



CONSULTATION REPORT-OUT

**Food Distribution Program on Indian Reservations (FDPIR):
Demonstration Project for Tribal Organizations
Tribal Consultation Meeting
July 15, 2020
2:00 p.m. – 4:00 p.m. Eastern
Conference Call / Virtual Meeting**

I. Introductions

- Opening Prayer
- Introduction of USDA Food and Nutrition Service (FNS) Leadership and Tribal Leadership
- Opening Remarks

II. General Updates

- FNS provided an update on CARES Act funding received for FDPIR. FNS shared the status of CARES Act Facility Improvement and Equipment Upgrade grants to Indian Tribal Organizations (ITOs) and State agencies (SAs) that administer FDPIR. FNS also provided information on a CARES Act bonus food package to be reviewed with the FDPIR Food Package Review Work Group, and additional information on supplemental administrative grants for FDPIR.
- FNS also shared information on a recent FDPIR rule publication that revised the substantial burden waiver and codified the 2018 Farm Bill provision to allow for two-year availability of administrative funds at the local/Tribal level. The final rule was published with an effective date of July 14, 2020.
- USDA's Office of Tribal Relations (OTR) shared information on their new [website](#) and provided information on [subscribing](#) to its newsletter.
- OTR also shared information on upcoming 638 webinars hosted by the Washington Office Forest Management Program and the Intertribal Timber Council on July 29 and August 4, 2020.

III. FDPIR Self-Determination Demonstration Project

A. 2018 Farm Bill Provision – Background

- Section 4003(b) of the Agriculture Improvement Act of 2018 (P.L. 115-334, the 2018 Farm Bill) directed USDA to establish a demonstration project for one or

more Tribal Organization(s) within FDPIR to enter into self-determination contracts to purchase USDA Foods for their FDPIR program.

- The specific requirements for the demonstration project under Section 4003(b) of the 2018 Farm Bill include:
 - Consultation: FNS must consult with Tribes and with the Department of Interior (DOI) on the process and criteria under which a tribal organization may participate in the demonstration project criteria.
 - Criteria: FNS must develop criteria for whom can participate in the demonstration project. The statute requires FNS to pick Indian Tribes that successfully administer FDPIR, have the capacity to purchase agricultural commodities for the FDPIR program, and meet any other criteria determined by the Secretary after consultation with the Secretary of Interior and Indian Tribes to participate in the demonstration project.
 - Procurement: After FNS selects Tribal Organizations to participate in the demonstration project, those Tribal Organizations would be required to purchase agricultural commodities that are domestically produced.
 - Replacement and Nutritional Value: Under the 2018 Farm Bill, the foods must replace, not supplement, the type of USDA Foods in the existing FDPIR food package and be of similar or higher nutritional value as the food(s) it's replacing in the existing food package.
 - Subject to Other Criteria: Food selected for procurement under this demonstration project must also be subject to any other criteria as determined by USDA, in consultation with DOI and Indian Tribes.
 - Reporting: FNS is required to submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, describing the activities carried out under the demonstration project during the preceding year. The report is due no later than 1 year after the appropriation of funds for the demonstration project.
 - Funding: FNS has been appropriated \$3,000,000 to carry out this demonstration project.

B. Activities To-Date

- FNS shared activities to-date that relate to the demonstration project, including:
 - Hosting several consultations with Tribal leaders on the provision;
 - Release of a Request for Information (RFI) in December 2019 in the federal register to formally solicit feedback from Indian country on the terms of the selection process for this project; and
 - Collaboration with DOI's Bureau of Indian Affairs to learn more about its self-determination contracts' process given their vast experience in this area.

C. Review of Draft Criteria for FDPIR Self-Determination Demonstration Project

- FNS and Tribal leaders reviewed the draft criteria proposed, which included eligibility for Tribal Organization to participate, the agricultural commodity requirements, the contract proposal, the federal register notice, due dates, and the selection process.

- Tribal leaders expressed concern on the timeline of awarding funds, but FNS clarified that funds must be federally obligated by September 30, 2021 rather than tribes need to use funds by September 30, 2021. Tribes would then have a longer period of performance to liquidate the funds under their contract proposal.
- Tribal leaders also requested the following considerations:
 1. Remove the Tribal resolution requirement from the contract proposal.
 2. Ensure traditional foods are allowed to be part of this demonstration project.
 3. Define qualified vendor.
 4. Remove limitation of awarding a maximum of five projects.
- Tribal leaders also expressed frustration that they did not receive the agenda and supporting documents until a few days before the consultation.
 1. FNS said there was a delay because it needed Office of General Counsel clearance on the materials but apologized and said that it would provide adequate notice in the future.
- Tribal leadership requested a follow-up consultation meeting within thirty-day of this consultation and at least fifteen-days receipt of any documents, including the agenda.
- FNS will be reviewing Tribal leadership's comments on the criteria and will schedule a follow-up consultation meeting.

IV. Closing Prayer

V. Adjourn

Next Steps: Requested Follow-Up Items

- **Tribal Leaders / NAFDPIR**
 - NA
- **USDA**
 - FNS will schedule a follow-up consultation meeting to discuss requested changes to the draft criteria. FNS will provide thirty-day advance notice and share any documents, including the agenda, at least fifteen-days prior to the meeting date.

ENCLOSURES:

- **List of Attendees**

July 2020 FDPIR Sign-In Sheet

Note: Registration was done via a virtual service which only captured participant names. FNS has organized the lists as best it can but apologizes if somebody is in the wrong section.

Tribal Consulting Officials

Name
Amber Torres
Claudeen Tallwood
Gil Vigil
Jonathan Nez
Judy Parker
Perry Martinez
Roxanna Newsom

USDA Consulting Officials

Name
Diane Kriviski
Pam Miller

Other Attendees

Name

Allyn Cook-Schwartz
Andrew Burdette
Andrew Rave
Aneva Hagberg
Ann Forthofer
Anna Borchardt
Barbara Lopez
Barren William
Becky Chandler
Beth Parker
Bonnie Secakuku
Cameron Towle
Cecelia Flores
Christina Deschampe
Christina Riley
Colby Duren
Colleen Sanders
Connor Kanuit
Danita Macy
Dawn Jackson
Denise Desiderio
Diane Cullo
Emily Proctor
Eric Meredith
Erica Antonson
Erin Parker
Esha Tariq
Estelle Bowman
Florisa Fuller
Florissa Kanuho
James Davis
James Mountain
James Smiskin
Janell Ealker
Jason Fizell
Jay Spaan
Jeff Harris
Jesus Mendoza
Jordan Matilla
Julie Ralston-Aoki
Julie Taylor
Kathleen Elliott

Kathy Young
Katie Clifford
Kelly Clark
Keoni Rodriguez
Kiley Larson
Kristine Schwiderson
Laney Buckley
Leah Hubbard
Linda Cronin
Lisa Obryan
Lynne Sholty
Marilyn King
Marlene Wakefield
Martin Welsch
Mary Greene Trottier
Matthew Martin
Mel Tafoya
Melanie Plubinski
Michael Ladd
Michelle Clarkson
Milton Bluehouse
Monica Lacja
Monty Madlock
Ned Norris
Olivia Davis
Patricia Green
Patricia Solis
Paula Guterrez
Rachel Collins
Rachel Edwards
Rachel Schoenian
Regina Gasco-Bentley
Riley James
Samantha Skenandore
Sandy Bullbchief
Santee Lewis
Sarah Kellogg
Tara Koster
Terri Parton
Timothy English
Tonia Larson
Tony Artoli
Vincent Brefette

Willard Hand

