



## Food Distribution Program on Indian Reservations (FDPIR) Tribal Leaders Consultation Working Group Briefing Paper February 2024

The Food Distribution Program on Indian Reservations (FDPIR) provides nutritious USDA Foods to income-eligible households living on Indian reservations and to income-eligible Native American households residing in approved areas near reservations or service areas in Oklahoma. In fiscal year (FY) 2024, the average monthly participation for the year to-date is estimated at 53,277 individuals, as of October 2023, which is an increase from the previous year.

Each month, participating households receive a food package to help them maintain a nutritionally balanced diet. Participants may select from over 100 products, including a selection of fresh produce and seven traditional foods as available: ground bison, bison stew meat, blue cornmeal, wild salmon, traditionally harvested wild rice, catfish, and walleye. The program is authorized through 2024 under the Agriculture Improvement Act of 2018 (the 2018 Farm Bill) extension.

### FDPIR Annual Participation Levels – Monthly Average/Person

FY 2020	FY 2021	FY 2022	FY 2023	FY 2024*
74,878	47,983	45,193	49,629	53,277

\*Official data as of October 2023

### FDPIR Funding\*

Appropriated/PB	FY 2022	FY 2023	FY 2024*
Administrative Expenses	\$62.669M	\$63.0M	\$68.6M
USDA Foods	\$63.331M	\$99.150M	\$96.401M
<b>Total</b>	<b>\$126.0M</b>	<b>\$162.150M</b>	<b>\$165.001M</b>
<b>Additional Funding</b>			
Nutrition Education (formerly FDPNE)	\$998K	\$998K	\$998K
638 Demonstration Project	\$3.0M	\$3.0M	\$3.0M

\*President's Budget requested amounts for FY 2024. FDPIR is currently funded through Continuing Resolutions, which extend through March 1, 2024.

Agenda Topics are in **bold underline**.

#### I. **Executive Order 14112, on Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination**

- a. Discussion regarding implementation in FDPIR
  - On December 6, 2023, President Biden signed Executive Order 14112, *Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination*.
  - The Executive Order:
    - Requires federal agencies to take action to ensure federal funding for Tribes is accessible, flexible, and equitable.

- The Executive Order directs all federal agencies to look at reforming federal funding programs that support Tribes. It moves federal funding programs closer to the model of the Indian Self-Determination and Educational Assistance Act, which has allowed Tribal Nations to build and run their own hospitals, schools, and police forces to better meet the needs of their communities using the same federal dollars.
  - It also directs federal agencies, in coordination with the White House Council on Native American Affairs, to redesign or administer programs in a manner that reflects trust in Tribal priorities and deference to Tribal decision-making, recognizing that Tribal governments bring invaluable expertise in how to effectively meet the needs of their citizens and steward their ancestral homelands.
  - The Executive Order directs agencies to pursue compacting, contracting, co-management, co-stewardship, and other agreements within their authority to better partner with Tribal Nations to administer federal programs and services.
  - Agencies are also directed to identify programs where Tribal set-asides can be established, streamlined applications for funding to reduce the burden on Tribal governments can be identified, unnecessary restrictions on how Tribes can spend federal funds can be removed, and cost-sharing requirements for Tribal governments can be mitigated.
- Creates a one-stop-shop for federal funding available to Tribes. The [Tribal Access to Capital Clearinghouse](#) launched at the Tribal Nations Summit to provide a one-stop-shop for Tribes and Native businesses to find federal funding.
- Better embraces our trust responsibilities by assessing unmet federal obligations to support Tribal Nations.
  - The Executive Order directs the White House Council on Native American Affairs, the Office of Management and Budget (OMB), and the White House Domestic Policy Council to work across the Federal Government to measure the chronic funding shortfalls of existing federal funding for Tribes and develop recommendations for what additional funding and programming is necessary.
  - On an annual basis moving forward, federal agencies will be required to report on their progress implementing those recommendations.
- **Implications for FDPIR:** Regarding FDPIR, as with all USDA programs, there will be an opportunity to 1) assess unmet budget needs, and 2) identify statutory or regulatory impediments as part of the process to report to OMB and the White House Domestic Policy Council.

## II. FDPIR Characteristic Study

- a. Update on Technical Working Group (Tribal representation)
- b. Data from Inventory Food Management System (IFMS), Signal and Automated Inventory System (AIS) for Demographic Profile

### Update on Technical Working Group (Tribal representation)

- FNS is pleased to announce that we have successfully recruited 20 Technical Working Group (TWG) members to achieve the desired representation. Our TWG comprises a diverse mix, including Tribal leaders, Program directors from FDPIR agencies, FNS National and Regional Office staff, and researchers with extensive knowledge of Tribes and FDPIR.
- The TWG will provide guidance on all aspects of the study (including Tribal engagement, design, analysis, interpretation, and reporting). The first meeting of the TWG is proposed for the end of February 2024.

### Data from IFMS, Sygnal and AIS for Demographic Profile

- Tribal leaders have voiced concerns about the burden on Indian Tribal Organizations (ITOs) caused by the study. To alleviate this burden, one proposed solution is for FNS to extract case record data directly from electronic data record systems on behalf of the ITOs. FNS seeks Tribal leader feedback on this approach. FNS will also seek feedback from TWG members and seek approval from selected ITOs.

### III. Improving Access and Parity Proposed Rule

#### a. Feedback from Tribal leaders on outreach efforts

- On August 14, 2023, FNS published a proposed rule entitled [Food Distribution Programs: Improving Access and Parity](#) in the Federal Register. The rule proposed regulatory changes in several USDA Foods programs including FDPIR.
- Proposed revisions to FDPIR (7 CFR Part 253 and 7 CFR Part 254) focused on aligning eligibility requirements and improving parity with the Supplemental Nutrition Assistance Program (SNAP). Many households participate in FDPIR as an alternative to SNAP, and the proposed changes were intended to better align the programs regarding eligibility and benefits provided.
- A summary of the proposed changes and a [webinar](#) describing the proposed changes specific to FDPIR can be found at the FNS website: <https://www.fns.usda.gov/usda-foods/improving-access-parity-proposed-rule>.
- The comment period for the proposed rule closed on October 13, 2023. FNS received 155 comments, 30 of which referenced FDPIR.
- The public comments received generally supported the proposed changes to the FNS Food Distribution Programs including FDPIR and provided valuable feedback on where FNS can improve the provisions. This feedback will be incorporated into the final rule. The proposed rule solicited public comment on some topics without associated proposed regulatory language. Some of this feedback cannot be incorporated into the final rule and will need to be addressed in subsequent rulemaking.
- FNS plans to publish the final rule, Food Distribution Programs: Improving Access and Parity by September 30, 2024.
- FNS welcomes feedback from Tribal leaders on outreach efforts relating to the implementation of this final rule.
  - For example, FNS proposed that State agencies, ITOs, and other affected parties must implement the provisions of this rule no later than 60 days after the date of publication of the final rule. FNS is interested in feedback on whether Tribal Leaders think any provisions from the proposed rule may need additional time to implement beyond the 60 days proposed.
  - FNS is also seeking feedback on the types of resources and communications that would be useful to FDPIR ITOs during implementation of the Final Rule and in providing technical assistance on the new provisions.

#### IV. Cultural Competency Training Update

- a. Update from FNS
- b. Tribal Affairs Specialists update

##### Training Update

- As shared at the last consultation, FNS has contracted with the Indigenous woman-owned agency, Tribal Tech LLC, to create and deliver a comprehensive range of Tribal Cultural Awareness training courses and resources.
- A series of nine trainings is being developed covering a wide range of topics and intended for a wide array of audiences, including both Tribal-facing staff as well as policy staff, leaders, and external partners such as DoD staff. In addition, a series of six e-courses is being developed that will be available to all FNS staff.
- FNS conveyed feedback received from Tribal leaders and Tribal Tech's training and e-course plans were recently approved. The contractor is now in the training development phase, with the first round of trainings and e-courses to be delivered in the spring.

##### Tribal Affairs Specialists (TAS) Update

- In FY23, there were a variety of Tribal-related trainings provided to FNS national and regional office employees to increase understanding and implementation of Tribal cultural competency and Federal-Tribal trust responsibilities. Some highlights of the trainings included:
  - Regional trainings about working with Tribes led by Tribal Affairs Specialists. The sessions provided regional employees with a historical and administrative overview of Tribal relations as well as lived experience and tips for creating or increasing cultural competency when working with Tribes.
  - Cultural competency via an Indigenous-led training for Tribal Affairs Specialists and FDPIR staff.
  - Multiple "Eat and Educate" webinars for all FNS staff where the training served as a foundational start to building awareness and understanding covering topics of history, Food Sovereignty, Traditional Foodways, and Indigenous Traditional Ecological Knowledge.

#### V. 638 Self-determination Contracting

- a. Update from FNS

- FNS is currently working with Round 1 Tribes (8) to modify and extend their period of performance beyond the end of their contract period, September 2024.
- Some Tribes in Round 1 have sufficient funds to extend beyond September 2024 without additional funds, while other Tribes need additional resources to continue demonstration activities and food procurement.
- FNS intends to extend all Round 1 contracts for an additional two years through June 2026. This would align Round 1 Tribes with the period of performance in contracts of Round 2 Tribes.
- In addition, FNS is working with the Tribes that need additional funds to provide an allocation using the balance of FY 2023 demonstration funds, which is approximately \$1.3M.
- The President's Budget request for FY 2024 includes \$5.0M to support demonstration project activities, an increase of \$2.0M from the previous year. The Senate's FY 2024 appropriations bill includes the \$5.0M as requested in the President's Budget. The House of Representative's FY 2024 appropriations bill includes \$3.0M for the demonstration project. To date, Congress has not yet passed a FY 2024 appropriations bill.

## VI. USDA DoD Fresh Fruit and Vegetable

- a. Summary of activities
- b. Continued discussion on fresh produce

### Summary of Activities

- **Interagency Agreement:** Updates to the interagency agreement (IAA) between FNS and DoD Defense Logistics Agency (DLA) are being finalized. The revisions further enhance USDA DoD Fresh inspection requirements, complaint process, recipient agency communication, vendor accountability/contracting, and potential expansion into other nutrition programs. Many of the revisions focus on ensuring ITO concerns and needs are addressed timely and properly accounted for in future vendor contracts.
- **USDA DoD Fresh Program Meetings:** FNS continues to facilitate regularly scheduled collaborative meetings with DLA and FDPIR program staff to listen and discuss concerns and determine remedies. The last meeting was held on January 24, 2024, and covered the topics of fill rate, DLA visits, and a demo of new complaint reporting functionality in FFAVORS (Fresh Fruit and Vegetable Ordering and Reporting System), which is scheduled to be made available in April 2024.
- **Interim Incident Tracking System:** DLA and FNS continue to track issues with produce quality, availability, and deliveries to FDPIR sites. During the period of July 2023 – January 2024, ITOs received over 39,941 pounds, 1,313 cases of fresh fruits and vegetables and eggs through USDA DoD Fresh.
- **Automated Incident Reporting System:** FNS is working with the FFAVORS (Fresh Fruit and Vegetable Reporting System) contractor to incorporate a longer-term solution to allow FDPIR program operators to report issues or concerns and facilitate greater awareness and transparency for program operators, vendors, DLA, and FNS. This additional functionality is tentatively planned for April 2024 and was previewed at the last DoD program meeting held on January 24, 2024.
- **Update FDPIR Fresh Fruit and Vegetable List:** FNS is working with DLA to review and evaluate the list of produce offerings and the information collected from produce vendors on pack size, seasonal and domestic availability. This list will be shared with USDA DoD meeting members for further discussion.
- **Develop and Implement Produce Training Program:** FNS awarded a cooperative agreement to develop and implement a culturally competent produce training program for FDPIR program operators to the Indigenous Food and Agriculture Institute (IFAI) with the University of Arkansas. The award is for a 2-year period of performance for IFAI to deliver a pilot training and 3-4 additional trainings scheduled to be delivered beginning FY 2024.
- **Continued USDA DoD Fresh Produce Inspections:** FNS will continue to perform produce quality inspections of vendor facilities for FDPIR and schools, as needed. With help from the USDA Specialty Crops Inspection Division (SCI) under the Agriculture Marketing Service (AMS), produce quality checks on selected produce orders scheduled to be delivered the next day are inspected at vendor facilities to ensure produce quality standards are met.

## VII. USDA Foods

- a. Availability of Products at National Warehouses

- On January 11, 2024, AMS awarded a new contract for the receipt, storage and distribution of USDA Foods for FDPIR and the Commodity Supplemental Food Program (CSFP). The contracted warehouse receives full truckloads of CSFP and FDPIR food items to store and further distribute the products to smaller CSFP locations and nearly all FDPIR locations. Currently, two vendors with a total of three warehouses store about \$50 million of inventory for FDPIR and CSFP. Only one vendor (a current incumbent with one warehouse) was awarded the contract for March 1, 2024 - February 28, 2025, with four subsequent option years. FNS is actively working on the transition in contracts to minimize any disruption in service to our partners.

- Inventory needed to distribute a full FDPIR food package at the two national multi-food warehouses for FDPIR is currently in stock with a variety of options across all categories.
- There have been instances over the last few months where some individual product inventory, at the Nampa warehouse particularly, was lower than normal for short periods of time.
  - Reasons for the lower inventory include a system security breach for Americold in the spring of 2023, which created capacity concerns and the need to limit and prioritize inbound deliveries, unknown take rates when the food package enhancements were added in the fall of 2023, delays in receiving FY 2023 funding to make some purchases and vendor-specific supply delays.
- FNS monitors inventory at both warehouses daily and requests expedited delivery of specific products whenever possible to mitigate the length of time any particular food item is out of stock.

## VIII. Nutrition Symposium

### a. Update from FNS

- The inaugural FDPIR Nutrition Education Symposium will be held in May 2024 – location and dates TBD.
- The 2.5-day symposium will convene FDPIR program staff, Tribal nutritionists, public health professionals, community health champions, and affiliates from across the country to discuss the current state of FDPIR nutrition education and provide pathways for sharing, collaboration, and planning.
- The Symposium will feature interactive cooking demos, panel discussions, focus groups, and various presentations from nutrition professionals working in FDPIR.
- All creative elements of the event, including the symposium tagline – *Indigenous Roots: Sharing Traditions and Creating Pathways to Nourish our Communities* – and agenda components such as presentations, breakouts, and activities, as well as suggestions for speakers and visual identity are informed by a planning group, made up of individuals who work with FDPIR programs and/or have experience with tribal communities.
- The planning group consists of nutritionists from the FDPIR Food Package Review Workgroup, two Native Food and Nutrition Resource Alliance (NFNRA) board members, the Oklahoma Tribal Engagement Partners (OKTEP), and FNS national and regional office staff. The planning group meets monthly and to date, has had held three meetings.
- FNS plans to release registration information by mid-February. There will be no cost to register; registration will cover travel costs for FDPIR staff. FNS will provide bi-monthly status updates to the NAFDPIR Board.

## IX. State SNAP-Ed Consultations

- SNAP State agencies are required to report on their SNAP-Ed tribal consultation plans each August in their State Plans, and on their consultation efforts each January in their annual reports.
- FNS implemented a new nationwide SNAP-Ed data system, the National Program Evaluation and Reporting System (NPEARS), in Summer 2023 in time for the FY 2024 State Plan submissions.
  - Recently, States reported their FY 2023 Annual Reports in the NPEARS system. As expected with a first year of data collection in a new system, FNS is identifying areas where additional clarity is needed to ensure consistent and reliable reporting of SNAP-Ed data, including around tribal consultation plans and efforts.
  - At this time, we are analyzing the reported data and are not yet able to report a full picture on tribal consultation plans or efforts. However, we will share preliminary data on State plans by the end of March 2024.
- At the same time, FNS National Office and Regional Office staff are working together to gather

additional information from States on SNAP-Ed tribal consultations for both oversight and technical assistance purposes.

- Further, in recent months, FNS issued an updated guide for conducting management evaluation oversight reviews of State SNAP-Ed agencies, which includes requirements for oversight of tribal consultation efforts. FNS staff were trained on the updated guide and are expected to be using it as they conduct SNAP-Ed oversight reviews in 2024. This follows on FNS's inclusion of more direct guidance on tribal consultations in the FY 2024 SNAP-Ed Guidance for States and Implementing Agencies.

#### **X. State SNAP Call Centers**

- a. Update on increasing coordination with ITOs to better serve program participants including identifying a National SNAP point person for ITOs
  - b. Discussion with the American Public Human Services Administration (APHSA)
- FNS SNAS and SNAP staff are working collaboratively to draft revised guidance and best practices for FDPIR program directors and SNAP State agency staff to work together to better serve program participants.
  - FNS has also engaged members of the American Public Human Services Administration (APHSA) for further discussion on opportunities to collaborate. APHSA supports human service leaders in advancing the well-being of individuals, families, and communities nationwide, and its members include State, county, and local SNAP administrators from across the country.
  - FNS will provide a more detailed update on the revised guidance at the next consultation meeting and has invited members of APHSA to join the consultation.

#### **XI. IFMS and Alternative Computer Systems**

- As of mid-January 2024, FNS estimates that four ITOs are using the AIS, 97 are using the IFMS, and 12 are using Sygnal. These numbers continue to change as programs transition between systems. We ask that all FDPIRs notify their FNS Regional Office once they have transitioned from AIS or if they have moved from IFMS to an alternate system.
- The next release for IFMS will allow users to sign applications electronically using Topaz software. We originally reported that this update would take place in January 2024; however, FNS has experienced delays and is working to make the release as soon as possible.

#### **XII. Association of SNAP Nutrition Education Administrators (ASNNA) Conference**

- On February 6 – 8, FNS SNAP staff will attend the ASNNA annual conference, in Washington, D.C. and present two breakout sessions about SNAP-Ed. SNAP presenters will discuss Tribal consultation in the context of SNAP-Ed planning.
- In addition, FNS staff from SNAP, FDPIR, and other areas will join together to lead a plenary session on collaboration to support a holistic environment for nutrition education in FNS programs.
- ASNNA is a professional organization for SNAP-Ed administrators that serves as a nationwide resource for nutrition education and obesity prevention, partnership development, and policy communication, education, and advocacy.