest and largest walleye commercial fishery in the United States with an annual harvest quota of about 1.1 million pounds of walleye, including subsistence fishing of nearly 100,000 pounds. The direct economic impact has been estimated at over \$2 million in payments and wages to local Band members. Red Lake walleye has been procured by USDA to support federal child nutrition and other domestic food distribution programs. For FY 2023, USDA [bought](#) 108,000 pounds of walleye fillets for \$1,335,600 from Red Lake. For FY 2024, USDA [bought](#) another 108,000 pounds of walleye fillets for \$1,427,400.

Additionally, wild rice continues to be a critical cultural resource that keeps our community members healthy, but also promotes economic development. For more than 20 years, Red Lake has cultivated wild rice over more than 1,000 acres on the Reservation. Utilizing USDA's Foreign Agricultural Service (FAS) programs, Red Lake sells wild rice domestically but also exports to various countries, including, but not limited to, the United Kingdom, Israel, Canada, Germany, Sweden, Thailand, and China. In 2021, Red Lake acquired KC's Best, the Band's first business operated outside of the Reservation. KC's best sells wild rice both online and directly to grocery stores, restaurants, and gift shops.

The Tribe also operates Gitigaan Acres, an eight-acre farm, where we grow strawberries, blueberries, rhubarb, apples, plums, apricots, cherries, potatoes, onions, celery, carrots, tomatoes, cucumbers, peppers, squash, beans, corn, herbs – and other items that all Band members regularly consume. And finally, we are proud to operate the Red Lake Buffalo Ranch, which started with seven buffalo and has grown tremendously since. Today, the Band has 50 buffalo enclosed in 280 acres with an additional 300 acres to be fenced in the fall of 2024. Buffalo has been given out to elders and for Tribal ceremonies and feasts. We will begin to sell buffalo products in the fall of 2024.

Throughout these efforts, Red Lake is seeing first-hand the benefits of building local food economies. Not only are our people able to access traditional foods, but they are becoming healthier and we are able to create more jobs for those living on our Reservation. Making the 638 FDPIR pilot program authority permanent will allow us to continue to build this local infrastructure, build our own regional food economy, and make our community stronger.

D. Enact a Farm Bill that Expands 638 to CSFP. Additionally, Red Lake supports efforts of the House Agriculture Committee to establish a 638 CSFP pilot program. The 638 CSFP pilot is particularly important because under the current authority, we cannot procure traditional foods or fruits and vegetables desired by our elders. Expanding 638 to CSFP will therefore increase access for our elders to the same traditional foods that FDPIR participants are able to access. We do want to flag two recommended edits to the language passed by this Committee earlier this year. Red Lake knows that when too much discretion is provided to USDA, they will fail us just as they have done with this FDPIR and CSFP crisis. Even the Government Accountability Office (GAO) ([HRD-78-59](#) and [GAO-19-87](#)) has found the federal government to implement unnecessary barriers. For this reason, as Congress works on finalizing the 2024 Farm Bill, we ask you to support the important changes redlined below to ensure that we are not subject to the changing winds of elections, new administrations, and new agencies heads who may not work in the best interests of Tribes.

Sec. 4204(a)(1)(D) - SELF-DETERMINATION CONTRACT.— The term “self-determination contract” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304) ~~with modification as determined by the Secretary.~~

Sec. 4204(a)(3)(B) - CRITERIA.—The Secretary shall select for participation in the demonstration project Tribal organizations that— (i) are successfully administering the food distribution program of the Tribal organization under section 4(b)(2)(B) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); **and** (ii) have the capacity to purchase agricultural commodities in accordance with paragraph (4) for the food distribution program of the Tribal organization; ~~and (iii) meet any other criteria determined by the Secretary, in consultation with the Secretary of the Interior and Indian tribes.~~

Chi miigwetch for taking the time to hear how this crisis has impacted Red Lake and Tribes throughout the country. We hope that this oversight hearing will result in an immediate, long-term solution and we appreciate the efforts your committees have taken to expand 638 in the Farm Bill for FDPIR and CSFP and provide meaningful funding to support the programs that my constituents rely on for their well-being.