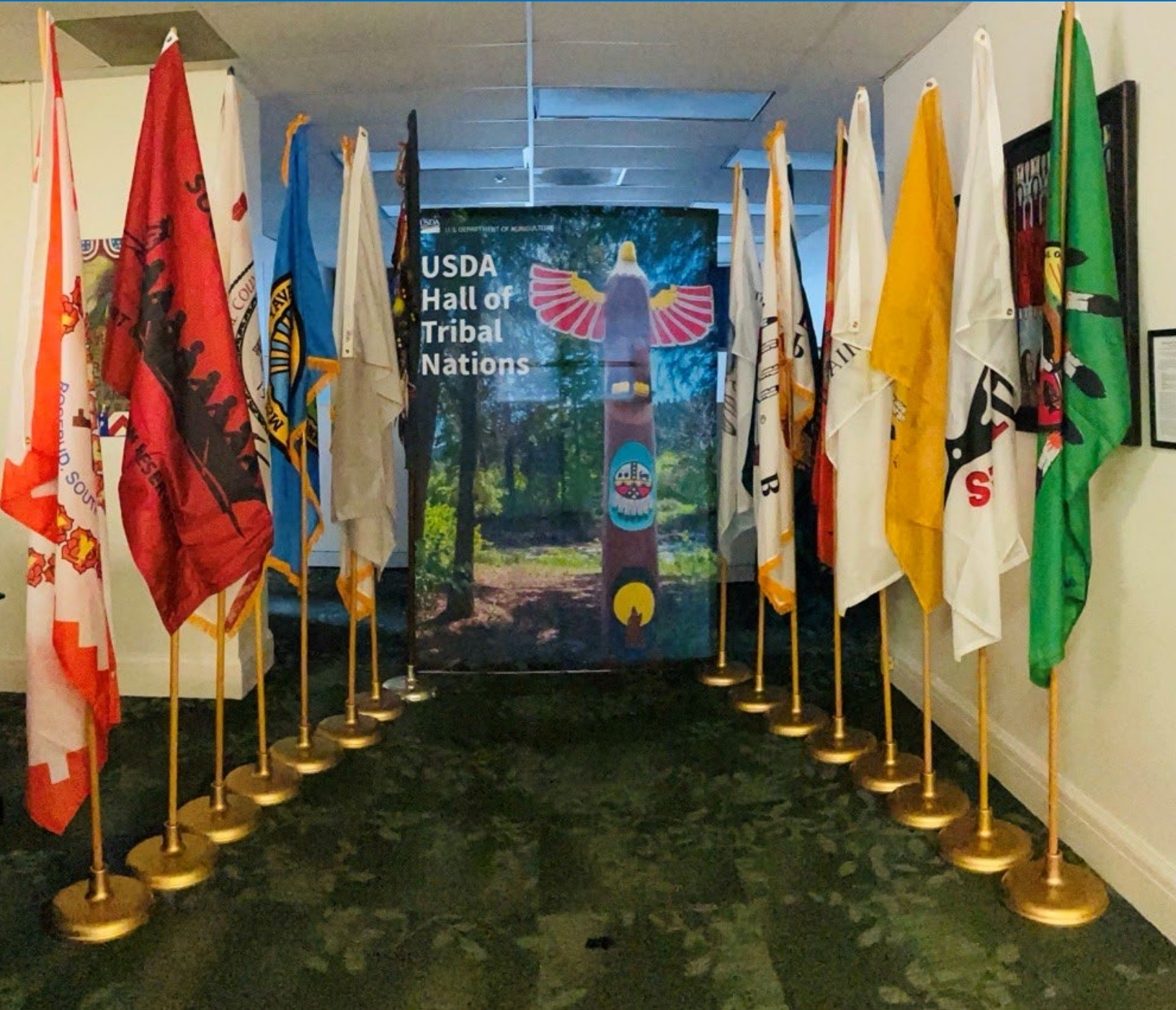




Office of Tribal Relations
U.S. DEPARTMENT OF AGRICULTURE

Equity Action Plan

(July 2023)



WWW.USDA.GOV/EQUITY/ACTION-PLAN

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Message from the Director



*Heather Dawn Thompson
Director, Office of Tribal Relations*

If federal policy were crafted through an indigenous lens, our work might look very different. The federal government has a challenging history to address in how we restore and strengthen our relationship with tribal nations.

The federal relationship with Indian Tribes, framed by the Constitution and through a series of treaties, was originally administered by the U.S. Department of War. When war was determined to be ineffective, federal policy transitioned to forced assimilation through a national boarding school system with the motto, “Kill the Indian, Save the Man.” Federal policies further interfered with or purposefully destroyed independent foodways to sever independence, while simultaneously diminishing land access and requiring adaptation of western farming and ranching in the effort to transition Tribal nations into a westernized ideal of what it means to be American.

That is the history we inherited. And our system’s design remains affected by those historical decisions. But together we move forward. We acknowledge the vestiges that remain and work together to reintegrate Tribal nations and indigenous values and remove the remaining historical barriers to fair access.

Tribal nations are sovereign governments. The federal government has a “Nation-to-Nation” relationship with Tribes, and thus engages with Tribes on a political basis. Due to the unique legal and historical relationship between Tribes and the Federal Government, the United States has a general trust responsibility and a duty to respect treaty rights. Additionally, Tribal land, which is often owned in trust by the United States Tribal status, requires a unique and tailored approach when addressing past inequities. As such, there are a series of Executive Orders and Memoranda that specifically address this unique relationship and responsibilities:

- [Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships](#) (January 2021)
- [Memorandum on Uniform Standards for Tribal Consultation](#) (November 2022)
- [Memorandum on Indigenous Traditional Ecological Knowledge and Federal Decision Making](#) (November 2022)
- [Memorandum on Guidance for Federal Departments and Agencies on Indigenous Knowledge](#) (November 2022)

- [Memorandum on Implementation of Guidance for Federal Departments and Agencies on Indigenous Knowledge](#) (November 2022)

Agriculture Secretary Tom Vilsack holds the general trust and treaty responsibilities to Tribal nations in the highest regard. To clearly redirect our historical policies during the 2021 White House Tribal Nations Summit, Secretary Vilsack announced the opening of a new Hall of Tribal Nations at USDA and the launch of a new Indigenous Food Sovereignty Initiative. This Initiative serves as the tip of the spear in helping USDA rethink our food and agriculture policies from an indigenous perspective as exemplified by the announcement in support of Tribal self-determination principles at USDA to better recognize our government-to-government relationship in our programming. USDA's commitment to Indian Country is also reflected through formal agreements:

- [Joint Secretarial Order with the Department of the Interior on Fulfilling the General Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters](#) (Nov. 2021)
- [Memorandum of Understanding on Native Languages](#) (Nov. 2021)
- [Memorandum of Understanding for the Protection of Indigenous Sacred Sites](#) (Nov. 2021)
- [Memorandum of Understanding for the Protection of Tribal Treaty Rights and Reserved Rights](#) (Sept. 2016)

As we continue making our resources more fair and more accessible for Tribal nations and their people, we offer a path forward together. Tribal nations are the original farmers, the original conservationist, and original stewards of our beautiful lands. Indigenous knowledge holds an important place in our collective future. Tribal sovereignty and success are essential for a strong and resilient America.

*– Heather Dawn Thompson
Director, USDA Office of Tribal Relations*

Introduction

The Office of Tribal Relations (OTR) is the point of contact at USDA for Tribal issues; OTR works to ensure that relevant programs and policies are efficient, easy to understand, accessible, and developed in consultation with the American Indians and Alaska Native constituents they impact. This is particularly important when it comes to Indian Country due to systemic inequities that have occurred over centuries that still reverberate today. OTR works in collaboration with mission areas and agencies within USDA, other federal agencies, Tribal governments, and other Tribal stakeholders to promote equity in all facets. Our work focuses on three priorities:

- I. **Equity/Removing Barriers.** Removing the barriers unique to indigenous and tribal access to USDA programs and services.
- II. **Tribal Self-Determination.** Promoting tribal self-determination principles throughout USDA in all aspects of USDA's work and programs.
- III. **Incorporating Indigenous Perspectives.** Adapting USDA's programs to include tribal values and indigenous perspectives.

These three priorities serve as a framework for OTR's short and long-term actions and goals. OTR has many functions at USDA, and it uses these functions in furtherance of these priorities.

By serving as the lead for tribal consultation, OTR ensures proper implementation of [Executive Order 13175](#), *Consultation and Coordination with Indian Tribal Governments*; [USDA's department regulation 1350-002](#), *Tribal Consultation, Coordination, and Collaboration*, and subsequent White House guidance and Executive Orders. OTR educates USDA's agencies on the consultation process and its importance as well as assisting agencies with their own Tribal consultations.

OTR also hosts consultations especially when they cover topics that cross multiple areas of USDA. Over the last three years, OTR has held an Equity and Barriers Consultation in response to [Executive Order 13985](#), *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, and [Executive Order 14091](#), *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. Covering all the USDA mission areas, these consultations provided an opportunity for Tribal leaders to identify to key USDA decision makers the barriers their Tribes have encountered and to work with USDA to formulate ways to reduce or eliminate those barriers. The feedback has become notably positive, showing the real progress that has occurred over the last three years from collaboration with Indian Country.

OTR's equity work is not limited to consultation. OTR conducts robust outreach to Indian Country to provide information on upcoming opportunities and offer assistance when necessary. This can come in regular communications, like the biweekly OTR newsletter, and more ad hoc actions, like program-specific webinars. Additionally, OTR has a cooperative agreement with the Intertribal Agriculture Council (IAC) to maintain the [Intertribal Technical Assistance Network \(ITAN\)](#) which provides technical assistance to Federally recognized tribal governments, their communities, and their constituents to enable and facilitate their access to all USDA programs and services. IAC sends quarterly reports to OTR illustrating through many different metrics the qualitative and quantitative impacts of ITAN.

OTR also emphasizes equity through its policy work. OTR's [Indigenous Food Sovereignty Initiative](#) has the express purpose of promoting traditional food ways, Indian Country food and agriculture markets, and Indigenous health through foods tailored to American Indian/Alaska Native (AI/AN) dietary needs. This initiative helps promote equity by having USDA partnering with tribal-serving organizations on projects to reimagine federal food and agriculture programs from an Indigenous perspective and inform future USDA programs and policies. Additionally, USDA ensures tribal perspectives are included in regulation review and USDA programs other agencies manage, with a particular emphasis on incorporating Indigenous Traditional Ecological Knowledge.

OTR has a unique combination of responsibilities when it comes to equity. While progress has happened over the last few years, there is still more work to be done. In collaboration with both federal colleagues and Indian Country, OTR will build on the work that has been done and continue to address any barriers to equity at USDA.

Accomplishments

Tribal Producer Opportunities Increased.

Agricultural Marketing Service (AMS) removed requirements for producer audits, reducing the burden on tribal producers. AMS created a tribal-government specific Local Food Purchase Agreement Program which significantly benefited Tribal/Native producers. A recent study by the Wallace Center affirms that tribal governments are utilizing [Local Food Purchase Assistance \(LFPA\)](#) to revitalize Native foodways. Through this program, Tribal governments, in addition to State and territory governments, are able to purchase foods from underserved and tribal food enterprises and distribute that food in a way that is culturally appropriate to their communities.

In addition, Food and Nutrition Service (FNS) implemented the [Food Distribution Program on Indian Reservations Pilot](#) which Tribes used to dramatically increase purchasing from Tribal/Native producers.

Tribal Trust Lands Eligible.

The U.S. Forest Service clarified that Tribal trust lands are not to be classified as “federal” lands and are eligible to serve as base property to qualify for Forest and National Grasslands grazing permits.

Tribal Government Consent Required.

Rural Development is clarifying that the permits and approvals for large infrastructure projects - broadband and electric - that are required before financing includes tribal government approvals when building on Tribal lands (often through a tribal resolutions of support).

Tribal Government-Owned Entities Eligible.

Rural Development proposed a rule for the Rural Business Development Grant (RBDG) program to clarify Tribal-owned entities are eligible for these grants and better recognize how Tribes structure themselves. Indigenous Animals Eligible.

The Farm Services Agency (FSA) ensured that bovine tuberculosis (*M. bovis*) in bison was eligible for the Livestock Indemnity Program (LIP). AMS created the Indigenous Animals Meat Processing Grant to acknowledge the unique indigenous animals and processing methods in Indian Country.

Indigenous Foods Included.

The Food and Nutrition Service is working on the Child Nutrition Program requirements to ensure indigenous starchy vegetables - like timsila (prairie turnips) – can be used instead of grain requirements.

Equity Actions

I. Removing the barriers for indigenous and tribal access to USDA programs and services.

- **In collaboration with USDA’s Food Nutrition Service and Agricultural Marketing Service, OTR is creating a pilot project for [Food Distribution Program on Indian Reservations \(FDPIR\)](#) with tribal-informed purchase specifications for ground bison.** The pilot project focuses FDPIR procurement processes on solely serving tribal communities to test the flexibilities of existing procurement authorities to better incorporate a key tribally identified indigenous food. After

initial implementation we hope to replicate the process with seafood procurement. The pilot will begin this month with a solicitation for bids.

- **Where Tribes hold land in trust, that is not otherwise managed under an approved tribal Agricultural Resource Management Plan (ARMP), the Bureau of Indian Affairs (BIA) manages the leasing process for tribal agricultural lands.** OTR will work to identify and address misalignment with BIA Agricultural Leases. OTR will work with BIA to help align BIA lease terms requirements with the Farm Service Agency agricultural financing option program requirements and Natural Resources Conservation Service conservation planning and practice standards, to help streamline the process for Native producers and land managers.
- **Equity review of Forest Service grazing leasing process:** OTR will review leasing practices for more equitable opportunities including ensuring tribal applicants and tribal lands are eligible to compete for forest and grasslands leases.
- **Identify best mapping for tribal lands for regulatory jurisdiction:** Rural Development (RD) has made great strides requiring tribal resolutions of support for non-tribal applicants to Rural Utility Service electric and broadband programs when they are operating within tribal jurisdiction. Now, we need to work with Tribes to uniformly identify where Tribes maintain regulatory jurisdiction. Defining tribal land in this context would provide for greater notice clarity in the application process.
- **Institutionalize eligibility of tribal owned entities:** Because Tribes lack a tax base, tribal nations must systematically operate on the commercial market to accrue revenue necessary to provide their nation, and often neighboring communities, with (public) goods and services. The ability for Tribes to access RD programs supporting community infrastructure and workforce/market development has been inhibited. For example, many states have limited Community Facilities Financing to only those areas of a facility that are not revenue generating. Addressing these barriers to better recognize the variety of tribal governmental structures underscores USDA's general trust responsibility to support tribal self-governance and economic development interests.

II. Promoting tribal self-determination throughout USDA

- **Implementing USDA's incorporation of tribal self-determination principles.** OTR serves as a primary point of contact for tribal issues and fully supports tribal self-determination principles. OTR manages a Tribal Empowerment Specialist Team to ensure Tribes are fully informed about FS, RD, and NRCS Inflation Reduction Act opportunities that promote tribal self-determination principles. OTR will continue to advise the implementation and direction of the Secretary's tribal self-determination principles within FNS, FS, NRCS, FSIS, and AMS.
- **Streamline Congressionally mandated land acquisitions and Excess Real Property:** OTR will work with the USDA to provide guidance for implementing tribal land restoration statutes and for processing excess or surplus real property transfers in order to increase efficiency, decrease

tribal expenses where possible, and further the goals of the Joint Secretarial Order 3404. This will include any necessary coordination with General Services Administration, U.S. Department of the Interior, and the White House's Office of Management and Budget.

III. Adapting USDA's programs to include tribal values and indigenous perspectives

- **Increase indigenous foods and tribal empowerment in the School Lunch Program.** There is a disconnect in some places between state regulations and federal regulations that make serving some traditional foods in school lunches challenging. Food and Nutrition Service (FNS) and OTR will continue to explore improvement of the dynamics. FNS is also working on increasing access to reimbursement for indigenous foods in school lunches.
- **Incorporating tribal flexibilities and priorities in National Resource and Conservation Service's (NRCS) programs:** OTR worked with NRCS to align conservation priorities and programs with resource availability or preferred land management strategies in Indian Country. This year, NRCS will begin prioritizing Indigenous Stewardship Methods, also referred to as Indigenous Traditional Ecological Knowledge, in the [Conservation Innovation Grant](#) applications. Additionally, the Secretary has challenged OTR to coordinate with NRCS on ensuring that NRCS better engages with Tribal nations and their communities and reframes the [Regional Conservation Partnership Program](#) to include targeted tribal self-determination principles.

For more information on equity at OTR, and all of USDA, see usda.gov/equity.

Selected Equity Resources and Information

USDA Equity-Related Summary Reports and Guidance

Programmatic Equity at USDA

- [Equity Website](#)
- [Equity Accomplishments](#)
- Equity Action Plan: [Full Plan | Summary](#) (February 2022)
- [USDA Environmental Justice Scorecard](#)
- [USDA Advisory Committees](#)

Equity Commission

- [Equity Commission Website](#)
- [2023 Interim Report | USDA Response](#) (February 2023)
- [Respuesta al Informe Interino de la Comisión de Equidad del USDA](#) (Febrero 2023)

Departmental Orders and Memoranda Relating to General Trust and Treaty Obligations

- [Joint Secretarial Order with the Department of the Interior on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters](#)
- Interagency [Memorandum of Understanding on Native Languages](#)
- Interagency [Memorandum of Understanding for the Protection of Indigenous Sacred Sites](#)
- Interagency [Memorandum of Understanding for the Protection of Tribal Treaty Rights and Reserved Rights](#)

Office of Tribal Relations Resources

- [USDA Tribal Consultations Webpage](#)
- [InterTribal Technical Assistance Network](#)
- [Indigenous Food Sovereignty Initiative](#)
- Food Distribution Program on Indian Reservations
- [Scholarships for Native American Students: Learn about Financial Aid, Advocacy Groups and Tribal Colleges](#)
- [2022 USDA Tribal Youth Resource Guide](#)
- [2016 USDA Resource Guide for American Indians & Alaska Natives](#)

Selected Equity-Related Executive Orders and White House Resources

- [White House Equity Page](#)
- [Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#)
- [Executive Order 13175, Consultation and Coordination with Indian Tribal Governments](#)
- [Executive Order 14091, Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#)
- [Executive Order 14096, Revitalizing our Nation's Commitment to Environmental Justice for All](#)
- [Memorandum on Guidance for Federal Departments and Agencies on Indigenous Knowledge](#) (November 2022)

- [Memorandum on Implementation of Guidance for Federal Departments and Agencies on Indigenous Knowledge](#) (November 2022)
- [Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships](#) (January 2021)
- [Memorandum on Uniform Standards for Tribal Consultation](#) (November 2022)
- [Memorandum on Indigenous Traditional Ecological Knowledge and Federal Decision Making](#) (November 2022)

USDA Mission Statement

“To serve all Americans by providing effective, innovative, science-based public policy leadership in agriculture, food and nutrition, natural resource protection and management, rural development, and related issues with a commitment to delivering equitable and climate-smart opportunities that inspire and help America thrive.”

Department Equity Action Plan Strategies

1. Reducing Barriers to USDA Programs

USDA is reducing barriers to programs and improving support to underserved farmers, ranchers, landowners, businesses, and communities, including by providing ways for stakeholders to share their experiences, insights, and needs and by incorporating that input into policy development and implementation improvement.

2. Partnering with Trusted Technical Assistance Providers

USDA is partnering with trusted technical assistance providers to ensure that underserved producers and communities have the support they need to access USDA programs.

3. Directing USDA Programs to Those Who Need Them the Most

USDA programs are targeting those who need them the most, including by increasing infrastructure investments that benefit underserved communities.

4. Expanding Equitable Access to USDA Nutrition Assistance Programs

USDA is expanding equitable access to USDA nutrition assistance programs to ensure that those who qualify are able to participate, those who participate get benefits that are meaningful, and those who receive those benefits can use them conveniently and in ways that promote improvements in their health and well-being.

5. Advancing Equity in Federal Procurement

USDA is advancing equity in Federal procurement, by providing underserved and disadvantaged businesses, tools and resources to increase access to funding opportunities and expand their network to develop critical local, State, regional, and National relationships.

6. Upholding General Federal Trust and Treaty Responsibilities to Indian Tribes

USDA is upholding the general Federal trust and treaty responsibilities to Indian Tribes, removing barriers to access USDA programs, incorporating tribal self-determination principles, and including indigenous values and perspectives in program design and delivery.

7. Committing Unwaveringly to Civil Rights

USDA has committed unwaveringly to civil rights, working to equip its civil rights offices with the tools, skills, capacity, and processes essential to enforce and uphold civil rights effectively and efficiently.

8. Operating with Transparency and Accountability

USDA is operating transparently and accountably, providing information on Department programs that Congress, stakeholders, and the general public need to hold us to account on our equity agenda, and working systematically to collect and take account of public feedback.



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