



November 30, 2022

United States
Department of
Agriculture

Food and Nutrition
Service

1320 Braddock Place
Alexandria, VA 22314

Phone # 703-305-2062

Dear Tribal Leader:

Hihanni waste, greetings. On behalf of Secretary Thomas J. Vilsack, you are cordially invited by the United States Department of Agriculture (USDA) to participate in a second virtual tribal consultation to receive information and provide feedback on rule revisions in the Food Distribution Program on Indian Reservations (FDPIR), Special Supplemental Nutrition Assistance Program for Women, Infants, and Children (WIC), Child Nutrition Programs (CNP), and Supplemental Nutrition Assistance Program (SNAP). Based upon Tribal leader feedback received during the first consultation, we plan to focus on the FNS rulemaking process and first three program rule changes included below, with an opportunity to consult on the additional SNAP rules as needed at the end of the agenda.

We also welcome your feedback via the written comment period for this consultation. Written consultation comments may be submitted by December 30, 2022 to: SM.FN.TribalConsultationFeedback@usda.gov.

While it is always preferred to conduct consultation in person where we can interact face-to-face to discuss issues we are consulting on, we apologize that due to scheduling conflicts we were not able to arrange an in-person consultation at this time.

Background

The following rules in need of consultation are:

- **Food Distribution Programs Improving Access and Parity Proposed Rule:** USDA's Food and Nutrition Service (FNS) is committed to promoting access to its federal nutrition assistance programs, with a focus on equity and inclusion. This proposed rulemaking will amend regulatory provisions at 7 CFR Parts 250, 251, and 253 to make access and parity improvements within several food distribution programs, including the Commodity Supplemental Food Program (CSFP), the Food Distribution Program on Indian Reservations (FDPIR), The Emergency Food Assistance Program (TEFAP), and USDA Foods disaster response.
- **Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of the Access to Baby Formula Act of 2022 (ABFA, P.L. 117-129) and Related Provisions:** On May 21, 2022, President Biden signed ABFA into law. ABFA amends Section 17 of the Child Nutrition Act of 1966 (CNA; [42 USC 1786](#)) to: 1) add requirements to State agency infant formula cost containment contracts and 2) establish waiver authority for the Secretary of Agriculture to address certain emergencies, disasters, and supply chain disruptions impacting the WIC Program. This rule will amend WIC regulations at 7 CFR Part 246 to codify the provisions of ABFA.



and make related revisions and technical corrections as necessary to modernize applicable WIC regulations.

- **Child Nutrition Programs: Revisions to Meal Patterns Consistent with the 2020 Dietary Guidelines for Americans:** This proposed rule would strengthen the school meal nutrition standards in the long-term based on a comprehensive review of the *Dietary Guidelines for Americans, 2020-2025* and input from a wide range of stakeholders. It would also address the Buy American provision in the school meal programs and make a variety of other changes to school meal requirements.
- **Supplemental Nutrition Assistance Program (SNAP): Standard Utility Allowances Based on the Receipt of Energy Assistance Payments:** This final rule will be combined with the final rule on **SNAP: Standardization of State Heating and Cooling Standard Utility Allowances (0584-AE69)**. This final rule implements section 4006, Standard Utility Allowances Based on the Receipt of Energy Assistance Payments, of the Agricultural Act of 2014. Under section 4006, the Department of Agriculture, Food and Nutrition Service (FNS) is instructed to promulgate regulations establishing that those States electing to use a heating or cooling standard utility allowance (HCSUA) in SNAP eligibility determinations must make the HCSUA available to households that receive a Low-Income Home Energy Assistance Program (LIHEAP) or other similar energy assistance program payment greater than \$20 annually in the current month or in the immediately preceding 12 months.
- **Reform Provisions for the Supplemental Nutrition Assistance Program's (SNAP) Quality Control (QC) System:** The Department proposes to revise its regulations for various QC provisions in subpart C of 7 CFR part 275 to reflect numerous changes to the SNAP QC system. The proposed provisions are based on instruction in the Agriculture Improvement Act of 2018 that gives the Secretary discretion on how to implement Congress' request to improve the integrity and data quality of information collected in the QC process and in part on comments received to a Request for Information (RFI) published on June 1, 2018.

Details for the consultation are below:

Date: Tuesday, December 13, 2022

Time: 1:00 PM – 4:00 PM (EDT)

Registration Link:

<https://www.zoomgov.com/meeting/register/vJIsdeqqpjIqHOWzOpT5Bt0qZBtqly0UFYM>

Proxies. In the event you cannot attend and wish to send a proxy, please notify USDA's Office of Tribal Relations (OTR) by December 13, 2022. To designate a proxy for this consultation, please copy the attached delegation form to tribal letterhead. This designation will authorize your designee, in writing, who will attend in your place and the estimated time of your absence. The delegation cannot be in perpetuity. You are also encouraged to invite program leadership and staff from your



Nation to the tribal consultation as observers. Proxy designations should be emailed to Tribal.Relations@usda.gov for official record.

Consultation Written Comments. Written consultation comments may be submitted by December 30, 2022 to: SM.FN.TribalConsultationFeedback@usda.gov.

Registration. Please register [here](#) by December 13, 2022. After registering, Zoom will send a confirmation email with connection information. If you are having troubles registering through Zoom, please contact Jimmy Nguyen at jimmy.nguyen@usda.gov.

Please also contact us at Tribal.Relations@usda.gov if you have any additional items for the agenda. Once finalized, the agenda and registration information will be posted on the OTR website at: www.usda.gov/tribalrelations. Thank you for your time and consideration. I look forward to joining you on December 13th.

Lila wopila (much thanks),

A handwritten signature in blue ink, appearing to read "H. Thompson".

Heather Dawn Thompson (*Cheyenne River Sioux*)
Director, Office of Tribal Relations

Attachments (3):

1. Tribal Leader Proxy Template
2. FNS Tribal Consultation Framing Paper
3. Draft Agenda