



U.S. DEPARTMENT OF AGRICULTURE

US DEPARTMENT OF AGRICULTURE (USDA)
**TRIBAL CONSULTATION ON FOOD DISTRIBUTION PROGRAM ON
INDIAN RESERVATIONS**

DECEMBER 9, 2024

Hybrid Virtual and In-Person Consultation

FRAMING PAPER

Time and Place.

Monday, December 9, 2024
9:00 a.m. - 3:00 p.m. Pacific Time
Intertribal Agriculture Council Annual Conference
Palms Casino Resort
Las Vegas, Nevada

Registration link:

Please register [HERE](#). Select virtual (Zoom) or in-person attendance.

USDA Consulting Officials.

Cindy Long: Deputy Undersecretary; Food, Nutrition, and Consumer Services (FNCS)

Bruce Summers: Administrator; Agricultural Marketing Service (AMS)

Prior FDPIR Consultations.

[Tribal Consultations | USDA](#)

Background.

The Food Distribution Program on Indian Reservations, or [FDPIR](#), provides food to approximately 53,000 income-eligible households on tribal reservations and Native American households in approved areas near reservations. FDPIR provides domestically-grown and produced foods and nutrition education to help reduce hunger and support access to nutritious foods.

The monthly FDPIR food package provides an important source of nutrition and supports food security. Participants receiving the food package may have limited alternatives due to their remote location and/or mobility challenges. The Supplemental Nutrition Assistance Program (SNAP) is available as an alternative to FDPIR participants, who may elect to opt in or out of each program on a monthly basis. While SNAP may be a viable alternative for some FDPIR participants, access to a SNAP vendor remains challenging for extremely rural and remote participants, especially those without reliable access to a working vehicle. The emergency feeding network is also available to FDPIR participants.

FDPIR and the Commodity Supplemental Food Program, or [CSFP](#), have experienced food delivery delays in recent months, impacting inventory levels at food distribution locations, as

well as issues with the quality and accuracy of deliveries received. The Department is working urgently with the contracted national multi-food warehouses to ensure FDPIR and CSFP program operators receive timely, accurate and high-quality deliveries and to ensure a strong and resilient food delivery system in the long term. Below is a summary of the actions USDA has taken in response to the national warehouse issues, as well as background on other topics requested by Tribal leaders.

TOPICS FOR CONSULTATION

I. Presidential Administration Transition – USDA Updates

- For over 200 years, The United States of America has carried out the greatest experiment in the history of the world – where the people vote and choose their own leaders peacefully.
- Regardless of the outcome, USDA has known we would have a new Administration in charge and has been planning accordingly.
- Like the rest of the federal government, USDA is committed to ensuring a peaceful and orderly transition of power.

II. Warehouse Response

- Status Update
- Contract Re compete

Overall Status

As of late October, deliveries from the contracted national warehouses are occurring on regularly scheduled delivery dates. This means USDA is no longer prioritizing orders based on greatest reported inventory needs, and instead program operators should expect to receive orders on the requested delivery day and time. Program operators are encouraged to order the inventory they need to remain within the regulatory parameters and issue complete food packages to all participants. The accuracy and quality of deliveries remains a focus as USDA continues this response and takes longer-term action to ensure a strong and resilient food delivery system for FDPIR.

Short Term Response

Leveraging the Emergency Feeding Network: Situations of Distress

- There are currently 20 states with approved situation of distress to activate their TEFAP food network in support of FDPIR and/or CSFP administering agencies.
- 10 Indian Tribal Organizations (ITOs) are being supported under situations of distress.

- States' ability to support FDPIR and CSFP sites through situations of distress also depends on their own current TEFAP inventory.
- As FNS resumes deliveries from the national warehouse on regularly scheduled deliveries dates, we are beginning to check-in with the TEFAP State agencies administering the situations of distress to discuss whether the support is still actively being provided through this short-term option. If support is being provided, we are committed to engaging in discussion with the Tribes receiving the support to discuss the specific products in need and, provide technical assistance with the overall goal of ensuring Tribes are receiving all the foods they need from the national warehouse.

Temporary Expansion of USDA Department of Defense (DoD) Fresh Fruit & Vegetable Program

- Through a partnership with the DoD Defense Logistics Agency (DLA), USDA has expanded USDA DoD Fresh to include food items such as meats, grains, and dairy for distribution to a limited number of FDPIR sites experiencing severe inventory shortages as a result of the national warehouse delays.
- DLA was able to identify prime vendor capacity to make this option available in Oklahoma, New Mexico, Arizona, Nevada, California and New York.
- Twenty-three Tribes received completed deliveries under this option as of this week.
- The remaining Tribes that placed orders under the DoD Fresh expansion are receiving the deliveries this month.
- Our expansion of DoD Fresh has supported our goal of addressing immediate food needs and inventory shortages as we worked to resume regularly scheduled deliveries from the national warehouse.
- Similar to the outreach we're beginning for situations of distress, we'll be in contact with the Tribes that received the DoD Fresh expansion deliveries to check on the status of inventory – if there are concerns with inventory, we'll be in discussion with those Tribes about deliveries from the national warehouse to support food package issuance.
- Following this outreach to Tribes about the DoD Fresh expansion deliveries, we'll bring updates to this group through our regular calls.
- This outreach, both for the DoD Fresh Expansion and the TEFAP situations of distress, will provide USDA with information to bring to this group as we start discussing the overall status of this response, and whether additional support for food inventory is needed as we continue our focus on accuracy and quality.

Commodity Credit Corporation (CCC) Cash Grants

- We currently have 86 signed CCC agreements from ITOs representing \$10.1 million.

- Payments for 85 of these 86 agreements have been sent to the ITO. This means funds are on the way, although the exact timing of receipt may vary by banking institution.
- One agreement is pending and FNS staff are actively working with the ITO to make the funds available.
- We will continue processing agreements as received from ITOs planning to accept the CCC funds and provide technical assistance and support on use of the funds.

Updates on Quality & Accuracy

- The quality and accuracy of USDA Foods deliveries remains a critical focus for USDA. We aware of some of the issues program operators are experiencing in the receipt of deliveries from the contracted national warehouse. USDA has enhanced oversight and is working with the contracted vendors to ensure high-quality and accurate deliveries.
- FNS and AMS staff are onsite at Paris Brothers weekly in support of the quality and accuracy goal.
- As of November, trained USDA inspectors are onsite at the Paris Brothers warehouse and completing comprehensive inspections of a sample of orders before these are put on the truck and delivered to program operators. USDA increased the number of trained AMS inspectors onsite at Paris Brothers in recent weeks and is tracking the issues identified by these trained inspectors and working with the contracted warehouse to address root causes in support of accurate and high-quality deliveries.
- USDA is committed to continuing these inspections and taking additional action to address the root cause of the issues.
- USDA asks all program operators to report any issues with deliveries as a complaint in WBSCM, so we can address it with our contracted vendor and ensure program operators have what they need to serve participants.

Medium-term Response – emergency surge contract

Americold North Little Rock Warehouse

- FNS continues to work with Americold North Little Rock to ramp up deliveries to FDPIR sites.
- As of November 19, we have transitioned 51 of the 53 sites over to Americold. Final two sites will be transitioned in early December.

- The increased capacity under the emergency contract has supported USDA in working with the contracted warehouses to deliver all backlogged orders.
- USDA is taking action to ensure the emergency surge contract remains in place as longer-term action is taken and a new contract for warehousing services is established.

Long-term Response

Contract Recompete

- USDA is working to recompete the current national multifeed warehouse contract. USDA has formed a work group consisting of representatives from the National CSFP Association (NCSFPA), the National Association of Food Distribution Programs on Indian Reservations (NAFDPIR), AMS and USDA contracting experts to document requirements for the next contract.
- USDA issued a Request for Information (RFI) on October 4 to gather feedback, suggestions, and questions in support of a warehousing solution that will strengthen our supply chain resilience and improve the customer experience. The RFI sought information from third party logistics (3PL) firms specializing in the full spectrum of food logistics functions, including tracking and reporting, quality inspection and monitoring of all work performed, as well as the receipt, storage, handling, transport, and distribution of dry, refrigerated, and frozen packaged food products. Responses were due by November 4 and over 40 individual responses were received. The workgroup has received the responses for review with an eye toward incorporating relevant suggestions into a draft request for proposal that USDA will issue in 2025.

Status of FDPIR Management Evaluation Reviews

- In the October consultation, FNS pledged to provide an update on the status of Management Evaluations at the December consultation, and welcomed any feedback from Tribal leaders on timeline considerations for restarting reviews.
- FNS is seeking input on the following approach as we work towards restarting FDPIR Management Evaluations.
- FNS plans to consider the following factors prior to restarting FDPIR Management Evaluations.
 - Deliveries from the national warehouse are occurring on regularly scheduled delivery dates as requested by program operators.
 - Inventory on hand is consistent with the regulatory limits and averaging at least one month.
- If the above factors continue to be met, in mid-January USDA proposes to send notification of resuming the FDPIR Management Evaluations with the following considerations:

- Management Evaluations (MEs) slated to occur in FY 2025 will be scheduled beginning in March 2025.
- The Inventory Controls and Warehouse Operations section of the ME (Section IV), which are impacted by the warehouse response, will not be evaluated for findings or recommendations. Section IV of the ME (Inventory Controls and Warehouse Operations) will be used to provide ITOs with documented technical assistance that allows us to get feedback on the temporary options provided during the response, to respond to any outstanding issues, and to ensure ITO inventory needs are being met and normal program operations have been restored. Findings will not be assessed for Section IV.
- FNS highlights that in addition to providing an opportunity to assess program compliance, in person MEs provide an important opportunity for FNS to strengthen our relationships with Tribes and to assess FDPIR operator needs and to help troubleshoot and provide proactive solutions to challenges. The reviews are not solely about compliance, FNS sees these regular engagements as important opportunities to partner and work together in support of the program.

III. FDPIR Self-Determination Demonstration Project

- Status Update
- Balance of Funds

Project Summary

Round 1: Eight (8) Tribes

Tribal Organization	RO	Food Category	POP
Oneida Nation & Menominee Indian Tribe of Wisconsin (joint project)	MW	Meats, Fish, Produce	June 2026
Little Traverse Bay Bands of Odawa Indians	MW	Fish, Produce	June 2026
Red Cliff Band of Lake Superior Chippewa	MW	Fish, Produce	June 2026
Chickasaw Nation	SW	Meats, Hominy, Pecans	June 2026
Alaska Native Tribal Health Consortium	WR	Fish, Produce	June 2026
Lummi Nation	WR	Fish	June 2026
Mississippi Band of Choctaw Indians (MBCI)	SE	Produce	Sept 2024*

*MBCI is exiting the demonstration project but is reviewing their balance of funds and will be extending their POP.

Round 2: Eight (8) Tribes

Tribal Organization	RO	Food Category	POP
Cherokee Nation	SW	Meats	June 2026
Gila River Indian Community	SW	Beans	June 2026
Tohono O'odham Nation	SW	Beans, Flour	June 2026
White Mountain Apache Tribe	SW	Meats, Beans	June 2026
Confederated Tribes of the Umatilla	WR	Meats, Produce	June 2026
Quinault Indian Nation	WR	Fish	June 2026
Sokaogon Chippewa Community	MW	Meats, Rice, Produce	June 2026
Spirit Lake Tribe	MP	Meats	June 2026

- In August 2024, FNS completed budget modifications for Round 1 Tribes to provide additional funds to continue to support contract activities, and to extend the Round 1 period of performance from September 2024 to June 2026. This aligns the end of the Round 1 period of performance with the end of the Round 2 period of performance.
- FNS currently has a balance of funds of \$3.0M (FY 2024 funds) for demonstration project activities.
- FNS would like to ensure participating demonstration Tribes have sufficient financial resources to support contract activities through June 2026 (e.g., purchase of foods, associated demonstration expenditures such as equipment and extra staff time).
- FNS proposes to review budgets for Round 2 Tribes and to use the balance of funds to pursue budget modifications, where needed, following the same process for Round 1 Tribes. This will ensure all existing participating demonstration Tribes have the financial resources needed to complete contract activities through June 2026.
- FNS will continue to seek support from the Department of the Interior, Bureau of Indian Affairs (BIA) to support the contract modifications for Round 2 Tribes.
- FNS welcomes feedback from Tribal leaders on demonstration project related activities and the use of available FY 2024 funds.
- The President’s Budget for FY 2025 includes a request for \$5.0 million in funding for additional demonstration project activities, but a final appropriation has not yet been provided.

IV. Food Distribution Access and Parity Final Rule

- On October 31, 2024, FNS published the [Food Distribution Programs: Improving Access and Parity Final Rule](#). This rule updates regulations for all food distribution programs – including FDPIR – with a goal of increasing access to all programs and increasing parity between FDPIR and SNAP. Most of the FDPIR changes in the rule will take effect within 60 days of the rule’s publication, on December 30, 2024.

- On November 6, 2024, FNS published an initial implementation [memorandum](#) that outlines implementation deadlines and provides guidance for the FDPIR provisions in the rule. Additional provision-specific guidance will be published in the coming months.
- The final rule makes a number of technical and substantive changes to FDPIR. Some of the major changes include:
 - the removal of outdated urban place requirements;
 - the establishment of a new requirement for FNS to periodically assess the FDPIR food package and see how it compares to the Dietary Guidelines for Americans and the market baskets of the Thrifty Food Plan;
 - several changes to FDPIR eligibility requirements, including:
 - allowing separate household status to be granted to separated spouses who are living apart;
 - clarifying that minor children are considered to be under the parental control of a household if they are financially or otherwise dependent on a member of that household; and
 - revising the shelter/utility deduction to give applicants and participants the option of using a standard shelter and utility deduction (which has been increased and standardized nationwide) or using actual expenses (up to 50 percent of their net monthly income).
- In addition to technical edits made throughout FDPIR regulations, the final rule also establishes administrative waiver authority for FDPIR. This authority was made effective immediately upon publication of the final rule, so it is available for use now.
 - The authority allows FNS to waive or modify specific FDPIR administrative requirements under similar processes, for similar amounts of time, and in similar situations as outlined in SNAP regulations. This includes waivers for specific administering agencies in addition to nationwide waivers for all administering agencies.
 - Under this authority, FDPIR administering agencies can request waivers of specific regulatory requirements through a process which requires them to provide compelling justification for each waiver request submitted.
 - FNS has developed draft interim guidance on the implementation of this waiver authority, including an optional sample template for administering agencies to submit a waiver request to FNS.
 - FNS welcomes Tribal leaders' input on the waiver submission process outlined in the draft guidance provided in Attachments 01 and 02.
 - After consulting with Tribal leaders on this draft guidance (Attachments 01 and 02), in turn sharing with FDPIR administering agencies for

feedback, FNS will incorporate changes, as applicable. FNS will then release the finalized interim guidance to all FDPIR administering agencies.

- FNS will issue this as interim guidance near-term, allowing for revisions in the future based on the needs of the program and administering agencies.

V. Income Eligibility Considerations: Veteran Service-Connected Disability Compensation & Foster Care Payments

- Veteran Disability Payments
- Foster Care Payments

Veteran Disability Payments

- During past 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 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 would need to undergo the rulemaking process to implement such a change for FDPIR.

Foster Care Payments

- During past Tribal consultation meetings, the FDPIR community, Tribal leaders and FDPIR program directors have also asked FNS to exclude foster care payments from being counted as income in FDPIR.
- Under FDPIR regulations at 7 CFR 253.6(d)(2)(ii)(B), foster care payments for children or adults counted as members of the household in which they reside are considered unearned income for purposes of FDPIR eligibility.
- SNAP also counts these payments as income based on Section 5(d) of the Food and Nutrition Act which, statutorily, only names SNAP.
- FNS is consulting with the USDA Office of General Counsel to confirm that these payments have the same regulatory flexibility that Veteran pension and Veteran disability payments do.

- If there is such a flexibility, FNS would need to undergo a rulemaking process to implement such a change for FDPIR.

VI. USDA DoD Fresh Fruit and Vegetable Program

- In recent months, USDA FNS, the DoD Defense Logistics Agency (DLA), and FDPIR program staff have discussed USDA DoD Fresh and identified concerns and determined remedies. The discussions regarding when seasonal items are available and information about commercially available package sizes informed changes to the list of available fruits and vegetables for FDPIR.

Updated FDPIR Fresh Fruit and Vegetable List

- As part of an in-depth review and evaluation of fresh fruits and vegetables, FNS made changes to the FDPIR Guide Rate based on feedback received from FDPIR partners.
- Beginning October 1, 2024, the following changes were made available to all FDPIR programs participating in the USDA DoD Fresh Fruit & Vegetable Program:
 1. Availability of Seedless Cucumbers. Seedless cucumbers, also referred to as English or greenhouse cucumbers, will be added to the produce list.
 2. Availability of Additional Produce Package Sizes. Approximately twenty (20) additional package sizes of existing fruits and vegetables will be added to the Fresh Fruits and Vegetables Order Receipt System (FFAVORS).
 3. Distribution Change to Weight of Fruits and Vegetables. The FDPIR Guide Rate will be updated to display the distribution of fruit and vegetable options by weight as One (1) Pound (LB) = One (1) Unit.

Updated Vendor Contract Language

- FNS and DLA continue to work on updating current contractual language that will better serve and be tailored for Indian Country. Formal contract language has been developed and DLA issued solicitations for the Dakotas and Idaho which included the revised language. Many of the revisions focus on ensuring Tribal concerns and needs are addressed in a timely manner and are properly accounted for in future vendor contracts. Idaho and the Dakotas were the first awards to incorporate the new language, with others following.

Continued Discussion on Fresh Produce & 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. Cherokee Nation has agreed to host the pilot training in April 2025. The training program will cover:
 - An overview of produce safety and the produce supply chain,
 - Managing produce inventory,

- Receiving USDA DoD Fresh produce,
- Handling and distribution, and
- Developing a produce safety action plan

VII. Nutrition Symposium 2025

- USDA FNS continues to work in partnership with the NAFDPIR Board to host a FDPIR Nutrition Education Symposium, a conference intended for FDPIR programs to share their approaches to improving health in their communities, create partnerships, and engage with new and existing resource opportunities.
- To ensure the Symposium is held at a date and location most conducive to the FDPIR programs that will attend, FNS met with the NAFDPIR Board and the Native Food and Nutrition Resource Alliance (NFNRA) on September 18, 2024. The NAFDPIR Board recommended collecting additional feedback from FDPIR programs during the annual NAFDPIR conference on the structure and time of year that the Symposium should be held.
- During the NAFDPIR conference held October 6-10, 2024, FNS collected feedback from 58 attendees representing 58 tribes. Responses indicated that programs are interested in attending a 2-3 day FDPIR Nutrition Education Symposium, ideally in late spring or early fall.
- FNS shared feedback results with the NAFDPIR Board and discussed in further detail following an FDPIR Food Package Review Workgroup meeting on November 13, 2024. During this discussion, the consensus was to host the Symposium in June or September 2025 near an FDPIR site and major airport. The NAFDPIR Board strongly encouraged FNS to host the event near an ITO that currently offers a robust nutrition education program.
- Using the criteria identified, on November 22, FNS recommended five potential locations and dates to the NAFDPIR board. FNS requested feedback by December 3.
- FNS will continue to collaborate with logistics partner, University of Mississippi Institute of Child Nutrition, to secure a date and location for the Symposium.

VIII. State SNAP-Ed Consultations

- FNS has been continuing to review data reported by State and implementing agencies on SNAP-Ed tribal consultation plans and activities in the new National Program Evaluation and Reporting System (N-PEARS).
- Following FNS review of the first year of SNAP-Ed State Plan data entered in N-PEARS, FNS identified opportunities to improve the clarity, consistency, and quality of data collected on tribal consultation efforts. As a result, FNS made some changes in N-PEARS to support improved data collection on past consultation activities and activities that are planned for the upcoming fiscal year.
- FNS is currently in the process of reviewing data submitted in the FY 2025 State Plans.

IX. Supporting Increased State SNAP Agency Coordination with ITOs

- FNS continues to work on a memo intended to support improved coordination by SNAP and FDPIR administrators related to dual participation and comparable disqualification requirements.
- FNS SNAP shared an updated version of the National Directory of Contacts for Duplicate Participation in June 2024 with FNS FDPIR directors for circulation to FDPIR administrators. FNS has not yet identified a solution for obtaining specific Points of Contact for those States that currently list general contact points in that directory.

X. Working with Tribal Communities Training Update

- In FY 2024, the Regional Tribal Affairs Specialists provided 26 cultural competency trainings at Regional All-Hands, programmatic meetings, FNS wide events, and other various meetings. In FY 2025, Regional Tribal Affairs Specialists will continue to track and provide trainings to their Regions and contribute to agency-wide trainings. Regional programmatic staff also receive trainings through ongoing standing meetings, such as the Tribal Summer Meals meetings.

XI. Tribal Affairs Specialists Update

- At the request of the NAFDPIR Board and Tribal Leaders, Tribal Affairs Specialists will provide the panel presentation first given at the NAFDPIR meeting in October.

XII. Integrated Financial Management System (IFMS) and Alternative Computer Systems

- In FY 2024, FNS conducted in-person training sessions on IFMS and attended four Regional FDPIR meetings to provide assistance and gather feedback on system functionalities. Regional Meetings took place in: Phoenix, AZ, Fort Mojave Indian Tribe (Needles, CA), Denver, CO, and Little River Band of Ottawa Indians (Manistee, MI).
- FNS also conducted six site visits to FDPIR Tribes to provide training and technical assistance.
- FNS continues to meet monthly with the IFMS user group to receive feedback on system and proposed system updates. Upcoming enhancements in FY 2025 include:
 - 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 a certifier will be able to review the information to determine eligibility. A release date has not yet been identified, but FNS began to work on 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.