Child Nutrition Reauthorization: Strengthening Programs in Tribal Communities[1]

BACKGROUND

The reauthorization of the federal Child Nutrition Programs presents a unique opportunity to correct federal policy that has exacerbated food insecurity in Indian Country. Specifically, by including provisions that support access to the Child Nutrition Programs for Native youth and better program operations — most importantly incorporating Tribal sovereignty — in Child Nutrition Reauthorization (CNR), Congress can ensure the Child Nutrition Programs reach and serve their Tribal constituents in a more efficient and effective manner. To do this, we propose the following recommendations, which are discussed in detail in the following sections:

- expand Tribal 638 authority — self-governance authority throughout CNR programs to allow Tribes to administer the Child Nutrition Programs themselves;
- allow all schools located on or near Tribal lands to offer healthy school meals to all students at no charge;
- increase the reimbursement rates for schools and Child and Adult Care Food Program (CACFP) operators across Indian Country to offset the higher cost of doing business in and around Tribal communities due to a lack of adequate infrastructure and/or Tribes' frequently remote, rural locations; and
- streamline access to Native-produced and culturally relevant foods in Child Nutrition Programs.

WHAT IS CHILD NUTRITION REAUTHORIZATION?

The Child Nutrition and WIC Reauthorization Act authorizes the federal Child Nutrition Programs. The Child Nutrition Programs reach millions of children each day and support educational achievement, economic security, nutrition, and health. Although most of the programs are permanently authorized, about every five years, Congress reviews the laws governing these programs through the reauthorization process. The current law, the Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296), expired on September 30, 2015. The annual appropriations process has maintained program funding for the Child Nutrition Programs that are not permanently authorized for funding, such as the Summer Food Service Program and WIC, continuing operations when a reauthorization is delayed.

These recommendations would not only alleviate the food insecurity that has plagued Indian Country for centuries, but also provide a source of economic stability by supporting local Tribal producers who are best suited to feed their fellow community members.

An analysis of the food insecurity trends of Indian Country compared to other racial and ethnic groups in the United States highlights that "[f]rom 2000 to 2010, 25% of [American Indians/Alaskan Natives] AI/ANs remained consistently food insecure and … were twice as likely to be food insecure when compared to white [communities]."[2] Food insecurity in Indian Country is only amplified when federal policies and programs fail to respond to the needs of Tribal communities. An example given in the Native American Agriculture Fund's Reimagining Hunger Responses in Times of Crisis Report states that, "food assistance was delayed to Native communities because Tribal governments are not listed as eligible administrators of some commodity programs and the child nutrition programs."[3]

1 This policy brief is a product of the collaboration between the Intertribal Agriculture Council (IAC) and the Food Research & Action Center (FRAC). IAC was founded in 1987 to pursue and promote the conservation, development, and use of our agricultural resources for the betterment of our people. It is part of our mission to address systemic inequities and barriers to accessing federal feeding programs by advocating for Tribal nutrition provisions as Child Nutrition Programs are improved and expanded in the next Child Nutrition Reauthorization. Founded in 1970, FRAC is the leading national nonprofit organization working to end poverty-related hunger and undernutrition in the United States by conducting research on effective solutions to hunger and coordinating a nationwide network of advocates, service providers, and policymakers.

2 Jernigan, V., Huyser, K. R., Valdes, J., & Simonds, V. W. (2017). Food Insecurity Among American Indians and Alaska Natives: A National Profile Using the Current Population Survey — Food Security Supplement. *Journal of Hunger & Environmental Nutrition*, 12(1), 1–10. https://doi.org/10.1080/19320248.2016.1227750.

3 Stanger-Mclaughlin, T., Martini, S., Henchy, G., Jacobs, K., Parker, E., Segrest, V. (2021). Reimagining Hunger Responses in Times of Crisis. https://nativeamericanagriculturefund.org/wp-content/uploads/2018/04/Reimagining -Hunger-Responses-in-Times-of-Crisis.pdf.

Currently, all of the Child Nutrition Programs, except for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), are administered by state governments, which increases the steps needed for Tribes to receive program benefits. It is particularly difficult for Tribal Nations bordering multiple states, such as the Navajo Nation, which are considered to be part of multiple states, and thus, must coordinate with multiple state agencies to provide community nutrition assistance through the Child Nutrition Programs. Funding and programs intended to support food security and meet the nutritional needs in Tribal communities are only effective if they reach the intended children and families and are tailored to meet the needs of the Tribal communities. Further, these programs enhance the overall food security and improve nutrition across Indian Country, while also offering the potential to bolster economic development in Tribal communities through federal procurement contracts with local Native American agriculture producers.

Child Nutrition Reauthorization holds many opportunities for expanding Tribal sovereignty, supporting Tribal self-determination, and helping Tribes feed themselves. Tribe- or Tribal-member-specific usage data is not available for all of the programs covered by CNR; however, where data is available, it indicates that these nutrition programs are used with frequency throughout Indian Country. The National School Lunch Program (NSLP) and School Breakfast Program (SBP) both play a key role in feeding Native youth. More than 878,000 children who identified as AI/AN — either solely or in combination with other races — have received free or reduced-price school lunches in an average month.[4] Younger Native children benefit from these nutrition programs, as well. Around the country, 152 AI/AN Head Start programs in 26 different states participate in the Child and Adult Care Food Program.[5] Since the start of the Farm to School Grant Program in 2013, 10 grants have been awarded to Indian Tribal Organizations, and $974,078 has been allocated for training, outreach, and implementation of Farm to School programming in American Indian communities through the program. Other programs such as the Summer Food Service Program (SFSP) and WIC, help to fill the nutrition gap outside of the school environment. Through the Summer Food Service Program (SFSP), one in every seven of those children who receive free or reduced-price meals during the school year continues to receive meals during the summer months.[6] WIC, one of the few nutrition programs Indian Tribal Organizations can directly administer, is another critical resource for Tribal communities to help ensure Native children are receiving appropriate nutrition. In 2020, 476,182 AI/AN infants and children were served through WIC, and 6.8% of all WIC participants identified as American Indian.[7] This is disproportionately high considering that only 2.9% of the population identified as AI/AN, alone or in combination with another race, in the 2020 Census.[8]

LITERATURE REVIEW

American Indians/Alaskan Natives experience disproportionately high rates of food insecurity[9] and diet-related diseases, such as obesity, heart disease, and Type 2 diabetes.[10,11,12] During COVID-19, Native communities have disproportionately struggled with food access and food security, with one study finding that one in two American Indian/Alaskan Native survey respondents experienced food insecurity and one in four experienced very low food security.[13]

4 Gordon, A., Oddo, V. (2012). Addressing Child Hunger and Obesity in Indian Country: Report to Congress.https://fns-prod.azureedge.us/sites/default/files/IndianCountry.pdf.

5 Indigenous Food and Agriculture Initiative. (2019). Child Nutrition Programs in Indian Country [Fact Sheet]. https://secureservercdn.net/104.238.69.81/jm4.e6c.myftpupload.com/wp-content/uploads/2020/03/Child-Nutrition-Programs-in-IC.pdf.

6 Food Research & Action Center. (2019). FACTS: The Summer Food Service Program [Fact Sheet]. https://frac.org/wp-content/uploads/sfsp_fact_sheet.pdf.

7 Kline, N., Zvavitch, P., Wroblewska K., Worden, M., Mwombela, B., & Thorn, B. (2022). WIC Participant and Program Characteristics 2020. U.S. Department of Agriculture, Food and Nutrition Service.

8 *Research Policy Update: A First Look at the 2020 Census American Indian/Alaska Native Redistricting Data*. (2021, August 13). National Congress of American Indians Policy Research Center. Retrieved June 4, 2022, from https://www.ncai.org/policy-research-center/research-data/prc-publications/Overview_of_2020_AIAN_Redistricting_Data_FINAL_8_13_2021.pdf.

9 Jernigan, V. B. B., Huyser, K. R., Valdes, J., & Simonds, V. W. (2017). Food Insecurity Among American Indians and Alaska Natives: A National Profile Using the Current Population Survey — Food Security Supplement. Journal of Hunger and Environmental Nutrition. 12(1):1–10.

10 Hipp, J., Echo Hawk, C., & Pipestem, W. (2015). Feeding Ourselves: Food Access, Health Disparities, and the Pathways to Healthy Native American Communities. Available at: https://nativeamericanagriculturefund.org/reports/. Accessed on August 13, 2021.

11 Adamsen, C., Schroeder, S., LeMire, S., & Carter, P. (2018). Education, Income, and Employment and Prevalence of Chronic Disease among American Indian/Alaska Native Elders. Preventing Chronic Disease. 15(3):E37.

12 Artiga, S., & Orgera, K. (2020). COVID-19 Presents Significant Risks for American Indian and Alaska Native People. Available at: https://www.kff.org/coronavirus-covid-19/issue-brief/covid-19-presents-significant-risks-for-american-indian-and-alaska-native-people/. Accessed on August 13, 2020.

13 The Native American Agriculture Fund, Food Research & Action Center, & Indigenous Food and Agriculture Initiative. (2022). *Reimagining Hunger in Times of Crisis: Insights from Case Examples and a Survey of Native Communities' Food Access During COVID-19*. Available at: https://frac.org/research/resource-library/reimagining-hunger-in-times-of-crisis-insights-from-case-examples-and-a-survey-of-native-communities-food-access-during-covid-19. Accessed on May 27, 2022.

Disparities in food security and nutrition in Indian Country are a result of centuries of failed federal policies aimed at eradicating Tribal Nations.[14] Historical traumas have impacted traditional foodways, or the connection between culture, community, and the production and consumption of food. These traumas include the loss of food sovereignty from the forced relocation of Native people from ancestral lands, forced cultural assimilation policies, disrupted land management and fractionation, Tribal termination and land privatization, and the substitution of Native, culturally appropriate foods with commodity foods.[15,16,17] Importantly, there are 574 federally recognized Tribes, which broadly share these historical traumas but have their own unique historical and social influences on food insecurity and nutrition.[18]

Barriers to obtaining Native traditional food include barriers to production, such as permits limiting access to hunting, discriminatory farm-lending practices, fishing or farming and degradation of the environment.[19,20] In addition, current procurement and vendor rules for the federal nutrition programs create significant barriers to local, traditional, or Native-produced foods, favoring large producers and excluding Tribal producers.[21]

Tribal food sovereignty is not just about the ability to produce food, but also about the spiritual connection between culture, food, and the land, requiring the intergenerational exchange of sacred food knowledge and customs.[22] However, the recent loss of Tribal elders due to the COVID-19 pandemic has resulted in the devastating loss of cultural knowledge and language that are typically passed down through oral histories and traditions.[23,24] As of May 2022, COVID-19 mortality rates have been highest among Indigenous communities, more than twice the rate of White communities.[25]

Barriers to buying healthy food in Native communities include the lack of transportation and the higher cost of food in Tribal areas that are often in more remote locations.[26] In addition, lack of investment in infrastructure is a significant barrier to preparing healthy food. Individuals who live on Tribal land are more likely to live in severely crowded housing situations and less likely to have access to clean water, sewage disposal, and plumbing.[27,28,29]

Nutrition and anti-hunger policy that supports Tribal Nations in administering food programs and procuring Tribally produced agriculture is more effective and should be a priority.[30] Research indicates that having access to Native foods is associated with higher food security.[31] A recent systematic review found that health and nutrition interventions that scored higher in principles of Indigenous food sovereignty were more likely to show a positive impact on dietary quality. These guiding principles include "(1) community ownership, (2) inclusion of cultural food knowledge, (3) promotion of traditional and local foods, and (4) environmental changes to promote access to land, food, and maintain intervention sustainability."[32]

14 Lewis, M. E., Volpert-Esmond, H. I., Deen, J. F., Modde, E., & Warne, D. (2021). Stress and Cardiometabolic Disease Risk for Indigenous Populations throughout the Lifespan. *International Journal of Environmental Research and Public Health*. 18(4):1821.

15 Blue Bird Jernigan, V., D'Amico, E. J., Duran, B., & Buchwald, D. (2020). Multilevel and Community-Level Interventions with Native Americans: Challenges and Opportunities. *Prevention Science*. 21(Suppl 1):65–73.

16 Gurney, R. M., Caniglia, B. S., Mix, T. L., & Baum, K. A. (2015). Native American Food Security and Traditional Foods: A Review of the Literature. *Sociology Compass*. 9(8):681–93.

17 Sowerwine, J., Sarna-Wojcicki, D., Mucioki, M., Hillman, L., Lake, F., & Friedman, E. (2019). Enhancing Food Sovereignty: A Five-Year Collaborative Tribal-University Research and Extension Project in California and Oregon. *Journal of Agriculture, Food Systems, and Community Development*. 1–24.

18 Nikolaus, C.J., Johnson, S., Benally, T., Maudrie, T., Henderson, A., Nelson, K., Lane, T., Segrest, V., Ferguson, G.L., Buchwald, D. & Blue Bird Jernigan, V. (2022). Food Insecurity Among American Indian and Alaska Native People: A Scoping Review to Inform Future Research and Policy Needs. *Advances in Nutrition*.

19 Sowerwine, A. J., Berkeley, U. C., Mucioki, M., Berkeley, U. C., Hillman, L., Tribe, K., & Berkeley, U. C. (2019). Restoring Access to Native Foods Can Reduce Tribal Food Insecurity: Research Findings.

20 Walch, A., Loring, P., Johnson, R., Tholl, M., & Bersamin, A. (2019). Traditional Food Practices, Attitudes, and Beliefs in Urban Alaska Native Women Receiving WIC Assistance. *Journal of Nutrition Education and Behavior*. 51(3):318–25.

21 The Native American Agriculture Fund, Food Research & Action Center, & Indigenous Food and Agriculture Initiative. (2022). *Reimagining Hunger in Times of Crisis: Insights from Case Examples and a Survey of Native Communities' Food Access During COVID-19*. Available at: https://frac.org/research/resource-library/reimagining-hunger-in-times-of-crisis-insights-from-case-examples-and-a-survey-of-native-communities-food-access-during-covid-19. Accessed on May 27, 2022.

22 Mihesuah, D.A. and Hoover, E. eds., 2019. *Indigenous food sovereignty in the United States: Restoring cultural knowledge, protecting environments, and regaining health* (Vol. 18, p. 390). Norman: University of Oklahoma Press.

23 Wernick, A. (2021). *COVID-19 deaths among tribal elders threaten cultural loss*. Available at: https://www.pri.org/stories/2021-02-11/covid-19-deaths-among-tribal-elders-threaten-cultural-loss. Accessed on August 19, 2021.

24 Healy, J. (2021). *Tribal Elders Are Dying From the Pandemic, Causing a Cultural Crisis for American Indians*. https://www.nytimes.com/2021/01/12/us/tribal-elders-native-americans-coronavirus.html. Accessed on August 11, 2021.

25 "The color of coronavirus: COVID-19 deaths by race and ethnicity in the U.S." (2022). APM Research Lab. Available at: https://www.apmresearchlab.org/covid/deaths-by-race. Accessed on May 27, 2022.

26 Waxman, E. (2016). *Mapping Food Insecurity and Distress in American Indian and Alaska Native Communities*. Available at: https://www.urban.org/urban-wire/mapping-food-insecurity-and-distress-american-indian-and-alaska-native-communities. Accessed on August 13, 2020.

27 Artiga, S., & Orgera, K. (2020). *COVID-19 Presents Significant Risks for American Indian and Alaska Native People*. Available at: https://www.kff.org/coronavirus-covid-19/issue-brief/covid-19-presents-significant-risks-for-american-indian-and-alaska-native-people/. Accessed on August 13, 2020.

28 Hipp, J., Echo Hawk, C., & Pipestem, W. (2015). *Feeding Ourselves: Food Access, Health Disparities, and the Pathways to Healthy Native American Communities*. Available at: https://nativeamericanagriculturefund.org/reports/. Accessed on August 13, 2021.

29 Eichelberger, L., Dev, S., Howe, T., Barnes, D. L., Bortz, E., Briggs, B. R., Cochran, P., Dotson, A. D., et al. (2021). Implications of Inadequate Water and Sanitation Infrastructure for Community Spread of COVID-19 in Remote Alaskan Communities. *Science of the Total Environment*. 776:145842.

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31 Sowerwine, J., Mucioki, M., Sarna-Wojcicki, D. & Hillman, L. (2019). Reframing food security by and for Native American communities: A case study among tribes in the Klamath River basin of Oregon and California. *Food Security*, 11(3), pp.579-607.

32 Maudrie, T.L., Colón-Ramos, U., Harper, K.M., Jock, B.W. & Gittelsohn, J. (2021). A Scoping Review of the Use of Indigenous Food Sovereignty Principles for Intervention and Future Directions. *Current Developments in Nutrition*, 5(7), p.nzab093.

RECOMMENDED PROVISIONS FOR CHILD NUTRITION REAUTHORIZATION

Tribal Sovereignty in Administration of Programs

Tribal Nations and their governments have known best how to feed their communities since time immemorial. This sentiment still rings true today. Although federal nutrition assistance programs have and continue to play a key role in addressing food insecurity in Tribal communities, Tribal administration of these programs can lead to improved programmatic delivery to those who rely on these programs to feed their families. While there has been some hesitancy around supporting Tribal administration of federal feeding programs, mostly due to misinformation about the ability and capacity of Tribes to carry out these programs, the Tribes that would be interested in taking over federal feeding programs are the ones best equipped to do so. Already, 33 Tribes administer the Special Supplemental Nutrition Program for Women, Infants, and Children, 102 Tribes administer the Food Distribution Program on Indian Reservations (FDPIR), and three Tribal entities[33] have administered the Summer EBT demonstration pilots.[34,35,36]

The 2018 Farm Bill made enormous strides in the expansion of opportunities for Tribal sovereignty and self-determination with the 638 ("638") Tribal Self-Governance Demonstration Projects for FDPIR serving as a prime example of what Tribes can accomplish if given the opportunity. Currently, eight Tribal Nations participate in 638 FDPIR Demonstration Projects. Implementation took three years as USDA-FNS organized itself administratively (and received training on Tribal contracting and food procurement from their colleagues at the Bureau of Indian Affairs), and the projects are now in full swing.

Thus far, their reception has been exceptionally positive. Tribal producers, who previously faced nearly insurmountable barriers to becoming contractors for federal food procurement programs, including FDPIR, now have the opportunity to feed their communities through these 638 projects. The projects allow Tribal producers, who traditionally have smaller operations, to feed households for one or a few Tribes at a time rather than 45,000–90,000 households, as would typically be required under traditional USDA procurement regulations.[37] Producers have a steady, predictable stream of orders and are not required to scale up to an unsustainable level in order to fulfill these contracts.

Tribal citizens are able to access local, Tribally-produced, and often traditional foods for free through the FDPIR food package. These foods would typically be challenging if not impossible for FDPIR food recipients to access due to the cost and or lack of accessibility through traditional retailers. It provides these consumers healthier, more culturally relevant foods, contributing to the physical, emotional, and cultural health of the community.

For Tribal leaders, 638 projects offer an additional avenue for exercising their right to Tribal sovereignty and self-determination. Tribes are able to use the funds, provided by USDA, to directly purchase food from the producers they choose to work with, and to choose foods which might not ordinarily be considered among the typical traditional Native foods that USDA is used to working with. These eight Tribes running the projects have three years of funding to continue operating. Already, after just a few short months, there have been many calls to make these projects permanent and to open the project to more Tribes. These 638 FDPIR projects are a perfect example of the successes in combating food insecurity which can occur when Indian Country is given the opportunity to govern itself and the programs its people need, and this approach should be extended to the federal Child Nutrition Programs.

33 Two Tribal governments (Cherokee Nation and Chickasaw Nation) and the Inter Tribal Council of Arizona are the three entities.

34 Food and Nutrition Service U.S. Department of Agriculture (2022). Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) State Agency. https://www.fns.usda.gov/wic/state-agency.

35 Benefits.gov, Food Distribution Program on Indian Reservations (FDPIR). https://www.benefits.gov/benefit/360#:~:text=Currently%2C%20102%20tribal%20organizations%20and,to%20certain%20American%20Indian%20households.

36 Food Research & Action Center (2021). FRAC Facts: The Summer Electronic Benefit Transfer Program (Summer EBT). https://frac.org/wp-content/uploads/frac-facts-summer-ebt-program.pdf.

37 United States Department of Agriculture (2020). Food Distribution Program on Indian Reservations [Fact Sheet]. https://fns-prod.azureedge.us/sites/default/files/resource-files/fdpir-program-fact-sheet-2020-for%20website.pdf.

Provide Healthy School Meals for All Students On or Near Tribal Lands

All students attending schools on or near Tribal lands should be offered free school meals. The vast majority of students in Indian country are eligible for free school meals, and it is an unnecessary administrative burden for schools to have to document all students' household income. A wide body of evidence demonstrates the many values of offering meals at no charge to all students. Among the many benefits of offering free meals to all students are:

- ensures access to nutritious meals to all students as a key educational and health support;
- eliminates the tiered eligibility system that limits participation for too many children whose families are struggling to make ends meet;
- reduces the stigma associated with participating in school meals;
- eliminates school meals debt; and
- significantly reduces the administrative work required to operate the School Nutrition Programs and improves school nutrition finances.[38]

Since March 2020, all schools have been given flexibility during the COVID-19 pandemic through USDA's child nutrition waivers to offer free meals at no charge to students, but this flexibility expired on June 30, 2022. Given the ongoing economic impacts of the pandemic, as we look toward the 2022–2023 school year and beyond, it is critical that as many students as possible across the country maintain access to free meals. This is particularly true for Native students. In addition to being more likely than the general population to live under the federal poverty line (34% vs. 19%),[39] Native children are twice as likely to be food insecure and to qualify for free or reduced-price meals when compared to their white peers (28% vs. 16%[40] and 68% vs. 28%,[41] respectively). For this reason, offering free school meals to all students on or near Tribal lands is an issue of racial equity.

During normal times, the tiered payment system currently in place through statute both purposefully and inadvertently excluded students in need of a nutritious lunch and breakfast because of stigma, eligible children falling through the cracks and not being certified for the free or reduced-price meal that they are eligible to receive, and school lunch fees, which can lead struggling but ineligible families to opt out of participating or cause them to accrue school meal debt. Millions of children — in some states, estimates are as high as 1 in 3 eligible students[42] — who could receive a free school breakfast or lunch chose not to participate due to the stigma felt by students that the program is "for poor kids."[43] Three out of four school districts reported struggling with school meals debt before the pandemic, with numerous news stories that covered the issue highlighting school districts' practices of providing partial meals with weak nutritional value, and identifying and embarrassing students who owe school meals debt. We cannot go back to this version of "normal" operations. Simply put, students in Indian Country or anywhere else should not have to miss out on the myriad of benefits school meals offer because of the perceptions of their classmates, they were not certified to receive the free school meals they are eligible to receive, or their inability to pay even a reduced price.

38 Food Research & Action Center (2021). The Case for Healthy School Meals for All. Available at: https://frac.org/wp-content/uploads/SchoolMealsForAll.pdf.

39 First Nations Development Institute (2018). Outcomes Under the Nourishing Native Children: Feeding Our Future Project. Available at: https://www.firstnations.org/wp-content/uploads/publication-attachments/Nourishing_Native_Children_EvalFINALsmall2.pdf.

40 USDA Food and Nutrition Service (2012). Addressing Child Hunger and Obesity in Indian Country: Report to Congress Summary. Available at: https://fns-prod.azureedge.us/sites/default/files/IndianCountrySum.pdf.

41 Jernigan, V., Huyser, K. R., Valdes, J., & Simonds, V. W. (2017). Food Insecurity among American Indians and Alaska Natives: A National Profile Using the Current Population Survey — Food Security Supplement. *Journal of Hunger & Environmental Nutrition*, 12(1), 1–10. https://doi.org/10.1080/19320248.2016.1227750.

42 Brown, A., & Bilski, J. (2017). Fighting the stigma of free lunch: Why universal free school lunch is good for students, schools, and families. Available at: https://www.fordfoundation.org/news-and-stories/stories/posts/fighting-the-stigma-of-free-lunch-why-universal-free-school-lunch-is-good-for-students-schools-and-families/.

43 Poppendieck J. (2010). Free for All: Fixing School Food in America. Available at: https://www.ucpress.edu/book/9780520269880/free-for-all.

Increasing Reimbursement Rates on Tribal Lands

Research demonstrates that food costs are higher in Indian Country than they are in the rest of the United States. A First Nations Development Institute study from 2018 found that the cost of basic food staples (including milk, bread, eggs, chicken, ground beef, apples, tomatoes, regular coffee, and decaffeinated coffee) on non-Tribal lands in the lower 48 states was $23.28, whereas on Tribal lands in the lower 48 states, the same food staples cost $31.69, and in Alaska the price was even higher at $59.12.[44] A study on federal reservations in Washington state from 2012 found that in addition to high food costs, many living on reservations do not have access to retailers that sell nutritious food, indicating broader lack of access to nutritious foods on Tribal lands.[45]

Even before the COVID-19 pandemic, the cost of providing a nutritious, high-quality meal that meets the rigorous standards of federal Child Nutrition Program meal patterns has often been higher than the federally provided reimbursement rates. For the average school food authority, federal reimbursement rates on average only covered 93% of the cost for lunches and 82% of the cost for breakfast, as detailed in USDA's 2019 School Meal and Nutrition Cost Study.[46] Inadequate Child and Adult Care Food Program reimbursement rates are also frequently cited as a barrier preventing child care providers from operating the program, meaning many young children are missing out on healthy CACFP meals and snacks in child care.[47,48,49,50,51] Unfortunately, USDA's Economic Research Service has observed that food prices have only continued to rise as a result of the COVID-19 pandemic, with costs rising about 3.5% in 2020, about 4% in 2021, and are expected to rise an additional 6% to 8% in 2022.[52]

Providing these same healthy and nutritious meals to students on Tribal lands, where food costs are much higher than elsewhere in the United States,[53] necessitates the increase in the federal reimbursement level for qualifying meals served through the federal Child Nutrition Programs in the lower 48 states to rates similar to Alaska and Hawaii, and to further raise the reimbursement rate for the state of Alaska to accommodate higher food costs there.

Higher food costs on Tribal lands also necessitate making permanent the COVID-19 waiver for CACFP that eliminates the area eligibility test for family child care homes to receive the higher, Tier 1 reimbursement rate. Currently, under the COVID-19 waiver, all family child care homes qualify for the highest reimbursement rate, Tier 1. This eliminates the usual 50% low-income threshold a provider's area must meet to receive the higher reimbursement rate. This threshold is not an effective mechanism because it misses many providers serving low-income children. This is especially true in rural and suburban areas (which do not typically have the same pattern of concentrated poverty seen in some urban areas) and areas with high cost of living.

For children on Tribal lands, this, coupled with high rates of poverty in Indian Country, ultimately means that the meals they receive at school and in child care are the most reliable source of nutritious food they have access to, underscoring the importance of these meals in their overall health and well-being.[54] In order to ensure that these meals meet the nutrition standards outlined by statute and enforced by USDA and meet the quality Tribal students need and to overcome the higher cost of food, Congress should increase the reimbursement rates for all Child Nutrition Programs operating on Tribal lands both in the lower 48 states and in Alaska. In addition, Congress should provide the highest CACFP reimbursement rate (Tier 1) for all family child care home providers on Tribal lands by permanently eliminating the area eligibility requirement and increase it to address the higher costs of providing meals on Tribal land.

44 First Nations Development Institute. (2018) Indian Country Food Price Index: Exploring Variation in Food Pricing Across Native Communities — A Working Paper II. Available at: www.firstnations.org/wp-content/uploads/publication-attachments/Food%20Price%20Index%202018FINALsmall.pdf.

45 O'Connell, Meghan, Buchwald, Dedra S., and Duncan, Glen E. Journal of the American Dietetic Association (2012). Food access and cost in American Indian communities in Washington State. Available here: https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3164540/.

46 USDA Food and Nutrition Service (2019). School Nutrition and Meal Cost Study Summary of Findings. Available at: https://fns-prod.azureedge.us/sites/default/files/resource-files/SNMCS_Summary-Findings.pdf.

47 Green, R. (March 2021). Enhancing CACFP for Equitable Access to Healthy Meals and Healthy Futures for Young Children. Statement for the Record Child Nutrition Reauthorization: Healthy Meals and Healthy Futures U.S. Senate Committee on Agriculture, Nutrition, and Forestry. Available at: https://www.agriculture.senate.gov/hearings/child-nutrition-reauthorization-healthy-meals-and-healthy-futures.

48 Dev, D.A., Garcia, A.S., Dzewaltowski, D.A., et. al. (March 2020). Provider reported implementation of nutrition-related practices in childcare centers and family childcare homes in rural and urban Nebraska. *J Prev. Med. Rep.* https://doi.org/10.1016/j.pmedr.2019.101021.

49 Adams, G., Hernandez, F. (April 2021). The Child and Adult Care Food Program and Home-Based Child Care Providers: Expanding Participation. *Urban Institute*. Available at: https://www.urban.org/sites/default/files/publication/104166/the-child-and-adult-care-food-program-and-home-based-child-care-providers-expanding-participation_1.pdf.

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Culturally Relevant and Tribally Produced Food Procurement

USDA encourages Child Nutrition Program operators in Indian County to use traditional food products as part of reimbursable meals.[55] However, current child nutrition procurement rules and WIC vendor rules create significant barriers to local, traditional, and Native-produced foods, favoring large producers and excluding Tribal producers.[56,57] Streamlining access to Native-produced foods in Child Nutrition Programs is necessary to help improve child health and ensure food sovereignty while also supporting economic development for Native food businesses.

Research indicates that having access to Native foods is associated with higher food security.[58] A recent systematic review found that health and nutrition interventions that scored higher in principles of indigenous food sovereignty were more likely to show a positive impact on dietary quality.[59] Additionally, federal procurement represents a significant opportunity for Tribal and Native small food businesses.[60] The Native American Contractors Association reports that in fiscal year 2011, Native American-owned companies represented just 1.3% of all federal procurement and 6.7% of small business contracting.[61]

Congress should create efficient pathways for Native-produced food products to be included into the existing meal patterns for school meals, out-of-school time meal programs, and the Tribal child care programs (including Head Start and other CACFP locations) through values-aligned procurement principles. Congress also should streamline processes for Native producers to become WIC vendors redeeming the WIC fruit and vegetable cash value benefit.

Congress should remove the barriers to including culturally relevant foods in school meals, by mandating consistency in how state agencies incorporate "traditional foods," regardless of the food items' specific inclusion on the list of USDA-approved foods for school meals, and reduce the burdens on Native American producers hoping to enter into procurement contracts with school districts by allowing Tribes to "638" school meal programs, removing the need for Tribal producers to apply for a Data Universal Numbering System (DUNS), a current requirement for competing in the federal procurement contract process.

CONCLUSION

Child Nutrition Reauthorization provides an important opportunity to ensure that the federal Child Nutrition Programs are retooled to make long-needed, permanent improvements that optimally serve the needs of children and families in Indian Country. By allowing for greater Tribal sovereignty over the programs, providing free meals to all students attending schools on or near Tribal land, allowing for the procurement of Native foods, and making improvements to WIC and CACFP, Congress will ensure that Native children and families will be able to better benefit from the federal Child Nutrition Programs for years to come. As Congress considers Child Nutrition Reauthorization legislation, we urge them to include the critical provisions recommended in this brief in the final bill.

This brief was prepared by Intertribal Agriculture Council's Lexie Holden, Abby Rohweder, and Elaine Zhang, and by Food Research & Action Center's Allyson Pérez, Katie Jacobs, and Allison Lacko.

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