



USDA TRIBAL CONSULTATION & LISTENING SESSION ON EQUITY/BARRIERS
APRIL 2023

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FOOD, SAFETY, AND TRADE

Register for the Consultation: [HERE](#)

Tribal Barriers Progress & 2024 Next Steps:

1. REVISE PROCUREMENT POLICIES: SMALL BATCH/LOCAL INDIGENOUS FOODS
2. STREAMLINE CONTRACTING FOR TRIBAL PROVIDERS
3. INCREASE TRIBAL SELF-GOVERNANCE OPPORTUNITIES & EXPAND 638 AUTHORITY
4. EXPAND SUPPORT FOR INDIGENOUS FOOD SOVEREIGNTY
5. INCREASE INDIGENOUS FOODS/INCORPORATING INDIGENOUS KNOWLEDGE INTO NUTRITION EDUCATION

1. SMALL BATCH/LOCAL INDIGENOUS FOODS FEDERAL PURCHASING

What we heard from Tribes prior Consultations: Similar to the 2021 consultation, Tribes in 2022 requested USDA to identify opportunities to modify current purchasing and distribution policies/practices to buy and distribute Indigenous foods in smaller batches and seasonal purchasing to more targeted clients.

Example of Progress Made to Date:

- **AMS/FNS/FDPIR Tribal Buffalo Procurement Pilot.** AMS announced a pilot to work with FNS to procure buffalo for the Food Distribution Program on Indian Reservations (FDPIR) directly from Tribal producers by taking steps to directly address barriers identified by Tribes, including 1) assessing food safety requirements, 2) adjusting quantities procured, 3) adjusting the time of year, and other barriers.

Potential Next Steps/Tribal Input Needed: USDA will continue to identify opportunities to address the need for smaller batch and seasonal purchasing.

- After the AMS/FDPIR Tribal Buffalo Procurement Pilot what animal, region, or other purchasing aspects should USDA focus on?

2. STREAMLINE CONTRACTING FOR TRIBAL PROVIDERS SERVING TRIBAL COMMUNITIES.

What we heard from Tribes in prior Consultations: Different procurement regulations, such as the Federal Acquisitions Regulations (FAR), still present significant challenges for Native producers. Further, these requirements are contrary to some treaty provisions which have “promise to purchase” provisions. We are thinking through a set of rules for tribal producers supplying tribal communities where USDA is in an intermediary.

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Example of Progress Made to Date:

- **OTR Cooperative Agreement for Domestic Producers & Removal of AMS Producers' Audit Requirements.** OTR has a Cooperative Agreement with IAC to help domestic producers better navigate USDA's/AMS procurement process. The feedback received from producers resulted in the removal of the price barrier of audit requirement.
- **Streamline of CPP Program** – In December 2022, the AMS Commodity Procurement Program (CPP) removed the need for vendors to provide audited or reviewed financial statements to streamline the new vendor process and increase vendor participation. Instead, to determine financial capability, CPP will obtain a Contractor Responsibility Assessment Report (CRA) from FedDataCheck.
- **Local Food Purchase Assistance Cooperative Agreement (LFPA) Program** – AMS recognizes LFPA as a key opportunity to advance tribal food sovereignty effort and has included a series of new flexibilities to support tribes, including accepting application from tribes not currently participating in this program and allowing current recipients to extend their programs an extra year. In addition, in response to tribal needs and input, AMS has allocated an additional \$100 million to better support tribal applicants and better consider the needs across Indian Country.

Tribal Input Needed: USDA seeks Tribal input on the following discussion areas:

- Understanding that the FAR governs all federal procurement – in addition to the audit requirement that AMS just removed, what barriers continue to stand in the way for Native producers more easily accessing USDA's procurement process?

3. INCREASE TRIBAL SELF-GOVERNANCE OPPORTUNITIES

What we heard from Tribes in 2021 and 2022 Consultations: Tribal nations have unequivocally expressed their desire for 638 authority in USDA programs, coming up most prominently in the food and forestry spaces, and more recently in FSIS and NRCS.

Example of Progress Made to Date:

- **FDPIR 638 Self-Determination Demonstration Project.** The 2018 Farm Bill authorized USDA to operate a [638-demonstration project](#) for FDPIR, with \$3M appropriated in FYs 2020-2023 for this project. To date, FNS has awarded \$5.7M to 8 Tribes participating in the demonstration project and expects to award up to \$6M in additional funding to newly participating Tribes in summer 2023. This project is an important acknowledgement of Tribal sovereignty by supporting food purchasing decisions that allow for more traditional, Tribally grown, local and regionally produced foods.

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Tribal Input Needed: USDA seeks Tribal input on the following discussion areas:

- While these are clearly Congressional/statutory issues, USDA appreciates the opportunity to better understand tribal nations' goals and priorities in this space.
 - What does tribal self-determination look like in the FSIS meat inspection space? Equal opportunities as state governments? What are the primary goals?
- While these are clearly Congressional/statutory issues, USDA appreciates the opportunity to better understand tribal nations' goals and priorities in this space
 - What does 638-expansion within FDPIR look like in practice, expansion to all of procurement and/or expansion to all of the program administration?
- USDA welcomes tribal guidance and feedback with specific examples on the cultural and economic benefits of the FDPIR 638 Pilot Project contracts from the participating tribes?

4. EXPAND SUPPORT FOR INDIGENOUS FOOD SOVEREIGNTY

What we heard from Tribes in prior Consultations: In addition to the previously mentioned support for seed saving, indigenous permaculture, subsistence hunting and fishing, wild food gathering and propagation, indigenous animals, regenerative indigenous practices, there have been continued calls for expanding support for tribal bison and culturally appropriate mobile meat processing and for revisions to the inspection protocols that can be barriers to market access.

Example of Progress Made to Date:

- **USDA Indigenous Food Sovereignty Initiative.** The Secretary's Office of Tribal Relations has invested in a variety of Cooperative Agreements raising awareness and TA in seeds, foraging, cooking, gardening, ITEK, and indigenous plants and animals.
- **New Tribal Establishments with Grants of Inspection** – Since the 2022 Consultation, three establishments owned by Tribes have received Federal Grants of Inspection from FSIS.
- **Meat and Poultry Inspection Directory Update** – FSIS updated its [Meat, Poultry and Egg Product Inspection \(MPI\) Directory](#) on its website to allow users to identify establishments within Tribal Lands.
- **SNAP State-Tribal Consultation and Engagement** – FNS issued a memorandum to remind SNAP State agencies of the obligation to engage in ongoing consultation with Tribes and includes guidance and resources to assist States to adequately engage with Tribes. FNS also issued a companion memo to assist State agencies in meeting the regulatory requirements. The memorandums were accompanied by a training webinar for States and Tribes as well as ongoing technical assistance to support effective State-Tribal Consultations.
- **Indigenous Animals Grant** - This will fund projects which focus on tribal nation food supply chain resiliency, indigenous animals (e.g. bison, wild game, seafood etc.), restoring local indigenous food systems and indigenous processing methods, and expanding local capacity for the harvesting, processing, manufacturing, storing,

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transporting, wholesaling, or distribution (communal or commercial) of meat, poultry, seafood, and other animals.

- **Meat and Poultry Technical Assistance Agreements (MPPTA)** - AMS has provided an additional \$15 million to expand and extend the current technical assistance network. Funding will be used to renegotiate and extend some of the six current MPPTA agreements and support an additional technical assistance provider to the current network with a focus on expanding technical assistance for poultry processing.
- **Small and Very Small Plant Roundtables** – FSIS plans to host roundtables in geographic areas more convenient for Tribal leaders and citizens that will provide information and resources helpful to small and very small plant owners and operators and those interested in establishing small and very small plants.
- **Collaborating with Other Federal Agencies** – FSIS is collaborating with the Department of Commerce as well the Small Business Administration to provide better outreach to Tribal communities to provide helpful resources for them to establish, grow and lead successful meat and poultry slaughter and processing establishments, both mobile slaughter and brick and mortar.
- **Grant of Inspection Webinars** – FSIS will coordinate with OTR, as well as other government agencies, to provide webinars to interested parties on the Grant of Inspection (GOI) process and other useful information, while also connecting Tribes with the appropriate agency personnel to assist them with their individual business needs. Additionally, a list of all FSIS Headquarters and District Offices is available at: [Office of Field Operations \(OFO\) | Food Safety and Inspection Service \(usda.gov\)](https://www.usda.gov/office-of-field-operations). Personnel at FSIS District Offices are available to help address any inspection and GOI-related questions.

Tribal Input Needed: USDA seeks Tribal input on the following discussion areas:

- What additional aspects of food sovereignty you would like to see the Indigenous Food Sovereignty Initiative cover?
- In what ways have deliverables from the agreements had a positive effect on food sovereignty in your community?

5. INCREASE INDIGENOUS FOODS & INCORPORATE INDIGENOUS KNOWLEDGE INTO NUTRITION EDUCATION.

What we heard from Tribes in Prior Consultations: USDA needs to better incorporate indigenous foods into USDA food packages and programs and better integrate indigenous traditional ecological knowledge (ITEK) while also taking into account considerations such as tribal data sovereignty.

Example of Progress Made to Date:

- **FNS/FSIS Traditional Bison Field Harvest.** To better understand local cultural, contracting, ITEK, and tribal food safety issues both FSIS and FNS traveled to the Pine Ridge Indian reservation and directly participated in a traditional bison field harvest.

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- **Inclusion of Indigenous Foods in Child Nutrition Proposed Rule** – USDA proposed to add Tribally operated schools, schools operated by the Bureau of Indian Education, and schools serving primarily American Indian or Alaska Native children to the list of schools that may serve vegetables to meet the grains requirement in school meals. This proposal is also extended to the Child and Adult Care Food Program and Summer Food Service Program. USDA heard loud and clear that the grain requirement is a challenge for many Indigenous communities, and that flexibility is needed to support the incorporation of traditional starchy vegetables like tumpsila (prairie turnips). The proposed rule would also explicitly state in regulation that traditional foods may be served in reimbursable school meals. While many traditional foods can be successfully integrated into school meals under the current nutrition standards, we expect that this rule will draw attention to this option and further support local efforts to incorporate traditional foods into school meals and better serve American Indian and Alaska Native children and support traditional food ways.
- **Promoting Traditional Foods in Child Nutrition Programs** - FNS is exploring opportunities to partner with Indigenous organizations to provide culturally appropriate technical assistance to schools serving Native students on incorporating traditional foods in their meal programs. FNS is also adding more traditional foods to the Food Buying Guide, a resource for school meal program operators, based on Tribal leader feedback. FNS has also issued guidance on the use of traditional foods in Child Nutrition Programs and how traditional foods can credit towards a reimbursable meal.
- **Increase in Tribal Nutrition Education** – Beginning in FY2022, FNS received \$4M in additional FDPIR administrative funds for nutrition education, a substantial increase from the amount previously provided. Of the \$8M made available so far, FNS has awarded over \$2.5 million to 80 tribes and is accepting requests for additional funding. FNS continues to explore additional opportunities to support FDPIR nutrition education with these annual appropriated funds, in consultation with Tribes.
- **Increasing Staff with Indigenous Traditional Ecological Knowledge** – FNS is looking to identify positions where indigenous knowledge and experience can be incorporated into the hiring process. Recently, FNS added and filled the new position of, Tribal Affairs Technical Advisor in the Administrators Office at the National level and hired two regional Tribal Affairs Specialists. This new team have been engaging with and visiting Tribes to learn more about their communities and programs. FNS is also looking to increase staff-level travel and visits to our partners in Tribal areas so staff can better know and understand the people and communities served by FNS programs.
- **Increasing Indigenous Foods in the WIC Food Package Proposed Rule** – In November 2022, FNS published a proposed rule to revise the WIC food packages with the intent of providing a wider variety of foods that align with the latest nutritional science; allowing WIC state agencies greater flexibility to prescribe and tailor food packages that accommodate participants’ personal and cultural food preferences; and supporting equitable access to supplemental foods. Specifically, the proposal included significant increases in the amount of fruits and vegetables provided; more options for whole grains such as blue cornmeal, quinoa, and teff; and the addition of fish. FNS

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received more than 17,000 comments on the proposed rule during the 90-day public comment period and will consider this feedback when developing the final rule to implement any changes. FNS will hold a consultation on the final rule prior to its publication.

Tribal Input Needed: USDA seeks Tribal input on the following discussion areas:

- In addition to engaging in meaningful Tribal Consultation, how can USDA best collaborate with and leverage existing opportunities to incorporate more traditional foods in Child Nutrition Programs?
- How can USDA explore collaborative projects between SNAP-Ed and FDPIR in terms of nutrition education that further support food sovereignty and other areas of interest?
- USDA is committed to working with Tribal and Indigenous communities and aims to ensure that Indigenous values and principles are recognized in program and service delivery. What values and principles should we recognize when working with tribal communities? How should USDA approach working with tribes in promoting and developing programs that recognize these areas of alignment?
- What specific traditional foods would you like to see included in USDA food packages and/or included in USDA's Food Buying Guide?
- What additional areas for collaboration do you see with USDA and TCUs related to nutrition and ITEK?
- What research areas related to nutrition and ITEK would you like to see USDA research agencies explore?