

UNIVERSITY OF
ARKANSAS®

Empowering Indian Country through economic development and greater food access

Cultivating Tribal Food Sovereignty:

638 Opportunities for Tribal Food and Agriculture

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Agenda

About IFAI

638 Summary

638 for FDPIR

Next Steps

How Can We Help?





Our Founding

- Establish in the Univ. of Arkansas School of Law in 2013 by:
 - Vice-Chancellor Stacy Leeds; and
 - Founding Director Janie Simms Hipp
- Moved with Vice-Chancellor Leeds to Office of Economic Development in July 2018

Our Mission

Enhance health and wellness in tribal communities by advancing healthy food systems, diversified economic development, and cultural food traditions in Indian Country.





Putting Tribal Sovereignty in Food Sovereignty

We provide strategic legal analysis, policy research, and educational resources to empower Indian Country through food sovereignty, agriculture, and economic development.



About 638 Authority

Tribal Self-Governance - 638 Authority The Indian Self-Determination and Education Assistance Act of 1975 (Pub. L. No. 93-638) allows Tribes to directly assume the responsibility of administering programs, services, functions, and activities otherwise provided by the federal government to individual Indians, and to obtain funding in carrying out these responsibilities—called “638 contracting or compacting authority.” Examples include healthcare, education, social services, and construction. 638 authority recognizes that Tribal governments are best positioned to serve their own citizens and communities and allows for more direct program delivery, greater service, and programs tailored to suit the unique needs of each Tribal community.



Quick Statistics on Tribal 638 Administration

approximately

67%

of 574 Federally Recognized Tribes have a 638 agreement with the federal government

60%

of the Indian Health Services' budget is Tribally administered

50%

of the Department of the Interior's budget is Tribally administered

Why 638 Authority?



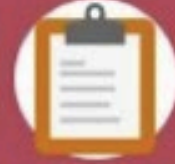
It has been the most successful and supportive mechanism for enhancing Tribal self-determination and self-governance.



Tribes have the knowledge and understanding of the needs of their community



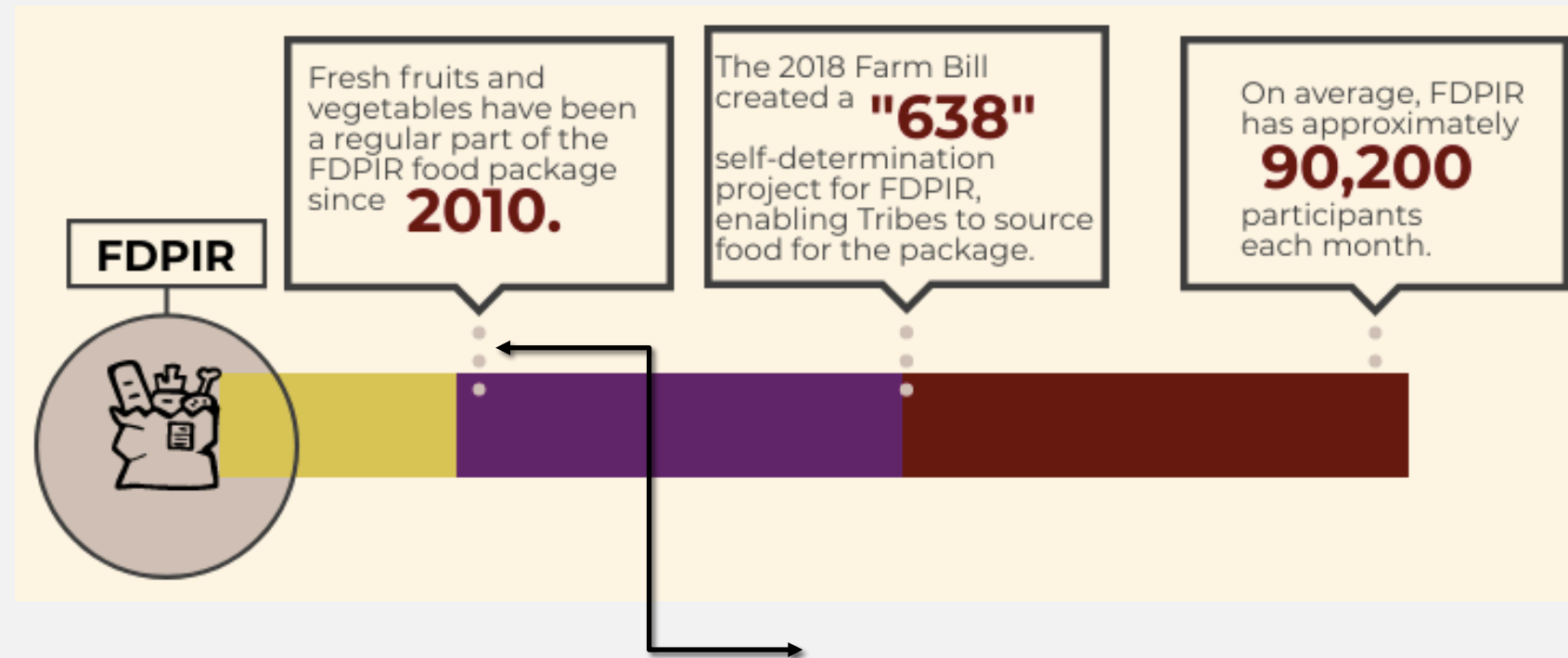
Direct, streamlined funding to Tribes for contracting and compacting programs ensures support to Tribal citizens to meet their specific needs and circumstances.



Reduces administrative burdens both on Federal and Tribal governments

Food Distribution Program on Indian Reservations

- ABOUT FDPIR:
- FDPIR is a federal nutrition assistance program that provides food packages to low income families living on Indian reservations, and areas in Oklahoma.
- Food packages contain frozen & canned meats, grains, pasta, canned fruit/veg, soup, and more.
- FDPIR is currently administered to 276 tribes via 112 ITOs and 3 State Agencies.



In addition to fresh fruits & vegetables, several traditional foods are available to FDPIR participants, including bison, wild rice, salmon, blue cornmeal, catfish, and lamb/mutton.



Fruits and Vegetables List: Year Round and Seasonal³

Year Round Fruits

Apples
Grapefruit
Oranges
Pears
Mixed Fruit
Lemons

Year Round Vegetables

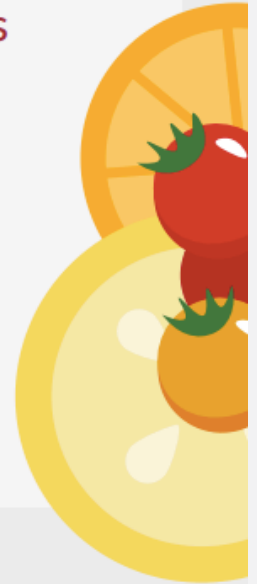
Carrots
Baby Carrots
Broccoli
Yellow Onions
Red Onions
Russet Potatoes
Red Potatoes
Cabbage
Celery
Mixed Vegetables
Cauliflower
Romaine Lettuce
Radishes

Seasonal Fruits*

Avocado
Peaches
Cherries
Seedless Grapes
Honey Dew Melon
Kiwi
Nectarines
Plums
Clementine/
Mandarin/Tangerine
Cranberries

Seasonal Vegetables*

Corn
Asparagus
Tomatoes
Cherry Tomatoes
Grape Tomatoes
Cucumbers
Green Pepper
Brussel Sprouts
Winter Squash
Summer Squash
Sweet Potatoes
Turnips



*Learn more about when seasonal items are typically available on page 22: <https://fns-prod.azureedge.net/sites/default/files/fdpir/nafdpir-dod-fresh.pdf>

1. NAFDPIR 2. 2019 President's Budget Food and Nutrition Service; 3. FDPIR MONTHLY DISTRIBUTION GUIDE RATES BY HOUSEHOLD SIZE, FNS Handbook 501 Exhibit 0

Traditional Foods in FDPIR

Current traditional foods offered to FDPIR participants are bison, salmon, catfish, wild rice*, and blue cornmeal.¹



Ground bison



Wild salmon

Nutrient-rich, traditional foods grown locally and sourced to FDPIR would generate revenue and employment benefits to Tribes and local businesses, improve the quality of the food, and reduce the costs of delivery.²



Wild rice*



Blue cornmeal



Catfish



FDPIR 638 Opportunity in the 2018 Farm Bill

Native Farm Bill Coalition Priority Recommendation

- Promotes Tribal sovereignty
- Expands self-governance to USDA
- Provides economic development opportunities for Tribal producers



Economic Development & Food Security Opportunities: 638 Authority at USDA

The 2018 Farm Bill for the first time extended "638" Tribal self-governance authority to USDA in the FDPIR program for food procurement.

•FDPIR 638 Opportunity

- Enables Tribal Nations/ITO's to enter into self-determination contracts & procure food for FDPIR food packages.
- Opportunity to promote tribal sovereignty through food & help support local Tribal producers of foods—fresh fruits & veg, traditional food products
- Congress appropriated \$3 million for this demonstration project, available until FY21.
- USDA is still working on opening the application process for this.



Cultivating Opportunities through Federal Policy: FDPIR 638

FDPIR 638 Food Sourcing Can:

Promote Economic Development

- Market for Tribally-grown/produced foods
 - Federal commodity food procurement market
 - Leverage more opportunities to grow/expand into additional markets
- Potential for intertribal cooperatives to further grow markets across Indian Country

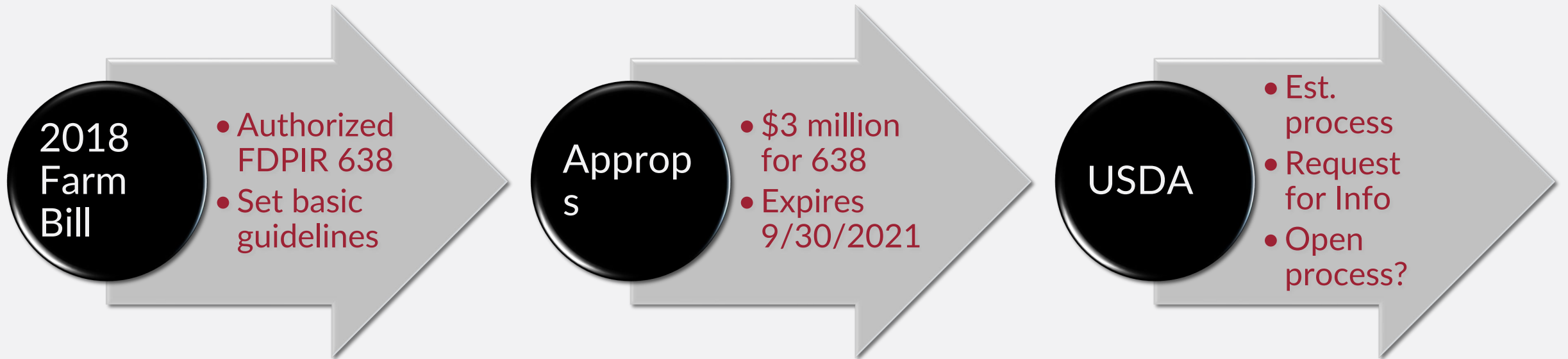
Promote Food Sovereignty

- Tribe, not the federal government, determines what foods to procure for food packages
- Expand access to locally/Tribally grown and traditional foods



FDPIR 638 Opportunities

Process Overview



FDPIR 638 Opportunities: Process

The 2018 Farm Bill for the first time extended "638" Tribal self-governance authority to USDA in the FDPIR program for food procurement.

- Sec. 4003 (b) of the 2018 Farm Bill sets minimal requirements for this process:
 - Food must be *domestically produced*;
 - Food must *supplant, not supplement*, existing food package items;
 - Food must be of *similar or higher nutritional value* to the food items it replaces.
 - The Farm Bill also gives the Secretary of Agriculture authority to establish additional criteria.
- Congress appropriated \$3 million for this project in 2019. Those funds are available until Sept. 30, 2021.



FDPIR 638 Opportunities: Process

The 2018 Farm Bill for the first time extended "638" Tribal self-governance authority to USDA in the FDPIR program for food procurement.

- 638 Process at USDA to date:
 - USDA has heard from Tribal leaders in consultation on this several times.
 - In December 2019, USDA opened a Request for Information, requesting comments on how to roll out this 638 process.
 - There is currently no open 638 process to apply to USDA for the funds. Timeline for that process opening is unclear.



Tribal Leaders' Recommendations to USDA

638 FDPIR OPPORTUNITY

- Fund as many applications as possible
 - Diversify funded projects
 - Transparency in funding process
 - No additional criteria
- beyond Farm Bill criteria
- Prioritize traditional food sourcing and fresh fruit & vegetable sourcing
 - Contracts with vendors are between Tribe and
- Vendor, so Tribal, not federal, rules should apply to procurement (specifically: no USDA vendor certification process)



Tribal Consultation on FDPIR 638:

2:00-4:00 PM ET, July 15th, 2020

USDA has recently scheduled a conference call consultation on FDPIR 638. Please share with Tribal leaders and join to discuss this important self-governance opportunity.

Date: July 15, 2020

Time: 2:00 p.m. - 4:00 p.m. Eastern Time

Participant Conference Line: 877-692-8954

Participant Conference Passcode: 1065181





Next Steps: Preparing for FDPIR 638

The 638 Contract process isn't open for applications yet, so this is a great time for interested Tribes to plan and strategize:

1. What food is available to you for sourcing?
 - Data sources might be: Food sovereignty assessments, National Census of Agriculture Data, existing food systems infrastructure (farmers' markets, etc)
2. What are your priority foods to source- traditional foods, fresh fruits & veg, etc? What foods might you want to replace in the current food package with those foods?
3. What are your procurement policies that might apply here, especially any sole-source justification you might need if potential vendors are limited in number?
4. What entity within your Tribal governance structure manages this? Are there any additional authorities you want to establish to help run it? (Tribal Department of Ag?)
5. What qualifications/priorities do you have for vendors?
 - Food safety certifications, volume of food you want to source, pricing structure



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How IFAI Can Help

- Planning
- Goal Setting
- Funding opportunity information
- **Legislative support for tribal code development, education, advocacy**
- **Organizational development**
- Staff profiles/skill sets
 - Attorneys
 - Federal Experience
 - Tribal Experience
 - Food and Ag Program Expertise
 - Policy Information and Research



Model Tribal Food and Agriculture Code

WWW.TRIBALFOODCODE.COM

- Establishing a Dept of Ag
- Traditional Foods/Seeds
- Health and Nutrition
- Animals and Livestock
- Animal Harvest and Sale of Meat
- Horses
- Land Use
- Agriculture and Food Safety
- Plant Production, Health, Sale of Produce
- Aquaculture
- Bees and Honey Production
- Agroforestry and Silviculture
- Trade and Marketing of Ag Products
- Liability
- Water
- Conservation
- Alternative Agriculture Production
- Ag Labor
- Ag Business Entities



Tribal Departments of Agriculture

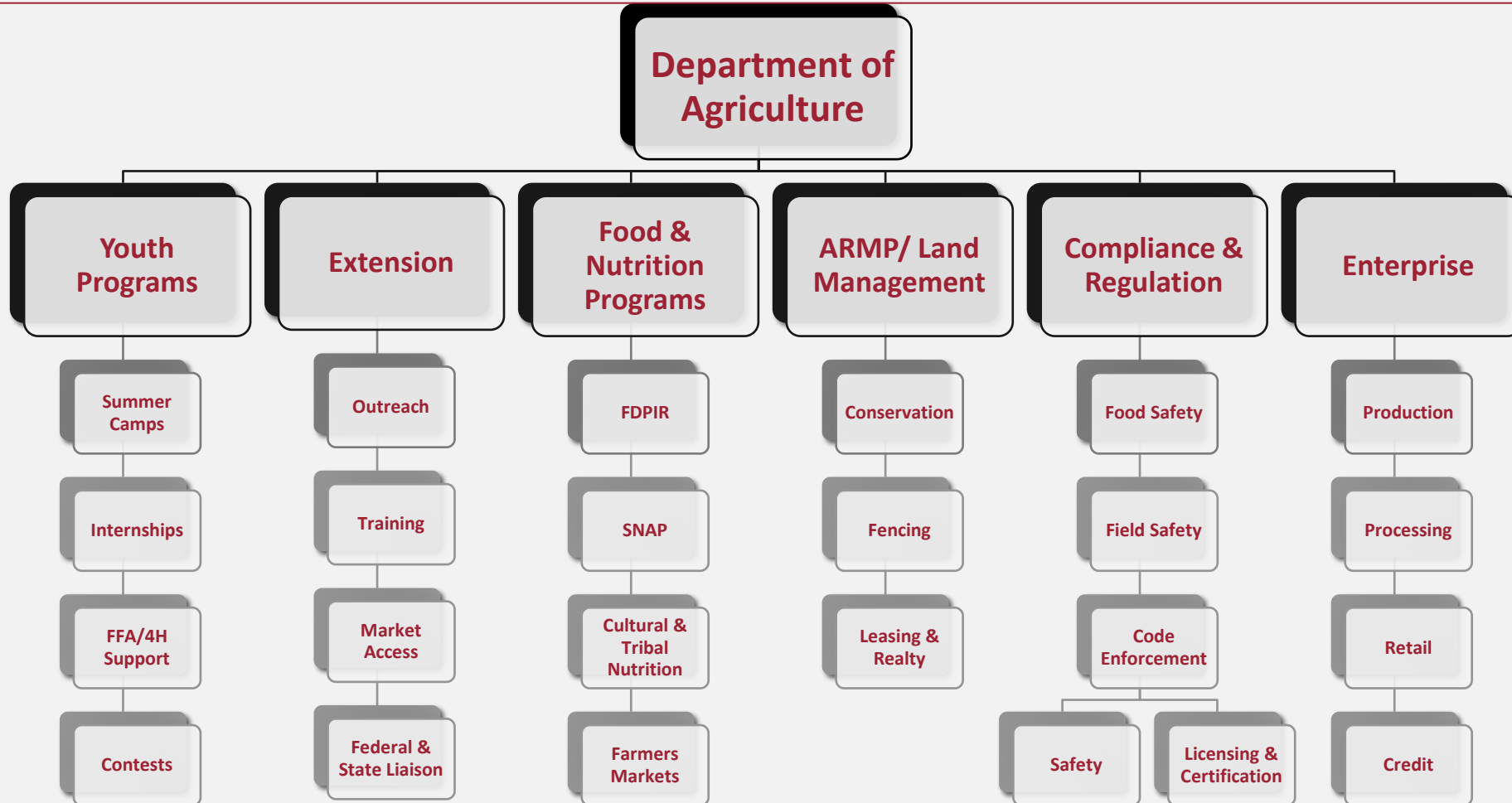
A Department of Agriculture is the house where tribal food sovereignty lives. What organizational structure best fits your tribe's needs?

- Professional Staff/Development
 - Youth Internship Programs
 - Professional Staff Sharing
- Retaining Institutional Knowledge
- Federal Grant/Funding recipient
- Oversight of programmatic activities
- 638 Self Administration Opportunities
- POINT OF CONTACT

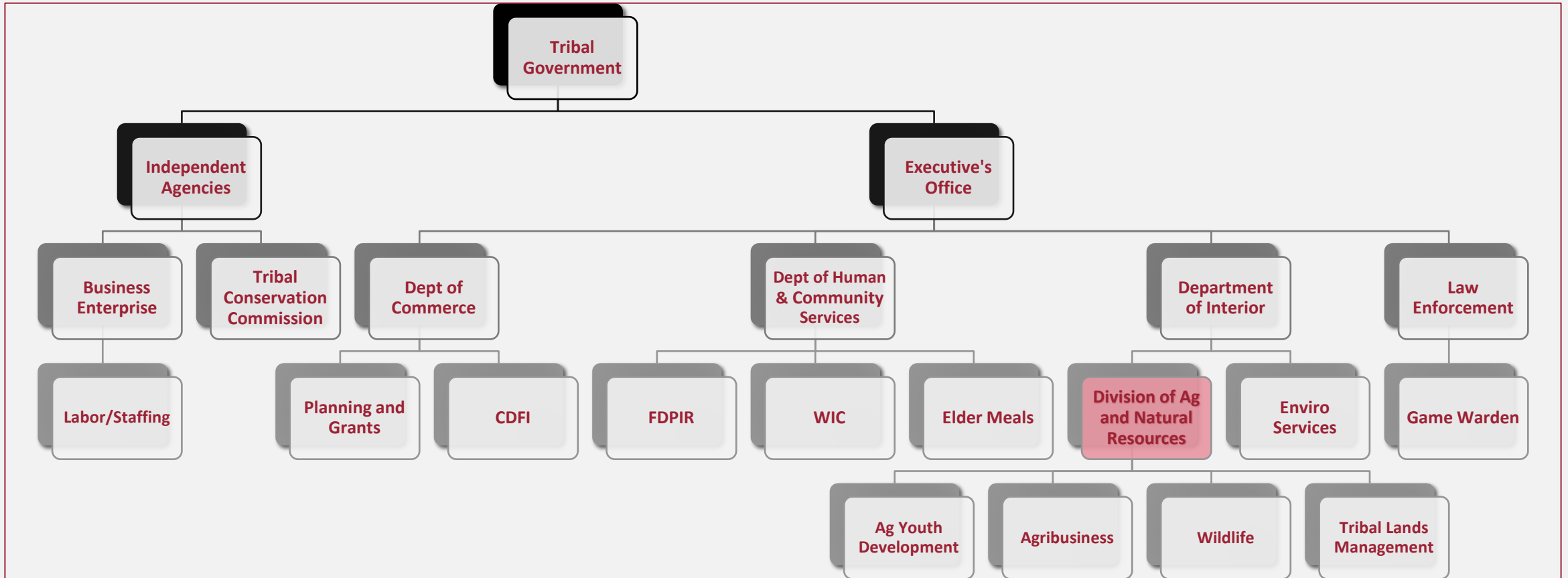


Photo by Nathan Lambrecht

Department of Ag: Org Chart Example



Department of Ag: Org Chart Example





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