



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 insecurity in Oglala Lakota County, which today already has the highest poverty rates and lowest life expectancy in the nation.

- **A persistent lack of access to affordable, healthy food.** The representatives spoke of often encountering young and elderly people without enough food to eat. One tribal council leader described how children were forced to hoard and store food from school lunches to provide for family members at home. Those who could afford food cannot afford a healthy diet. One member described children as young as 13 years old suffering from ulcers due to diets consisting of soda and processed foods, which is all that their

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

- **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.<sup>1</sup>
- **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. Even 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’s supply of food. Sadly, some of this food is bound to go to waste without access to proper refrigeration.
- **Difficulties with the USDA Food Distribution Program.** The tribal council said that participation in the USDA Food Distribution Program does not necessarily fare any better. A manager of the program on Pine Ridge Reservation described scenarios of people lacking transportation to distribution sites and bartering away portions of their rations just for a ride to access their food allocation. Once these rations are in hand, similar issues of lack of long-term storage arise. They also alleged that disbursements are based on Recommended Dietary Allowances that have not been updated in decades. (I now understand that this issue may be in the process of being addressed by USDA.)

These experiences were shared against a broader backdrop of the members insisting that the promises of the 1868 Fort Laramie Treaty have never been honored and are not being honored today.

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<sup>1</sup> As I understand it, the Fort Laramie Treaty of April 29, 1868, 15 Stat. 635, designated the Black Hills and the rest of the original Sioux reservation as “unceded Indian territory” and reserved the right of the people to “hunt on any lands north of North Platte, and on the Republican Fork of the Smoky Hill river, so long as the buffalo may range thereon in such numbers as to justify the chase.” *United States v. Sioux Nation of Indians*, 448 U.S. 371, 374-375 (1980). In 1877, a small subset of Lakota leaders signed a new agreement waiving these rights on the promise of “subsistence rations for as long as they should be needed[.]” *Id.* at 381-82. Congress codified this new treaty in 1877, 19 Stat. 254, but the Supreme Court ruled in 1980 that “the 1877 Act effected a taking of tribal property, property which had been set aside for the exclusive occupation of the Sioux by the Fort Laramie Treaty of 1868.” *Id.* at 424. The Lakota have consistently rejected compensation under the ruling, insisting that the land and hunting rights were never for sale.

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 hope is simply that this letter will help your efforts to support this community and alert you to some of the most shocking situations we encountered.

In the months ahead, my staff and I plan to continue our outreach to the Oglala Lakota tribal council and the residents of the Oglala Lakota Pine Ridge Reservation to see how the FTC can better help ensure that the competitive conditions are in place to improve the community's access to healthy, affordable groceries. I welcome any opportunity to work more closely with you and the staff at the USDA.

Sincerely,

A handwritten signature in black ink, appearing to read 'AM', followed by a horizontal line extending to the right.

Alvaro M. Bedoya

CC: Office of Tribal Relations Acting Director, Betsy Rakola  
USFS Chief Randy Moore  
FNS Administrator Cindy Long  
Oglala Sioux Tribe, Office of President Frank Star Comes Out  
The Honorable Peri Pourier