



National Congress of American Indians | 1516 P St NW, Washington, DC 20005 | (202) 466-7767 | www.ncai.org

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The National Congress of American Indians Resolution #NC-24-003

TITLE: Expanding Pub.L. 93-638 Contracting and Compacting Authority to U.S. Department of Agriculture (USDA) Programs

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, NCAI Resolution [#PDX-11-004](#) called upon Congress to fulfill its federal trust responsibility to Indian Country during the 2012/2014 Farm Bill negotiations; and

WHEREAS, NCAI Resolution [#MKE-17-013](#) charged NCAI with identifying Indian Country's priorities for the 2018 Farm Bill negotiations; and

WHEREAS, NCAI Resolution [#MKE-17-013](#) renewed NCAI's commitment to advancing the priorities of the Native Farm Bill Coalition in future Farm Bills; and

WHEREAS, the 2024/2025 Farm Bill negotiations present an important opportunity to enact permanent authority, under the Indian Self-Determination and Education Assistance Act (Public Law 93-638, as amended), for two USDA demonstration programs – the Food Distribution Program on Indian Reservations (FDPIR) pilot and the Tribal Forest Protection Act (TFPA) demonstration; and



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WHEREAS, to date, USDA’s Food and Nutrition Service (FNS) has entered into Pub.L. 93-638 agreements with 16 Tribal Nations for the procurement of traditional and regionally sourced food through FDPIR, and the USDA’s Forest Service (FS) has negotiated 13 Pub.L. 93-638 agreements for activities under the TFPA; and

WHEREAS, the tribal administration of these programs under Pub.L. 93-638 authorities has yielded major successes since 2018 in building regional food economies, improving the health and well-being of Tribal communities, and undertaking activities that promote the well-being of the environment; and

WHEREAS, there is a desire by Tribal Nation governments to expand Pub.L. 93-638 contracting and compacting authority throughout the USDA; and

WHEREAS, members of Congress have introduced bipartisan legislation supporting expansion of Pub.L. 93-638 authority for programs, functions, services, and activities (PFSAs) beyond FDPIR and TFPA to other USDA programs, including the Natural Resources Conservation Service (NRSC), the Supplemental Nutrition Assistance Program (SNAP), and the Food Safety and Inspection Service (FSIS); and

WHEREAS, members of Congress have introduced bipartisan legislation at the request of Tribal Nation governments to establish an USDA Office of Self-Governance to institutionalize and implement Pub.L. 93-638 contracting and compacting authority in a uniform manner throughout USDA; and

WHEREAS, USDA’s 2022 Equity Action Plan and USDA’s Equity Action Plan 2023 Update each call on USDA to fully implement the Pub.L. 93-638 pilots authorized by the 2018 Farm Bill and identify ways to expand Tribal self-determination policies to enable greater self-governance and decision-making; and

NOW THEREFORE BE IT RESOLVED, that NCAI urges the U.S. Congress, including the House and Senate Agriculture Committees, to develop and enact provisions in the 2024/2025 Farm Bill that expand Pub.L. 93-638 contracting and compacting authority throughout USDA programs, functions, services and activities; and

BE IT RESOLVED, that NCAI urges the President’s Administration to actively support the development and enactment of provisions in the 2024/2025 Farm Bill that expand Pub.L. 93-638 contracting and compacting authority throughout USDA programs, functions, services and activities, with a special focus on SNAP and FDPIR; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.



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CERTIFICATION

The foregoing resolution was adopted unanimously by the Executive Committee on Friday, June 14, 2024, following recommendations of adoption by the relevant Committees and referral from the General Assembly at the 2024 Mid Year Convention of the National Congress of American Indians, held June 1-6, 2024, in Cherokee, NC.

A handwritten signature in black ink, appearing to read 'Mark Macarro', written over a horizontal line.

Mark Macarro, President

ATTEST:

A handwritten signature in black ink, appearing to read 'Nickolaus Lewis', written over a horizontal line.

Nickolaus Lewis, Recording Secretary