



Food and
Nutrition
Service

Park Office
Center

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DATE: April 5, 2019

SUBJECT: Food Distribution Program on Indian Reservations (FDPIR) –
Agriculture Improvement Act of 2018 (P.L. 115-334) Two-Year
Administrative Funding Provision—Information Memorandum

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

Food Distribution Directors
All FDPIR Indian Tribal Organizations (ITOs) and State Agencies

On December 20, 2018, the Agriculture Improvement Act of 2018 (the 2018 Farm Bill) was signed into law. Section 4003 of the 2018 Farm Bill includes FDPIR specific provisions and modified Section 4(b) of the Food and Nutrition Act (FNA). This memorandum provides information on the new provision in Section 4(b)(7) of the FNA that requires FDPIR administrative funds to remain available for obligation at the Indian Tribal Organization (ITO) and State agency level for a period of two Federal fiscal years (FY). This provision is self-executing.

Currently, FDPIR program regulations at 7 CFR 253.11(i)(2) require ITOs and State agencies administering FDPIR to return any unobligated funds to the Food and Nutrition Service (FNS) within ninety (90) days following the close of each Federal fiscal year. Per this regulatory requirement, all FDPIR administrative grants have a period of performance of one Federal fiscal year.

Section 4003 of the 2018 Farm Bill now requires all FDPIR administrative grants to remain available for obligation at the ITO and State agency level for a period of two fiscal years. **As of December 20, 2018, FDPIR administrative grants will now have a period of performance of two Federal fiscal years.** The following applies:

1. FDPIR FY 2019 administrative grants will now have a period of performance across two Federal fiscal years ending September 30, 2020.
 - There will be no recovery and reallocation process for FY 2019 funds.
 - Any FY 2019 funds issued after December 20, 2018 that remain unobligated after September 30, 2019 will remain at the ITO/State agency level and carry over into FY 2020.
 - Any FY 2019 funds issued after December 20, 2018 that are not obligated by September 30, 2020 will expire and will need to be returned to FNS.
2. All ITOs and State agencies administering FDPIR will be responsible for entering their SF-425 quarterly reports into the Food Program Reporting

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.

System (FPRS) 30 days after the end of each quarter and a final report 90 days after the end of the fiscal year. The quarters and reporting due dates for FY 2019 FDPIR Administrative Grants are as follows:

- Quarter 1: January 30, 2019
- Quarter 2: April 30, 2019
- Quarter 3: July 30, 2019
- Quarter 4: October 30, 2019
- Quarter 5: January 30, 2020
- Quarter 6: April 30, 2020
- Quarter 7: July 30, 2020
- Quarter 8: October 30, 2020
- Final: December 29, 2020*

*FPRS is set up to allow a FDPIR grantee to submit a Final Report any time after the end of the first fiscal year (i.e., after Quarter four). If, for example, an ITO expends all of its funds prior to the end of the period of performance, then the ITO can submit a Final Report without having to wait until December 29.

3. With the implementation of this 2018 Farm Bill provision, all future FDPIR Administrative Grants will continue to have a period of performance for two Federal fiscal years. FDPIR grantees must spend their oldest funds first to ensure minimal to no expiration of funds. For example:
 - **FY 2019 FDPIR administrative funds should be drawn-down first before drawing down FY 2020 funds. Any program costs charged against the grant must have occurred within the period of performance of the grant.**

FNS will be updating program regulations at 7 CFR 253 and all applicable instructions, handbooks, and policies to codify this 2018 Farm Bill provision.

FDPIR administering agencies with questions should contact their FNS Regional Offices, which may in turn contact the FNS National Office at (703) 305-2680.

/s/ Original Signature on File

Laura Castro

Director

Food Distribution Division