

Tribal Leaders Consultation Work Group (TLCWG)
Food Distribution Program on Indian Reservations (FDPIR)
June 27, 2023
Enclosure: Attachment B

Answers to Follow-Up Items

- 1. Tribal leaders asked if all the job descriptions for the Tribal Affairs Specialists are the same. USDA will follow-up and share the Tribal Affairs Specialist job description(s) used.**

Yes, all TAS job descriptions are the same. The Job Announcement and recruitment approach has been changed to reach qualified candidates.

The big change we made to obtain Tribal expertise and cultural competency was in our recruitment approach and in the Job Announcement, not the Job Description. We are utilizing a selective placement factor in our hiring process to make Indigenous knowledge and experience a foundational requirement for eligibility for the positions.

Our approach in hiring tribal facing positions is to obtain applicants with Indigenous knowledge, skills, and experience as well as demonstrated experience in working in Tribal Communities. This is also supported by making these positions available for remote work so applicants are not required to move from their community and using a robust outreach effort in partnership with Tribes to promote these job announcements.

FNS position descriptions for Tribal-facing positions require expertise in Federal and State policies, regulations, treaties, and laws regarding American Indians/Alaska Natives and Native Hawaiians, as well as experience in establishing and maintaining working relationships with Tribes.

To obtain candidates with the required expertise, the job announcements for recent Tribal-facing positions at FNS have included a selective placement factor which requires “Experience working in, with and/or for Tribal governments, Tribal entities, and/or Tribal Organizations.” To meet this requirement, the applicant’s resume must clearly demonstrate experiences: in Communicating effectively to demonstrate knowledge of Native American Indian cultures, treaties, and agreements with respect to critical issues facing Native American Indian Tribes; experience in Partnering with Native American Indian Tribal governments who have diverse interests, concerns, issues, and values that are often specific to individual Tribes; and experience in Evaluating the content of new or modified legislation at the federal, Tribal, or state levels for projected impacts upon Tribal organizations, programs, and resources.

FNS advertised for the position widely and the Indigenous Food and Agriculture Initiative helped, and the Office of Tribal Relations at USDA put it in their newsletter and on social media.

2. Tribal leaders asked for cultural competency training details and for the training to be shared with them for their review.

Tribal Tech, the company contracted by USDA to conduct cultural competency training, provided the following overview of their training materials.

Facilitated by [Tribal Tech LLC](#)

Topics of training:

- ❖ History between Government and Tribes
- ❖ Attempts to exterminate Tribal practices and communities.
 - Government campaigns, Save the Man, Kill the Indian, Boarding schools
- ❖ Removal
 - Division of families
 - Loss of land connections
 - Disruption of foodways
 - Introduction to federal rations
- ❖ Government-to-Government
 - Federal Trust Responsibility
 - Tribal Sovereignty
- ❖ Engagement w/Tribes
 - Honoring protocols
 - Understanding each Nation is unique
 - Follow through, earning/keeping trust

3. Tribal leaders asked what specific changes have been made to the interagency agreement (IAA) between USDA/FNS and DOD/DLA?

USDA/FNS and DoD/DLA are revising its interagency agreement to further enhance sections of it to be more responsive to Tribal needs. Many revisions include feedback shared from the FDPIR community. Specific changes include: increase customer support at FDPIR receiving agency sites by increasing communication, ensuring complaints are responded to timely, and routinely performing inspections at point of receipt to ensure delivery meets contract obligations; develop and implement performance metrics on spoilage rates and requirements to work directly with commercial vendors who exceed performance target; and add language to be able to explore expansion of fresh produce into other nutrition assistance programs.

4. Tribal leaders asked we provide information regarding fill rate percentages by region.

FNS staff is currently working on providing the fill rate percentage and will provide the information in follow-up communication to Tribal leaders.

- 5. Tribal leaders requested a report out of the SNAP-Ed Tribal consultations that occurred at the State level. USDA and Tribal leaders suggested that an FDPIR session be held at the SNAP annual conference.**

SNAP States have until August 15th to submit their annual State SNAP-Ed plans via N-PEARS, and currently do not have access to the information yet. The FNS Regions should receive the plans for review by then but have until 9/30 to approve them. FNS also builds in time for data checks and cleaning. FNS will run a report in late Oct/early November for FY2024 plans.

SNAP is unclear which SNAP conference should include an FDPIR session and shared that Association of SNAP Nutrition Education Administrators (ASNNA) is the first week of February and is specifically focused on SNAP-Ed.

- 6. Tribal leaders asked if any tribal data is used in the CSFP funding formula?**

Federal statute and regulations outline that CSFP administrative funding must be allocated each year to participating State agencies and Indian Tribal Organizations (ITOs) using an administrative grant per assigned caseload slot formula. This formula is outlined in Section 5(a) of the Agriculture and Consumer Protection Act of 1973, as amended (P.L. 93-86) and Federal regulations at 7 CFR § 247.22(b). This formula states that the amount of the grant per assigned caseload slot is equal to prior year's amount, adjusted by the percentage change between:

- (1) The value of the State and local government price index, as published by the Bureau of Economic Analysis of the Department of Commerce, for the 12-month period ending June 30 of the second preceding fiscal year, and
- (2) The value of that index for the 12-month period ending June 30 of the preceding fiscal year.

The State and local government price index used in the formula measures inflation via government consumption expenditures and gross investment. Data from Indian Tribal governments is utilized in calculating the price index.

- 7. Tribal leaders asked if USDA is open to creating pilots in CSFP for Tribes, specifically related to fresh produce?**

FNS is open to exploring a potential fresh fruit and vegetable pilot in CSFP for Tribes. FNS is currently reviewing and revising its interagency agreement with the Department of Defense (DoD) as well as looking at opportunities internally to determine the feasibility of being able to conduct such a pilot.

- 8. Tribal leaders asked about a potential CSFP food package Work Group.**

The Commodity Supplemental Food Program (CSFP) provides a supplemental food package to income eligible participants that contains a variety of foods with important nutrients for older adults such as protein, calcium, and iron. Unlike FDPIR, statute dictates that the total amount of administrative funding each CSFP state agency receives, including Indian Tribal Organizations (ITOs), must be determined on a per assigned caseload basis each year. Regulations require CSFP State agencies to pass a defined portion of these administrative funds to local agencies for administration of the program, which includes activities such as determining household eligibility for participation in addition to receiving, storing, and distributing USDA Foods.

The USDA is committed to ensuring that USDA Foods offered through the CSFP contribute to a healthy diet and are responsive to participants' needs. To accomplish this while considering the administrative constraints of the program, the USDA Food and Nutrition Service (FNS) does not have plans to establish a workgroup similar to the FDPIR Food Package Review Work Group but will engage with program stakeholders, including Tribal partners, to get input on foods offered in the CSFP food package so that State agencies can order foods that best meet the needs of CSFP participants in their communities. We encourage you to share any feedback that may benefit your program operations with your FNS Regional Office.

9. Tribal leaders asked for streamlined eligibility between CSFP and FDPIR.

FNS incorporated this feedback from Tribal leaders into the proposed rule, *Food Distribution Programs: Improving Access and Parity* (88 FR 54908). Though specific changes are not being proposed in the rule at this time, FNS is requesting public comment on a future change to allow CSFP State agencies and Indian Tribal Organizations to accept participation in Federal programs such as the Supplemental Nutrition Assistance Program (SNAP), FDPIR, and Social Security Income (SSI) as demonstrating income eligibility for CSFP. We encourage Tribal leaders and other program stakeholders to submit feedback on this potential, future change via the public comment process. The proposed rule is available [here](#) and comments may be submitted via the Federal eRulemaking [Portal](#) until October 13, 2023. <http://www.regulations.gov> Section 1.a.v of the proposed rule, Eligibility Requirements, outlines the specific feedback that FNS is hoping to receive about this topic.

10. Tribal leaders requested Regional Administrators attend future consultations.

FNS will commit to ensuring Regional Administrator representation at future Tribal Consultations.

11. Tribal Leaders asked to participate in the “unpacking of evaluations” of tribal related studies (also expressed concern about the evaluators not being Indigenous or familiar with Tribal communities).

FNS currently has one active FDPIR study (the FDPIR QRS assessing barriers to access among the homebound and elderly) and another study that will be awarded by the end of FY23 (the FDPIR Participant Characteristics and Program Operations Study). The FNS Office of Policy Support hires contractors to conduct these studies and always requires that the contractor have experience working with Indigenous or Tribal populations. For the FDPIR QRS, the current contractor is working with the Urban Institute, who has experience conducting research with Tribal communities, including through the last FDPIR Characteristics Study (conducted in 2013).

FNS recently posted the FDPIR Participant Characteristics and Program Operations (PCPO) study as a small business set aside; quotes are due from contractors later this month. Contractor proposals will be evaluated based on past experience working with Native American households and Tribal organizations in a research context, familiarity with food distribution programs, and demonstrated cultural understanding of Tribal communities.

This study will set-up a technical working group (TWG) that will provide expert review and input throughout the study, including Tribal engagement, design, analysis, interpretation, and reporting. The TWG will also ensure the study is appropriate for the lived experience of FDPIR participants and staff and avoids biases resulting from the researchers' or members' own backgrounds. The TWG may consist of members who, collectively, have a broad depth of expertise in FDPIR and the methods used for this study, including FNS National and Regional Office staff, and researchers with experience conducting FDPIR studies. The TWG membership shall also include FDPIR participants, Tribal leaders or their representatives, and ITO or State agency staff to capture the lived experience of those receiving and operating the program.