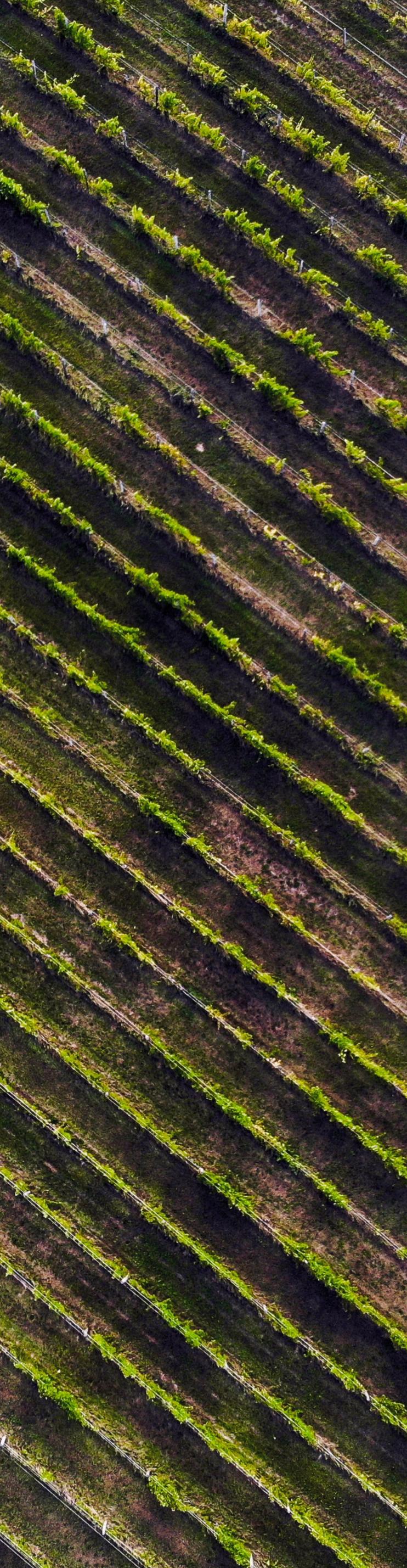


Cultivating Resilience in Indian Country

An Assessment of COVID-19's
Impact on Tribal Food Systems

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Executive Summary

Since time immemorial, the formation and maintenance of mutually beneficial relationships with land has made both food and agriculture key components of Native American cultures. Although legacies of colonialism, forced removal, and genocide have significantly damaged and even attempted to sever the relationships between many tribes and their original foodways, tribal producers continue to utilize traditional agricultural practices as tools to promote both food sovereignty and, by extension, tribal sovereignty.

Following the rapid onset of the COVID-19 pandemic in March 2020, tribal governments, producers, and communities across Indian Country were immediately presented with immense challenges in nearly every facet of daily life, including economic security, health, education, agriculture, and more. On top of various new problems caused by these interruptions, the months since then have also exposed many existing shortfalls in the systems that are meant to support the health and well-being of Native Americans. In response, tribal communities have found new and innovative ways to cultivate resilience and protect each other from the worst impacts of an unimaginable public health crisis. While the COVID-19 pandemic has exacerbated existing disparities and produced life-altering consequences for families throughout Indian Country, it has also highlighted countless examples of tribal communities working to move forward.

Within a country that relies on highly concentrated food systems, the reclamation of Native food and agriculture represents a key component of efforts to address food insecurity, promote the health and well-being of Native Americans, and drive economic development in Indian Country. Broadly, empowering tribal self-determination and self-governance via food sovereignty strengthens Native American communities by providing additional

support to tribal producers, prioritizing environmental conservation, and consistently factoring Indigenous perspectives into governmental decisions.

Unfortunately, the failure of federal and state governments to fully recognize tribal sovereignty—as noted in reports like *Broken Promises: Continuing Federal Funding Shortfall for Native Americans*—has only caused further damage to tribal self-determination. As a result of long-standing barriers to land and food access, the weakened state of tribal food systems actively contributes to a host of economic and environmental problems facing Indian Country today. Amidst the repercussions of the COVID-19 pandemic, many of the inequities documented in publications like *Broken Promises* have either persisted or gotten worse since March 2020.

Due in part to many of the same circumstances, people across Indian Country consistently grapple with issues related to food access and security. Despite a lack of comprehensive data on food insecurity within Native communities, available analyses have illuminated disparate rates of hunger among Native American families as well as negative implications for health and economic well-being. While poor access to healthy and high quality foods throughout Indian Country has made these problems worse, both community-organized initiatives and federal nutrition assistance programs continue to promote the health and well-being of Native families. Federal relief efforts over the course of the COVID-19 pandemic have also sought to facilitate this work.

Additionally, the COVID-19 pandemic has significantly disrupted the lives of tribal producers and subjected them to the whims of unstable agricultural markets, delayed supply chains, and shifting market channels. After more

than a year of falling profit margins, the current realities of food and agriculture in Indian Country have renewed interest in alternative business models like Community Supported Agriculture and tools such as online ordering. Through both legislation and policies enacted by the U.S. Department of Agriculture (USDA), the federal government has also taken a variety of actions to financially support agricultural producers.

Aside from food-related concerns, the COVID-19 pandemic has also had an outsized impact on the well-being of Native communities. Along with underlying disparities in health, socioeconomic factors, and living conditions, a chronic lack of funds within the Indian Health Service (IHS) has made it difficult to access COVID-19 testing and treatment throughout Indian Country, which has observed a noticeably disproportionate number of COVID-19 cases and deaths. To address similar issues related to distributing and administering COVID-19 vaccines, many tribes have already started implementing tailored outreach campaigns to keep Native communities safe.

Moreover, the COVID-19 pandemic has emphasized the need for improved broadband access in Indian Country and created new challenges with respect to expanding

telehealth services and remote learning. Yet, a mix of publicly and privately funded initiatives have already made progress toward enhancing connectivity in Native communities and consequently fostering better health and economic outcomes. Government agencies like the Federal Communications Commission (FCC) have also committed to making universal broadband access a key priority.

Overall, the COVID-19 pandemic has forced people across Indian Country to mobilize and respond to both long-standing and previously unforeseen needs. By supporting Native efforts to advance food sovereignty and tribal self-determination throughout Indian Country, the federal government will ultimately empower Native communities to become better prepared for future local, regional, national, and worldwide crises. This work will undoubtedly take many forms, including the passage of new legislation within tribal, state, and federal governments, and a new, intentional commitment to incorporating tribal perspectives within all policy decisions moving forward. While these efforts may seem monumental, they are necessary and critical to protecting the short- and long-term well-being of Native Americans in Indian Country.



Volunteers assembling care packages with food at the Wapato Community Center in Wapato, Washington. From Mason Trinca/The New York Times

Introduction

Across the world, the COVID-19 pandemic has dramatically altered many lives. Indian Country has faced incredible challenges as concern over the health impact of the virus has been met with worries over financial security. Unemployment, reduced work hours, and other economic disruptions—compounded by insufficient response and relief from political leaders—have left many struggling to pay for rent, food, medical bills, and other household expenses.

The pandemic has exposed vulnerabilities in this country's food system as well as its health and economic systems. Prior to the pandemic, Native people faced higher levels of food insecurity compared to the U.S. average.¹ Rates of food insecurity have only increased with lost incomes. Today, families are hungry, even as farmers and food producers face difficulty finding market channels and dispose of milk, vegetables, and other produce and unprocessed foods.

The pandemic has posed additional challenges for food insecurity, food waste, and agricultural workers—issues in the food system that are nothing new. The food system

is challenged by hunger, environmental degradation, financial struggles for small food producers, and inequitable health and economic outcomes. From production to consumption, all aspects of American food systems have been impacted by these obstacles.

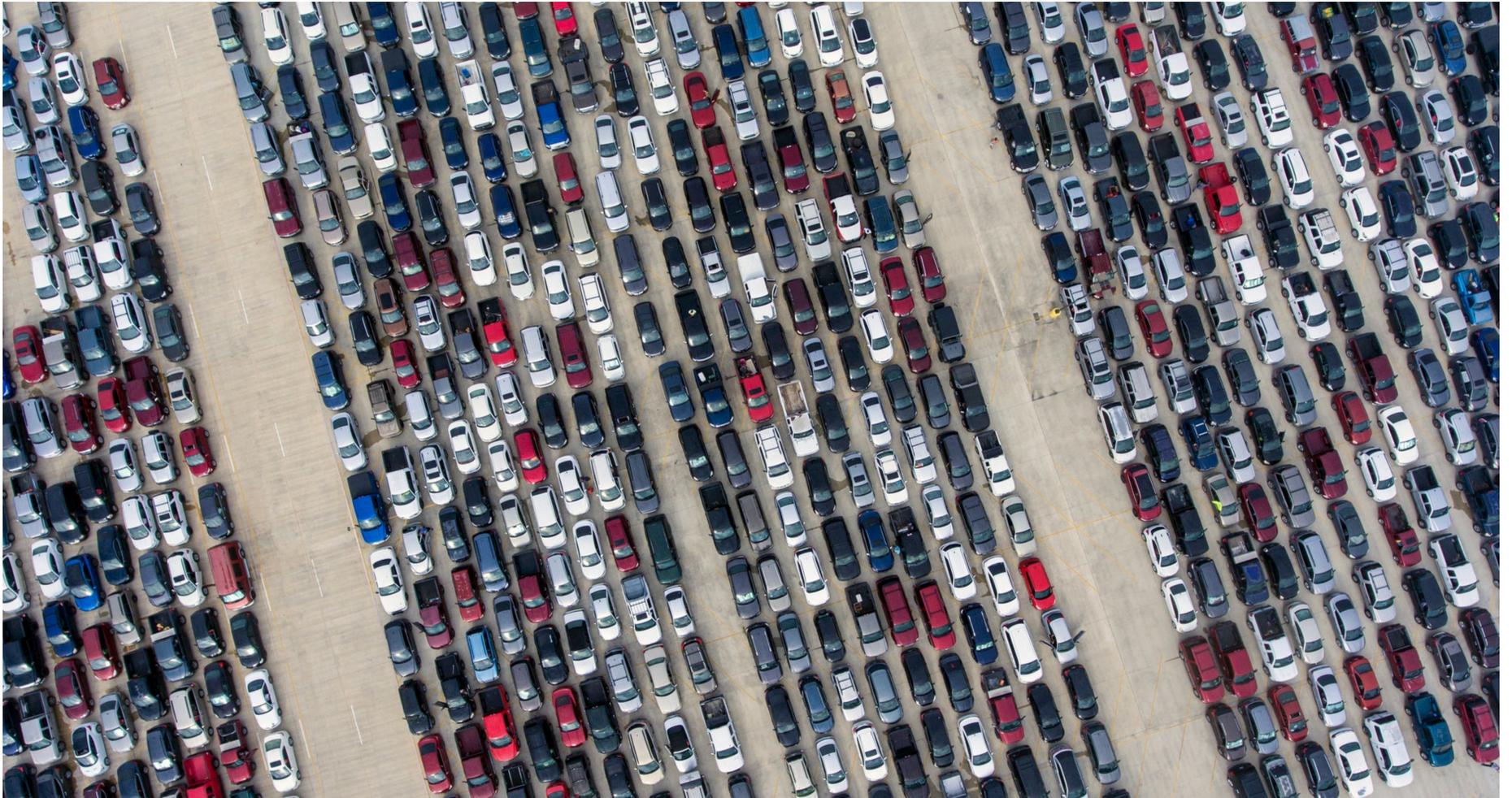
The public health and economic implications of this crisis have been widely felt across the country and hit certain communities hardest: Black, Indigenous,* people of color, immigrant, and low-income communities. For Native Americans in particular, the pandemic lays bare centuries of broken promises and disinvestment in Native communities. Years of policies that failed to adequately serve Native people and respect tribal sovereignty have led to disparities in health, food access, and economic security. These disparities left Native communities less prepared in the face of the pandemic and were exacerbated by the pandemic itself.

Preliminary surveys have sought to understand the impact of the pandemic, but have not captured its effects in Indian Country. The lack of current survey data reflects the persistent challenges of research about Native



* In this report, the Indigenous Peoples of the United States are referred to as Indigenous, Native American, Native, and American Indian/Alaska Native (AI/AN) interchangeably. For more information, you can refer to resources from IllumiNative, a Native-led nonprofit working to increase the visibility of and challenge the negative narratives about Native people, such as [Becoming Visible: A Landscape Analysis of State Efforts to Provide Native American Education for All](#) and [Changing the Narrative About Native Americans](#).

Signs in Black Rock, Arizona, reminding people to wear masks and social distance. From Nina Mayer Ritchie/NBC News



People in their cars, lined up at a food distribution site in San Antonio, Texas. From William Luther/The San Antonio Express-News, via Associated Press

people, where a lack of funding for research, disaggregation, outreach, and accurate reporting results in insufficient, unreliable, or absent data about Native Americans. Fighting “data invisibility” and having accurate, timely, and meaningful data collection in Native communities is vital to understand racial and tribally-specific inequalities, allocate resources, provide services, and drive programmatic investments during the COVID-19 pandemic and beyond.

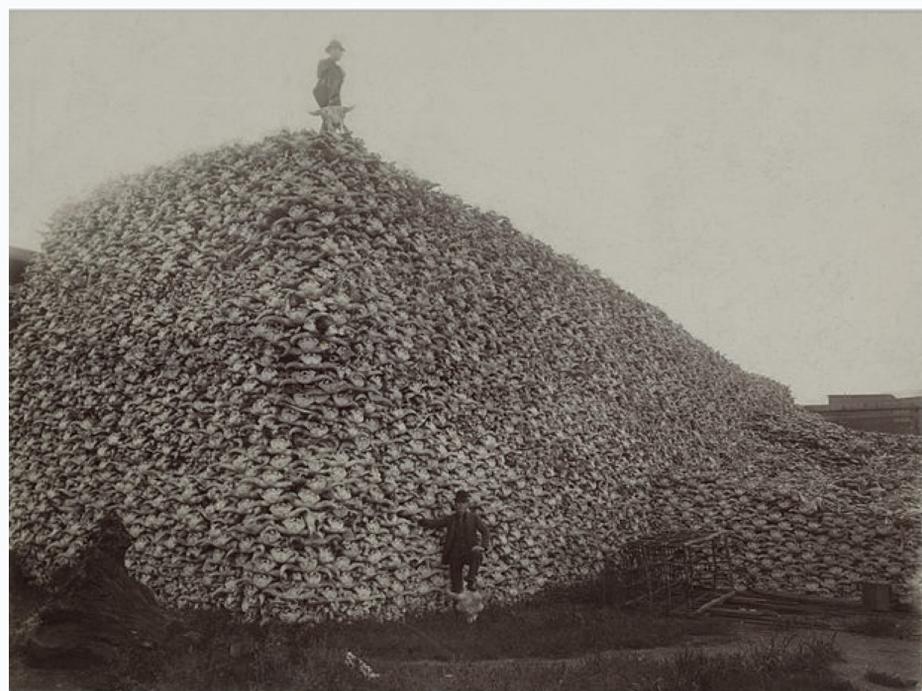
This report seeks to understand the impact of COVID-19 on food production, distribution, and security in Indian Country. It highlights current initiatives, research, available data to assess the short-term and long-term needs of food producers, other service providers, and Native communities to ensure food and economic security. By understanding current needs and long-standing economic challenges, leaders can bolster pandemic response and strengthen existing efforts towards long-term policy solutions that promote Tribal sovereignty and the health and welfare of Native people. This report discusses policy levers that can assist stakeholders in their advocacy, administrative, and policy work for tribal sovereignty and long-term resiliency in Indian Country.

As the COVID-19 pandemic continues, Native families and communities across the country look towards an end to the crisis, and for something beyond a return to normalcy. Before it began, hunger, poverty, racism, and climate change were ever-present—and they are likely to persist when it ends. This pandemic has highlighted the fragility of Indigenous food systems and presents an opportunity to transform them in order to promote food security, resiliency, equity, and tribal sovereignty. In order to address systemic issues, there must be systemic solutions.

Colonization, Genocide, and Indigenous Foodways in the United States

To examine and address contemporary challenges of Native food insecurity and health disparities, it is important to understand them as legacies of settler colonialism and reckon with the historical injustices underpinning the root causes of hunger—poverty and racism. From the Trail of Tears and Indian removal to Indian boarding schools, the exploitation of natural resources, introduction of European disease, and militant colonization drove the purposeful destruction of Native cultures and foodways. The cultural and nutritional upheavals of forcible separation from their historical lands and traditional food sources have only been reinforced by federal Indian policy.

There is a long history of using food policy as a method of control. The U.S. government promised to provide food to Native communities as it moved them onto reservations, strained original food sources, and restricted access to farming, hunting, gathering, and fishing.² Early government rations beginning in the 1800s provided commodity foods with little nutritional value and little cultural context to Native people. Flour, salt, sugar, and refined grains made up much of these rations, a stark contrast to nutrient-dense foods regularly comprising diets of different Native peoples. While the nutrition quality of foods provided by government food assistance programs have slowly improved over time, these programs continue to be informed by white-centered dietary guidelines and research and offer few traditional foods.



Rougeville, MI in 1892. From Detroit Public Library

These events led to widespread and pronounced changes to the cultural relevance of foods available, as well their nutritional quality. For centuries, Native people cared for a diverse food system that was intimately intertwined with cultural and spiritual traditions. Food traditions varied widely by tribe and region.³ Federal policies around land settlement, treaties with tribal governments, and nutrition assistance not only drove the separation of Indigenous people from their ancestral lands and food knowledge, but also failed to provide culturally relevant food to the various displaced Native American tribes.

Impacts of the loss of traditional foodways and the once low nutritional value of government-provided foods—along with poverty and the lack of access to capital, investments in infrastructure, and economic opportunity—have led to high incidences of diet-related diseases in Native communities. Traditional diets and active lifestyles transformed to a western diet consisting of highly processed, store-bought, and energy dense foods.⁴ On top of being at high risk for diabetes, high blood pressure, heart disease, and cancer, Native people also face inadequate access to the high-quality health care necessary to diagnose and treat such conditions.

Centuries of building the American economy at the expense of Native land and wealth have led to vast economic inequality and barriers to sustaining Native farms and food businesses. Unfortunately, policies have not improved quickly enough to address these disparities. Settled in 2011, *Keepseagle v. Vilsack* found discriminatory lending practices against Native farmers.⁵ Cases like this demonstrate how structural racism is tied to continued disinvestment and barriers to economic development in Indian Country.

In spite of these challenges, tribes have made incredible efforts and gains towards exerting self-determination within Native food systems and beyond. For many years, diverse projects within tribal communities have advanced policies and programs to better support Native people and tribal producers, businesses, schools, and governments.

Tribal communities across the country are rewriting the history of injustice and inequity. Native people have been resilient and look towards restoring traditional food ways. In every corner of Indian Country, farmers, schools, whole communities, and tribal governments are motivated and actively working to transform food systems to support healthier choices and self-determination. Efforts to reassert tribal sovereignty and treaty rights are fundamental in Native movements toward food sovereignty.

WHAT IS FOOD SOVEREIGNTY?

“Food sovereignty is the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems. It puts the aspirations and needs of those who produce, distribute and consume food at the heart of food systems and policies rather than the demands of markets and corporations.”

*Declaration of Nyéléni, the first global forum on food sovereignty, Mali, 2007*⁶

Even before this pandemic, tribes have been working towards programs and policies that promote Native health, self-reliance, and sustainability. From fostering community gardens, renewing heirloom seeds, and developing Native-owned businesses to implementing Native farm-to-school programs, Native people have been leading the charge for food system change in Indian Country. Additional support for these efforts is needed in order to overcome historical inequalities and systemic barriers to economic development, food sovereignty, and self-determination.

As leaders and communities respond to the devastating impacts of the pandemic, both short-term relief and long-term strategies for reforming and revitalizing the food system to address hunger, health disparities, and poverty in Indian Country are needed. Reclaiming traditional foodways, advancing food sovereignty, and promoting local and regional food systems will be a part of this transformation. Addressing issues of economic development and gaps in the food system will not only decrease food insecurity and hunger, but will also address the historical trauma particular to Native people, protect the environment, and promote physical, mental, and spiritual wellbeing. Native-led advocacy and initiatives point the way forward.

JANIE SIMMS HIPP, JD, LL.M (CHICKASAW):

“The sustainability and long-term stability of Indian Country’s food and agriculture systems needs tribal governance built into those systems in order to ensure our foods are protected, not overly regulated, and allowed to thrive and become more resilient.”

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Food Sovereignty and Local Foods

Tribal Food Sovereignty and the Local Economy: Principles for Food System Reform

“According to the First Nations Development Institute, food sovereignty is defined as ‘the inherent right of a community to identify their own food system.’ This means that as a community we have the power to choose the food on our table...”

- Valerie Segrest, Muckleshoot, Director of the Muckleshoot Food Sovereignty Project and Regional Director of Native Food and Knowledge Systems at the Native American Agriculture Fund¹

Advancing food sovereignty in Indian Country is to make efforts toward reclaiming Native food systems and foods. Restoring traditional foodways strengthens Native Americans’ relationships with their ancestral lands and cultural identity, and reasserts Indigenous knowledge behind harvesting, planting, and consumption. Such restoration is intricately tied with efforts to improve federal nutrition programs and economic opportunities for Native farmers, processors, distributors, and other producers. Native control of key nutrition assistance programs—such as the Food Distribution Program on Indian Reservations (FDPIR) and the Supplemental Nutrition Assistance Program (SNAP)—and food production and sourcing allows tribes to have greater availability of the foods that meet their nutritional and cultural needs.

In the place of diverse, sustainable, and centuries-old Indigenous food systems is a national food system that reflects and reinforces structural inequalities. The foods that are available, accessible, and affordable to Native people have not only been detrimental to their health, but have also been largely devoid of cultural meaning. Federal Indian policy took not only Native land, but also their relationships and practices with their land and food sources. Like many Native assets, Native food systems have been altered, colonized, or destroyed.

Reclaiming control over local and Native food systems is a major step to eliminate food insecurity, promote health

and well-being, and drive economic development and Native entrepreneurship in Indian Country. Food sovereignty is both a component of and pathway toward greater tribal sovereignty. The ability of tribal nations to feed themselves gives them charge over their own lives and futures. Empowering tribal self-determination and self-governance ensures the long-term resiliency and vitality of Native communities.

Tribal nations have spearheaded efforts towards food sovereignty and demonstrated the diverse, innovative strategies to advance self-determination. For example, the Muckleshoot Food Sovereignty Project was founded in 2010 to promote a return to traditional food culture. The project runs many initiatives, such as workshops that teach traditional food preparations, cultural sovereignty classes, harvest and berry festivals, sheep- and elk-processing presentations, and maintains a two-acre orchard where dozens of varieties of local fruits are planted by hand and harvested for meals for elders. The Muckleshoot Tribe has bought back over 93,000 acres of ancestral land to advance their food sovereignty work.²

“Tribal food systems embody the connections by uniting social, cultural, political, legal, and economic institutions within a Tribal community...”

Vena A-Dae Romero, Cochiti/Kiowa³

The Meskwaki Food Sovereignty Initiative (MFSI) drives educational outreach on food system control and developing sustainable local farms. MFSI’s projects emphasize the intersection of local and Native foods as medicine—helping to prevent diabetes and other modern diet-related diseases—along with economic development, strengthening cultural identity, and rebuilding relationships with the land. One major success of MFSI is its support of Red Earth Gardens, an organic

farm that is committed to traditional, sustainable ways of growing food. It is a profitable commercial venture that makes direct sales through Community Supported Agriculture (CSA), Tribally Supported Agriculture (TSA), and 20 markets in the region. Red Earth Gardens promotes regenerative agricultural practices, workforce development, and strengthening community relations.⁴

Limited access to land is a barrier to tribal food sovereignty and food systems change. However, organizations like the Indian Land Tenure Foundation (ILTF) strive to make the return to tribally owned and controlled land easier to navigate. Founded in 1998, it has helped tribes recover approximately 125,000 acres and worked to strengthen sovereignty of Native land. ILTF works directly with Native landowners to gain control of Native lands, convert land into leverage for those landowners, and reform the legal mechanisms to recapture physical, cultural, and economic assets for Native people. It makes loans and grants to tribes and non-profit organizations to provide projects that emphasize education, cultural awareness, economic opportunity, and legal reform.⁵

The COVID-19 pandemic has exposed the cracks within the national food system. It demonstrated to Native communities what they have long known—that the federally managed, national food system did not serve the needs of Native people. Millions across the country faced challenges getting enough food to feed themselves and their families. Farmers and ranchers harvested produce and livestock, only to face difficulty processing them within their usual timelines. Food businesses lost markets as hotels, restaurants, and schools and universities shuttered their doors. While Native families were hungry and sought assistance from food banks, milk was dumped, livestock were euthanized, and food waste became commonplace.

The movement towards local food offers some remedies for these unearthed issues and is closely tied to the food sovereignty movement. The advancement of local and regional food economies rests on a similar principle that communities should have food systems that are best tailored to their needs, cultural heritage, and goals.

While “local” can be defined differently by different people, it describes a system where producers sell to their

own communities and consumers buy from producers living in their community. This creates a circular economy, where money is reinvested into the local economy instead of leaving a city, town, or reservation. This money multiplier effect* supports producers and their families, giving them access to resources like education, health care, and funds to support and expand their business. In a local and regional food model, the more a dollar circulates in a particular region, and the more quickly it does, the more income, wealth, and jobs it generates.⁶ On the other hand, when a dollar is given to large agri-food corporations, the dollar leaves the region and profits are distributed to shareholders in a global market.

Compared to selling in mainstream national markets, selling food through local supply chains and direct marketing channels allows farmers to capture a greater share of retail prices and maximize profits. One study demonstrated that more jobs were created by revenue from farms involved in direct marketing, compared to those involved in wholesale channels exclusively.⁷ Developing an area’s local economy can make it more sustainable to live there and promote the economic well-being of the entire community. Strengthening local and regional markets is also key to rural economic development and has been a pillar of the USDA’s commitment to supporting rural communities.⁸ Local food markets also generate social benefits as they can help build stronger ties between consumers and producers.

Protection of the environment is another community benefit since local food systems are more sustainable. Climate change is real and it is present. The mainstream food system is a major contributor to climate change and water, land, and air pollution. Communities of color are most likely to suffer the consequences of environmental degradation, as they are more likely to live near industrialized agricultural operations and hazardous waste sites.⁹ A local food system lessens the environmental cost of transportation, overproduction, storage, spoilage and waste, and harmful land management practices. Food system reform can be one of most impactful actions in the fight against climate change.¹⁰

* The “money multiplier effect” refers to the amount of local economic activity that is triggered by the purchase of any item.

Climate change has contributed to many of the health conditions that make people vulnerable to illness from COVID-19 (e.g., asthma, cancer, cardiovascular disease) by increasing heat exposure, worsening air pollution, and threatening water safety, food security, and the nutritional quality of foods.¹¹ Today, the dual crises of climate change and the pandemic continue to test the resiliency of food, health, and economic systems. If left unchecked, climate change will pose greater challenges for food production, human health, and the economic security of marginalized communities. With hotter temperatures, there is also increased risk of more frequent pandemics. The massive disruptions from the coronavirus pandemic are a harbinger of the challenges of the climate change era: converging catastrophes that force people to live in a constant state of emergency.

For centuries, Native Americans have tended to the land without vast environmental destruction; Indigenous knowledge of regenerative agriculture can be put in greater practice, but only by bolstering the number of Native producers.¹² According to the 2017 Agriculture Census, American Indian and Alaska Native producers only account for 2.3 percent of the United States' 3.4 million producers. Large agriculture companies have the resources to meet USDA regulatory compliance and recoup losses in a tough season, while small and beginning farmers and ranchers face greater challenges in fulfilling necessary vendor and food safety certifications, funding operations, and accessing markets.

Scaffolding is needed to promote the development of local food economies until producers (i.e., small and beginning farmers and ranchers, large individual producers, and large family farms) can be supported on their own. Whether that support is through self-sourcing opportunities, marketing opportunities, or tribal preference procurement policies, stabilizing and stimulating the local food economy can eliminate the reliance on a national food system, USDA vendor certification, and the current FDPIR food package. Support for local food economies can occur at a variety of levels, including direct-to-consumer markets, farm-to-institution, urban agriculture and community gardening, and Community Supported Agriculture (CSAs).

There have been numerous innovative projects throughout Indian Country that are driven to return to traditional practices to remedy the problems of the present. Food sovereignty projects often meet multiple goals of self-governance, financial empowerment, improving health and food security, and promoting traditional food practices. Many efforts focus on improving access and knowledge of traditional foods and culture, providing healthier food to more people, and promoting social, economic, and environmental sustainability.

In addition to grassroots projects by tribes, there are larger organized efforts to advance Native agriculture and entrepreneurship. The Federally-Recognized Tribes Extension Program (FRTEP) has supported tribes with outreach and education around food and agricultural production since 1990. Funded through the USDA's National Institute of Food and Agriculture and with over 30 locations across the country, FRTEP offices can support specific needs identified by a tribal community, such as programming focused on health and nutrition or on helping farmers and producers increase profits. Other projects have increased market access through intertribal cooperation, the promotion of Native-owned business, and partnerships. Scaling up and sustaining innovative projects often requires collaboration with many actors.

"To unlock the potential that Indian Country's people, our workforce, and our land base have in food production coupled with food access, significant infrastructure investments must be undertaken."

Feeding Ourselves¹³

From Kate Trysh





Federally-Recognized Tribes Extension Program: The Kalispel Reservation has worked with their FRTEP office to increase food sovereignty and community food security through its gardening classes and traditional food gathering site restoration. Kalispel and FRTEP have worked to collect traditional seeds, promote traditional resource management practices, and offer tribal youth training at tribal youth gardening sites. The FRTEP office at the University of California Cooperative-Extension helps tribes in the region—like the Hoopa, Yurok, and Karuk Tribes—with food security awareness, food production education, the development of strategies to increase food security, and engagement of youth with food, agriculture, and natural resources.

Intertribal cooperation has been uniting producers to create thriving markets for Native food products. For example, Columbia River Inter-Tribal Fish Commission (CRITFC) assists tribal fishers with sales, marketing, connecting with local markets and wholesale distribution, food safety training, and protecting treaty rights. The Affiliated Tribes of Northwest Indians (ATNI) began the Salmon Marketing Program in 2010 to promote the sale of value-added products from tribal fishers and harvesters in Idaho, Oregon, and Washington. ATNI has reached over 125 producers, provided technical assistance, and generated more than a million dollars in income from new sales and the promotion of higher existing revenue streams. Additionally, the Intertribal Buffalo Council has a membership of 69 tribes working to restore buffalo to Indian lands in ways that are culturally appropriate, ecologically sound, and contribute to economic prosperity and cultural and spiritual vitality.

Native-owned agribusinesses seek to source their products from Native producers and increase market access. Kiva Sun Foods produces various antibiotic- and GMO-free meat products from bison raised in Montana, Wyoming, and South Dakota. The company seeks to source from Native ranchers and is the primary vendor for bison for the FDPIR. Native American Natural Foods, founded by Karlene Hunter (Lakota) and Mark Tilsen, produces the Tanka Bar, the number-one selling 100% buffalo meat snack in the U.S. and the first nationally-distributed Native natural food brand. It sells to Costco, Walmart, REI, and Whole Foods and actively seeks to source from Native producers, creating major market-access opportunities in communities where these companies are based. Lakota Foods, owned and operated by the Lower Brule Sioux Tribe, produces, processes, and packages popcorn for sale in local, regional, and national retail locations.

Tribal partnerships with non-tribal programs have also been a collaborative success. The Rosebud Sioux, Pine Ridge, and Cheyenne River Sioux have partnered with the South Dakota State University for the Healthy Foods/Healthy Communities to address the lack of affordable, nutritious food on the reservation and increase on-reservation production of traditional and non-traditional foods. The initiative offered workshops for producers on value-added production, business and entrepreneurship, marketing, and food safety. It also increased home gardening and provided youth training.¹⁵ Similarly, the Hoopa Valley Food Policy Council—a collaboration between the Hoopa Valley Tribe and Humboldt County officials—works to promote healthy food access. One key project was its sponsorship of a YouTube web series that demonstrated how to cook with locally-sourced, Native ingredients.

Tribal colleges and universities offer a variety of educational opportunities. With 37 institutions serving Native people across the country, tribal colleges and universities provide students and university communities with experiential learning in food and agriculture. For example, the Blackfeet Community College's Greenhouse Project preserves Native plants, particularly those threatened with extinction, and has grown a variety of traditional plants for medicinal and ceremonial purposes. They also grow food for sale and grasses to help replenish overharvested areas in the local community. Other gardening projects, like from the Sitting Bull College and Leech Lake Tribal College, promote food security and food sovereignty by providing food to the local community and lessons about traditional foods and agricultural practices. Other projects focus on education on healthy eating and lifestyles—like the Cankdeska Cikana Community College's Diabetes Education in Tribal Schools program—and workshops for beginning farmers and ranchers.

Past and ongoing work by tribal producers, communities, and governments provide models for food systems reform beyond the pandemic. In order to harness the potential of Native agriculture and ensure food security and rural and regional prosperity, investments in infrastructure are needed. The following excerpt is from a report by the Native American Agriculture Fund (NAAF) on the rebuilding and recovery of the Native American food and agricultural sector post-COVID-19:

“For too long, Native producers, communities, Tribes, and regions have not had the infrastructure necessary to create a resilient and thriving regional food system. A regional food system grounded in Native culture, that provides economic opportunities and diversification for Tribes and producers to feed their communities is necessary. After COVID-19, it is clear that feeding our people is one of the most essential functions of our society and requires a new solution particularly as we recover and rebuild post COVID-19 . . .

The missing link is infrastructure. Tribal Nations do not have the tax base nor the dedicated capital for building the infrastructure necessary to harness the potential of their food systems. The impacts of a robust food and agriculture sector would create jobs in rural Tribal communities, feed Native people more nutritious food and allow the federal government to spend less money on nutrition programs in the long term. Regional food and agriculture infrastructure in Indian Country would create new opportunities that would strengthen food system resilience, support healthier and more nutritious foods, provide enhanced food security and create more jobs.”¹⁶



Tribal Leaders Consultation with USDA, February 2018. From USDA

Tribal Consultation

Consultations between the federal and tribal governments provide opportunities for tribes to be involved with policy development through information exchange, mutual understanding, and informed decision-making. In 2000, the Clinton administration issued Executive Order 13175, which mandated consultation with tribal governments when policies are promulgated that will impact tribal resources. It declared that all executive agencies develop and maintain a tribal consultation policy, and for federal agencies to have plans of action, developed in consultation with tribes, that set forth how they would carry out E.O. 13175. Consultations can be initiated by tribal elected leaders or an ITO, the USDA, other federal agencies, or emergency action.

"History has shown that failure to include the voices of tribal officials in formulating policy affecting their communities has all too often led to undesirable and, at times, devastating and tragic results. By contrast, meaningful dialogue between Federal officials and tribal officials has greatly improved Federal policy toward Indian tribes. Consultation is a critical ingredient of a sound and productive Federal-tribal relationship."

Presidential Memorandum on Tribal Consultation, 2009

Tribes have been able to make substantial gains towards food sovereignty and development of their agricultural economies through tribal consultation policies and practices at the USDA. USDA Departmental Regulation (D.R. 1350-002) defines consultation as “...the timely, meaningful, and substantive dialogue between USDA officials who have delegated authority to consult, and the official leadership of Federally recognized Indian Tribes, or their designated representative(s), pertaining to USDA policies that may have tribal implications.” The policy reinforces the purpose of consultation by respecting and upholding tribal sovereignty, as the USDA emphasizes that the policy does not diminish tribal governmental rights or rights and protections afforded to AI/AN persons or entities under federal law. The D.R. also promotes accountability through a list of accountability procedures that each USDA division must follow on consultation, including the development and maintenance of a thorough administrative record that notes outreach to tribes, consultation meetings, dialogue, and more.

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Broken Promises: Continuing Federal Funding Shortfall for Native Americans

On December 20, 2018, the U.S. Commission on Civil Rights (USCCR) published *Broken Promises: Continuing Federal Funding Shortfall for Native Americans*—an updated version of its 2003 report, *A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country*—to reexamine the budgets and spending of federal agencies that sponsor Native American programs. Broadly, the Commission found that many of the disparities highlighted in 2003 had gone unaddressed and emphasized that the federal government had consistently failed to ensure the social and economic well-being of Native Americans.¹

At its core, *Broken Promises* acknowledged that the failure of state and federal governments to fully recognize tribal sovereignty had damaged tribal self-determination and worsened criminal justice, health, education, housing, and economic outcomes for Native Americans.² Based on this conclusion, the Commission majority certified a number of key findings concerning the unique trust relationship between the United States and Native Americans, enhanced data collection, and the lack of funding for federal programs meant to support the social and economic needs of Native Americans.³ Notably, *Broken Promises* stated that “a cycle of social and economic prosperity” could be promoted in Indian Country by significantly increasing investments in health, education, public safety, environmental quality, and business development.⁴ To act upon these conclusions, the report also recommended that the federal government provide “steady, equitable, and non-discretionary funding directly to tribal nations” and adopt policies that ensure “equal treatment of tribal governments as compared to other governments.”⁵

Mentions of food, agriculture, and nutrition

Throughout *Broken Promises*, the Commission occasionally referenced food, agriculture, and nutrition in Indian Country. Most importantly, the report affirmed that Native Americans have faced long-standing barriers to land and food access. Collectively, treaties, federal removal, and reservation policies separated Native Americans from their traditional foodways and significantly damaged tribal self-determination.⁶

Moreover, the Commission noted that agriculture is both historically relevant to Indian Country and an increasingly crucial part of Native economies. Still, Native American farmers have consistently struggled to become autonomous due to a lack of access to financial resources like credit, insurance, and loans. In addition to the U.S. Department of Agriculture’s (USDA) Office of Tribal Relations, the Council for Native American Farming and Ranching has sought to help tribal producers overcome these hurdles via participation in USDA programs.⁷

Among other issues, the report detailed a number of economic challenges plaguing Indian Country today, including a “lack of employment opportunities, underdeveloped physical infrastructure, lack of access to basic utilities and clean drinking water, restrictions in accessing natural resources, regulatory burdens, [and] climate change impacts.”⁸ These problems pose considerable threats to tribal food and agriculture. Given that agricultural activities contribute heavily to employment, business, and investment outcomes in Indian Country, *Broken Promises* associated the economic obstacles that Native Americans face with the weakened state of tribal food systems.⁹



National Congress of American Indians President Fawn Sharp speaks at a congressional hearing on *Broken Promises* in November 2019. From Harrison Mantas/Cronkite News

COVID-19 in Indian Country: The Impact of Federal Broken Promises on Native Americans

On July 17, 2020, the Commission held a virtual briefing to evaluate the impacts of COVID-19 on Native Americans. During the meeting, numerous experts provided testimony on how the pandemic had affected Indian Country with respect to healthcare, housing, broadband access, and other relevant concerns. Panelists also discussed whether the federal government had adequately supported Native Americans since March 2020.¹⁰

Both the Commission and experts who offered testimony agreed that many of the concerns documented in *Broken Promises* had been exacerbated by the COVID-19 pandemic. Although the Coronavirus Aid, Relief, and Economic Security (CARES) Act allocated more than \$10 billion in aid to Indian Country, competitive grant-making processes pitted tribes against one another, hindered under-resourced tribes from applying for money, and generally made funding difficult to access.

Tapping the Centers for Disease Control and Prevention (CDC) to distribute grants instead of the Indian Health Service (IHS) also delayed application timelines.¹¹

Additionally, multiple panelists stressed that chronic underfunding of the IHS—which has been ill-equipped to assess, treat, and care for patients during the pandemic—had taken an even larger toll on Native Americans. To date, staffing shortages, rationed care, and outdated medical facilities have left many families without access to health care. Furthermore, panelists said that the federal government’s unwillingness to grant access to the Strategic National Stockpile had forced tribal governments to bid against states—often unsuccessfully—for supplies like personal protective equipment and ventilators throughout the summer. Combined with a shortage of dependable COVID-19 tests, these circumstances made it extremely difficult to conduct public health surveillance and prevent the spread of COVID-19.¹²

Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships

On January 26, 2021, President Joseph R. Biden, Jr., signed an executive order to “make respect for Tribal sovereignty and self-governance, commitment to fulfilling Federal trust and treaty responsibilities to Tribal Nations, and regular, meaningful, and robust consultation with Tribal Nations cornerstones of Federal Indian policy.” Referencing a number of concerns raised in *Broken Promises*, the order acknowledged that Native Americans are disproportionately impacted by “crises related to health, the economy, racial justice, and climate change.” As part of the administration’s approach to addressing these disparities, President Biden pledged to honor tribal sovereignty and incorporate tribal perspectives into any policy deliberation that would affect tribal communities.¹³

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CYNTHIA WILSON is a nutritionist who grew up on the Navajo reservation and saw the help that her community needed during the COVID-19 pandemic. With an upbringing immersed in Diné culture—her mother was an herbalist and her grandfather was a medicine man—Wilson started Seeds and Sheep to help tribal members grow traditional foods. The organization provides sheep and drought resilient seeds to farmers and families throughout Navajo Nation. Although her goal was to give out seeds to 100 families, she’s seen over 300 people requesting seeds, many of them young people interested in learning how to grow their own food. Wilson said she started Seeds and Sheep “to encourage farmers, community members to get back into planting to restore their own food resilience for their families in preparation for the winter.”¹



Others have also supported the creation of “resilience gardens.” Rowen White, director of the Indigenous Seedkeepers Network, put out an offer on Facebook to send seeds to Native families and received 700 responses.² Seedkeepers like White have similarly been inundated by requests for seeds, as interest in growing one’s own food and concern over hunger and local food supplies piqued during the pandemic.

From: Utah Diné Bikéya



Food Access and Security

Food insecurity, as defined by the U.S. Department of Agriculture (USDA), is the lack of consistent access to food for a healthy, active life. Geographic indicators (e.g., lack of supermarkets, transportation barriers, presence of fast-food chains and corner stores without many healthy foods) and socioeconomic conditions (e.g., poverty, unemployment, and inadequate benefits from nutrition assistance programs) interact to influence a person's access to food and experience with hunger. In 2019, 10.5 percent (13.7 million) of U.S. households were food insecure, the lowest rate in the past 20 years.³ Over the past decade, food insecurity rates have steadily declined.

The COVID-19 pandemic has curbed this progress by leaving millions of Americans across the country out of work and hungry. The economic disruptions of the pandemic have exacerbated existing food insecurity and created newly food insecure people as households struggle to buy food. These challenges, however, only reflect long-standing barriers to food access and inequities in our food, economic, and social systems. For Native people, it sheds light on poverty and food deserts

in Indian Country, and the challenges for Native producers and traditional foodways.

There has not yet been national, comprehensive research on household food insecurity for 2020.* However, early data and personal accounts by many Americans illustrate worrisome prospects. As of December 2020, 13.7 percent of all adults (over 29 million) reported that their household sometimes or often didn't have enough to eat in the last week, according to the U.S. Census Bureau.⁴ Projections from Feeding America estimated that 1 in 6 people (50+ million) and 1 in 4 children (about 17 million) would be food insecure in 2020 because of the pandemic.⁵ These projections are discussed in greater detail later in this chapter.

The Census Bureau releases data weekly from its Census Household Pulse Survey (CHPS, or Pulse Survey), which captures household experiences during the pandemic,

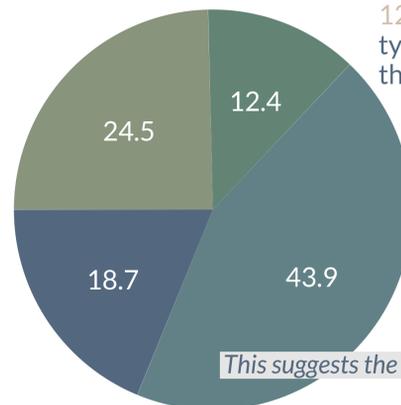
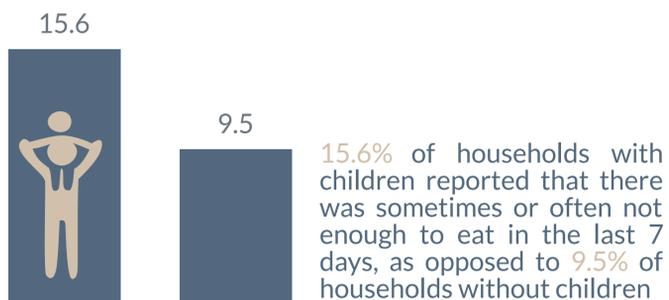
* The USDA Economic Research Service releases an updated report on the state of household food insecurity each year. The most recent report was released in 2020 but covered rates from 2019.

Figure 4.1. Percentage of adults in households where there was either sometimes or often not enough to eat in the last 7 days (Weeks 1–22, April 23, 2020–January 18, 2021)

Source: U.S. Census, Household Pulse Survey, April 23, 2020–January 18, 2021



Select Characteristics of Surveyed Households from Pulse Survey Week 21 (December 9–21, 2020)



Of those who reported that they sometimes or didn't have enough to eat in December 2020: 18.7% often didn't have enough to eat, 12.4% had enough food (but not always the types they wanted), and 24.5% had enough of the foods they wanted *prior to the pandemic*

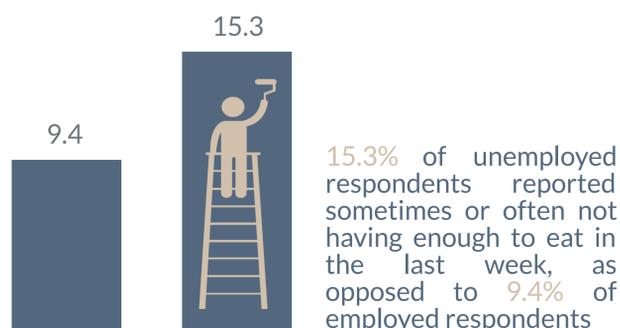
43.9%

of households that sometimes or often didn't have enough to eat in the last 7 days, also sometimes didn't have enough to eat prior to March 13, 2020

This suggests the wide extent of hunger even before the pandemic.

19.5%

of households that have lost incomes reported that they sometimes or often didn't have enough to eat in the last 7 days, as opposed to 4.6% of households that didn't lose income



Highest Food Insufficiency



Louisiana

Mississippi	18.6%
Kansas	16.6%
Texas	16.5%
Oklahoma	16.3%

Lowest Food Insufficiency



Vermont

Maine	7.7%
Washington	7.8%
Utah	7.9%
Hawaii	8.9%

Source: U.S. Census, Household Pulse Survey, December 9–21, 2020

including information on food access. This survey has played a vital role in providing a quick picture of changing social and economic trends due to the health crisis. A major limitation of the data reporting is the lack of disaggregation of American Indian and Alaska Native (AI/AN) people, who are grouped under “Two or more races + Other races, not Hispanic.” Even outside of a pandemic, reliable data on Native food security is hard to come by. Annual reports from the USDA-ERS on U.S. household food insecurity, which uses data from the Food Security Supplement of the Current Population Survey, only publishes racial/ethnic data for white (non-Hispanic), Black (non-Hispanic), Hispanic, and Other (non-Hispanic) populations. These ERS reports and CPS-FSS data play a leading role in food security research and are often cited in food policy work.

Research on food insecurity has been studied primarily among urban communities, and seldom examines Native populations, exclusively or in comparison with other racial

or ethnic groups. While the literature and survey data on Native Americans nationwide or specific tribes are few and far between, the existence of hunger and food insecurity—and their associated impacts on health—are well known in Indian Country.

In addition to income and employment, food insecurity can be influenced by:

- Race/ethnicity
- Disability
- Transportation
- Neighborhood conditions, like living in “food deserts” or “food swamps”
- Access to education
- Access to health care
- Incarceration rates
- Food assistance programs

Poverty, Food Insecurity, and Health—What's the Connection?

Poverty and food insecurity are intricately intertwined and are both **social determinants of health**. Social determinants of health (SDOHs) are the conditions (e.g., social, economic, physical) in the places where people work, live, play, and learn, which affect a wide range of health and quality-of-life outcomes. Other examples of SDOHs are access to healthcare and health services, access to safe and affordable housing, and quality of education and job training. In 2019, 34.9 percent of low-income households were food insecure, compared to the national average of 10.5 percent.⁶ Alongside those who were experiencing food insecurity before the COVID-19 crisis began, millions of people impacted by the pandemic's economic disruptions—lost hours, lower incomes, or unemployment—are newly experiencing food insecurity.

According to 2018 Census Data, the percentage of Native people living in poverty was estimated to be 25.4 percent, the highest rate for any racial/ethnic group in the county.⁷ They also had the highest unemployment rate at 6.6 percent.⁸ People experiencing poverty may not have enough income, time, or access to transportation to buy enough of the food that they want and that meet their nutritional and cultural needs. The adage that it is expensive to be poor, is true: compared to higher-income people, low-income people use a higher proportion of their income to purchase food.⁹ Further straining their pockets are the negative diet-related health outcomes that result from food insecurity. The cost of medical treatment and

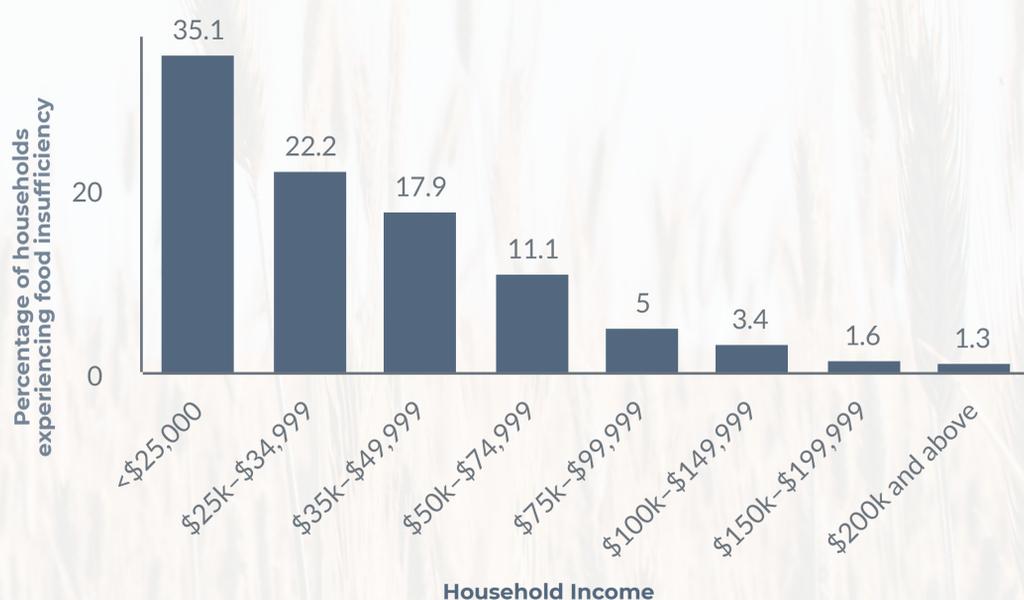
lost productivity can be a heavy burden for low-income people, who are more likely to be uninsured or underinsured;¹⁰ if left undiagnosed and untreated, these conditions can worsen and result in more expensive tertiary care. Oftentimes, people experiencing poverty and food security also face barriers to quality healthcare, housing, education, and employment opportunities, which also influence health outcomes. These compounding effects of poverty can be further exacerbated by racism, sexism, and ableism.

The health consequences of food insecurity are well documented.¹¹ Food insecurity increases the risk for diabetes, heart disease, obesity, cancer, and hypertension. These diet-related conditions are highly prevalent among Native people.¹²

- American Indians and Alaska Natives are at least twice as likely as whites to have Type 2 diabetes¹³
- AI/AN adults are 50 percent more likely than non-Hispanic whites to be obese; AI/AN adolescents are 30 percent more likely than their non-Hispanic white counterparts to be obese¹⁴
- AI/AN were 50 percent more likely to be diagnosed with cardiovascular disease compared to their white counterparts¹⁵



Figure 4.2. Percentage of adults in households where there was either sometimes or often not enough to eat in the last 7 days, by income



Source: U.S. Census, Household Pulse Survey, December 9–21, 2020

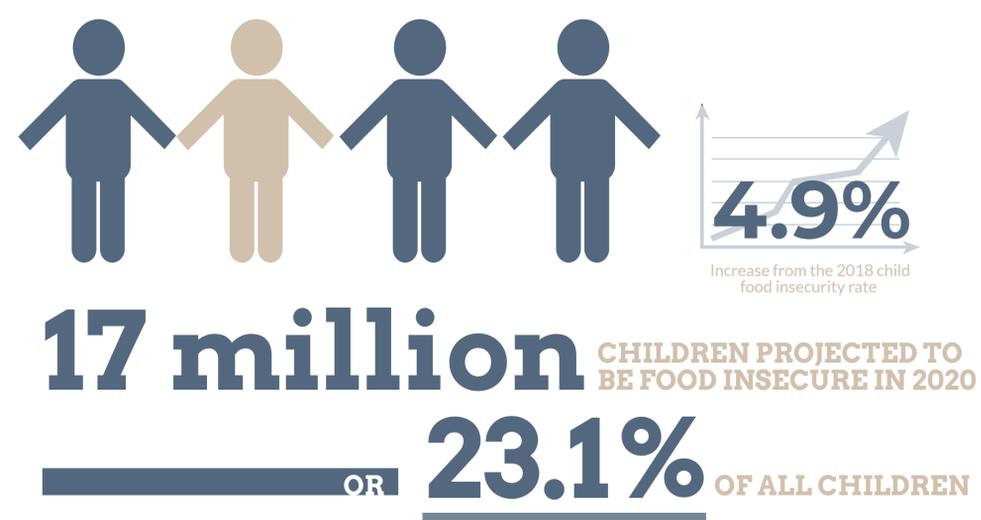
Food Security in Native-Majority Counties

County-level analysis can bring to light some of the challenges in Native communities, specifically those living on reservations. For the past decade, Feeding America has provided sub-state level estimates of food insecurity in its Map the Meal Gap (MMG) project. These estimates are widely used by food banks and state and local governments to help plan responses to food insecurity in their communities. To predict changes to food insecurity due to the COVID-19 pandemic, Feeding America has used projected changes to unemployment and poverty, since these variables have a statistically significant effect on food insecurity and are directly affected by the pandemic.

These data were paired with Census population estimates for 2019 to identify which counties have significant American Indian and Alaska Native populations.¹⁶ This kind of analysis can reveal the extent of food insecurity in Indian Country, as the Pulse Survey data and MMG do not report Native-specific rates. Highlights from the analysis are included below:

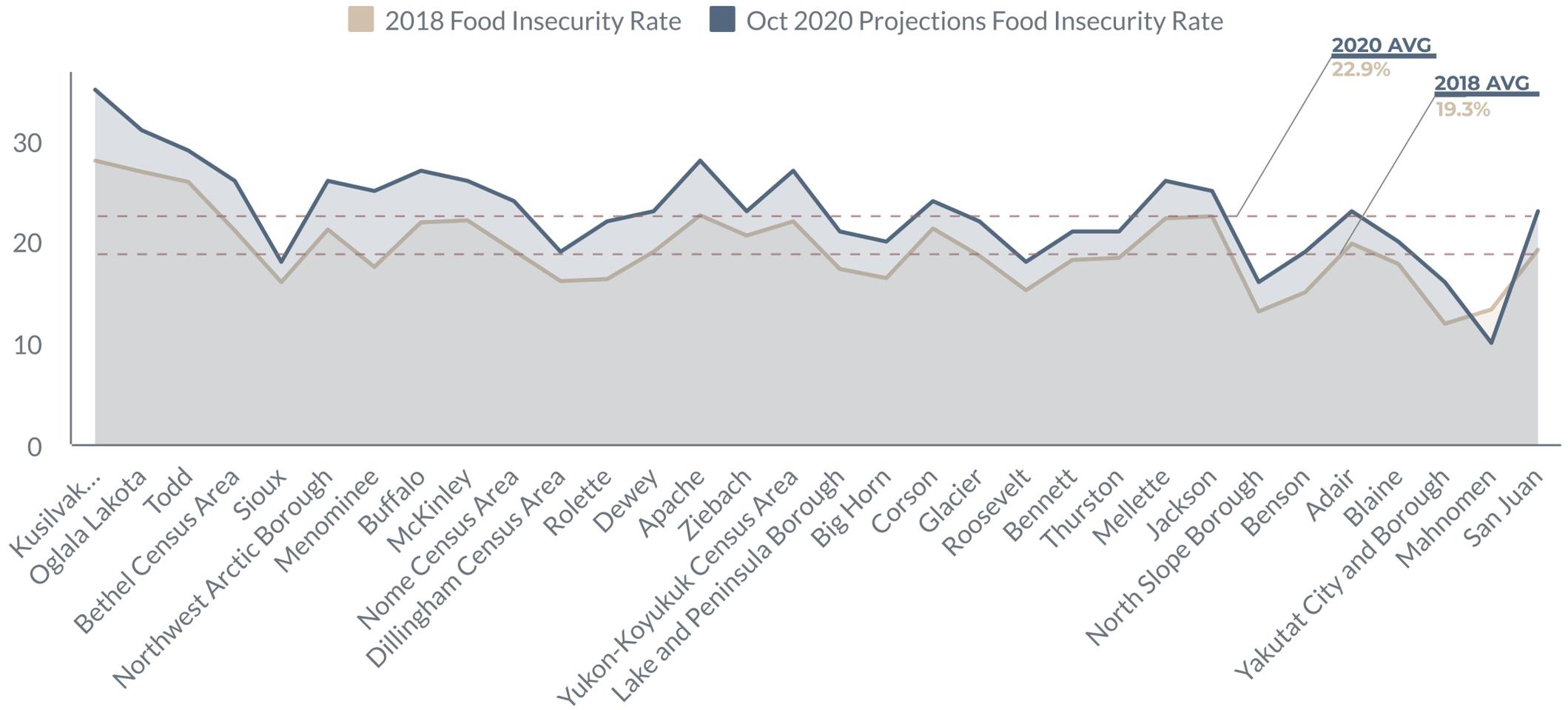
- 20 of the 32 majority-AI/AN counties are projected to be **high food insecurity counties** in 2020 (i.e., counties with the top 10 percent of food insecurity rates, or FINS). All 32 counties have projected food insecurity rates higher than the national average, for children and the overall population. As a comparison, 219 of the 2960 (7.4 percent) majority white counties are projected to be high food insecurity counties. Of the 182 majority-minority counties, 158 of them have FINS rates above the national average.

- Kusilvak Census Area, Alaska is projected to have the second highest overall food insecurity rate (34.8 percent) and the highest child food insecurity rate (56.9 percent) in the country. The county has the highest concentration of American Indian/Alaska Native people, with 92 percent of the population identifying as AI/AN and 94 percent identifying as AI/AN or in combination with another racial/ethnic group.
- The 5 counties that are entirely within a reservation in South Dakota (Corson, Dewey, Todd, Ziebach, and Oglala Lakota) all have majority AI/AN populations, and have some of the lowest per capita income in the country. All are projected to be high food insecurity counties.
- Rates of the top 32 counties with AI/AN population (>50 percent of total population):
 - Average FINS rate: 22.9 percent (the national average is 15.6 percent) → average growth of 20.7 percent
 - Average Child FINS rate: 36.9 percent (the national average is 23.1 percent) → average growth of 26.3 percent
 - In 2018, the average FINS rate for these counties was 19.3 percent and the average child food insecurity rate was 29 percent.
 - While rates of food insecurity have increased in nearly all these counties, rates were already high prior to the pandemic.
 - Among one of the larger counties (i.e. total population greater than 100,000), Navajo County, Arizona is projected to have the highest food insecurity rate at 24. Navajo County is home to parts of the Hopi reservation, Fort Apache reservation, and the Navajo Nation.



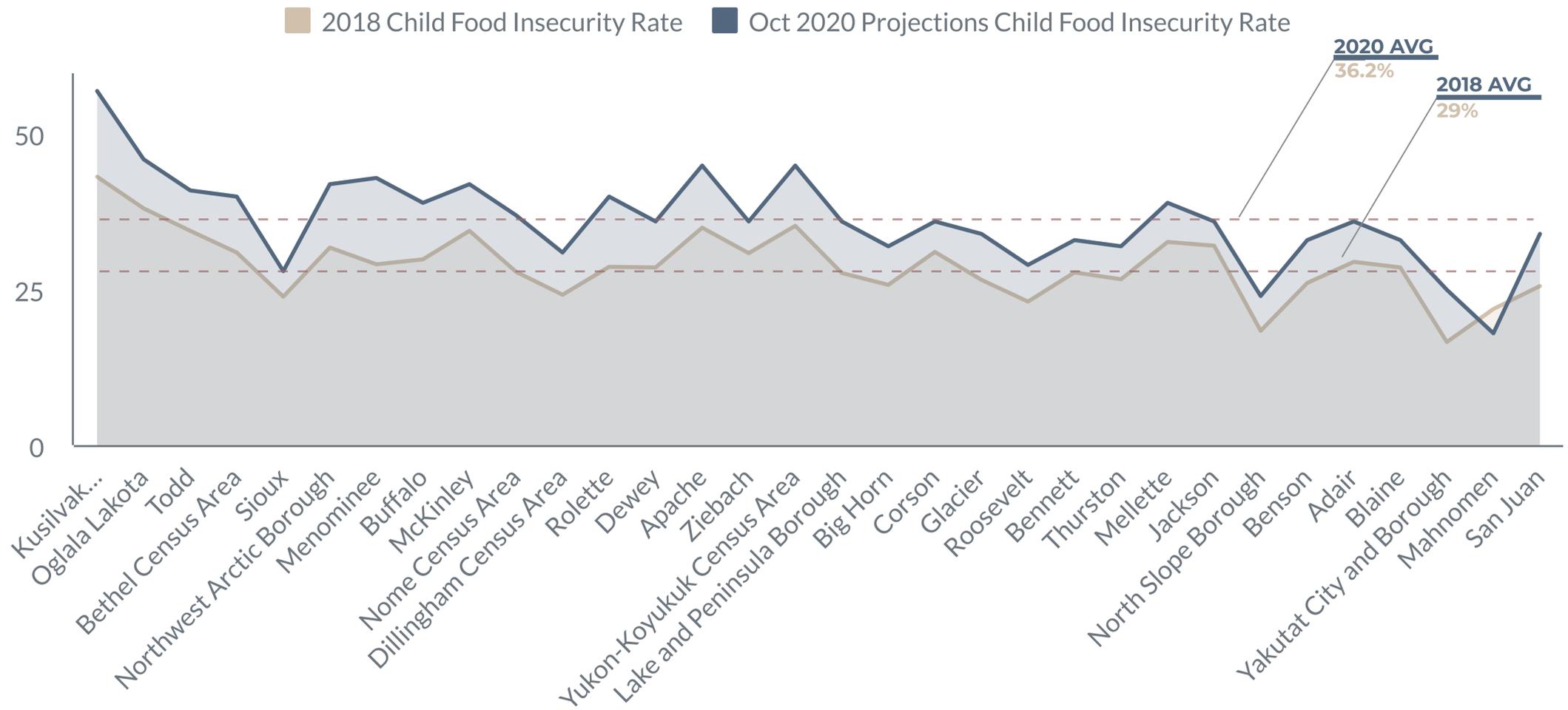
Source: Feeding America

Figure 4.3. Food Insecurity Rates of 32 Majority-AI/AN Counties, 2018 vs Projected 2020 Rates



Source: Gundersen, C., M. Hake, A. Dewey, E. Engelhard (2020). The Impact of the Coronavirus on Food Insecurity in 2020, Update October 2020 [Data file and FAQ]. Available from Feeding America: research@feedingamerica.org

Figure 4.4. Child Food Insecurity Rates of 32 Majority-AI/AN Counties, 2018 vs Projected 2020 Rates



Source: Gundersen, C., M. Hake, A. Dewey, E. Engelhard (2020). The Impact of the Coronavirus on Food Insecurity in 2020, Update October 2020 [Data file and FAQ]. Available from Feeding America: research@feedingamerica.org



Fisherman head towards the mouth of the Klamath River. From Alexandra Hootnick/New York Times

Other Studies on Food Insecurity Rates Prior to the Pandemic

Hunger has been an issue in Indian Country prior to the pandemic. Here are some important studies that look at Native hunger in different regions across the country.

- A study surveying families on the **Pine Ridge Reservation** in South Dakota found that almost **40 percent** of families reported experiencing food insecurity. In food insecure households, parents reported experiencing many barriers to accessing healthful food and children were more likely to eat less healthful kinds of foods, such as food purchased at convenience stores.¹⁷ Another reservation-based study found that **43 percent** of surveyed households in the **Northern Plains** were food insecure.¹⁸
- One study parsed through the CPS-FSS for data on AI/ANs in order to compare food security trends with those of other racial and ethnic groups in the U.S. From 2000 to 2010, these communities averaged a food insecurity rate of **25 percent** and were twice as likely to be food insecure compared to whites.¹⁹
- A recent study conducted by University of California, Berkeley and four Native American tribes found that **92 percent** of Native Americans in the Klamath Basin in northern California and southern Oregon suffer from food insecurity and lack access to healthy, culturally appropriate foods. Over 99 percent of the households in this study region reported a desire for more traditional foods and nearly 70 percent of the households surveyed were never or rarely able to access preferred Native foods. When researchers controlled for poverty, **households with better access to Native foods were found to have significantly higher levels of food security**, which suggests that improving access to Native foods can result in improved household food security.²⁰
- The picture of hunger among Native people living in urban communities is still unclear. Studies suggest that urban AI/ANs were more likely to experience food insecurity than rural AI/ANs and that disparities exist within cities between AI/ANs and other racial/ethnic groups.²¹

Figure 4.5. Food Insecurity Rates in 32 Majority-AI/AN Counties

State	County	% AI/AN	2020 Projected FINS (2018 FINS % Change)	2020 Projected CFINS (2018 CFINS % Change)
AK	Kulsivak Census Area	92.4	35% (28% 24%)	57% (43.2% 32%)
SD	Oglala Lakota	92.4	31% (26.9% 16%)	46% (38.1% 22%)
SD	Todd	86.8	29% (25.9% 12%)	41% (34.5% 18%)
AK	Bethel Census Area	83.9	26% (21.1% 22%)	40% (31% 30%)
ND	Sioux	81.4	18% (16% 13%)	28% (23.9% 16%)
AK	Northwest Arctic Borough	79.6	26% (21.2% 25%)	42% (31.8% 32%)
WI	Menominee	82.0	25% (17.5% 41%)	43% (29.1% 49%)
SD	Buffalo	80.6	27% (21.9% 22%)	39% (29.9% 31%)
NM	McKinley	79.6	26% (22.1% 17%)	42% (34.5% 21%)
AK	Nome Census Area	75.3	24% (19.1% 25%)	37% (27.9% 33%)
AK	Dillingham Census Area	73.1	19% (16.1% 20%)	31% (24.2% 26%)
ND	Rolette	78.0	22% (16.3% 34%)	40% (28.7% 38%)
SD	Dewey	74.1	23% (19% 21%)	36% (28.6% 26%)
AZ	Apache	75.0	28% (22.6% 22%)	45% (35% 27%)
SD	Ziebach	71.1	23% (20.6% 13%)	36% (30.9% 17%)
AK	Yukon-Koyukuk Census Area	68.7	27% (22% 23%)	45% (35.3% 28%)
AK	Lake & Peninsula Borough	61.7	21% (17.3% 23%)	36% (27.7% 28%)
MT	Big Horn	66.4	20% (16.4% 19%)	32% (25.8% 23%)
SD	Corson	65.4	24% (21.3% 13%)	32% (31.1% 16%)
MT	Glacier	64.7	22% (18.6% 20%)	32% (26.6% 26%)
MT	Roosevelt	60.5	18% (15.2% 19%)	32% (23.1% 23%)
SD	Bennett	59.3	21% (18.2% 15%)	33% (27.8% 19%)
NE	Thurston	58.7	21% (18.4% 15%)	32% (26.7% 20%)
SD	Mellette	55.2	26% (22.3% 14%)	39% (32.7% 19%)
SD	Jackson	53.3	25% (22.5% 9%)	36% (32.1% 12%)
AK	North Slope Borough	53.2	16% (13.1% 22%)	24% (18.4% 30%)
ND	Benson	55.6	19% (15% 23%)	33% (26.1% 26%)
OK	Adair	46.1	23% (19.8% 17%)	36% (29.5% 22%)
MT	Blaine	50.6	20% (17.8% 12%)	33% (28.6% 14%)
AK	Yakutat City and Borough	41.1	16% (11.9% 34%)	25% (16.6% 47%)
MN	Mahnomen	43.7	10% (13.3% 35%)	18% (21.9% 39%)
UT	San Juan	49.0	23% (19.2% 21%)	34% (25.6% 31%)

Geographic Access to Food

An important contributor to food insecurity are food environments and the lack of geographic access to fresh foods. Many AI/AN communities are in “food deserts,” a term that describes areas that are not within one mile walking distance, or ten miles for rural areas, to a supermarket.* The USDA and other groups have moved away from this terminology, instead focusing on levels of food access or identifying “Healthy Food Priority Areas.”²² Tribal lands and Alaska Native villages are often in remote or rural locations, complicating access to healthy food. Almost all reservations are classified as food deserts.²³ Many reservations lack enough full-service supermarkets or grocery stores and, in pre-pandemic times, required many Native people to drive to stores an hour or more away. A study in 2015 by the USDA Economic Research Service found that 25.6 percent of people living in tribal areas were within one mile (considered walking distance) of a supermarket, compared to 58.8 percent of the national population.²⁴

Studies examining Indigenous community food environments have found limited availability of healthy and high quality foods and reliance on convenience stores where few healthy foods are available.²⁵ While having income is important to be able to purchase food, poverty and wealth often influence this geographic access as well; low-income people are more likely to live in neighborhoods or rural counties that have faced significant disinvestment, where large supermarket chains do not open or credit is difficult to access for community members to open their own food retail stores. Instead of areas with full-service groceries, these areas can be “food swamps”—areas with a lot of unhealthy retail, such as fast food and carryout restaurants, liquor stores, and convenience stores. These areas often face low vehicle access and poor public transportation infrastructure as well.

This pandemic has brought these issues to the fore. Navajo Nation, which covers an area the size of West Virginia, only has 13 supermarkets to serve its 300,000 residents.²⁶ With shelter-in-place orders and panic buying, it has been difficult for many Native households to stock up on food to avoid frequent trips to the store.

“So what if staying at home to stay safe means that you starve? This is the reality for most of Indian Country, where the nearest grocery store is up to two hours or more away. After panic buying, staples like bread, meat, eggs and fresh produce were and, in some cases, still are absent from grocery store shelves. Can you imagine making a two-hour drive to find bare shelves? Then can you imagine making the drive home empty handed and doing it again the next day?”

Janie Simms Hipp, Chief Executive Officer of the Native American Agriculture Fund and FRAC Board Member ²⁷

Interventions to improve Native community food environments are scarce but promising. Four interventions that implemented cooking demonstrations and taste tests in grocery stores in Indigenous communities in the Southwestern U.S. and Canada increased knowledge and frequency of healthy food purchasing. Some tribes have opened tribally-run and tribally-owned food retailers or amended its tax code to make produce and bottled water less expensive and more financially accessible.²⁸ Navajo Nation adopted the Healthy Diné Nation Act in 2014, which imposed a two percent tax on junk food (e.g., candy, chips, sugar-sweetened beverages) and removed the five percent sales tax on produce and bottled water on reservation-based stores.

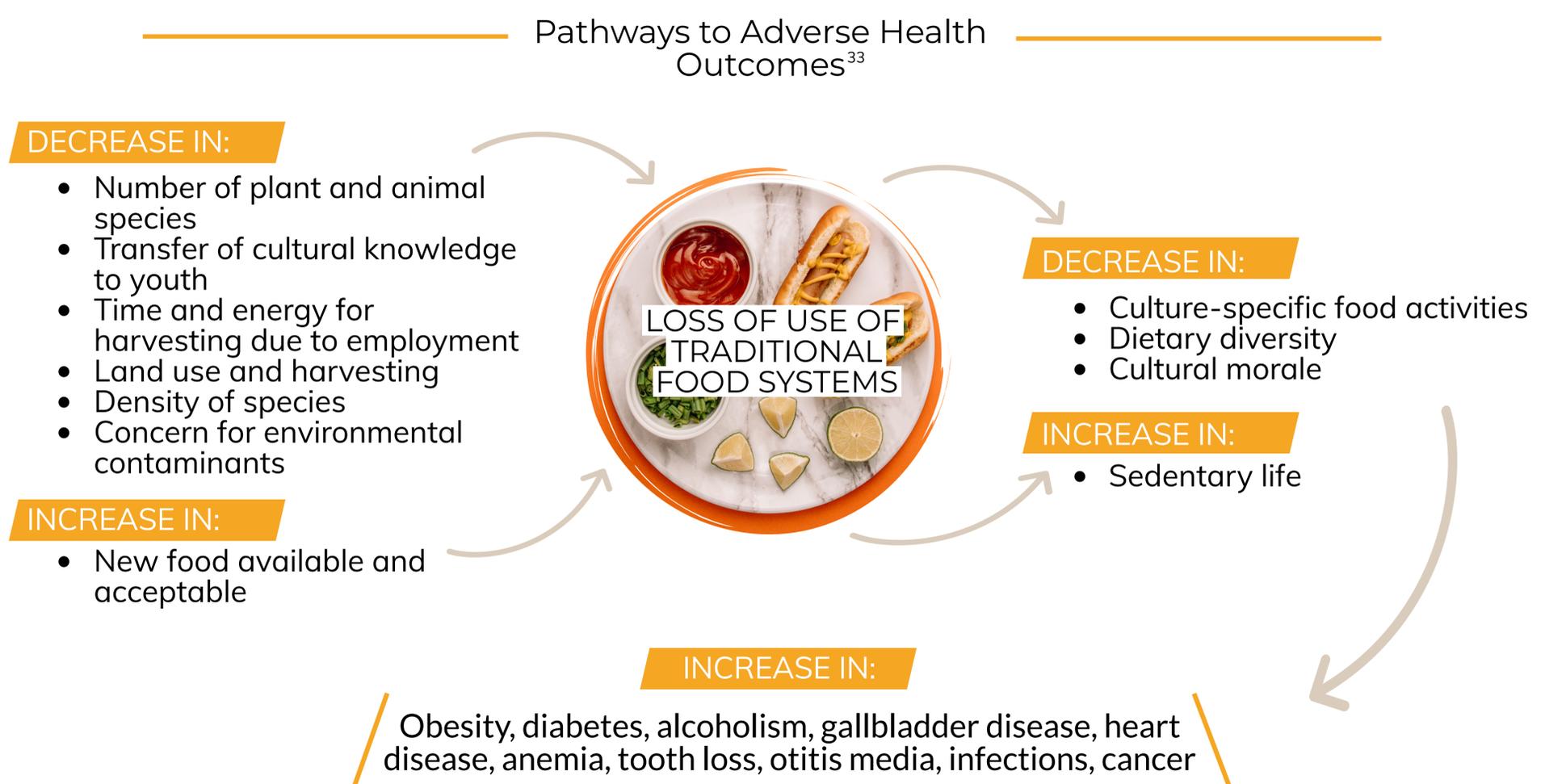
Interventions, like the Tribal Health and Resilience in Vulnerable Environments (THRIVE) study, have sought to assess tribal community food environments and implement and evaluate changes to food retail. The THRIVE study ran from 2013–2018 and worked to increase vegetable and fruit intake among Native Americans living within the Chickasaw and Choctaw Nation of Oklahoma. The tribal-university partnership used community-based participatory research to develop, test, and implement a healthy retail intervention in tribal convenience stores that resulted in healthy purchasing.²⁹ The Healthy Navajo Stores Initiative (HNSI) saw similar successes. HNSI aimed to improve the food options at small retailers (e.g., convenience stores, trading posts) by stocking and promoting more vegetables, fruits, and traditional Diné foods in these stores.³⁰

* This definition of food desert was commonly used by the USDA.

How has the loss of traditional food systems impacted Native health?

Understanding the historical context of tribal food assistance and colonization, as well as the cultural significance of traditional food ways, offers insight on the origin of Native health disparities related to food insecurity and nutrition. Before the era of colonization, Native Americans had a rich history of healthy food systems and prosperous agricultural economies. Poverty and the loss of traditional food systems and disruption of food practices (e.g., hunting, gathering, cultivating culturally relevant and locally available foods)—compounded by federal nutrition assistance that historically failed to provide nutritional, culturally relevant foods—led to a drastic shift in diet. Low access to affordable and healthy foods forces people to rely on cheaper alternatives that tend to be high calorie and nutrient scarce. The flowchart below offers a way to understand the various factors that led to the change from an Indigenous to western diet, and its associated health outcomes.

While many Native households lack convenient physical access to healthy food retail, solutions must be creative and go beyond the call to open more supermarkets and add healthy options to corner stores.³¹ Place-based interventions should serve the unique needs, tax base, goals, and infrastructure of tribal communities and be further studied in different settings. An arsenal of changes to tax policy, zoning laws, wages, transportation systems, in addition to community-led programming (e.g. nutrition education, gardening, festivals), can provide a holistic approach to ensuring community food security and health.³²



Nutrition Assistance Programs

Approximately a quarter of all Native Americans receive some type of federal food assistance, with some tribal communities seeing participation rates as high as 60–80 percent.³⁴ The following section discusses the importance of nutrition assistance programs, particularly the Supplemental Nutrition Assistance Program (SNAP) and the Food Distribution Program on Indian Reservations (FDPIR).

Supplemental Nutrition Assistance Program (SNAP)

The Supplemental Nutrition Assistance Program (SNAP) is a first line of defense against hunger as well as an effective anti-poverty tool and automatic stabilizer.³⁵ It is the largest anti-hunger program, serving millions of Americans each year. The program provides benefits to 24 percent of Native American households.³⁶

Figure 4.6. Monthly SNAP Participation, by Households and Persons

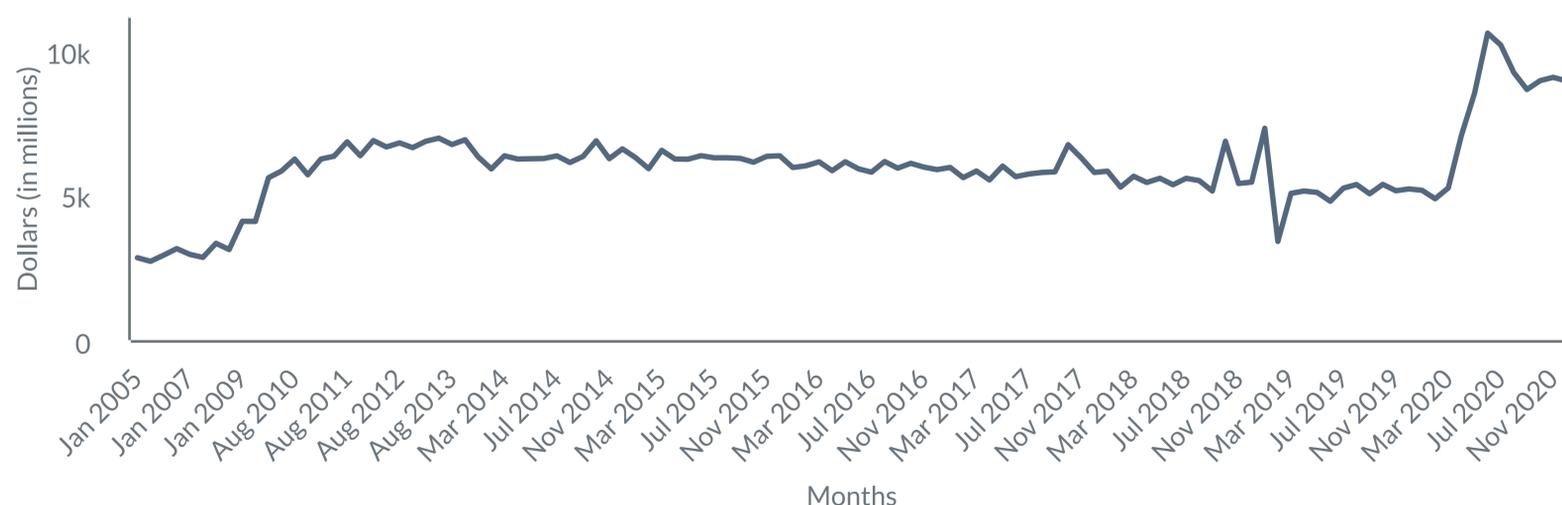
Source: USDA FNS SNAP Data Tables, Data as of December 11, 2020

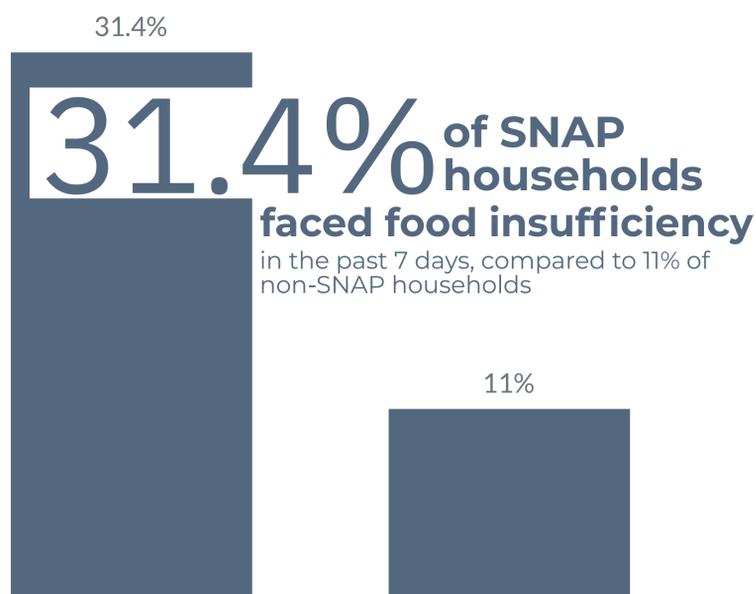


* Due to the partial federal government shutdown, most of the February 2019 SNAP benefits were issued early in the month of January 2019.

Figure 4.7. SNAP Outlays, 2005–2020

Source: U.S. Department of the Treasury, Bureau of the Fiscal Service, Monthly Treasury Statement





Source: U.S. Census, Household Pulse Survey, December 9–21, 2020

SNAP is an effective recessionary safety net, responding quickly and effectively to support people who have lost jobs, wages, or adequate access to food. It has been a vital lifeline during the pandemic; from February to May in 2020, the program grew by 17 percent, three times faster than the previous three months before the pandemic started.³⁷ Nearly 44 million people in over 23 million households accessed SNAP in 2020, compared to 35 million in the previous year.³⁸ Caseloads have grown as people became newly eligible, states used new administrative flexibilities, and the U.S. District Court halted efforts from the previous Trump administration to limit access to the program by Able-Bodied Adults Without Dependents (ABAWDs).

In addition to alleviating food insecurity,³⁹ SNAP plays a critical role in promoting health and well-being,⁴⁰ as well as long-term educational and economic outcomes for children.⁴¹ SNAP is a driver of economic growth due to its substantial multiplier effect and impact on food retail and food-related businesses and jobs.*⁴² For every dollar spent with SNAP, \$1.70 is added to the economy. The program generates business for retailers of all types and sizes, from large superstores like Walmart to convenience stores and farmers markets, and provides vital support to small businesses and local economies.⁴³ By increasing the purchasing power of participating households, SNAP frees up cash and empowers people without adequate incomes to pay for other necessary expenses, such as medicine and clothes.⁴⁴

Several tribes, like the Chickasaw Nation, receive SNAP-Education (SNAP-Ed) funding to supplement their FDPIR nutrition education programming. FDPIR participants can

services through SNAP-Ed only if states collaborate with FDPIR administrators; while there are some examples of collaborations, there is more to be done for tribes to gain access to SNAP-Ed funding.⁴⁵ States can include tribal nutrition education in their SNAP-Ed state plans; tribes

Figure 4.8. Summary of SNAP Participation (FY2017–FY2020)

	Participation Avg		Monthly Benefit (\$)	
	Persons	Households	Per Person	Per Household
FY 2020	39,871,752	20,536,046	153.15	303.96
FY 2019	35,702,472	17,964,076	129.83	258.02
FY 2018	40,775,705	20,209,254	124.50	251.91
FY 2020	42,316,550	20,897,709	125.47	254.06

Source: USDA FNS SNAP Data Tables, Data as of December 11, 2020

can also have greater authority to directly manage SNAP. The Get Fresh! Program—a joint project of the Chickasaw Nation, OSU SHINE and USDA SNAP-Ed—promotes healthy eating through cooking demonstrations, nutrition education, meal planning assistance, and other community events and activities brought directly to members of the tribe.

Food Distribution Program on Indian Reservations (FDPIR)

The Food Distribution Program on Indian Reservations (FDPIR) is a commodity food program that provides foods to income-eligible households living on reservations and to Native households residing in approved areas near reservations. The distribution of commodities for FDPIR participants is important due to the combination of economic hardship, poor health outcomes, and geographic isolation from SNAP-eligible retailers.

Like SNAP, households are certified based on income standards set by the federal government. While many households may be eligible for both SNAP and FDPIR, USDA does not offer dual participation and many households choose to participate in FDPIR over SNAP due to lower access to SNAP offices or food stores authorized to accept SNAP.⁴⁶ While the food package may not last the entire month, it is a vital supplement to household food incomes and offers a larger benefit than SNAP since the benefit size is not based on a sliding scale with income.

* For example, a 2010 study found that, when taking into account direct and indirect effects, \$1 billion of retail food expenditures by SNAP recipients generated \$267 million in agricultural production, \$87 million in value-added processing, and approximately 3,000 food and agricultural jobs.

FDPIR serves approximately 90,000 participants each month. As of FY 2020, the program serves approximately 276 tribes and is administered by 102 Indian Tribal Organizations (ITOs) and three state agencies. These administering agencies store and distribute food, determine applicant eligibility, and provide nutrition education to FDPIR recipients.⁴⁷ Participants may choose from a list of over 100 available products. Food packages may include canned and frozen fruits and vegetables; pasta, cereal, rice, and other grains; frozen ground beef, chicken, pork chops; canned meats; cheese, nonfat dry milk, and evaporated milk; flour, crackers, and more. Since 2015, the food package has included five traditional foods: bison, blue cornmeal, traditionally-harvested wild rice, wild salmon, and catfish. Kiva Sun Foods, a Native-owned company which seeks to source from Native ranchers, is the primary vendor for bison for FDPIR.

The program's food package is the sole or primary source of food for 38 percent of participating households, even though it is intended to be a supplemental food package. About 45 percent of households relied on the food package for 41–60 percent of their household's food supply. Over 31 percent of participants get their food from traditional or Native food sources, such as hunting, fishing, farming, or gardening.⁴⁸ FDPIR is an incredibly vital lifeline for certain communities. In some Native American reservations, over 85 percent of residents receive FDPIR.⁴⁹



Food Distribution Program at the Seminole Nation of Oklahoma, November 2018. From Preston Keres/USDA

Research on the program over time has consistently shown that households participating in FDPIR are a low-income and low food security population.⁵⁰ One study found that participating households reported significantly higher rates of food insecurity than national averages. 34 percent experienced low food security and about 22 percent experienced very low food security, while households nationally experiencing low food security and very low food security were eight percent and six percent, respectively. 24 percent of participants also received benefits from other nutrition assistance programs, such as WIC*, farmers' market programs, and elderly meals or feeding programs. Overtime, participation by children has decreased, while participation by elders and one-member households has increased.⁵¹

Although the history of government food annuities dates back to hundred of years to treaties between tribal nations and the federal government, FDPIR—in its current form and function—is 40 years old. In its early days, the program only supplied surplus USDA commodities. This followed previous patterns of government-mandated ration programs for Native people. In addition to creating the Food Stamp Program (now known as SNAP), the 1977 Food Stamp Act established FDPIR. The first food package included 60 different foods from four basic food groups (meat, vegetable/fruit, dairy, and grain). In the early 1980s, USDA FNS began to consider the nutritional value of foods offered and, today, the foods provided for the FDPIR food packages are purchased by the USDA specifically for the program and follows the U.S. Dietary Guidelines for Americans (DGA).⁵³ In 2002, the FDPIR Food Package Work Group (composed of the National Association of FDPIR officials, ITO and state agency program directors, federal and tribal public health professionals, and FNS regional and national staff) reviews the package on an ongoing basis to ensure that the foods are culturally relevant and meet participants' preferences and nutritional needs.

Recent research on the nutritional quality of FDPIR foods found that the package scores higher on the healthy eating index than diets of SNAP participants and most Americans,⁵⁴ and that FDPIR participants received an estimated 75 percent of the recommended daily intake of nutrients.⁵⁵ Even with these improvements, the nutritional value and cultural relevance of the foods continue to be

priorities for the Working Group and program administrators.

FDPIR participants face higher incidence of diet-related disease than the general population. One study estimated that 77 percent of FDPIR households report having one or more members with a diet-related health condition such as high blood pressure (57 percent), diabetes (39 percent), overweight/obesity (35 percent), or gastrointestinal problems (23 percent).⁵⁶ An earlier study estimated that 27 percent of FDPIR households had at least one member with dietary restrictions, such as sugar (61 percent), salt (54 percent), and fat (46 percent).⁵⁷

While the development and management of these diseases can be influenced by factors like family history, physical activity, and access to health services, the lack of access to adequate

and nutritious foods is a major contributing factor; it is all the more important to ensure that the FDPIR food package supports individuals who are managing these conditions and prevents the onset of additional health issues. FDPIR also supports nutrition education activities, which has helped participants make changes to their cooking practices and eating habits.⁵⁸

FDPIR households are 4x as likely as people nationwide to experience low and very low food security (22% vs 6%)⁵²

* WIC stands for the Special Supplemental Nutrition Program for Women, Infants, and Children



Residents of the Five Sandoval Indian Pueblos shopping for food through FDPIR. From Bob Nichols/USDA

638 Authority: A Vital Step Towards Tribal Food Sovereignty

638 authority is an important acknowledgement of tribal sovereignty. It originates from the Indian Self-Determination and Education Assistance Act (Public Law 93-638), which authorized tribes to administer certain federal government programs through contracts and compacts. The 2018 Farm Bill applied this authority to USDA programs for the first time. 638 authority allows tribes to have greater control over the management of federal programs affecting Indian Country and is an important first step towards tribal self-governance.

The Agricultural Improvement Act of 2018 (“2018 Farm Bill”) authorized “638” self-determination demonstration projects for ITOs.⁵⁹ This will allow tribes to use this 638 self-determination to directly procure foods for FDPIR food packages. While the Farm Bill authorized \$5 million in funding for this, Congress ultimately appropriated \$3 million dollars to be obligated by FY2021 and included \$3 million of additional funding for these demonstration projects in the Consolidated Appropriations Act of 2021 (Pub.L. 116–260), available until the end of FY 2022.

Food purchasing decisions at the ITO level will allow for more traditional, tribally-grown, local, and regionally-produced foods in the food package. It offers opportunities for economic development for tribal and local producers. This also helps to lower the continually increasing costs of food delivery from national warehouses and reduce administrative burdens on federal and tribal governments. During the pandemic, connecting FDPIR distribution sites with nearby food producers—and using USDA funds for the program to support these businesses—rather than transporting food across the country, would have made the food aid more efficient and scaffolded local and Native-operated farms.⁶⁰

As the pandemic has caused large disruptions of food supply chains, the advancement of regional food distribution and local food economies can help ensure food security, budget efficiency, and food system resiliency. Long-standing problems in the current FDPIR program can be partly attributed to its national warehouse model; the program is operated out of only two warehouses, which has resulted in continually increasing delivery costs and food spoilage.⁶¹ Assessment of a pilot program that used a regional vendor to procure and distribute FDPIR foods found a high level of

satisfaction from staff. Warehouse and ITO staff reported that foods were better stocked, were from more recognizable brands (helping to eliminate potential stigma), and had further out “best by” dates.⁶²

Eligibility Criteria for FDPIR Self-Determination Projects

1. The foods sourced must be domestically produced; supplant, not supplement, existing FDPIR food package items; have the same or higher nutritional value as the food(s) that is/are replaced; and meet any other criteria established by the Secretary of Agriculture.
2. The ITO must demonstrate success in administering FDPIR and a capacity to purchase adequate amounts of eligible agricultural commodities to meet participant demand.
3. Documents provided, such as a budget and narrative of amount of funds requested, not to exceed \$1.5 million; a tribal resolution or statement affirming the request of a tribal resolution; copies of the FDPIR operation plan and management evaluation; letters of support from vendor(s) providing the new food(s); and description of food(s) selected and the time period of the demonstration project (required minimum of six non-consecutive months).

Although the food package now offers a few traditional foods, they vary widely by region and tribe. 638 authority presents an opportunity not only to improve the efficiency of FDPIR’s administration, but also to allow tribes to tailor the program to best suit specific communities and support both local producers and economies. At the time of this report’s preparation, applications were open for ITOs to propose demonstration projects; successes and lessons from these projects will advance food system reforms that are necessary to better serve Native communities. While much is yet to be known on this front, one thing is almost certain: a concentrated and consolidated food system that relies on national distribution is not positioned to adequately meet diverse needs throughout Indian Country on a good day, nor handle disruptions like the pandemic on a bad one.

Other Nutrition Assistance Programs

While SNAP and FDPIR reach many Native people, there are several other FNS nutrition assistance programs that Native communities access. In addition to FDPIR, tribes and ITOs directly administer the following:

- Commodity Supplemental Food Program (CSFP)
- Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): 8.9 percent of program participants identified as AI/AN in 2018. The program served 696,174 Native women, infants, and children.⁶³
- Farmers' Market Nutrition Program (FMNP)
- Senior Farmers' Market Nutrition Program (SFMNP)

Other programs available:

- Title VI Older Americans Act Programs
- National School Lunch Program (NSLP): 68 percent of Native children are eligible for free- or reduced-price lunch through the NSLP. In rural areas, that increases to 72 percent.⁶⁴
- School Breakfast Program (SBP)
- The Emergency Food Assistance Program (TEFAP)
- Child and Adult Care Food Program (CACFP)

Relief Efforts

Grassroots mutual aid projects and online programming (e.g., video demonstrations of food procurement and preparation) have emerged in many tribal communities to feed people and support Native business and employment.⁶⁵ The Cheyenne River Youth Project—an organization founded in 1988 and with programs for youth development, food sovereignty, and health and wellness—served meals to young people who no longer received school meals due to the suspension of in-person classes.⁶⁶ Community-led initiatives like this often point to organizations that have long existed and supported the needs of various communities throughout Indian Country. Strengthening capacity for local groups to respond to crisis is vital in order to respond to pandemic hunger and build resiliency to future emergencies.

COVID-19 relief efforts have worked to address both increased demand for food assistance and the need to boost the benefits provided. Following this paragraph is a summary of provisions to address the pandemic that impacted Indian Country. Recommendations for next steps will be at the end of this report.

Families First Coronavirus Response Act (FFCRA)⁶⁷

- Authority to the USDA to offer states flexibility in adapting and supplementing SNAP, as well as easing the administrative burdens of the application process
- Authority to USDA Secretary to approve state agency plans to administer Pandemic Electronic Benefit Transfer (P-EBT) to children who cannot attend school and receive free- or reduced-price lunch due to school closures
- Additional food purchasing dollars to SNAP recipients who don't already receive the maximum benefit
- State flexibility on how they enable the elderly to access meals and how school meals are distributed during pandemic-related school closures
- Temporary waiver of certain SNAP eligibility requirements, including work requirements and the three-month limit for able-bodied adults without dependents (ABAWDs)
- Additional \$500 million to WIC
- Additional \$400 million for TEFAP for food banks, soup kitchens, and food pantries
- \$160 million for home-delivery nutrition programs, such as Meals on Wheels
- \$10 million for OAA Title VI nutrition services for Native Americans

Coronavirus Aid, Relief, and Economic Security (CARES) Act⁶⁸

- \$15.8 billion for SNAP
- Additional \$8.8 billion for child nutrition programs, including support for schools
- \$450 million for TEFAP for food banks, soup kitchens, and food pantries
- Additional \$100 million for FDPIR

December 2020 COVID-19 Relief and Consolidated Appropriations Act of '21⁶⁹

- Increase of SNAP benefits by 15 percent for six months starting in January 2021
- Additional \$7 million for Native nutrition services under the Older Americans Act
- Extension of the deadline to spend CARES Act funds for tribes, states, and local governments to December 31, 2021
- Additional \$13 million for CSFP
- \$400 million to TEFAP

President Biden's American Rescue Plan⁷⁰

- Asks USDA to consider issuing new guidance increasing P-EBT benefits by approximately 15 percent
- Allows larger SNAP allotments for the lowest-income households
- Looks to update USDA's Thrifty Food Plan, which provides the basis for food assistance benefits



President Biden signing executive orders. From Evan Vucci via Associated Press

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Food Production

Through more than 7,000 years of farming in North America, Native Americans have domesticated various crops and designed a number of intricate agricultural systems. Today, the traditional practices that sustained this work continue to be utilized by American Indian or Alaska Native (AI/AN) producers and play a notable role in tribal culture. Following centuries of damaging federal policies, many tribal communities have lost access to traditional lands, been uprooted from traditional food systems, and faced significant barriers while trying to access agriculture programs.¹

In 2017, 79,198 producers across the U.S. identified as AI/AN, representing 59 percent of all producers in Arizona, 22 percent in New Mexico, and 13 percent in Oklahoma. Together, these three states accounted for more than half of farms with AI/AN producers nationwide. Despite making up just 2.3 percent of the country's 3.4 million producers, AI/AN farms spanned nearly 59 million acres and accounted for more than \$3.5 billion in agriculture sales. Compared to all U.S. producers, AI/AN producers were found to be slightly younger on average, more likely to live on a farm or ranch, and more likely to report farming or ranching as a primary occupation.²

Compared with roughly half of all U.S. farms, 75 percent of AI/AN-operated farms specialized in livestock production. In total, livestock and livestock products accounted for 60 percent (\$2.1 billion) of AI/AN agriculture sales in 2017, with crop sales bringing in another \$1.4 billion. As part of this business, 11 percent of AI/AN-operated farms reported selling specialty crops like fruits and vegetables while three percent sold oilseeds and grains. Although these farms were 978 acres on average in 2017, 73 percent were less than 180 acres in size—a share roughly equal to that of all U.S. farms.³

Impacts of climate change

Broadly, the effects of climate change are steadily turning agriculture into an increasingly vulnerable and volatile practice. With temperatures rising around the world, many experts predict that reduced food supplies and higher food prices will eventually become commonplace as farmers struggle to adjust to new atmospheric conditions. Among other implications of climate change, disrupted rainfall patterns, new invasive species of weeds and insects, and rising sea levels all pose a threat to the future of food production.⁴

Additionally, climate change can decrease access to fish, game, and cultivated crops, which all contribute to the cultural, economic, and collective health of Native communities.⁵ Other effects, including worsening water quality and rising sea levels, have the potential to damage tribal lands, crops, and wildlife as well.⁶ Due to these implications, safeguarding traditional foods in Indian Country will gradually become more difficult over time.⁷ Moreover, climate change will likely exacerbate land loss and environmental pollution, further destabilizing tribal food systems that once offered predictable access to traditional foods.⁸ This shift will inevitably force Native Americans to rely on non-traditional products in the future.⁹

Facing the progression of climate change has also prompted concerns about the preservation of Traditional Ecological Knowledge (TEK). While its core tenets have historically rested on dynamic relationships with nature, the repercussions of a rapidly changing environment may ultimately lessen the efficacy of TEK. To prevent this, some tribes have chosen to revive traditional agricultural techniques for food production in an attempt to protect tribal cultures. By relying on and adapting TEK to both enrich and bolster tribal food systems, many Native Americans hope to cultivate healthy relationships with traditional foods while also promoting food sovereignty.¹⁰



Native American youth participate in a lesson about soil. From Dream of Wild Health

In the context of the ongoing COVID-19 pandemic, the relationship between disease, climate change, and food is also important to consider. As the long-term impacts of climate change continue to make tribal communities more vulnerable to food insecurity, COVID-19 has disrupted tribal food systems and left Native Americans even more susceptible to the effects of climate change.¹¹ Fortunately, many tribes have established environmental programs to preserve natural resources for future generations. The Fond du Lac Band of Lake Superior Chippewa, for instance, currently maintains a Wetland Protection and Management Ordinance (WPMO) to discourage development activities in wetlands and prevent both flooding and soil erosion.¹² Moving forward, the WPMO will protect “hydrologic, economic, recreational, subsistence, cultural, spiritual, and aesthetic assets for current and future residents of the Fond du Lac Reservation.”¹³ Overall, the strength and durability of tribal food systems in a deteriorating world will be an important part of Indian Country’s economic recovery.¹⁴

Impacts of the COVID-19 pandemic on tribal economies and food production

Since the beginning of the COVID-19 pandemic, nearly all sectors of Indian Country have faced severe economic

consequences due to shutdowns and other public health restrictions. In May 2020, the National Congress of American Indians (NCAI) estimated that 1.1 million jobs, more than \$12.5 billion in tribal government revenue, and \$127 billion in national economic output would be lost because of COVID-19.¹⁵ Given that tribes lack the traditional tax bases of state and local governments, massive losses in tribal enterprise earnings have significantly hampered the ability of tribal governments to provide resources to community members as well.¹⁶ After experiencing large revenue shortages throughout the spring, most tribal governments are now in need of additional funding for basic operations and ongoing support for tribal citizens.*¹⁷ Moreover, many leaders have been forced to reduce funding for services like economic development, charitable grant-making, and recreation.¹⁸

* A survey from the Center for Indian Country Development in April 2020 found that 63 percent of tribal governments were expecting a large increase in needed revenue and 75 percent of tribal enterprises were anticipating a need for extra capital in the next month. In November 2020, an updated survey indicated that tribal governments reported an average need of \$10 million.¹⁹

Unfortunately, the COVID-19 pandemic has also subjected tribal producers to lost sales, workforce reductions, and supply chain disruptions. On top of decreases in market demand, emerging market opportunities have also been difficult for tribal producers to access.* While support from the federal government and new market channels have helped sustain some farmers and ranchers, others have been forced to absorb heavy financial losses.²⁰

Agriculture business

Soon after cases of COVID-19 were detected in the U.S., school, restaurant, and bar closures immediately limited demand for agricultural products. Combined with both decreased demand for gasoline and ethanol and negative economic projections, this development quickly disrupted commodity futures markets for crops and livestock.²¹ Between January and April 2020, the May futures prices fell by 40 percent for ethanol and more than 10 percent for both corn and soybeans.²² During the same timeframe, June live cattle and lean hog futures prices dropped by over 30 percent within increasingly volatile cattle and beef markets.²³ Notably, these fluctuations produced sizable losses for tribal producers, many of whom specialize in livestock production.**²⁴ Despite more recent periods of stabilization, these markets remain extremely vulnerable to the repercussions of future COVID-19 outbreaks.²⁵

Limitations created by the COVID-19 pandemic have also worsened markets for seafoods, which are crucial to the economic well-being of some tribes. The Suquamish Tribe, for example, faced severe shortfalls and had to lay off all divers after China temporarily suspended purchases of geoduck and other seafoods in March 2020. Throughout Puget Sound in Washington state, multiple tribes dealt with similar challenges and had to increase sales of other seafoods to make up for lost revenue. In the case of Suquamish Seafoods, a strong domestic oyster market offset some of the losses caused by faltering geoduck sales. For the time being, this alternative will

* A survey conducted by the Intertribal Agriculture Council in April 2020 found that 89.5 percent of tribal producers had been negatively impacted by COVID-19 in some way. Additionally, 50 percent of tribal producers reported decreases in market demand due to COVID-19 and requested more education to benefit from emerging market opportunities.²⁶

** Approximately 75 percent of AI/AN-operated farms specialize in livestock productions, per the 2017 Census of Agriculture. According to the Intertribal Agriculture Council (IAC), 52 percent of tribal producers reported losses of more than \$10,000 due to the COVID-19 pandemic as of April 2020.²⁷

ideally allow the Suquamish Tribe to rehire divers and continue funding daily operations.²⁸

Although forecasted exports for 2021 suggest that the prices of crops like corn, soybeans, and wheat will gradually recover, the effects of the COVID-19 pandemic have continued to linger and hurt agricultural producers without warning.²⁹ Throughout 2020, higher costs and lower revenues became commonplace due to service industry shutdowns and dwindling market opportunities.³⁰ While net farm incomes actually increased by 43 percent in 2020—reaching almost \$120 billion nationwide—this number was driven by \$46.5 billion in federal payments from government programs and support related to Chinese tariffs, natural disasters, and the COVID-19 pandemic.³¹ To reduce the financial stress on agricultural producers, USDA also took a number of actions—which can be viewed on the following page—to delay loan-related payments. Moving forward, the success of U.S. farms will depend heavily on the maintenance of trading relationships, continued relief from the federal government, and the suppression of COVID-19.³²

Recently, the White House also moved to support domestic production. On January 25, 2021, President Joseph R. Biden, Jr., signed an executive order to help maximize the purchase and use of goods, products, materials, and services from sources that will help American businesses succeed.³³ As part of his remarks, President Biden explained that “[the federal government will] buy from...communities that have historically been left out of government procurement—[Black], brown, Native American small businesses and entrepreneurs in every region of the country.”³⁴ In the future, tribal leaders hope that this decree will provide a boost to the economic recovery of Indian Country and benefit Native producers, small businesses, and other important entities.

Supply, production, and processing

While some states have built robust local and regional food systems that facilitate the sale of food to consumers via farmers’ markets, restaurants, and Community Supported Agriculture (CSA) models, the vast majority of agricultural products in the U.S. travel through an intricate web of transport and processing routes.³⁵ Over the past few decades, most food supply chains have become leaner, meaning that products are held by retailers for less time before being bought by customers.³⁶ Despite being financially advantageous, this approach lacks redundancy and limits the resiliency of larger food

systems. Accordingly, disruptions caused by the COVID-19 pandemic have repeatedly left store shelves empty, prompted concerns about long-term food shortages, and highlighted the need for more sustainable local and regional food systems.³⁷ These issues have also permeated Indian Country, where 62.5 percent of tribal community grocers, food hubs, and cooperatives have faced restrictions or delays from suppliers.³⁸

Following the closures of schools, restaurants, and businesses, the rigid nature of America's two major food supply chains—deliveries to supermarkets and grocery stores as well as the food service industry—left some farmers unable to sell crops.³⁹ Consequently, many agricultural producers were forced to destroy tens of millions of pounds of fresh food as market demand plummeted.⁴⁰ Within Native American communities, producers faced declines in market demand, lost sales, increased overhead and supply costs, and considerable supply chain disruptions.⁴¹ Still, calls for unused agricultural products to be donated or repurposed have been rather difficult to execute. Due to volunteer shortages and limited storage space, some charitable organizations stopped accepting donations during the summer.⁴² Along with these limitations, producers and processors facing severe losses often lacked the funds to prepare and ship products to food banks or repackage and distribute items to new markets.⁴³

Generally, centralized food supply chains for products like meat have been especially vulnerable to the spread of COVID-19. Even though the U.S. now relies on roughly 800 federally inspected slaughterhouses to process billions of pounds of meat each year, approximately 50 of these plants perform up to 98 percent of all slaughtering.⁴⁴ Moreover, just four corporations—JBS, Tyson, Cargill, and National Beef—control over 80 percent of the American beef processing market.⁴⁵ In spite of rising COVID-19 case numbers, federal officials urged meat processing plants to continue operating throughout 2020 because of the negative repercussions associated with closures.⁴⁶ Among other consequences, shutting down just a handful of slaughterhouses can back up hog and beef production nationwide, devastate market prices, and spur months of meat shortages.⁴⁷

* According to the IAC, 50 percent of tribal producers reported declines in market demand and more than 35 percent described either losses of future and retail sales or struggles with supply chain disruptions as of April 2020. At the same time, 50 percent of American Indian Foods (AIF) producers noted overhead or supply costs had increased due to problems caused by COVID-19.⁴⁸

Timeline of USDA Actions to Reduce the Financial Impacts of COVID-19 on Producers

MAR. 2020—USDA-FSA MAKES CHANGES TO FARM LOAN, DISASTER, CONSERVATION, AND SAFETY NET PROGRAMS⁴⁹

- Extended deadline for farm loan applications
- Extended deadlines for producers to respond to similar loan servicing actions, including loan deferral consideration for financially distressed and delinquent borrowers
- Temporarily suspended loan accelerations, non-judicial foreclosures, and referring foreclosures to the U.S. Department of Justice (DOJ)

MAR. 2020—USDA ADDS FLEXIBILITIES FOR CROP INSURANCE TO SUPPORT FARMERS AND RANCHERS⁵⁰

- Provided additional time for and deferred interest on premium and other payments

MAY 2020—USDA-FSA EXPANDS SET-ASIDE LOAN PROVISION DUE TO COVID-19⁵¹

- Widened use of Disaster Set-Aside loan provision to allow farmers with USDA farm loans affected by COVID-19 to have next payment set aside

MAY 2020—USDA ALLOWS EXTENSIONS ON INSURANCE DEADLINES AND DEFERRAL OF INTEREST TO HELP PRODUCERS⁵²

- Authorized Approved Insurance Providers (AIPs) to extend deadlines for payments of premiums and administrative fees and defer resulting interest
- Extended correction time period for report forms

AUG. 2020—USDA EXTENDS DEADLINES AND DEFERS INTEREST DUE TO COVID-19⁵³

- Authorized AIPs to extend deadlines for premium and administrative fee payments and defer resulting interest

JAN. 2021—USDA TEMPORARILY SUSPENDS DEBT COLLECTIONS, FORECLOSURES, AND OTHER ACTIVITIES ON FARM LOANS⁵⁴

- Temporarily suspended past-due debt collections and foreclosures for distressed borrowers
- Temporarily suspended non-judicial foreclosures, debt offsets or wage garnishments, and referring foreclosures to DOJ
- Intends to stop judicial foreclosures and evictions on accounts previously referred to DOJ
- Extended deadlines for producers to respond to loan servicing actions, including loan deferral consideration for financially distressed and delinquent borrowers

"As of March 5, 2021, at least 75,093 cases of COVID-19 and 332 associated deaths have been tied to meatpacking plant and food processing facilities."⁵⁵

Furthermore, interruptions to meat processing have had an extensive impact on tribal producers. While most tribal and community leaders have watched local food systems suffer from “production to processing” gaps since the COVID-19 pandemic began, a sizable portion of community grocers, food hubs, and cooperatives within Indian Country have also encountered delayed meat deliveries and increased wholesale prices for products like dairy and meat.⁵⁶ By June 2020, 83 percent of tribal producers had lost \$10,000 or more because of the COVID-19 pandemic.⁵⁷ To help prevent similar issues, some tribes have considered codifying food safety laws and processing meat locally instead of adhering to state or federal regulations.⁵⁸ Notably, this shift has already been supported by federal aid, which has enabled tribes like the Osage Nation to begin building a meatpacking plant, produce warehouse, and fish farm.⁵⁹ Over time, the exertion of tribal sovereignty may allow additional tribes to take control of meat processing and gain the ability to sell more agricultural products directly to Native American communities.⁶⁰

How the Quapaw Nation Has Relied on Food Sovereignty to Outlast COVID-19

Employing roughly 2,000 tribal and non-tribal workers in northeastern Oklahoma, the Quapaw Nation has become a leader in the movement to reclaim food sovereignty through locally sourced and sustainably raised food. As the only Tribe in the U.S. with a USDA-certified meat packing and processing plant, the Quapaw Nation can process 50 to 60 head of cattle per week and sell products to tribally-owned businesses and other tribally-run shops. Each year, seven greenhouses and two gardens also yield nearly 6,000 pounds of food for similar entities. To promote sustainable practices, the Quapaw Farmers’ Market runs a free food preservation program that offers rentable equipment and workshops. In 2019, the Quapaw Nation also launched a seed bank to help support a nationwide seed distribution program.⁶¹

* In April 2020, the IAC found that 79 percent of tribal and community leaders had suffered from a “production to processing” gap.⁶² Based on a similar survey, 33 percent of tribal community grocers, food hubs, and cooperatives reported paying increased wholesale prices for products like dairy and wheat while 50 percent noted delays in meat deliveries.⁶³

Market channels

In addition to public health practices like social distancing, mask wearing, and increased sanitation, a growing acceptance of online ordering, less frequent in-person shopping trips, and larger bulk purchases have also contributed to fundamental shifts in how producers sell and market products.⁶⁴ Within Indian Country, many tribal producers have expressed interest in learning more about how to market and brand products to take advantage of emerging market opportunities and boost individual sales.⁶⁵

Following repeated instances of panic buying around the U.S., some local producers gained in popularity as larger retailers struggled to overcome food supply chain disruptions.⁶⁶ Consequently, direct farm marketers’ sales increased between 30 and 50 percent in 2020, leading many experts to believe that local producers will continue to succeed in 2021 as viable alternatives to grocery stores and supermarkets.⁶⁷ To resist the impacts of the COVID-19 pandemic, some smaller farms have relied on closed-loop food systems to maintain control over food supply chains and consistently keep items in stock for customers.⁶⁸ On a wider scale, closed-loop community food systems have fostered partnerships between multiple farms that better serve consumers, cultivate mutual support for adaptive business models, and offer technical assistance to local producers.⁶⁹

Alternatively, producers have attempted to continue selling crops via Community Supported Agriculture (CSA). Soon after the start of the COVID-19 pandemic, some CSAs began seeing 50 percent increases in sales or thousands of orders in a single day, leading other small farms to establish comparable amenities like pop-up stands and home deliveries.⁷⁰ Although farmers’ markets have remained open as essential businesses, sparser crowds have left producers without CSAs at a noticeable disadvantage.⁷¹ Throughout Indian Country, the work of existing CSAs has been supplemented by locally-organized efforts to provide vulnerable populations with access to traditional foods.⁷² On the Navajo Nation, for example, similar initiatives have routed donations of food, water, and firewood to elders who are afraid of contracting COVID-19 while in public.⁷³ Collectively, this coordination has helped foster food security and advance

* 83 percent of tribal producers and 45 percent of AIF producers requested help with marketing and branding products from the IAC in April 2020.⁷⁴ 14.9 percent of tribal producers also noted that marketing support would help increase sales in new communities and target markets.⁷⁵

notions of tribal food sovereignty.⁷⁶

What is Community Supported Agriculture (CSA)?

First envisioned by Black farmer and Tuskegee University professor Booker T. Whatley, CSAs were originally branded as “Clientele Membership Clubs” in the 1960s and 70s.⁷⁷ During the mid-1980s, his idea became the foundation for what is now seen as the standard CSA model.⁷⁸ In traditional CSAs, individual consumers agree to support a farm operation and share both the risks and benefits of food production with local producers.⁷⁹ Each year, members purchase a share of the farm’s production to receive regular deliveries of its products throughout the growing season.⁸⁰ While CSAs allow community members to receive fresh food directly from smaller producers, farmers also benefit from advance working capital, improved financial security, higher crop prices, and the use of a direct marketing plan.⁸¹ Over time, CSAs have adopted increasingly complex and innovative business models.⁸² To take advantage of new marketing opportunities, producers have adapted the CSA model to fit multi-farm systems, season extension technologies, the incorporation of value-added products, and electronic shopping tools.⁸³

Remarkably, the COVID-19 pandemic has also accelerated agriculture’s transition to new virtual mediums. To accommodate increased online sales, many farmers have started using e-commerce sites and direct sales software to streamline the process of reaching out to customers and tracking online orders.⁸⁴ Social media platforms have also proved useful to some agricultural producers, who now use mobile apps like Facebook and Instagram to advertise foods, track inventory, fill orders, and communicate with new and returning consumers.⁸⁵ Altogether, these developments have made traditional items more accessible in Indian Country and supported the efforts of American Indian Foods (AIF) producers.⁸⁶ For example, online sales have enabled businesses like Sweetgrass Trading Company to continue producing authentic Native American foods and gifts while improving the economic stability of its owner, the Winnebago Tribe of Nebraska.⁸⁷ Moreover, organizations like the Intertribal Agriculture Council (IAC) have used online ordering to efficiently distribute samples of foods

* Based on an IAC survey released in April 2020, 52.5 percent of AIF producers expressed interest in setting up e-commerce websites to market directly to consumers.⁸⁸

made by AIF producers.⁸⁹

Summary of COVID-19 relief programs

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law by former President Donald J. Trump to address the financial consequences of the COVID-19 pandemic.⁹⁰ As part of approximately \$49 billion in assistance for crop and livestock producers, local producers, and nutrition assistance programs, the legislation set aside \$9.5 billion for a new disaster relief program to support specialty crop producers, livestock producers, and producers who supply restaurants, grocery stores, farmers’ markets, schools, and other parts of local food systems.⁹¹ It also allocated \$14 billion to the Commodity Credit Corporation (CCC) for commodity and income support, natural resources conservation, and disaster assistance.⁹²

Furthermore, the CARES Act tasked the Small Business Administration (SBA) with running the Paycheck Protection Program (PPP), a new initiative to provide small businesses with funds to help cover the costs of payroll, benefits, mortgages, rent, and utilities.⁹³ While some farmers were eligible to receive loans, the PPP’s initial allocation of \$349 billion made little difference for agricultural producers who were unfamiliar with SBA and unable to apply for assistance.⁹⁴ Through April 16, 2020, the PPP had approved \$4.374 billion to the agriculture, forestry, fishing, and hunting sector, representing just 1.3 percent of the program’s total approved funding.⁹⁵ Roughly one week later, a replenishment of the PPP reserved \$60 billion for small businesses lacking access to large financial institutions and set aside smaller amounts for Community Development Financial Institutions (CDFIs), minority depository institutions, and smaller lenders to ensure that all farmers and borrowers could access emergency relief.⁹⁶ Unfortunately, though, basing PPP eligibility on net farm profits prevented many self-employed producers from applying for loans after natural disasters produced widespread net farm losses in 2019.⁹⁷

To offer additional support to small businesses, the CARES Act provided \$10 billion to expand SBA’s Economic Injury Disaster Loan (EIDL) program through the authorization of emergency grants of up to \$10,000.⁹⁸ While smaller than PPP loans, EIDL grants have covered a broader array of business expenses during the COVID-19 pandemic that are essential to the survival of farmers and food businesses.⁹⁹ Following the exhaustion of EIDL funding in mid-April, the federal government



Former President Donald J. Trump signs the CARES Act into law on March 27, 2020. From Jim Watson/Getty Images

appropriated \$50 billion to resume the program, earmarked \$10 billion of this amount for EIDL grants, and clarified that farmers were eligible to receive EIDLs and EIDL grants.¹⁰⁰

On April 17, 2020, USDA introduced the Coronavirus Food Assistance Program (CFAP), a CARES Act assistance package for agriculture that included \$16 billion in direct payments to farmers and ranchers as well as \$3 billion in food product purchases for distribution.¹⁰¹ Although USDA originally estimated that the funding would be distributed to four different commodity groupings—livestock, row crops, specialty crops, and “other” commodities—outlays under CFAP totaled just \$10.345 billion as of November 1, 2020.^{*102} Once USDA recognized that the use of national price data to determine both eligibility and payment amounts for lost sales was excluding and undervaluing commodities from small-scale and specialty crop producers, it broadened

* USDA estimated that \$9.4 billion would go to livestock, \$3.5 billion would go to row crops, \$2.4 billion would go to specialty crops, and \$670 million would go to “other” commodities.¹⁰³

CFAP's requirements for direct assistance to include more than 80 new specialty crops.¹⁰⁴ Still, the program disproportionately served large, industrialized farms, allowed corporate farms to exploit legislative loopholes, and sent sizable amounts to foreign-owned companies.^{*105} Commonly found in other agricultural programs, these issues were attributed to a lack of preparation since USDA had acted quickly amidst uncertainty and market volatility.¹⁰⁶

Under CFAP, USDA's Agricultural Marketing Service (AMS) also began administering the Farmers to Families Food Box Program (FFFBP), a partnership with national, regional, and local distributors whose workforces have been impacted by the closure of food service businesses to purchase fresh produce, dairy, and meat products from U.S. producers.¹⁰⁷ By the start of 2021, AMS had delivered 132.9 million food boxes to food banks, community and faith-based organizations, and nonprofits.¹⁰⁸ While the

* An analysis of roughly 700,000 direct payments totaling \$5.6 billion showed that the top one percent of recipients got over 20 percent of CFAP funding—a total of \$1.2 billion—while the bottom 10 percent got just 0.26 percent and averaged around \$300 per payment. Close to 2,300 farms also received more than the \$250,000 limit set on direct payments.¹⁰⁹

FFFBP has helped USDA alleviate food insecurity, mitigate distributor job loss, and reduce food waste, its novelty and scale have led to numerous problems.¹¹⁰ For example, the gradual prioritization of cheaper food boxes throughout the summer prevented many small producers from competing with larger operations for FFFBP contracts.¹¹¹ Additionally, minority- and women-owned farms have received noticeably fewer contracts in more recent rounds of the program without explanation.¹¹² The FFFBP has also issued incorrect reimbursements to distributors, enforced complicated packing and processing requirements for food boxes, and failed to equitably distribute food assistance to food insecure populations across the U.S.¹¹³

In mid-September 2020, USDA announced a second round of CFAP payments (CFAP-2) valued at up to \$14 billion.¹¹⁴ Assuming economic damage for nearly all commodities, CFAP-2 tried to aid more producers by creating new payment categories and focusing on losses suffered in the second through fourth quarters of the year.¹¹⁵ By expanding the reach of the program, these changes garnered support from both diversified growers and specialty crop and livestock producers who had previously received little to no federal support.¹¹⁶ Compared to CFAP, CFAP-2 used a more efficient application process and distributed fairer payments to smaller farming operations.¹¹⁷ Despite receiving just \$833 million through CFAP, specialty crop and livestock producers had been given more than \$2 billion under CFAP-2 as of December 5, 2020.¹¹⁸ Among other factors, unexpected marketing costs due to supply chain disruptions, unpredictable labor availability for food distribution, and a lack of demand from the food service industry all influenced CFAP-2 payment amounts.¹¹⁹

Just days before the end of 2020, former President Trump signed the Consolidated Appropriations Act, 2021, to authorize another \$900 billion in COVID-19 aid.¹²⁰ Out of roughly \$13 billion allocated for agricultural programs, the legislation set aside \$11.1875 billion for continued direct payments to producers.¹²¹ Soon afterward, USDA announced a third round of assistance (CFAP-3) on January 15, 2021, and extended eligibility to contract

poultry and livestock producers.¹²³ Regarding other initiatives, the FFFBP received \$1.5 billion to purchase food for delivery through the end of April 2021 and has since invoiced an additional 2.5 million boxes for families in need.¹²⁴ Moreover, the PPP was replenished with \$284 billion and directed to base loan requirement calculations for farmers and ranchers on gross income rather than net farm income—a change intended to increase producer participation.¹²⁵ Lastly, the EIDL program was extended to December 31, 2021, and provided with \$20 billion in new funding for EIDL emergency grants.¹²⁶

* CFAP-2 relied on three payment categories to offer relief funds to a broader group of producers. These included the following: (1) price trigger commodities, which experienced a five percent or greater decline in price between January 13–17, 2020, and July 27–31, 2020 (including row crops and livestock); (2) flat-rate commodities, which are row crops that did not meet the five percent price-decline threshold but had available data on eligible acres of the crop planted in 2020; and (3) sales commodities, which did not have sufficient price and acreage data but did have data on a producer's 2019 sales value of the commodity.¹²²

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Health

Native American Health Disparities and the Indian Health Service

As of January 26, 2021, the U.S. had seen 25 million cases and over 423,000 deaths from COVID-19. Native Americans have been disproportionately impacted by the pandemic.¹ Such impact is indicative of the federal government's consistent lack of prioritization of legal obligations to tribal nations, which has resulted in a chronically underfunded Indian Health System (IHS) and health disparities that have left Native people vulnerable to the current health and socioeconomic crisis.²

Examples of Spaces to Target Procurement Policies

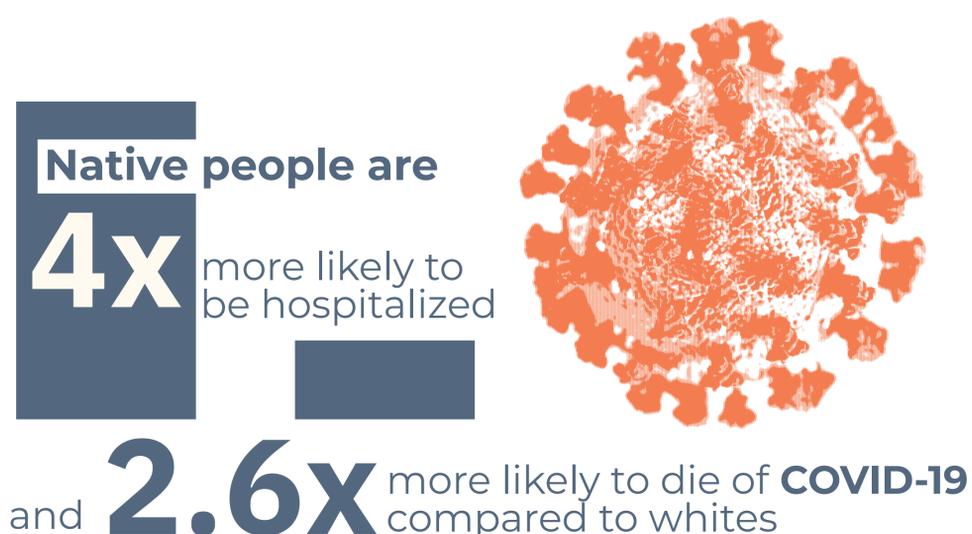
Treaties between the U.S. government and tribal nations form the legal basis for the federal government's obligation to provide healthcare to Native people and ensure the health and well-being of Indian Country.³ The seizure of Native land and resources was to be compensated by the federal provision of lump sum and continuing payments and services to tribal citizens, such as health services. Primary authorization to pay for federal services for the general welfare resides in the Snyder Act; the Indian Health Care Improvement Act provides the modern authorization for the provision of health services to Native people.

To date, nearly four thousand American Indian/Alaska Native (AI/AN) people have died from COVID-19.⁴ This number includes many elders, endangering tribes of precious bonds and cultural knowledge.⁵ Overall, Native people are four times more likely to be hospitalized and 2.6 times more likely to die of COVID-19 compared to white people.⁶

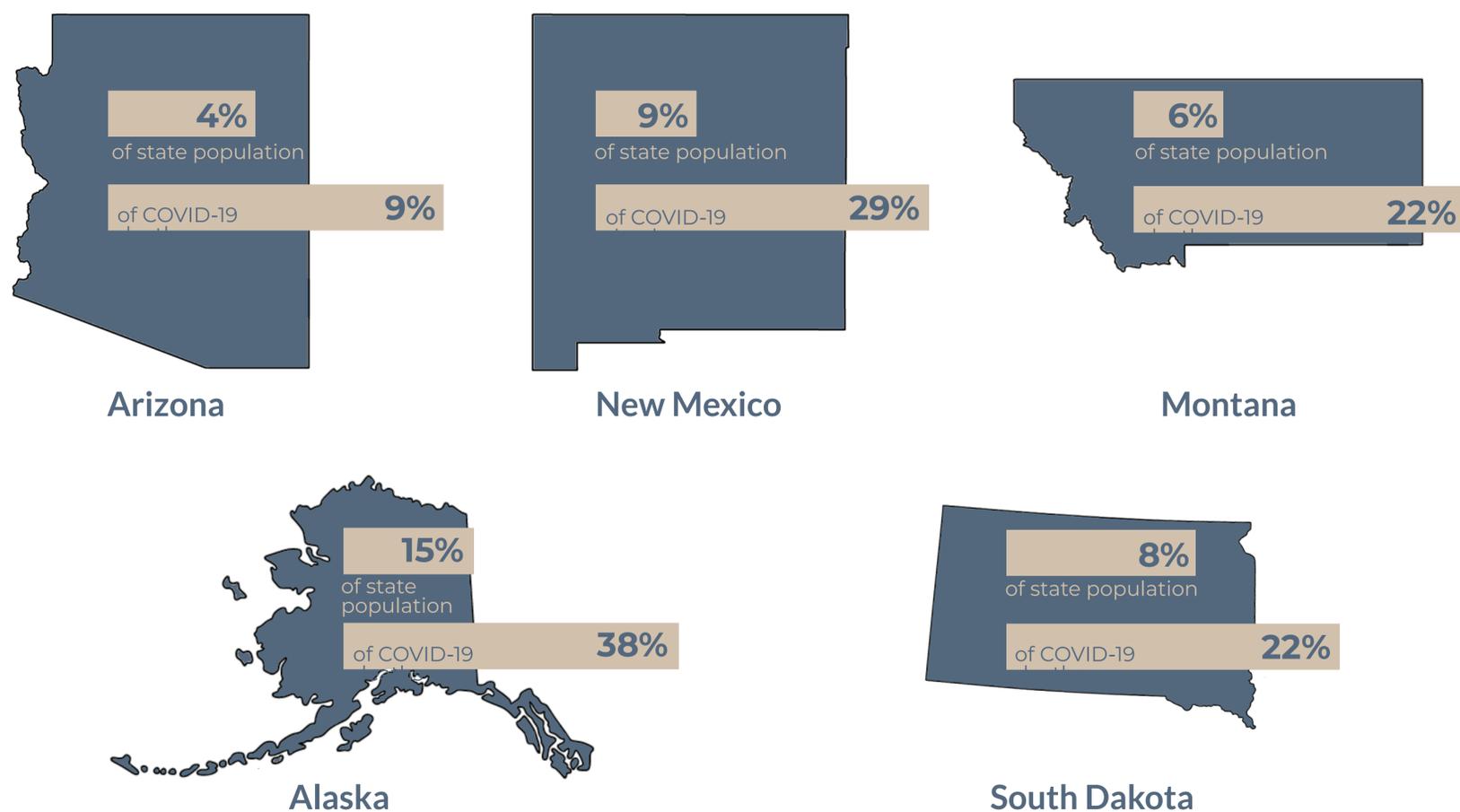
The picture is starker in some parts of Indian Country. In

Arizona, Native people make up four percent of the population, but account for nine percent of the state's COVID-19 deaths. In New Mexico, Native people make up nine percent of the state's population, but 29 percent of the state's virus deaths. In Alaska, 15 percent of the state is AI/AN, but 38 percent of COVID-19 deaths are from Native folks.⁷ AI/AN people make up six percent of Montana's population, but 22 percent of the state's COVID-19 deaths. In South Dakota, they make up eight percent of the population, and 14 percent of deaths. Similar disparities can be seen in Oklahoma, Mississippi, Oregon, North Carolina, Washington, Wisconsin, Idaho, and Minnesota. In the summer of 2020, Navajo Nation—which covers portions of Arizona, New Mexico, and Utah—received nationwide attention for having a per capita case and death rate higher than any state, along with a positivity rate 20 times higher than the national average during the same period.⁸

Even so, these numbers are likely undercounts. Data collection is challenged by a complex health care delivery system for AI/AN that makes it difficult to provide comprehensive hospitalization and mortality data.⁹ Early in the pandemic, Indian Country struggled to contain COVID-19 because of delayed and inadequate coronavirus testing. Additionally, inadequate data



Native Americans in Five States: Percentage of State Population vs Percentage of State COVID-19 Deaths



collection by many state and local entities led to the omission, misclassification, and lack of disaggregation of Native people.¹⁰

Underlying disparities in health, socioeconomic factors, and living conditions likely contributed to the elevated incidence and deaths of COVID-19 among Native people. Compared to other racial groups, Native people have disproportionately high rates of diabetes, heart disease, and asthma—the same health conditions that increase vulnerability to COVID-19 infection and sickness.¹¹ Due to these comorbidities—as well as disparities in healthcare access and economic security—34 percent of AI/AN nonelderly adults are at risk of developing a severe illness compared to 21 percent of their white counterparts.¹²

These structural inequities can be attributed to a variety of factors: historical trauma, persisting racial inequity, and chronic underfunding of the federal government’s fiduciary responsibilities to Native health and well-being.

The Indian Health Service (IHS) serves 2.25 million AI/AN people across 574 federally recognized tribes and 37 states. The IHS has been chronically underfunded at the expense of Native health. In 2018, IHS spent \$3,779 per person, while federal healthcare spending nationwide

was \$9,409 per person.¹³ Long before the pandemic, IHS hospitals were already plagued by shortages of funding, supplies, doctors and nurses, hospital beds, and aging facilities.

While funding for IHS has increased significantly since 2009, the IHS budget still lacks the money necessary to target chronic health disparities facing Native communities. According to the National Congress of American Indians (NCAI), “when compounded with rising medical inflation and population growth, Indian health budgets are quickly trending backwards.”¹⁴ The 2019 IHS budget request of \$5.4 billion—\$413 million above FY 2018 annualized funds—could only meet a fraction of the Native health care needed.¹⁵ The 2013 federal budget sequestration had drastic and lasting effects on IHS, which was the only federally funded health program subject to full sequestration. The 5.1 percent cut to the IHS budget forced many IHS facilities to reduce operating hours and services while also laying off staff.¹⁶

70 percent of AI/AN reside in urban areas and 25 percent live in counties served by urban Indian health programs.¹⁷ The share of IHS funding directed toward urban health programs over time has not reflected the demographic shift of Native people away from reservations nor kept

pace with inflation.¹⁸ Only one percent of the IHS budget, on average, has been allocated to urban AI/AN health care.¹⁹ The Tribal Budget Workgroup estimates that the funding allocated to urban Native health is only 22 percent of the projected need for primary care services.²⁰ While Native folks living in urban areas can be served by other health systems, Urban Indian Organizations “provide the only affordable, culturally competent health care services available in these urban areas.”²¹

The *Broken Promises* report found that, in the past 15 years, federal programs serving Indian Country have been underfunded and federal initiatives for Native people have regressed. On health care, the authors of the report wrote:

“Resulting in part from the failure of the federal government to honor its trust responsibilities, vast health disparities exist between Native Americans and other populations.

Funding for the IHS and Native American health care is inequitable and unequal. IHS expenditures per capita remain well below other federal health care programs, and overall IHS funding covers only a fraction of Native American health care needs, including behavioral health needs to address the suicide epidemic in Indian Country.

*Federal programs designed to support the social and economic wellbeing of Native Americans remain chronically underfunded and sometimes inefficiently structured, which leaves many basic needs in the Native American community unmet and contributes to the inequities observed in Native American communities. The federal government has also failed to keep accurate, consistent, and comprehensive records of federal spending on Native American programs, making monitoring of federal spending to meet its trust responsibility difficult...”*²²

For a health system that was barely getting along during normal times, the pandemic came and exacerbated an already overtaxed and underfunded health system. The limited capacities of existing IHS and tribal health care facilities have failed to adequately serve AI/AN people (e.g., timely diagnosis and treatment for chronic health conditions) and was not well-positioned to meet the demand for health services created by the current pandemic.

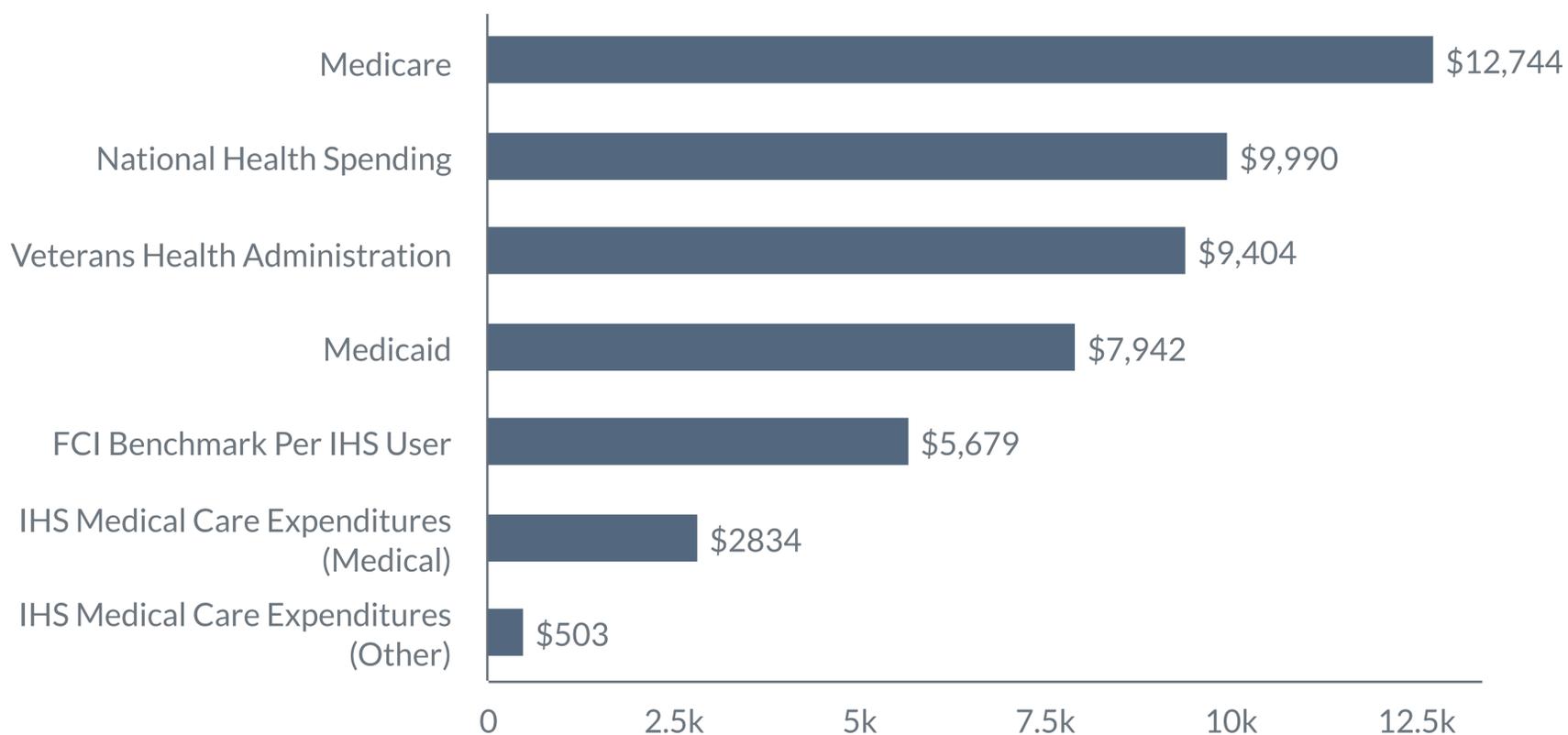
Other Contributors to Health Disparities

The health system has similar weaknesses to other infrastructure in Indian Country that impact Native health and well-being:

- **Housing:** 16 percent of AI/AN households in tribal areas (roughly eight times the national average) and 10 percent in urban areas experience overcrowded homes. Between 2003 and 2015, the number (approximately 110,000) of overcrowded households or households without adequate kitchens or plumbing grew by 21 percent.²³
- **Water:** Over 31 percent of homes on tribal lands need sanitation facility improvements and nearly seven percent of all Native homes don’t have adequate sanitation facilities.²⁴ Without the necessary water and sanitation infrastructure, it is challenging for AI/AN communities to abide by handwashing and hygiene guidance.
- **Broadband:** In 2018, 65 percent of Native people living on tribal lands had access to fixed broadband services, compared to 92 percent of all Americans.²⁵ Approximately 75 percent of IHS sites are located in “rural” areas, as defined by the Federal Communications Commission, which pay a higher percentage of their operating budget than urban locations for Internet access.²⁶ Telehealth and telemedicine have been vital lifelines during the pandemic, but many Native communities may be unable to provide these services due to a lack of broadband infrastructure. Access to this technology will continue to be needed even beyond the coronavirus emergency.

These structural inequities created the destructive conditions that have led to COVID-19’s devastating impact on Indian Country. Underlying health disparities and barriers to accessing testing and treatment put Native people at increased risk for exposure to and serious illness from the virus. Redress of a health system unprepared to respond to the pandemic, as well as the lack of access to other vital infrastructure, is necessary to treat present health needs and mitigate future vulnerabilities to crisis.

Figure 7.1. 2016 IHS Health Expenditures Per Capita and Other Federal Health Care Expenditures Per Capita



Source: Honoring the Federal Trust Responsibility: A New Partnership to Provide Quality Healthcare to America's First Citizens: The National Tribal Budget Formulation Workgroup's Recommendations on the Indian Health Service Fiscal Year 2019 Budget, March 2017

“A reality for a lot of tribal communities is that access to food that we actually need in order to heal ourselves from diseases like diabetes and heart disease is challenging...For the Coast Salish people, our traditional foods are physical, mental, and spiritual medicine. That means that when we are actively on the land in pursuit of wild game, or fishing the river, or harvesting foods and medicines with good intention, and then generously sharing those with people, we are gifted with memories . . . both new and those of a distant past. Those memories are the medicine, that is what we are looking for.”

Valerie Segrest, Muckleshoot, Director of the Muckleshoot Food Sovereignty Project and Regional Director of Native Food and Knowledge Systems at the Native American Agriculture Fund²⁷

Many tribal communities have been working to provide greater access to healthy and traditional foods, embracing these foods as medicine. For example, the Iroquois White Corn Project at Ganondagan produces and sells Iroquois white corn—a nutritious corn with a low glycemic index—in order to improve community health outcomes. The corn is grown traditionally, hand-

picked and processed, and sold at the Seneca Art and Culture Center, online, and through both retail outlets and wholesale distributors; the project encompasses food systems work, community, culture, and entrepreneurship. Additionally, Seneca Nation’s Food is Our Medicine project has seen a decrease in diabetes prevalence and increase in the health and well-being of the Seneca people. The program is holistic, focused on harnessing the medicinal power of traditional Seneca foods, sustainable and traditional ways of growing the foods, and bringing markets and health-focused activities to the community.²⁸

Nutrition education and counseling programs—particularly those with a focus on reclaiming traditional foods, such as the CDC’s Native Diabetes Wellness Program and the Healthy Heart Program at Citizen Potawatomi Nation—have also seen great successes. Community responses to hunger, health, and cultural vitality are often interdependent and mutually beneficial.²⁹ Food systems change beyond the COVID-19 pandemic can build off of these lessons to ensure maximal impact to Native communities.

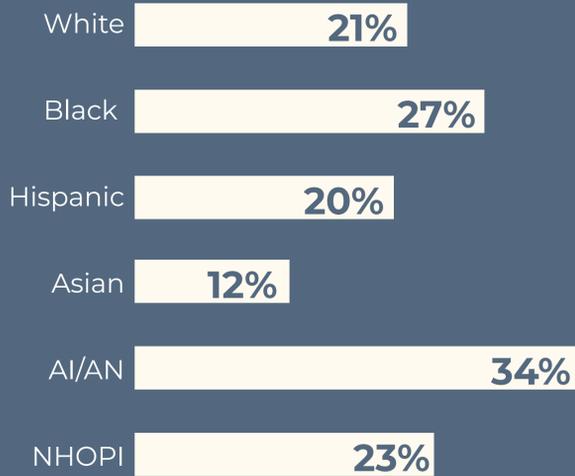


Profile of Native American Health ³⁰

Leading Causes of Death:

heart disease, cancer, accidents
(unintentional injuries)

Share of Adults Ages 18–64 at Higher Risk of Serious Illness if Infected with COVID-19, by Race/Ethnicity



Chronic Conditions and Health Disparities



Of AI/AN adults over age 18,

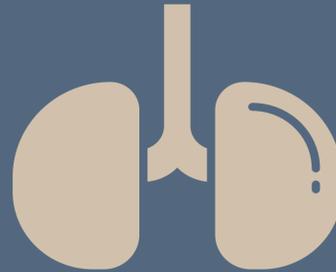
8.6% have coronary heart disease

27.2% have hypertension

14.6%

of AI/AN adults age >18 had some kind of heart disease in 2018

Children Who Have Had Asthma



White 10.1%

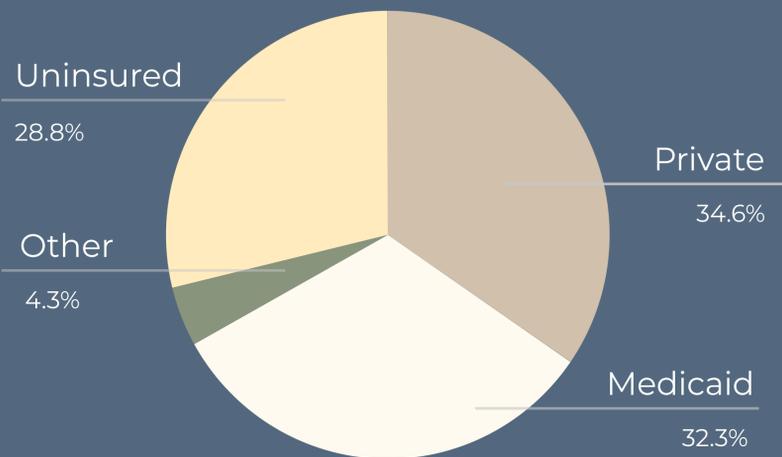
Black 18%

AI/AN 17.8%

Asian 8.2%

Healthcare and Access to Services

Type of Health Insurance for AI/AN under age 65 (2018)



14.9%

of AI/AN adults age >18 have ever had asthma

9.5%

of AI/AN adults age >18 still have asthma

Diabetes Rates by Racial Group

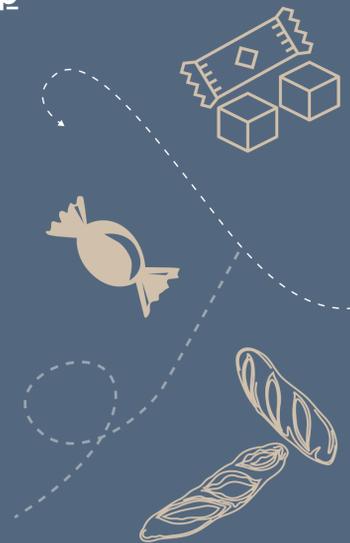
White 8.6%

Black 13.1%

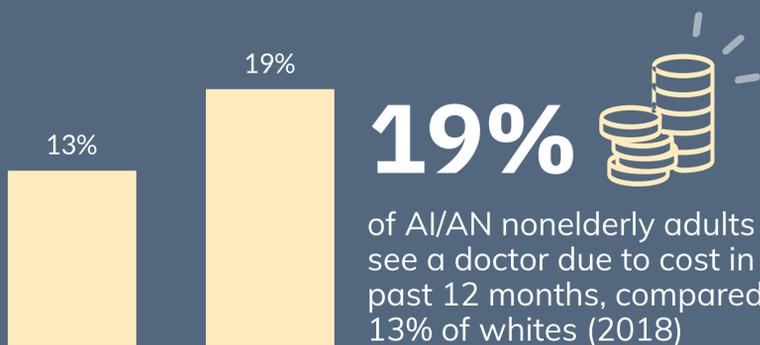
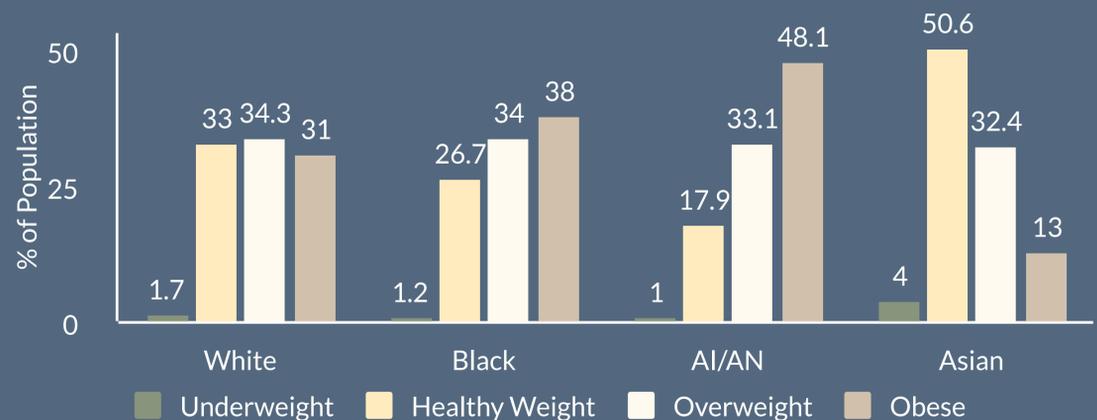
AI/AN 23.5%

Asian 11.4%

NHOPI 19.8%



Body Mass Index (BMI) of Adults Over Age 18



19%

of AI/AN nonelderly adults didn't see a doctor due to cost in the past 12 months, compared to 13% of whites (2018)



36%

of AI/AN nonelderly adults delayed care due to other reasons in the past 12 months, compared to 19% of whites (2018)

A Dim Light at the End of the Tunnel

What help has Indian Country received so far?

Families First Coronavirus Response Act (FFCRA)

\$64 million to IHS to cover the costs of COVID-19 diagnostic testing for AI/AN receiving care through the IHS or through an Urban Indian Health Organization.

Coronavirus Aid, Relief, and Economic Security (CARES) Act

- Created a Coronavirus Relief Fund of \$150 billion, including \$8 billion in direct assistance for tribal governments. These funds were held up by the Treasury and not disbursed in a timely fashion.
- \$1.032 billion to fund IHS, tribal, and Urban Indian Organization programs, as well as electronic health record stabilization and support.
- \$670 million of CARES Act funding distributed directly to federal, tribal and urban Indian health programs, of which \$26 million goes to support Tribal Epidemiology Centers and national surveillance coordination activities; \$5 million to provide additional testing to IHS, tribal, and urban Indian health programs free of charge; \$95 million to support the expansion of telehealth activities; \$74 million for medical equipment needs; and \$10 million to support sanitation and potable water needs.
- Leaders have reported delays in accessing these vital funds.³¹

December 2020 COVID-19 Relief and Consolidated Appropriations Act of '21³²

- Funding and support for public health programs, such as extended funding for Special Diabetes Program for Type I Diabetes and the Special Diabetes Program for Indians through FY2023, and guidance and strategies to address obesity and Native youth suicide.
- \$50 million to Indian Tribes and tribal organizations for Tribal Opioid Response grants.

President Biden's Executive Orders

- Commitment to consult with and facilitate access to the Strategic National Stockpile for tribal governments, IHS, tribal health authorities, and Urban Indian Organizations.³³
- Commitment to expand access to care and treatments COVID-19, and an equitable pandemic response and recovery.³⁴
- Plans to improve data collection efforts and ensure data-driven public health responses.³⁵



From Alex Edelman, via CNN

The Food and Drug Administration has approved several vaccine candidates and vaccine distribution is under way. Like many state and local governments, tribal nations have prioritized frontline health workers and seniors citizens due to their high risk of exposure and serious illness,³⁶ and also view vaccination as an opportunity to preserve their language and traditions. The Cherokee Nation has made Cherokee first language speakers eligible for early vaccination in addition to Cherokee elders.³⁷ Vaccination is an enormous asset in the fight against COVID-19 and to protect tribal elders and the rare stories, tradition, and language they carry.

In addition to vaccine production and distribution challenges, distrust of the medical system is another hurdle for public health officials. A history of medical experimentation—coupled with misinformation and concerns over the safety of the relatively new mRNA technology—has made some Native people wary of the vaccine when offered.³⁸ Partnerships between community leaders and COVID-19 specialists can be the key to bridging this gap and mending a fraught relationship with the medical establishment in order to address such hesitancy.

Still, a majority of Native people want to be vaccinated and believe the coronavirus vaccine is safe and effective. A survey by the Seattle Health Board's Urban Indian Health Institute found that Native Americans are more willing than the general population to be vaccinated against COVID-19, where 74 percent of participants surveyed believed doing so was a responsibility they had for their community. 90 percent of those who were unwilling recognized COVID-19 is a serious disease and 89 percent had concerns about the vaccine's side effects. The report recommends tailoring messaging to center community voices and to be culturally relevant via methods like highlighting community responsibility and drawing connections between vaccination and preserving Native traditions as well as protecting Native family, elders, community members, and future generations. It also emphasizes the need to acknowledge how past and current harm from healthcare institutions contributes to vaccine skepticism and to support tribal public health officials, given their trusted status within the community and cultural expertise. Providing clear information about potential side effects, costs, and personal and community benefits is also vital to combat misinformation.³⁹

As of January 26, 2021, the IHS had administered more

than 158,784 individual vaccine doses (131,481 first doses and 25,502 second doses). This is 44 percent of the 357,950 COVID-19 vaccines that were shipped to IHS facilities (compared to the national vaccination rate of 53 percent, where 23,540,994 vaccine doses were administered and 44,394,075 doses distributed). Currently, 339 IHS direct, tribal health programs, and urban Indian organizations have chosen to receive COVID-19 vaccine from IHS. Vaccines are equitably distributed based on priority populations to IHS areas.⁴⁰

Navajo Nation has been leading the nation's vaccine rollout. It surpassed its goal of 100,000 vaccinations by the end of February and has vaccinated almost half of Navajos living on the reservation, 84% of elders over the age of 65, and 37% of people over the age of 16.*⁴¹ At least one Navajo hospital, Tséhootsoó Medical Center, has opened eligibility to anyone over the age of 18, while most places in the country are still rushing to vaccinate their over-65 population.** Navajo Nation President Jonathan Nez credits their success to the coordination between Navajo Nation and its Department of Health, the Navajo Area of IHS, tribal health organizations, and healthcare workers. Advocacy from Nez's office and the response from the Biden-Harris Administration via a major disaster declaration have provided additional resources for the vaccine rollout.

"The confidence level in the vaccines is very high among our Navajo people and that's evident by the long lines of people wanting to receive the vaccine that we see at each vaccination site..."

Navajo Nation President Jonathan Nez⁴²

Other tribes, many in rural areas, have similarly been on track or exceeded expectations with vaccine distribution. In Alaska, many rural towns—where tribal health organizations, not the state government, are in charge of distribution—are leading the country in the rollout. For example, a third of Kotzebue's population had received their first dose by mid-January and nearly a fifth of the population of Sitka had completed their second dose by mid-February.⁴³ Alaska Native health care systems have long dealt with bringing care to remote areas and

* As of February 25, 2021, Navajo Nation had administered 104,974 doses of the vaccine.

** As of the writing and final review of this report (March 2021), most state and city governments had made vaccines eligible only for frontline and essential workers and senior citizens.

being underserved by the federal government; they have developed strategies to reach their diverse and geographically scattered populations. Mahnomon County, home to White Earth Nation, leads the state of Minnesota in its vaccination rates and has begun broad inoculation of anyone over 18 years of age.⁴⁴ The Rosebud Sioux Tribes has also vaccinated its communities at near double the rate of South Dakota.⁴⁵ Many tribes are vaccinating tribal members who live on and off tribal lands, as well as non-tribal members living within the community.

Despite the logistical difficulty of getting vaccines to remote areas, transportation barriers, hard-to-navigate online registration, a perennially underfunded IHS, and distrust of federal directives, tribal leaders and health officials have been working hard to overcome these challenges. Leaders have hoped to instill faith in the vaccine effort by receiving the vaccine themselves⁴⁶

and through outreach and education. They've staffed call centers with fluent Native language speakers. Getting creative in outreach (e.g., holding vaccine events at community centers and familiar community gathering places,⁴⁷ or hosting sweepstakes for those who receive the shot)⁴⁸ and seeing friends and family receive the shot have helped some who were wary feel more safe about receiving it. Tight-knit communities have eased outreach, as healthcare workers could contact elders for the shot. While IHS has had its challenges, its centralized system has been beneficial for this campaign.

Indian Country's efficient vaccine rollout is a model for community-centered approaches to public health campaigns and improving rural health. Tribes are able to determine how and to whom to distribute vaccines due to their sovereignty; the rollout has demonstrated the capacity of tribal health departments to serve when provided the necessary resources and support.



Rosebud Indian Health Services runs a weekly COVID-19 mass vaccination clinic in South Dakota. From Kirk Siegler/National Public Radio

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Broadband Access

Throughout Indian Country, reliable broadband Internet access is critical to the promotion of economic development, health, and education for Native Americans.¹ Yet, compared to 94.0 percent of the total U.S. population, just 68.0 percent of people living on tribal lands had access to fixed terrestrial broadband Internet at the end of 2017.² Due to a combination of rough terrain, rural locations, and thinner populations, expanding broadband resources on tribal lands often costs more than doing so in urban areas.³ Consequently, many telecommunications companies have deemed development unprofitable and subsequently avoided investing in Native American communities.⁴

From 2012–2014, nearly 30 million people in the U.S. gained access to fixed terrestrial broadband Internet for the first time, including 1 million people in Indian Country. Despite decreases in new mobile deployments since then, tribal leaders have continued to advocate for increased broadband Internet access and highlight the importance of connectivity to public safety, economic development, and other social and cultural outcomes. In response, the Federal Communications Commission (FCC) has reaffirmed its commitment to providing all Americans with broadband services and made it a top organizational priority.⁵

Challenges posed by the COVID-19 pandemic

Since the beginning of the COVID-19 pandemic, widespread shifts to remote learning have been hampered by Indian Country's limited access to broadband Internet. To continue serving students, some districts have converted buses into mobile homework stations that distribute and collect paper assignments each week.⁶ Other schools have watched their enrollment numbers plummet as students lose contact with their teachers or disappear from the grid entirely.⁷ The realities of remote learning have also left older students—many of whom are searching for work or preparing college applications—without access to guidance from school

staff. Across Indian Country, teachers have increasingly relied on texts, phone calls, and various social media platforms to communicate with their classes from a distance.⁸

Additionally, many tribal leaders have cited the COVID-19 pandemic as a compelling reason to expand broadband Internet access in support of telehealth. Between April and August 2020, the Indian Health Service (IHS) used a new videoconferencing tool to conduct over 750 virtual appointments per week—a tenfold increase in patients that indicated the demand for similar services. However, barriers like outdated equipment and poor connectivity have continued to hinder efforts to utilize telehealth on a wider scale.⁹

Addressing disparities in broadband access

Between departmental resources, legislative actions, and privately-funded projects, a number of initiatives are trying to enhance connectivity throughout Indian Country. The FCC, which has established a Native Nations Communications Task Force to help expand broadband Internet access on tribal lands, currently runs multiple programs to subsidize telephone, Internet, and telecommunications costs for residents, schools, libraries, and health care providers in rural areas. It also allows tribes and tribally-owned or controlled entities to receive broadcast radio licensing preference in both AM and FM bands via Tribal Radio Priority. Along with the FCC, U.S. Department of Agriculture (USDA), National Telecommunications and Information Administration, and U.S. Department of Commerce have programs dedicated to the expansion of telephone and broadband Internet service as well.¹⁰

In February 2020, the FCC opened a Rural Tribal Priority Window for 2.5 GHz band spectrum application to provide tribal entities in rural areas with advanced access to unassigned spectrum for the first time.¹¹ Ultimately, 154 of the more than 400 applications submitted to obtain

overlay licenses for unassigned 2.5 GHz band spectrum were granted to help “close the digital divide and provide broadband and other advanced wireless services, including 5G, to rural Tribal communities.”¹² Once the Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law in March 2020, many tribal leaders also hoped that some of the \$8 billion set aside for Indian Country would be used to improve remote learning, telehealth, and electronic commerce.¹³ Following a number of complaints about the delayed disbursement of funding and its impact on broadband infrastructure development, however, lawmakers extended the deadline to spend federal aid through the end of 2021.¹⁴

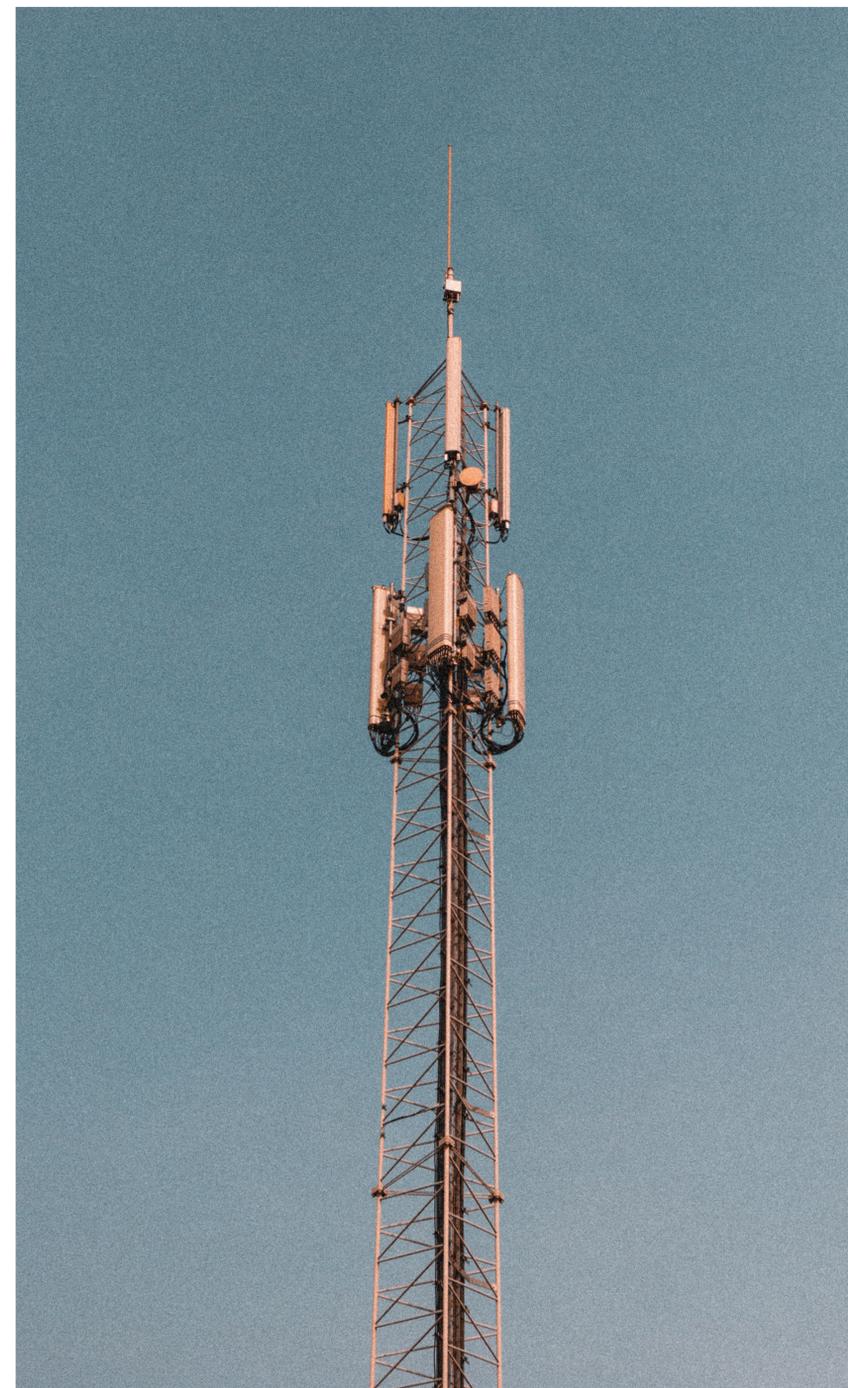
How the Rural Tribal Priority Window is Expanding Broadband Access in Montana

Across rural portions of Montana, federal COVID-19 relief efforts are helping some tribes create wireless broadband Internet networks to bridge the digital divide on reservations. After receiving a free wireless spectrum license from the FCC, the Confederated Salish and Kootenai Tribes (CSKT) of the Flathead Reservation have started using funds from the CARES Act to build the infrastructure for a new network.¹⁵ Upon completion, the project will extend broadband Internet access to roughly 80 percent of the Flathead Reservation and improve the quality of remote learning, telehealth resources, and even emergency services.¹⁶ Notably, federal aid has allowed CSKT to construct communication towers with the assistance of external technology companies to maximize broadband coverage.¹⁷ With hopes of pursuing similar plans, the Blackfeet Nation, Crow Nation, Fort Peck Assiniboine and Sioux Nation, Rocky Boys Chippewa Cree Nation, Fort Belknap Assiniboine and Gros Ventre Nation, and Northern Cheyenne Nation in Montana were all granted free wireless spectrum licenses by the FCC as well.¹⁸

Furthermore, a handful of outside organizations and companies have also taken steps to accelerate the expansion of broadband Internet infrastructure to rural tribal communities. In September 2020, partners from MuralNet—a nonprofit that helps tribal communities build wireless networks—signed a deal with Cisco to launch the Sustainable Tribal Networks program, which will “allow tribes to design, build, and grow their own fixed wireless high-speed networks that leverage unused mid-band spectrum.” Over time, the initiative will increase

access to educational, social, and telehealth services while helping tribes retain ownership over their rights to broadband Internet.¹⁹

On Navajo Nation, fiber infrastructure company Arcadian Infracom has been working since 2018 to build fiber routes via tribally held rights of way. With the support of a recently passed funding package, the group is moving forward with the construction of a network that will link data centers in Phoenix to other facilities in Salt Lake City, Denver, Los Angeles, and Dallas. Once finished, Arcadian Infracom says that Navajo Nation will have “direct connections to high-capacity connectivity, enabling the tribe to fully participate in the 21st century’s connected economy.” As the financial impacts of the COVID-19 pandemic worsen, the project’s eventual completion may play a critical role in the economic recovery of Navajo Nation and Indian Country as a whole.²⁰



From Julian Tilgenkamp

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Recommendations

Where does Indian Country go from here?

Over the past year, the need for food, shelter, and other basic necessities has increased in many tribal communities. While additional federal relief will help address these concerns in the interim, opportunities for systemic change in Indian Country will continue to exist beyond the end of the COVID-19 pandemic. Accordingly, the resilience of tribal food systems may be improved via the recommendations detailed below.

1 Strengthen and Expand 638 Authority for FDPIR and Other USDA Feeding Programs

The 638 authority has been the most successful and supportive mechanism for enhancing tribal self-governance and self-determination.* Tribal governments best understand the needs within their own communities and are best positioned to serve food insecure citizens within their communities—especially during a crisis. When tribal citizens have needs for food and other essentials, they first turn to their tribal leaders. 638 authority can be an efficient response to the coronavirus pandemic, as well as a long term buffer to food insecurity and economic hardship.

The Secretary of Agriculture can use this authority to expand the ability of tribes and Indian Tribal Organizations to purchase food—which includes traditional foods—from local and regional producers. This would reduce the strain on national warehouses and allow more people in programs using USDA foods (FDPIR, TEFAP, CSFP, etc) to be served in the long-term. It would also encourage economic development at this exceptionally critical time, strengthening local economies and supporting food producers who are currently struggling to find markets. Expanding 638 authority can result in better program efficiency and customer service by streamlining feeding program delivery, direct communication, outreach, and nutrition education.

Additional funding for the 638 self-demonstration projects for FDPIR through the Consolidated Appropriations Act of 2021 is a major win for tribes, providing additional opportunities to more tribes to procure their own foods. It is vital that advocates and policymakers continue to push the application of 638 authority in FDPIR beyond these demonstration projects; expand the ability of tribes and ITOs to purchase food; provide the necessary technical assistance and resources for tribes that want to procure their own foods; and continue to expand tribal self-governance into areas beyond food purchasing. Tribal administration of all federal nutrition programs, like SNAP, is vital to ensure that tribal leaders can meet all their citizens' specific needs and circumstances.

With the demand for more traditional and Native-produced foods, as well as challenges for Native and smaller producers—before and during the pandemic—bolstering 638 authority presents tribes with the opportunity to tailor USDA FNS programs to suit their communities and build more robust food systems in the long run. Food system resiliency is intricately tied to tribal self-determination and self-governance as it focuses on building food systems that meet diverse, local needs and empowers tribal producers and citizens. The 638 authority promotes investment in private tribal enterprise, which stabilizes tribal food economies and economies at large.

* For more information on the 638 authority, refer to the "Food Security and Access" chapter of this report.

2 Adopt Sections of the Model Tribal Food and Agriculture Code

The Model Tribal Food and Agriculture Code Project is coordinated by the Indigenous Food and Agriculture Initiative (IFAI) at the University of Arkansas.¹ It serves as a resource for tribal governments and provides a comprehensive set of model laws for review, adoption, and implementation.² The model laws contained in the code were designed by IFAI and contributing attorneys to facilitate agricultural production, food systems development, and health outcomes improvement in Indian Country.³ While no one-size-fits-all solution exists to tribal governance in food and agriculture, sections of the Model Code may serve as a useful guide for tribal governments and tribal attorneys looking to craft individualized legislation in food and agriculture.⁴ However, the Model Code is only meant to supplement—not replace—the discussions that tribes

must facilitate while creating laws that promote tribal governance and sovereignty.⁵

Although the recent growth of tribal food systems has created new opportunities for economic development and improved well-being across Indian Country, tribal producers and food businesses are often left in unclear legal territory due to the presence of state and local regulators in tribal jurisdictions. Without the established backing of sovereign tribal governments, these conflicts usually worsen as tribes enter commercial markets for agricultural products and engage with long-standing federal, state, and local laws governing food and food production. To address these gaps, the Model Code offers tribal governments foundational language that can be used to draft individualized regulations, cultivate uniform systems of agricultural policy, and facilitate better communication with other governments.⁶

Overview of the Model Tribal Food and Agriculture Code⁷

The Model Code provides an overall Title structure for food and agricultural regulation. The entire Title spans a multitude of subject matter areas in food and agricultural production, with individual chapters focusing on different topics. These chapters are as follows:

- I. General Provisions, Jurisdiction, and Findings
- II. Traditional Foods and Seeds
- III. Health and Nutrition
- IV. Regulation and Control of Animals and Livestock
- V. Slaughter of Animals and Sale of Meat
- VI. Horses
- VII. Land Use
- VIII. Agricultural and Food Safety
- IX. Plant Production, Health, and Sale of Produce
- X. Aquaculture
- XI. Bees and Honey Production
- XII. Agroforestry and Silviculture
- XIII. Trade and Marketing of Agricultural Products
- XIV. Liability for Agricultural Production and Related Enterprises
- XV. Water
- XVI. Conservation
- XVII. Alternative Agricultural Production
- XVIII. Agricultural Labor
- XIX. Agricultural Business Entities

Each of these chapters includes different sections that address specific aspects of these general areas. The topics listed are meant to be a starting point for tribal governments and communities.

The following subsection provides an example of how provisions from the Model Code can be utilized to strengthen tribal food systems, particularly in the wake of the COVID-19 pandemic. All portions of the Model Code can be viewed at www.tribalfoodcode.com.

Establishing tribal departments of agriculture

Since its founding in 1862, the U.S. Department of Agriculture (USDA) has grown into a federal entity that provides guidance on food, agriculture, natural resources, rural development, nutrition, and other relevant issues through public policy, science, and management.⁸ Broadly, the agency seeks to create new economic opportunities for rural communities, facilitate agricultural production for domestic and international consumers, and preserve natural resources through a variety of conservation practices.⁹ While USDA oversees 29 agencies and offices supported by nearly 100,000 employees today, all 50 states and most U.S. territories maintain departments of agriculture as well.¹⁰ In addition to promoting state and territorial interests with respect to food, agriculture, and natural resources, these entities communicate directly with one another and USDA via meaningful government-to-government relationships.¹¹ To wield increased authority at the federal level, state and territorial departments of agriculture have even formed the National Association of State Departments of Agriculture (NASDA), which comments on pending legislation that would impact agricultural production and economic development through food and agriculture.¹²

Contrary to this approach, most tribes manage agricultural and food production functions through other governmental departments, such as a Department of Natural Resources or Department of Health and Human Services.¹³ However, establishing a separate regulatory entity to oversee aspects of food production and policy—a tribal department of agriculture—may be in the best interests of tribes looking to cultivate food sovereignty.¹⁴ Although few examples of statutes, ordinances, or other laws establishing tribal departments of agriculture currently exist, Chapter 1 of the Model Code contains sample language that tribes can adopt to create departments of agriculture.¹⁵ Based on the specific needs of the adopting tribe, this framework can be modified as needed.¹⁶ Federal and state codes may also provide tribes with further guidance on how to structure departments of agriculture and specify which subject matter areas the

entities will control.¹⁷

Another tool recently unveiled by IFAI—the Empowering Agriculture through Tribal Sovereignty (EATS) Academy—provides additional information about tribal departments of agriculture. Through various charts, infographics, and worksheets, the EATS Academy details how both Native producers and beginning farmers and ranchers will benefit from the services offered by tribal departments of agriculture. Moreover, it highlights innovative strategies for expanding agriculture economies in Indian Country and offers multiple examples of tribes that have successfully established departments of agriculture to oversee areas like wildlife, land management, nutrition programs, youth development, and enterprise. Along with a variety of sample organizational frameworks, the EATS Academy also includes worksheets that can be used to help identify existing resources, external guidance, and potential partners that are essential to the long-term viability of tribal departments of agriculture. More information about the EATS Academy can be found at www.indigenousfoodandag.com/EATS-Academy/.¹⁸

As the COVID-19 pandemic continues to wreak havoc on tribal food systems, the potential advantages of forming a tribal department of agriculture are significant. Notably, establishing such an agency can improve the ability of tribes to preserve and develop institutional knowledge about tribal food systems and practices. By relying on the expertise of dedicated employees, a department can successfully operate without depending solely on the leadership of elected officials. Over time, the self-sufficient nature of tribal departments of agriculture can also facilitate more cohesive regulatory oversight of tribal food and agriculture programs. Consequently, tribal governments may gain the ability to draft, implement, and enforce new regulations and food safety codes. These guidelines would protect Native producers and food businesses via limited liability and reduce barriers associated with entering agricultural markets that are not under tribal jurisdiction. Additional support from tribal departments of agriculture would also enable more Native producers to compete with industry demands instead of merely meeting federal standards.

On top of these benefits, tribal departments of agriculture can play a critical role in improving communication between tribes and external entities like USDA and the Bureau of Indian Affairs (BIA). Without a designated

point of contact for outside agencies, tribes often face additional obstacles when attempting to access agricultural initiatives and funding programs. To address this disparity, tribal departments of agriculture can hire staff members to receive and distribute current information on grants, enterprise opportunities, and loan programs being advertised by USDA, BIA, or other external entities. At a time when many producers depend on these offerings—which have included multiple iterations of the Coronavirus Food Assistance Program (CFAP) since March 2020—a tribal department of agriculture’s capacity to streamline access to federal funding carries additional importance.

Lastly, creating a tribal department of agriculture can generate new opportunities for both legislative advocacy and cooperation between tribes regarding agricultural production and economic development via food and agriculture. While NASDA directs these efforts for state and territorial departments of agriculture at the federal level, a comparable organization representing tribal interests does not currently exist. If more tribes chose to establish departments of agriculture, these agencies could issue coordinated responses to legislation concerning food systems, food safety, climate resiliency, workforce development, infrastructure and capacity, international trade, and more.¹⁹ Given that the effects of the COVID-19 pandemic will likely linger for some time, these efforts would amplify the priorities of Indian Country and ideally help elected officials incorporate more support for tribal communities into future economic relief programs.

When forming departments of agriculture, tribes should choose appropriate titles—such as “Commissioner” or “Secretary”—for incoming agency heads. Doing so can help convey parity with other governmental departments of agriculture and make leaders clearly recognizable to external regulators. Furthermore, utilizing an organizational model that mimics the structure of other entities within a tribal government can help the department of agriculture focus on attainable goals during its initial launch. To better reflect a specific vision for the agency, a tribe can choose to include terms like food, nutrition, food sovereignty, natural resources, or sustainability in its official title.²⁰

Tribal departments of agriculture can be given jurisdiction over a wide variety of subject matter areas. Adopting a

more inclusive list may be useful for entities that plan to expand once additional capacity and funding become available. Examples of subject matter areas may include, but are not limited to, the following:²¹

- Horticulture (produce, fruits, and vegetables)
- Food safety (for both human and animal consumption)
- Seed preservation, protection, and propagation
- Meat and poultry inspection
- Forestry and silviculture, rural fire, forest tree improvement, and forest regeneration
- Diversified agricultural production (including direct farm marketing and value-added production)
- Traditional foods preservation, protection, and promotion
- Agricultural education, training and technical assistance (in partnership with tribal college, if applicable)
- Specialty meat, poultry, fish, and plant products (traditional and non-traditional)
- Agricultural data, statistics, and other agricultural research

Amidst the effects of the ongoing COVID-19 pandemic, establishing a tribal department of agriculture represents a consequential decision that can foster both short- and long-term resiliency within tribal food systems.

3 Passing Tribal Preference and Healthy Food Procurement Policies

Many federal agencies, states, and local jurisdictions have adopted policies that set guidelines for the food that is bought with government funds (e.g., food for meal service or vending machines on government property; meals for employee and government-related meetings). Tribal governments can adopt laws giving purchasing preference to foods that are grown, processed, and distributed by tribal members, as well as other local foods or foods from Native producers and Native-owned companies. Procurement guidelines can also consider nutritional value of foods and beverages. By incorporating foods that are produced by tribal members or other Native producers—as well as those that are indigenous or traditional to the tribe—tribal preference procurement policies can help strengthen food sovereignty and tribal food systems. Healthy food procurement policies can also promote healthier eating

habits by improving access to nutritious meals, beverages, and snacks. These policies serve to support Native producers through financial means and role modeling healthy food environments, setting a precedent of prioritizing the health and economic power of the community.

The Model Tribal Food and Agriculture Code provides model laws to help tribes decide what works for them based on their needs and goals. For example, tribes can reduce the availability of sugar-sweetened beverages, while making healthier foods (e.g., fruits, whole grain snacks, milk) easier to get and more convenient. Both the Lummi Nation and Lower Sioux Indian Community have passed resolutions to apply healthy food standards to foods served at events on government property. Defining terms such as “local” and “healthy” to set guidelines will be challenging and most likely vary widely by tribes.



FDPIR site, September 2014. From Bob Nichols/USDA

To establish these procurement preferences, tribal governments can pass resolutions, incorporate them into existing regulations, or amend existing procurement laws, policies, or manuals. The following list provides some examples of places that tribes might have jurisdiction in setting purchasing guidelines:

Examples of Spaces to Target Procurement Policies

- Vending machines
- Cafeterias
- Employee meetings
- Tribe-sponsored community events or conferences
- Tribe-sponsored powwows
- Food service programs, such as elder dining or employee dining programs where the tribal government pays for or subsidizes the food
- Any other programs that may serve food purchased with tribal government funds, such as youth programs or camps

4 Strengthening Tribal Consultation with the USDA and Other Government Agencies

The Tribal Leaders Consultation Working Group for the Federal Distribution Program on Indian Reservations (FDPIR) works closely with the U.S. Department of Agriculture to strengthen FDPIR and promote tribal sovereignty and food security. Strong collaboration and consultation between USDA and tribal leadership is key to addressing persistent and new challenges arising in the operation of FDPIR, which includes improving funding for infrastructure and nutrition education; ensuring consistent application of waivers for matching funds requirements; updating computer systems; bolstering contingency plans; and increasing access to high quality, local, tribally-produced, and traditional foods.

While tribes have been able to make gains under the current consultation policy with the USDA, there is room for improvement. For example, consultation meetings between states and ITOs can help tribes access state SNAP-ED funds to improve funding for FDPIR nutrition education activities. However, there is no legal obligation

for states to serve tribal jurisdictions and include tribal nutrition education in their SNAP-Ed state plans. Until tribes can manage SNAP-Ed and directly access these funds, it is vital to ensure that a FNS regional administrator is present at state consultation meetings to make certain that conversations are productive and that tribes can be served through the existing organization of the program.

Additionally, while the USDA Agricultural Marketing Service (AMS) has participated in FDPIR consultations, it would be helpful if AMS representatives were also a part of the FDPIR Food Package Review Work Group. As AMS performs market research for food package items (e.g., proposed Native foods), it would make the process for approval of new items more efficient; tribal leaders and AMS can communicate directly with each other to ensure that the foods are correctly assessed and alternatives are offered for review. Other considerations for the Tribal Leaders Consultation Working Group for FDPIR include: 1) It isn't an advisory committee, as consultation is exempt from the Federal Advisory Committee Act, which can limit the openness of the meetings and relevant reporting, 2) Tribal leaders are busy, so should be properly briefed prior to consultation and 3) Transition in federal and tribal leadership can pose challenges to continuity in communication and work; career staff and departing leadership should collaborate with newcomers to brief them on the consultation process and priorities.

"It is a priority of my Administration to make respect for Tribal sovereignty and self-governance, commitment to fulfilling Federal trust and treaty responsibilities to Tribal Nations, and regular, meaningful, and robust consultation with Tribal Nations cornerstones of Federal Indian policy. The United States has made solemn promises to Tribal Nations for more than two centuries. Honoring those commitments is particularly vital now, as our Nation faces crises related to health, the economy, racial justice, and climate change — all of which disproportionately harm Native Americans. History demonstrates that we best serve Native American people when Tribal governments are empowered to lead their communities, and when Federal officials speak with and listen to Tribal leaders in formulating Federal policy that affects Tribal Nations."

Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships, January 26, 2021²²

Having AMS liaisons to specifically address tribal food and agricultural systems can also ensure tribes receive the attention they need to pursue their goals.

Tribally-led consultation is a vital way to center tribal voices, expertise, and concerns in the development of policies that directly impact tribes. It has led to critical improvements for FDPIR and leads to better policy in Indian Country overall. In January 2021, President Biden issued an executive order reaffirming the importance of tribal consultation and asserting his administration's commitment to strengthening government-to-government relationships and honoring tribal sovereignty. Similar to President Obama, he has ordered agencies to submit their plans for consultation—developed with Tribal officials—to the Office of Management and Budget within 90 days of the executive order.

5 The Asterisk Nation of "Other" or "Something Else": Improving Research and Data Disaggregation

Research is a key tool of tribal sovereignty, providing data and information to guide the development of the programs, policies, and collaboration that can address long-standing issues in Indian Country. Better disaggregated data can help better diagnose persistent racial disparities and target solutions to challenges in food security, economic development, and healthcare.

Throughout the COVID-19 pandemic, the lack of reliable national data on the health and economic impacts has hidden the devastating consequences of the disease on many Native communities.²³ Although the CARES Act required state health departments to collect and report data on the race/ethnicity of coronavirus deaths and cases, some states still do not disaggregate for AI/AN and racial data on other indicators are few and far between. This data invisibility has hamstrung efforts to provide adequate testing, treatment, and resources to help Native people stay safe, healthy, and financially secure.

Additionally, Native researchers are underrepresented in academia. Greater funding of Indigenous educational institutions, community-based organizations, and individuals at non-Native institutions allows researchers to collect data on issues that are specific to Native communities and that vary by Tribe and region. It can also support the establishment of Indigenous



Staff at the opening of community testing sites at La Clínica and the Native American Health Center in Alameda County, California. From alamedahealthconsortium.org

knowledge in the academy, as academic research impacts policymaking. For example, the U.S. Dietary Guidelines—which inform federal nutrition programs—and the field of dietetics at large, are created primarily by white researchers. The federal committee that reviews food research to determine these guidelines does not examine research on the diets of racial/ethnic minorities; the paucity of research on Native American diets, compared to research on the diets of white Americans, results in dietary guidelines that are not culturally relevant to many communities of color.²⁴

In order to have timely, meaningful, and reliable data about Native people, it is necessary to improve data disaggregation, data infrastructure, interagency data sharing, and collaboration with Native communities. While the decennial census provides robust data disaggregated by race and ethnicity, many other surveys and reports—such as the USDA’s annual report on household food security—combines AI/AN with other racial groups. Survey data, as opposed to surveillance data, rely on collecting data from a representative sample; reports that do not disaggregate for AI/AN people typically cite that the sample size for AI/AN-identifying participants was not large enough to achieve statistical significance.

These sample size issues can be addressed through better outreach to Native communities. Federal agencies can greatly improve their data collection efforts by partnering with Native-run nonprofits and Native researchers. Amidst concerns about being overstudied and distrust of government institutions, Native leaders can bridge their communities with outside research teams. Research models like community-based participatory research (CBPR) can also bring community members into the process to ensure that research is done respectfully and transparently. Research goals and questions that are informed by tribal expertise result in better, more insightful data since community members know best where, how, and what information to collect.

At the start of his administration, President Biden signed an executive order on racial equity. Among several efforts to address equity for people of color, the executive order directs White House offices and federal agencies to examine barriers to racial equity.²⁵ It calls for the development of an Equitable Data Working Group (EDWG) to examine federal data infrastructure and provide recommendations to improve it. This is an important commitment to achieving equitable outcomes and an important first step to advance our knowledge base to do so.

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Conclusion

The COVID-19 crisis has highlighted vulnerabilities in various food systems and compounded existing health and economic disparities. It has exposed what many Native people have long known: that historic and contemporary systemic inequities left Indian Country underprepared in the face of the pandemic. Native communities suffer some of the highest rates of food insecurity, diet-related diseases, and poverty, and lack adequate infrastructure necessary for their health and well-being. It is these very challenges that left Native people more exposed and vulnerable to unemployment, illness, and death during the pandemic.

With the devastating health impact and economic fallout, there is an appetite for change. It is imperative that any action taken to relieve pandemic-era burdens have a long view and look towards ensuring the long-term security of Indian Country. This means not only bolstering food and unemployment assistance today, but also supporting mechanisms for economic development and Native entrepreneurship. It means meaningful redress of structural racism and altering current systems to advance tribal self-determination and self-governance.

The current emergency is a wake-up call to the fragility of existing food systems and how future disasters can threaten to upend lives in disproportionate ways. The pandemic and its consequences should not be viewed as aberrations, but rather as opportunities that grant Americans the insight, urgency, and political will to reform health and economic systems. An economic recovery, a vaccinated public, and a reopened country cannot leave Native communities behind. The devastating impact of COVID-19 in Indian Country is a clarion call to policymakers to build a more resilient future and a new normal that begins to address countless years of broken promises.

