



U.S. DEPARTMENT OF AGRICULTURE

**USDA CONSULTATION & LISTENING SESSION ON TRIBAL BARRIERS
APRIL 2024**

**FRAMING PAPER:
FOOD, SAFETY, AND TRADE**

VIRTUAL CONSULTATION

Registration: [Click to register](#)

AGENDA

2-3:00 pm ET **TRIBAL CAUCUS** - Hosted by Indigenous Food and Agriculture Initiative and the InterTribal Buffalo Council

3-5:30 pm ET **TRIBAL CONSULTATION & LISTENING SESSION:**
3:00-4:30 **Consultation** (Tribal government officials)
4:30-5:30 **Listening Session** (Open to Indian Country speakers)

Mission Areas: Food, Nutrition, and Consumer Services (FNCS); Food Safety (FS); Marketing and Regulatory Programs (MRP)

Agencies: Food and Nutrition Service (FNS), FSIS, Agricultural Marketing Service (AMS)

Introduction/Consulting Officials:

Kumar Chandran, Under Secretary, Food, Nutrition, and Consumer Services (FNCS)

Sandra Eskin, Deputy Under Secretary, Food Safety (FS)

Paul Kiecker, Administrator, Food Safety and Inspection Service (FSIS)

Bruce Summers, Administrator, Agricultural Marketing Service (AMS)

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Background. Since 2021, the USDA has had robust discussions in the Food, Safety and Trade space, in particular regarding 1) Increasing Tribal Self-Determination Opportunities, 2) Increasing Indigenous Foods & Incorporate Indigenous Knowledge into Nutrition Education, and 3) Increasing Tribal Buffalo opportunities. We are pleased to share we have made significant progress on these priorities:

PROGRESS UPDATES:

- **USDA Indigenous Food Sovereignty:** Progress Report, *Spring 2024*
- **USDA Tribal Buffalo Partnership:** Progress Report, *Spring 2024*
- **USDA Tribal Producers:** Progress Report, *Spring 2024*
- **USDA-Wide Tribal Accomplishments,** Tribal Nations Summit Report, *Winter 2023*

2024 Tribal Barriers Topics:

- FEDERAL FEE COVERAGE FOR VOLUNTARY USDA INSPECTION OF BISON PROCESSING**
- EMERGENCY FEEDING IN TRIBAL COMMUNITIES**
- PROMOTING TRADITIONAL INDIGENOUS FOODS IN CHILD NUTRITION PROGRAMS**
- NATIVE FISH INITIATIVE**
- UNMET BUDGET NEEDS**

1. FEDERAL FEE COVERAGE FOR VOLUNTARY USDA INSPECTION OF BISON PROCESSING – PILOT

What we heard from Tribes in Prior Consultations: In FY22, Congress included language in the appropriations directing the USDA Food Safety and Inspection Service (FSIS) to host a tribal listening session requesting stakeholder input as to whether bison should remain a nonamenable species. Indian Country was clear that they believe bison should remain a nonamenable species. In Indian Country’s request for bison to remain a nonamenable species, however, Tribes and Tribal bison producers recommended USDA waive the associated inspection fee for bison inspected by USDA on a voluntary basis.

Update: This year, FSIS received funding which aligns with Indian Country’s request. Through FY24 appropriations, Congress appropriated \$700,000 for FSIS to “cover the voluntary meat inspection fees for the slaughtering or processing of bison/buffalo at Native American owned establishments or establishments operating on tribal lands.” These funds must be obligated by September 30, 2024.

Tribal Input Needed:

FSIS requests input from Indian Country on how to define and affirm key terms under this provision most effectively.

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- 1) FSIS proposes the following definitions for consideration and discussion in consultation:
 - “Native American owned establishment” means “a USDA inspected food processing establishment that is owned by an Indian Tribe as defined by the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130) or an enrolled member of an Indian Tribe.”
 - “Establishment operating on Tribal lands” means “a USDA inspected food processing establishment that operates within the exterior boundaries of an Indian reservation, on Tribal trust land, or other land owned by an Indian tribe.”
- 2) USDA seeks Tribal input on the following discussion areas:
 - Q: Has FSIS adequately captured whether an establishment is “Native American owned” or “operating on tribal lands”? What other considerations should FSIS be including for this purpose?
 - Q: How should FSIS communicate the availability of this voluntary inspection fee coverage and ensure that potentially eligible parties are identified for voluntary inspection fees?
 - Q: What is an appropriate process for eligible parties to request the coverage of the voluntary inspection fee for bison? What documents should be provided with the request to affirm eligibility?

2. EMERGENCY FEEDING IN TRIBAL COMMUNITIES

What we heard from Tribes in Prior Consultations: What we have heard from Tribal leaders is an interest in more direct participation in USDA’s federal nutrition programs. [The Emergency Food Assistance Program \(TEFAP\)](#) is a USDA program that helps supplement the diets of low-income people by providing food assistance at no cost. TEFAP is administered by State agencies, which establish agreements with eligible recipient agencies that further distribute the food to people in need.

Under current law, Indian Tribal Organizations (ITOs) are not able to enter into direct agreements with the USDA to administer TEFAP. However, ITOs may administer TEFAP as eligible recipient agencies by entering into agreements with TEFAP State agencies.

Progress Made to Date: USDA is proactively working to expand TEFAP’s reach in Tribal areas. In fiscal years 2022 and 2023, USDA awarded \$100 million in [TEFAP Reach and Resiliency](#) grant funding to TEFAP State agencies to expand TEFAP’s reach into remote, rural, Tribal, and/or low-income areas that are underserved by the program. At least 14 of the State agency grants include a focus on Tribal areas or collaboration with a Tribal organization, and more include planned studies of TEFAP coverage that may identify areas of focus in Tribal areas. In addition, through the [Food Distribution Programs: Increasing Access and Parity Proposed Rule](#), published on August 14, 2023, USDA is encouraging TEFAP State agencies and eligible recipient agencies to implement or expand TEFAP distributions in rural, remote, and Tribal areas.

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

- Q: How can USDA continue to work with Tribal partners to explore how TEFAP can support emergency feeding efforts in Tribal areas?
- Q: What are the main barriers to the expansion of TEFAP in Tribal areas?
- Q: What types of foods are Tribes interested in distributing through their emergency feeding programs?

3. PROMOTING TRADITIONAL INDIGENOUS FOODS IN CHILD NUTRITION PROGRAMS

What we heard from Tribes in Prior Consultations: We heard in the previous consultations that Tribes wanted opportunities to increase indigenous foods in child nutrition programs.

Examples of Progress Made to Date: Following the USDA Food and Nutrition Service (FNS) commitments in the 2023 Tribal Barriers Consultation to explore 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 invested heavily in this commitment:

- Hearing of the need to include more traditional Indigenous foods into the [Food Buying Guide for Child Nutrition Programs \(FBG\)](#) FNS:
 - Continues efforts to increase the availability of traditional Indigenous foods to the FBG, based on Tribal feedback.
 - Is partnering with the USDA, Office of Tribal Relations, Tribal Affairs Specialists, and the Agricultural Research Service to gain insight into what foods to include in the FBG.
 - Created a [list of traditional Indigenous foods](#) that are similar to foods currently in the FBG that would credit the same. A search function is now available on the FBG Web Tool and Mobile App to identify traditional Indigenous foods that are similar to foods currently in the FBG to be used for crediting guidance. The FBG, provides information to help CNP operators determine the right amount of food to purchase for meals and to determine the contribution of a food item toward meal pattern requirements.
 - Between January and April 2024, added four new traditional Indigenous foods to the FBG.
- FNS continues to add resources to the [Serving Traditional Indigenous Foods in Child Nutrition Programs](#), webpage. The webpage was created for CNP operators to easily find technical assistance resources and policy guidance to determine how traditional Indigenous foods may contribute toward a reimbursable meal. Updated policy guidance includes:
 - An update to the former Child Nutrition Programs and Traditional Foods memorandum to [Crediting Traditional Indigenous Foods in Child Nutrition Programs](#). This update provides clarification of guidance on how to credit

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traditional Indigenous foods in CNPs and creates a list of traditional Indigenous foods that are similar to foods currently in the FBG that would credit the same.

- The revised [Procuring Local Meat, Poultry, Game, and Eggs for Child Nutrition Programs](#) was released in response to several questions received related to buying local meat, poultry, seafood, game, and eggs. This memorandum seeks to clarify the regulatory requirements related to food safety and to answer specific questions related to these products.
- State agencies, as part of the fiscal year 2021 Team Nutrition Training Grants cohort, are assisting schools in offering meals using recipes that utilize local agricultural products and reflect local food preparation practices and taste preferences, including the use of traditional Indigenous foods like bison and wild rice. Combined, Nebraska, Minnesota, Kansas, Washington, Montana, and Arizona have developed more than 20 recipes that prioritize at least one traditional Indigenous food. All recipes will be added to the Institute of Child Nutrition's Child Nutrition Recipe Box. In addition to showing how the recipes are prepared, these recipes also show how they contribute to the school meal pattern requirements.

For other examples of progress made in this area, please find a full Progress Report out here:

- [USDA Indigenous Food Sovereignty](#): Progress Report, *Spring 2024*

Tribal Input Needed: In implementing the many changes outlined above, there are still some areas we need additional input in. In particular, USDA seeks Tribal input on the following discussion areas:

- **Q:** What additional traditional Indigenous foods should FNS prioritize adding to the Food Buying Guide? [Food Buying Guide \(FBG\)](#)
- **Q:** For Indigenous foods that are already in the FBG what preparation methods would Indian Tribal Organizations like to see included in the FBG?
- **Q:** What resources can USDA further develop to aid in the use of traditional Indigenous foods in school meals?
- **Q:** How can USDA and Action for Healthy Kids (AFHK), the cooperator for the Healthy Meals Incentives (HMI) Recognition Awards, best promote the HMI Recognition Awards program to Indian Tribal Organizations to encourage them to apply? What resources can USDA and AFHK provide to help Tribal Organizations meet award criteria?

4. NATIVE FISH INITIATIVE

What we heard from Tribes in Prior Consultations: We heard Indian Country direct us to lean into indigenous foods and better incorporate them throughout USDA and all its programs. Regarding animals, we heard a heavy emphasis on buffalo and on salmon/fish.

Examples of Progress Made to Date: USDA has aggressively leaned into incorporation of indigenous foods throughout USDA. We have also extensively incorporated buffalo into USDA's programs. [USDA Tribal Buffalo Partnership](#): Progress Report, *Spring 2024*

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Tribal Input Needed: Now that we have broadly integrated indigenous foods and focused extensively on supporting Tribal buffalo, we would like to consider what areas we can do a better job in regarding salmon, fish, and seafood. Here are some categories we are thinking about, and we seek your input on where we should place our focus within each.

- **Procurement: USDA Fish Purchases.** USDA purchases a lot of Pollock and Salmon for our emergency food programs. A recent purchase example: [HERE](#).
 - **Q:** How might we purchase differently to better support local and tribal fisheries?
- **Nutrition/Cooking: School Lunch Food Buying Guide.** USDA maintains the [Food Buying Guide \(FBG\)](#) to assist Child Nutrition Program operators with calculating reimbursements.
 - **Q:** Does the FBG include all types of fish and seafood that are important to Tribal Nations in feeding their children at school?
- **Subsistence: Tribal Subsistence Board Members.** USDA and DOI recently announced a Draft Rule that would add additional Tribal perspectives to the Federal Subsistence Board. [Subsistence Management Regulations for Public Lands in Alaska-Subpart B; Federal Subsistence Board Membership](#)
 - **Q:** What are your thoughts on this proposed new change?

5. Budget Input: E.O. 14112 Unmet Budget Needs

Background: In December 2023, the President signed EO 14112, “[Reforming Federal Funding and Support for Tribal Nations To Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination](#).” The EO directs federal agencies to lean into flexibility in support of increased Tribal self-determination. The EO also directs all federal agencies to report to the White House what unmet budget needs for supporting Tribes. While USDA has time to report back, we want to begin the conversation now on unmet budget needs.

TRIBAL INPUT NEEDED:

- **Q:** What unmet budget needs do you want to flag for USDA?