

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

## **USDA TRIBAL CONSULTATIONS ON BARRIERS/EQUITY: ANNUAL PROGRESS REPORT & FEEDBACK FOR NEXT STEPS**

**Tuesday April 12, 2022**

### **2021 Barriers Progress & 2022 Next Steps:**

1. Revise Procurement Policies: Small Batch/Local Indigenous Foods
2. Streamline Contracting for Tribal Providers
3. Increase Tribal Self-Governance Opportunities
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 in 2021 Consultation:** Tribes are requesting 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 has identified the Small Business Administration's (SBA) Historically Underutilized Business Zone (HUBZone) program as a tool to expand contracting opportunities to tribal communities. Having additional qualified HUBZone vendors will allow USDA to apply more set-asides and price preferences using the authority of the HUBZone program, thus potentially increasing the number of awards to tribal entities.

**Potential Next Steps:** USDA seeks Tribal input on the following discussion areas:

- AMS will need the help of tribal organizations and governmental entities to assist with outreach to interested suppliers. How can AMS best partner with tribal organizations and governmental entities to assist with conducting target outreach to interested suppliers?

### **2. Streamline Contracting for Tribal Providers Serving Tribal Communities.**

**What we heard from Tribes in 2021 Consultation:** The Federal Acquisitions Regulations (FAR) presents 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.

**Example of Progress Made to Date:**

- **AMS Outreach Partnership with the Intertribal Agriculture Council (IAC) -** Partnership featured a series of pilot workshops aimed at providing support and

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technical assistance to Native American vendors interested in becoming an AMS certified vendor.

- **Local Food Purchase Assistance Cooperative Agreement Program** – The LFPA provides funding for states and federally recognized tribal governments to purchase food from local and regional producers, targeting purchases from socially disadvantaged farmers and ranchers. LFPA allows applicants to tailor food distribution for unique local challenges to serve the population and feeding programs, including food banks, schools, and organizations that target underserved communities.
- **American Indian Foods Program** – A cooperative agreement within the American Indian Foods program to provide technical assistance and increase diversified market options for all products made and produced by American Indians. Through this agreement, we have an arrangement for at least 10 new Native food operations to become AMS certified vendors.

**Potential Next Steps:** USDA seeks Tribal input on the following discussion areas:

- USDA continues to seek collaboration with tribes and tribal producers to identify ways to streamline contracting opportunities in a way that directly serves tribal communities.

### **3. Increase Tribal Self-Governance Opportunities:**

**What we heard from Tribes in 2021 Consultation:** Tribal nations have “638” self-governance/compacting authority to administer DOI programs but until recently, USDA did not have such authority. There are fewer places of more importance to tribes for administration than their foods.

#### **Example of Progress Made to Date:**

- **FDPIR 638 Self-Determination Demonstration Project** - USDA received authority and funding to operate a 638-demonstration project for the Food Distribution Program on Indian Reservations (FDPIR). This project is an important acknowledgement of Tribal sovereignty that opens the door to food purchasing decisions that allow for more traditional, Tribally grown, local and regionally produced foods. Of the \$6 million appropriated to date, FNS currently has a balance of funds of \$2.2 million for use towards existing FDPIR Self-Determination Demonstration Project activities and is applying these funds to extensions of current 638 self-determination contracts.

Current FDPIR participants include: Menominee Indian Tribe, Oneida Nation, Alaska Native Health Consortium, Mississippi Band of Choctaw Indians, Chickasaw Nation, Red Cliff, Little Traverse Bay Bands of Odawa Indians, and Lummi Nation.

The FY 2022 budget provides \$3 million to continue to support the FDPIR Self-Determination Demonstration Project that is projected to be awarded by the fall of 2022.

- **USDA Review of Tribal Self-Determination Authority** - On November 15, 2021, Secretary Vilsack announced that USDA will conduct a review of USDA’s current statutory authorities that can be used to empower tribal nations, identify possibilities

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for increased use of these statutory authorities, and report out of what additional statutory authorities might be needed to support tribal self-determination more broadly, where appropriate, throughout USDA programs. FNS is committed to reviewing programs for statutory authorities that can empower Tribes.

**Potential Next Steps:** USDA seeks Tribal input on the following discussion areas:

- USDA continues to seek collaboration with Tribal Leaders and Tribal Organizations on opportunities to support self-determination and food sovereignty in FNS programs.
- USDA welcomes tribal guidance and feedback on the cultural and economic effects of the FDPIR 638 contracts as they develop over time.
- USDA is in the early stages of discussion regarding the next Farm Bill and will look closely at opportunities to further support self-determination and Tribal food sovereignty interests.

#### **4. Expand Support for Indigenous Food Sovereignty.**

**What we heard from Tribes in 2021 Consultation:** Expand support for seed saving, indigenous permaculture, subsistence hunting and fishing, wild food gathering and propagation, indigenous animals, regenerative indigenous practices. Expand support for tribal bison and culturally appropriate mobile meat processing.

**Example of Progress Made to Date:**

- **USDA Programs for Small to Medium Agricultural Producers** – USDA has approximately 50 programs that provide everything from technical assistance to funding for small and medium size agricultural producers. Tribes and Tribal agricultural producers are highly encouraged to reach out to USDA programs such as NRCS, Rural Development, AMS, etc., to discuss needs and evaluate programs available.
- **Indigenous Food Sovereignty Initiative** – In November 2021, Secretary Vilsack announced the launch of the Indigenous Food Sovereignty Initiative. USDA is partnering with tribal-serving organizations on seven projects to reimagine federal food and agriculture programs from an indigenous perspective and inform future USDA programs and policies. This initiative includes projects that focus on Tribal seed saving; resources on foraging practices; cooking videos featuring Indigenous chefs; marketing Indigenous and Native-produced foods; promoting Bison production; and reviewing regulations to empowering self-governance.
- **Bison Listening Session Series** – This USDA-wide effort, in collaboration with DOI, focused on bringing together information on federal resources for tribal bison herds & processing plants, federal contracting and marketing opportunities for tribal bison meat, federal lands, tribal receipt of federal bison, and brucellosis. USDA plans to conduct additional listening sessions in the future.
- **Small and Very Small Plant Roundtables** – The Food Safety Inspection Service (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

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plant owners and operators and those interested in establishing small and very small plants.

- **Partnering and collaborating with other Federal government 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.

**Potential Next Steps:** USDA seeks Tribal input on the following discussion areas:

- How can USDA encourage/support tribes and tribal producers as they navigate USDA programs and services?

### **5. Increase Indigenous Foods & Incorporate Indigenous Knowledge into Nutrition Education.**

**What we heard from Tribes in 2021 Consultation:** USDA needs to better incorporate indigenous foods into USDA food packages and better integrate indigenous traditional ecological knowledge (ITEK).

**Example of Progress Made to Date:**

- **Nutrition Education** - In the recently enacted FY22 budget, FNS received \$4M for FDPIR nutrition education administrative funds, a substantial increase in FDPIR administrative funds. FNS is engaging with nutrition educators in Tribal communities as well as Tribal Leaders to discuss how these additional funds can be used to advance FDPIR nutrition education capacity and initiatives in ways that align with indigenous knowledge and culture.
- **Tribal Farm to School Activities** – In collaboration with OTR, a team of FNS Farm to School Regional Leads and Tribal Affairs Specialists will conduct conversations with Tribes and Tribal partners to get recommendations on how to ensure that the USDA Farm to School Grant Program is responsive to the needs of Tribal communities and aligned with food sovereignty interests.
- **Child Nutrition Meal Standards Tribal Listening Sessions** - FNS will convene special listening sessions on child nutrition meal standards with Tribal partners to learn about the specific concerns and needs of American Indian and Alaska Native communities. FNS will use feedback during these listening sessions to help inform the development of a proposed rule on child nutrition meal standards later this year.

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- **WIC Food Package Proposed Rule** – FNS is working to publish a proposed rule on revisions in the WIC food packages intended to ensure the WIC food packages are based on the most recent nutritional science while providing increased flexibilities, variety, and choice for participants. FNS anticipates publication of the proposed rule later this calendar year, with an opportunity for public comment. In addition, as part of our partnership with Tribal communities FNS engaged with Tribal leaders on key issues related to the proposed rule in November 2021.
- **Promoting Traditional Foods in Child Nutrition Programs** - USDA understands the importance of serving traditional foods and encourages Tribal Nations, along with all operators of Child Nutrition Programs, to provide children with meals that are culturally appropriate. To support these efforts, FNS has issued guidance on the use of traditional foods in Child Nutrition Programs and how traditional foods can credit towards a reimbursable meal. FNS is available to provide technical assistance regarding the specific ways in which these Indigenous foods can be incorporated into Child Nutrition Programs.
- **SNAP State-Tribal Consultation and Engagement** - FNS has developed a draft “Memorandum on Tribal Consultation Requirements” that will serve as a reminder to 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 on those aspects of SNAP operations that impact participants in Tribal communities, including SNAP nutrition education. The memorandum will be accompanied by a training webinar for States and Tribes as well as ongoing technical assistance to support effective State-Tribal Consultations.
- **Indigenous Traditional Ecological Knowledge** – In November 2021, President Biden committed to greater integration of ITEK. FNS is looking to identify positions where indigenous knowledge and experience can be incorporated into the hiring process.
- The recently enacted FY22 full-year budget included additional funds to add new staff members to support FDPIR in areas of nutrition education, food purchasing, capacity building at both the national and regional offices. FNS is exploring options to ensure recruitment efforts reflect interest in hiring applicants with Tribal and Indigenous knowledge and experience.

**Potential Next Steps:** 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?