



DATE: November 6, 2024

SUBJECT: Food Distribution Programs: Improving Access and Parity Final Rule:
Food Distribution Program on Indian Reservations (FDPIR)
Implementation Memorandum

TO: Regional Directors
Supplemental Nutrition Programs
MARO, MPRO, MWRO, NERO, SERO, SWRO, and WRO

FDPIR Directors
FDPIR Administering Agencies

On October 31, 2024, FNS published the [Food Distribution Programs: Improving Access and Parity Final Rule](#) (the final rule). Through this memorandum, FNS is providing FDPIR administering agencies with initial implementation guidance and implementation dates for the provisions of the final rule that pertain to FDPIR.

The majority of the provisions in the final rule related to FDPIR will take effect 60 days after publication on December 30, 2024, and when required, must also be implemented by December 30, 2024. However, one FDPIR provision, FDPIR administrative waiver authority, is effective immediately on October 31, 2024. This new authority has been made effective immediately as it may immediately benefit FDPIR administering agencies.

Attachment A, “FDPIR Final Rule Provision Effective Immediately” provides initial implementation guidance for FDPIR administrative waiver authority, which takes effect immediately, on October 31, 2024. **Attachment B, “FDPIR Final Rule Provisions with Implementation Date of December 30, 2024”** provides initial implementation guidance for those provisions that will take effect and must be implemented 60 days after publication of the final rule on December 30, 2024.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

FNS will provide further guidance on specific provisions in the coming months, as needed. FDPIR administering agencies may direct any questions to their respective [FNS Regional Office](#).

/s/ Original Signature on File

Sara Olson
Director
Policy Division
Supplemental Nutrition and Safety Programs

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ATTACHMENT A: FDPIR Final Rule Provision Effective Immediately**FDPIR Administrative Waiver Authority**

Regulatory Citation	Final Rule Provision	FDPIR Administering Agency Action
<u>§ 253.12</u> Establishment of Administrative Waiver Authority in FDPIR	FNS may waive or modify specific regulatory requirements for FDPIR administering agencies in certain situations. Waivers must be approved by FNS and may only be issued in specific situations outlined by FNS.	<p><i>Optional for FDPIR administering agency.</i></p> <p>To implement, FDPIR administering agencies may submit a request to FNS to waive a specific regulatory requirement(s). This request must align with requirements outlined at § 253.12 and include compelling justification for waiving the specified requirement(s).</p> <p>FDPIR administering agencies may submit requests to FNS Regional Offices beginning on October 31, 2024.</p> <p>[Additional guidance to follow, including guidance on compelling justification, how the information should be submitted, as well as an optional template or format for submission of the request.]</p>

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ATTACHMENT B: FDPIR Final Rule Provisions with Implementation Date of December 30, 2024

Removing Urban Place References and Processes

Regulatory Citation	Final Rule Provision	FDPIR Administering Agency Action
§ 253.2 and § 253.4 Removal of Urban Place Requirements	FDPIR administering agencies may serve any urban place outside of the reservation boundaries without justification. The “urban place” definition is removed from § 253.2.	<i>Optional for FDPIR administering agency.</i> To implement, FDPIR administering agencies must submit an update to their FDPIR plan of operation to adjust the areas served by their program. FDPIR administering agencies can implement as soon as December 30, 2024, but are not required to implement by this date.

Periodic Assessment of the FDPIR Food Package

Regulatory Citation	Final Rule Provision	FDPIR Administering Agency Action
§ 253.3(d) Periodically Assessing the FDPIR Food Package	FNS will periodically assess how USDA Foods provided in FDPIR compare to the Dietary Guidelines for Americans (DGAs) and the market baskets of the Thrifty Food Plan (TFP) and adjust the food package to ensure it is in alignment. The food package benefit will not decrease based on this adjustment.	<i>No action required.</i>

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FDPIR Eligibility Requirements

Regulatory Citation	Final Rule Provision	FDPIR Administering Agency Action
<u>§ 253.6(a)(1)</u> Separate Household Status for Spouses Not Living Together	Separate household status can be granted to separated spouses who are living apart.	<p>Required for FDPIR administering agency.</p> <p>To implement, FDPIR administering agencies must ensure their eligibility processes reflect this change as of December 30, 2024.</p> <p>[Additional guidance to follow in FNS Handbook 501 update.]</p>
<u>§ 253.6(a)(4)</u> Parental Status Related to Minor Children	Requirements for determining parental control of minor children mimic SNAP regulations: a child must be considered under parental control if they are financially or otherwise dependent on a member of the household, for example a grandparent.	<p>Required for FDPIR administering agency.</p> <p>To implement, FDPIR administering agencies must ensure their eligibility processes reflect this change as of December 30, 2024.</p> <p>[Additional guidance to follow in FNS Handbook 501 update.]</p>
<u>§ 253.6(e)(5)</u> Revisions to Shelter/Utility Deductions	FDPIR shelter and utility standard deductions are increased to the level of the SNAP maximum excess shelter deduction. Alternatively, FDPIR households may choose to calculate the deduction using actual expenses up to 50 percent of their net monthly income.	<p>Required for FDPIR administering agency.</p> <p>To implement, FDPIR administering agencies must update their certification processes to allow for the revised shelter/utility deduction as of December 30, 2024.</p> <p>[Additional guidance to follow. FNS will release an updated Exhibit M, FY 2025 Net Monthly Income Standards, prior to the effective date of December 30, 2024.]</p>

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Technical Edits

Regulatory Citation	Final Rule Provision	FDPIR Administering Agency Action
7 CFR Part 253 and 254 Technical Edits	Replaces outdated term “commodities” with “USDA Foods.” Replaces outdated term “Food Stamps” with “SNAP.” Updates outdated language and misspellings throughout the regulations. Clarifies that households can participate in FDPIR and other USDA Foods programs in the same month. Removes outdated references to SSI recipients in “cash-out” states. Corrects verification for recertification threshold from \$50 to \$100.	No action required. As a part of routine updates, FDPIR administering agencies are encouraged to replace the outdated terms within materials such as websites, Plan of Operation, etc. FDPIR administering agencies may implement as soon as December 30, 2024, but are not required to make these changes.

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