



Office of Commissioner
Alvaro M. Bedoya

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

July 2, 2024

Dear Secretary Vilsack:

I am writing this letter to you to relay some highly concerning information my staff and I gathered over the course of several informal visits and conversations with the leaders of the Oglala Lakota Pine Ridge Reservation. Specifically, President Frank Star Comes Out and leaders in the tribal council have relayed to us that tribal members suffer from persistent and acute problems accessing enough healthy food for themselves and their families. While some of the issues we learned of may be addressed through FTC authority, many instead involve overlapping federal and state programs in which the U.S. Department of Agriculture is involved. I thought it important to communicate what we learned directly to you and your office.

One of my priorities as a commissioner has been to understand the problems in the American retail food market, particularly in low-income rural and urban communities. This information is important for the FTC's ability to enforce the Robinson-Patman Act, 15 U.S.C. §§ 13 et seq., an antitrust law passed in 1936 to create a level playing field between independent grocers and the large chain stores that were proliferating in that era.

In researching the Act, I had the opportunity to hear congressional testimony from R.F. Buche, a fourth-generation grocer serving communities in and around the Pine Ridge Reservation. Mr. Buche described how his family had been serving the Pine Ridge Reservation for generations. He also spoke about how lapses in antitrust enforcement had limited his ability to address the food insecurity problems on the reservation. In December 2022, I visited Pine Ridge with one of my attorney advisors, Max M. Miller, to meet with Mr. Buche and his staff, President Frank Star Comes Out, tribal council leaders, and Representative Peri Pourier of South Dakota District 27. We returned in October 2023 for a roundtable with the tribal leaders, this time joined by regional representatives from the U.S. Department of Agriculture, who graciously accepted our invitation to attend. We have followed up this meeting with several calls with tribal leaders specifically charged with running the tribe's nutrition programs.

Across our meetings, we learned of several situations that were contributing to acute food

families can afford. “I don’t know a single twenty-year-old man in my family who doesn’t have diabetes,” reported Rep. Pourier.

- x Lack of access to ancestral hunting grounds. The tribal members discussed how they had lost access to their ancestral hunting grounds in the Black Hills, and now must rely on government assistance to eat.
 - x Difficulties with SNAP/EBT Benefits. In our meetings, we spoke about the interplay between members’ participation in the USDA Food Distribution Program and SNAP/EBT benefits, and how participation in one excludes a member from participation in the other. With respect to SNAP, members discussed how the program is run through the state of South Dakota, often with detrimental consequences for the tribe. For example, members spoke of how impactful receiving the USDA’s Summer EBT program could be for tribal families, yet South Dakota opted not to participate in the program with the regular SNAP program, members spoke about the monthly disbursements presenting issues for tribal members who live in remote parts of the reservation. This is because they tend to stock up for the month, but also lack access to effective storage solutions, like refrigeration. R.F. Buche confirmed the issues with monthly disbursements. He described how he keeps his stores open late on disbursement day as lines stretch out the door as families and individuals, many of whom have not eaten for days, stock up on a month supply of food. Sadly, some of this food is bound to go to waste without access to proper refrigeration.
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I do not pretend to know the full history of the Oglala Lakota and am confident that your agencies will have more experience in the community and with the problems they are encountering. What's more, I have only been impressed by the USDA staff who we have met and interacted with as part of our efforts in Pine Ridge. My hopes