



**Food Distribution Program on Indian Reservations (FDPIR)
Tribal Leaders Consultation Working Group
Briefing Paper
June 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 52,524 individuals, as of February 2024, 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	52,524

*Official data as of February 2024

FDPIR Funding

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

Agenda Topics are in **bold**.

I. Food Package

a. Updates

- On June 1, 2024, FNS implemented food package enhancements and added three new foods to ensure nutrition equity and alignment with the recommendations outlined in the Dietary Guidelines for Americans.
- FNS increased the amount of vegetables program participants can take each month from 18 units to 20 units and increased the amount of meat/poultry/fish program participants can take each month from 5 units to 6 units.
- Three new foods were added to the food package including a frozen vegetable stir-fry mix, turkey deli meat, and extra virgin olive oil.

II. USDA DoD Fresh Fruit and Vegetable Program

- a. Summary of Activities
- b. Timeline for Updating the Fresh Fruit and Vegetable List
- c. Updated Vendor Contract Language
- d. Continued Discussion on Fresh Produce
- e. Produce Training

Summary of Activities

- In March 2024, representatives from FNS National Office, Southwest Regional Office, and DoD's Defense Logistics Agency (DLA), FNS' partner in produce delivery for FDPIR, visited the Navajo Nation's food distribution facilities in New Mexico and Arizona.
- The trip included visiting 3 FDPIR warehouses, their fleet warehouse, and their administrative building which is located in Window Rock, AZ, where their seat of government also resides.
- FNS staff recently attended the SouthWest Indian Food for Tribes or SWIFT meeting to provide an update on USDA DoD Fresh activities at their quarterly meeting. Staff also participated virtually in the Western Association of FDPIR or WAFDPIR conference, providing a presentation on USDA DoD Fresh.

Timeline for Updating the Fresh Fruit and Vegetable List

- FNS continues to facilitate regularly scheduled collaborative meetings with DLA and FDPIR program staff to listen and discuss concerns and determine remedies. The next meeting will be scheduled for May 30, 2024, and attendees will have an opportunity to review FNS' recommendations on the FDPIR Fresh Fruit and Vegetable list.

Updated Vendor Contract Language

- FNS and DLA continue to work on updating current contractual language that will be tailored to better serve Indian Country.
- Formal contract language has been developed and DLA issued solicitations for Idaho, North Dakota, and South Dakota that included the revised language. Many of the revisions focus on ensuring Tribal concerns and needs are addressed timely and are properly accounted for in future vendor contracts.
- Idaho is expected to be the first award to incorporate the new language followed by North Dakota and South Dakota by end of summer or early fall.

Produce Training

- 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 in August. Cherokee Nation has agreed to host the pilot training in August 2024.

III. Nutrition Symposium

- USDA is committed to including Indigenous perspectives and experiences in FDPIR nutrition education. On March 20, FNS communicated to the NAFDPIR Board that the

FDPIR nutrition education symposium will be rescheduled to a date to be determined by the Native Food and Nutrition Resource Alliance (NFNRA) and NAFDPIR Board.

- We appreciate that additional time will allow for richer participation from the FDPIR community in event planning, meaningful promotion at FDPIR Regional meetings and the NAFDPIR annual conference, and more lead time to secure participation from Federal partners, academia, and Indigenous nutrition partners.
- FNS looks forward to working in partnership with the NFNRA to deliver and communicate information about the nutrition education symposium to the TLCWG, NAFDPIR Board, FDPIR program operators, and other Indigenous nutrition partners. On March 1, 2024, FNS provided the NFNRA and NAFDPIR Board President with a draft agenda and session details, planning meeting notes and feedback, and a list of planning committee members.
- FNS seeks consensus from the TLCWG on a date and location to host the nutrition education symposium. Based on previous input from FDPIR programs, FNS proposes hosting the three-day nutrition education symposium at Prairie Band Potawatomi Nation or at a commercial hotel in Kansas City, KS. FNS further proposes hosting the event in late-February, March, or early-May 2025.
- FNS looks forward to hearing from NAFDPIR leadership by August 1, 2024, regarding the FDPIR community’s continued interest in USDA hosting a nutrition education symposium.

IV. Executive Order (EO) 14112 Reforming Federal; Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination

- On August 2, 2024, OMB will give federal agencies guidance on Tribal consultation and process for the EO. However, USDA seeks to begin the Tribal conversations before that date. In April 2024, USDA held five days of Tribal consultations and asked Tribal leaders for broad input on unmet budget needs during those consultations. The written comment period following the April 26, 2024 “Food, Safety, and Trade” consultation will remain open until May 26, 2024, and USDA welcomes comments on unmet budget needs via email at Tribal.Relations@usda.gov.
- In addition, USDA’s plan includes: 1) incorporating “unmet needs” into most of USDA’s subject-specific Tribal consultations to regularly collect input; and 2) documenting such “unmet need” information in support of informing conversations and future Tribal consultations.
- USDA and FNS are happy to schedule an EO-specific consultation with the FDPIR Tribal Leaders Consultation Working Group. It would be most productive after August 2024 and after USDA has received more specific direction from OMB.

V. Cultural Competency Training Update

- a. Update from FNS
- b. Tribal Leader Feedback
- c. Tribal Affairs Specialists update

Update from FNS

- FNS continues to work closely with the Native American-owned vendor developing the

Cultural Competency Training program. FNS provided substantial feedback on the vendor's drafts of the first two trainings, including NAFDPIR Board members' feedback.

- Given the volume of initial feedback, FNS extended the production schedule to allow additional time to ensure all feedback is adequately addressed and implemented in the updated training materials.
- In addition to the schedule updates, the vendor has onboarded new leadership to the project and FNS and the vendor have increased the frequency of project check-ins to ensure more continuous opportunities for feedback.

Tribal Leader Feedback

- FNS deeply appreciates feedback that NAFDPIR Board members provided for the first training course on March 15 and April 5. FNS did not take adequate time in its initial review of the course material before sharing it and understands the concerns subsequently outlined in the Board's feedback. Upon closer review of the draft materials, FNS recognized the need to allow for additional time to ensure all FNS and NAFDPIR Board members' feedback is adequately addressed and implemented in the training materials and revised the production timeline, accordingly, as noted above.
- FNS is committed to providing NAFDPIR consistent opportunities to review future course materials to help improve FNS' cultural competency and service to Tribes. Thank you for submitting feedback on May 14 for the second training course; it has been shared with the vendor.

Tribal Affairs Specialists (TAS) Update

- In general, throughout the first half of FY24, Regional TAS and programmatic staff have been actively facilitating relationship building between State agency staff and Tribal Nations. Capacity building for State agency staff is addressed on monthly check-ins and via training sessions at Regional-State agency meetings.
- For those States that have not conducted a Consultation before, Regions are providing 1-on-1 technical assistance to get those States into compliance. For States that have already started the Consultation process, the TAS are providing States with best practices for improving effective communications around Tribal Consultations, including Consultation invitations, agendas, and timing. The status of the State-Tribal Consultations is being reviewed monthly in order to ensure States are on track to be in compliance with their regulatory requirements.

VI. 638 Self-determination Contracting

a. Update from FNS

- FNS offered all Round 1 Tribes (8) an opportunity to modify and extend their existing self-determination contract beyond the end of their current period of performance, September 2024, to June 2026 to align with Round 2 Tribes.
- 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.

- Seven of the 8 Tribes accepted the extension offer. Of the 7 Tribes, 3 need additional funds and will be receiving an allocation using the balance of FY 2023 demonstration funds, which is approximately \$1.3M, as part of their extension contract.
- FNS is currently working closely with Bureau of Indian Affairs to execute the contract modification forms for Tribal signature.
- Mississippi Band of Choctaw Indians (MBCI), a participating Tribe in Round 1 of the demonstration project, decided to not extend their contract and will be ending activities by September 30, 2024. MCBI cited challenges with their produce vendor as their reason for seeking termination.

VII. State SNAP-Ed Consultations

a. FNS Report of State Consultation Efforts Documented in State SNAP-Ed Plans

- On May 7, 2024, FNS shared the FY 2024 State SNAP-Ed Tribal Consultation Plans summary document with Tribal leaders and NAFDPIR Board members, which described data reported by SNAP State agencies in the National Program Evaluation and Reporting System (N-PEARS) in August 2023. The document also included identified data limitations, and FNS's plans to address them moving forward.
- In talking with States, FNS identified data reporting errors in part due to a misunderstanding of data fields and a lack of clarity in prompt instructions. FNS took immediate action with the N-PEARS system contractor to improve the relevant data fields and instructions. These updates have been implemented and are in place for the FY 2025 plan submissions.
- At the same time, the data collected from the FY 2024 SNAP-Ed State Plans clearly indicate that States need additional support and guidance to conduct meaningful Tribal consultations. In April, FNS SNAP-Ed staff from the National and Regional Offices convened for a multi-day training and collaboration meeting, during which the group discussed current State Tribal consultation efforts, N-PEARS reporting on consultations, and monitoring and oversight of consultation, and brainstormed ideas for supporting States moving forward. At this convening, the National Office also shared copies of the Indigenous Food & Agriculture Initiative's 2023 Tribal consultation guidance with Regional Office SNAP-Ed coordinators.

VIII. Supporting Increased State SNAP Agency Coordination with ITOs

- ### **a. Update on increasing coordination with ITOs to Better Serve Program Participants**
- ### **b. Progress in Identifying National and State SNAP Point People for ITOs**

- FNS is continuing efforts to finalize its memorandum intended to support improved coordination between SNAP and FDPIR administrators related to preventing dual participation and ensuring compliance with comparable disqualification requirements. FNS is currently working on finalizing its understanding of allowable approaches for FNS monitoring and oversight in this area in each program. FNS hopes to report at the consultation a date by when the memorandum is expected to be released.
- To support information-sharing in the near term, FNS Regional Offices emailed SNAP State agency points-of-contact (POCs) for dual participation checks to all FDPIR program directors on May 17, 2024. FNS updates this POC list multiple times a year and shares it with State agencies. Starting with the next update, FNS will share the list directly with

FDPIR program directors at the same time. FNS will also work to identify specific POCs at the SNAP State agencies that currently only identify call centers as POCs in the shared list.

IX. Integrated Food Management System (IFMS) and Alternative Computer Systems

- a. IFMS has had a total of four enhancement releases since the February 2024 consultation. Release enhancements to highlight include:
 - One-click method for returning materials after a tailgate – Items returned populate in the system when transferring the inventory back from the tailgate. Users have the ability to edit information before submitting the transfer request.
 - “AIS Site” renamed to “*Alternative System FDPIR*” to capture inventory transfers to FDPIRs outside of IFMS.
 - Removal of PA/GA validation requirement – Household members with Public Assistance, such as Supplemental Security Income (SSI) or Temporary Assistance to Needy Families (TANF), or General Assistance, will no longer be required to be marked as a PA/GA recipient.
 - Summary of Applications moved to top of Household Summary Screen.
 - Household Misfortune, Disaster Household Distribution (DHD), and Congregate Feeding were added to the Inventory Transaction drop down. Inventory can be transferred per FNS policy, and transfers will be reflected on monthly FNS-152 report.
 - Duplicate records warning – a warning message displays when IFMS detects a duplicate member. The check is completed using the social security number field, or the combination of First Name, Last Name, and Date of Birth. A soft warning is issued to notify the user of the duplicate information, but the user may continue with the edit at their discretion. IFMS looks for duplicate records within the user’s organization, as well as within other ITOs that are using IFMS.
- b. Upcoming enhancements in calendar year 2024 include:
 - IFMS Landing Page – main page in IFMS that includes commonly used features, reports, and applications. FNS is in the process of soliciting feedback on the design of the page, including which reports and features should be hyperlinked. The Landing Page is tentatively scheduled to be released by August 2024.
 - Remote household application – FDPIR households will be able to submit an application via a smart phone or computer to IFMS (including verification documents such as pay stub, shelter/utility bill, and/or other letters). IFMS will collect the information and insert into an application, and certifier will be able to review the information to determine eligibility. A release date has not yet been identified, but FNS plans to begin this project in fall 2024.
 - Remote household food ordering – FDPIR households will be able to order their monthly FDPIR food package via a smart phone or computer. FDPIR staff will be able to review and finalize the order. USDA Foods can then be distributed to the household via home delivery, at main warehouse/distribution center, tailgate site, etc. The IFMS user group prioritized the completion of the remote household application ahead of remote household food ordering. We will begin working on this project once the application project is complete.

X. Income Eligibility Considerations

a. Veterans Service-Connected Disability Compensation

- At recent Tribal consultation meetings, the FDPIR community, Tribal leaders and FDPIR program directors asked FNS to exclude payments received from the Veterans Administration (VA) – specifically, VA pension payments and VA disability payments – from being counted as income in FDPIR.
- Under FDPIR regulations at 7 CFR 253.6(d)(2)(ii), VA pension and VA disability payments are counted as unearned income.
- SNAP also counts these payments as income based on Section 5(d) of the Food and Nutrition Act which, statutorily, only names SNAP.
- The USDA Office of General Counsel previously reviewed FDPIR’s statutory language and confirmed that FNS has regulatory flexibility to exclude these payments as the Food and Nutrition Act is silent on income exclusions for FDPIR.
- FNS is currently drafting the Food Distribution Programs: Improving Access and Parity final rule that will publish as early as September 2024. FNS recently confirmed with USDA’s Office of the General Counsel that we are unable to make adjustments to this final rule to exclude veterans’ payments from income eligibility calculations.
- FNS would need to undergo a separate rulemaking process to implement such a change for FDPIR.

b. Foster Care Payments

- During the December 2023 FDPIR consultation, Tribal leaders expressed concern that foster care payments are counted as income for FDPIR.
- Under FDPIR regulations at 7 CFR 253.6(d)(2)(ii), foster care payments for members of the household are considered unearned income for FDPIR income eligibility calculations.
- SNAP also counts these payments as income based on Section 5(d) of the Food and Nutrition Act which, statutorily, only names SNAP.
- FNS will consult with the USDA Office of General Counsel to confirm that these payments have the same regulatory flexibility that VA pension and VA disability payments do.
- If there is such flexibility, FNS would need to undergo a separate rulemaking process to implement such a change for FDPIR.