

**Testimony of Mary Greene Trottier
President
National Association of Food Distribution Programs on Indian Reservations**

**Before the
U.S. House Committee on Natural Resources
Oversight Hearing on “Shutdown Impacts in Indian Country”**

January 15, 2019

Introduction

Chairman Grijalva and members of the Committee, my name is Mary Greene Trottier. I am a member of the Spirit Lake Sioux Nation and President of the National Association of Food Distribution Programs on Indian Reservations (NAFDPIR). I also serve as the manager for my food distribution program in Fort Totten, North Dakota, where we regularly serve approximately 850 people through FDPIR each month.

I would like to thank the Committee for asking me to testify today on the impacts of the current partial government shutdown on FDPIR and Indian Country.

To truly understand the impacts of a government shutdown on our program, it's important to have a sense of our program's current positive impact across Indian Country and on the Tribal members, and non-Tribal community members, who rely on it. The Food Distribution Program on Indian Reservations (FDPIR) provides food assistance and nutrition education to nearly 100,000 people across Indian Country each month. The program employs Tribal and local community members in over 100 Indian Tribal Organizations who administer the program locally for citizens of 276 different Tribes. While over half of FDPIR participants are working men and women, many of whom have young children at home, FDPIR also serves a significant number of elders—nearly half of FDPIR participants are over the age of sixty, and the average age of FDPIR participants is 54.

In addition to serving our people who are in need, we also employ thousands of Tribal members like myself at ITO's across the country, where we serve our communities as ITO managers, ITO staff, warehouse employees, and more. FDPIR has also provided a means for some of our Tribal food businesses and producers to access the USDA Commodity Foods market and sell food directly to USDA for use in our food packages. In this way, our participants gain access to traditional foods like wild rice, bison, blue cornmeal, salmon, and catfish, while Tribally owned food businesses see the benefits of economic development through agricultural production.

FDPIR is a critical part of our food security safety net for our rural and remote reservation communities where many of our people lack meaningful access to a full-service grocery store or convenience store that might serve as a Supplemental Nutrition Assistance Program (SNAP) vendor. Essentially, FDPIR provides food to Tribal citizens in places with no or limited access to stores or transportation. In addition to providing a food package that ranks incredibly high on the USDA's Healthy Eating Index, we also strive to provide nutrition education opportunities to our participants, to the extent that we are able with our limited nutrition education funding. Through the nutrition education opportunities we provide, our participants

not only gain valuable insight into the foods that will improve their health, they also gain skills that can be turned into economic development opportunities: some of our participants who have learned how to safely can foods, for example, have started home businesses selling salsa and other cottage food products to their local community members. Our program not only offers a food package but also the kind of community support and education that can ultimately lead them to create their own work opportunities, even in our most rural places where jobs are scarce and unemployment is as high as 40 to 60 percent or higher.

During the current partial shutdown, however, access to our program for every family who needs FDPIR to make ends meet each month is imperiled. While FDPIR has enough administrative funding and food in stock to last until the end of January, after that, the situation becomes highly uncertain. Food that has previously been ordered could arrive at FDPIR sites with no staff available to receive it or deliver it to participants. This is a repeat of the nightmarish scenario that happened during the October 2013 shutdown where food was left to rot in locked warehouses instead of being made available to the Native people who needed it.

I am here today to explain some of the immediate shutdown impacts our program and our people have been experiencing, but before I walk through some of the items the committee has asked me to address, I also wanted to take a moment to acknowledge the opportunity that the passage of the 2018 Farm Bill represents for Indian Country. NAFDPIR was deeply appreciative of the multiple provisions in that historic legislation that will improve our ability as ITO managers to serve our people through FDPIR. One of the first impacts we felt was the missed opportunity to truly celebrate what this Farm Bill represents to Indian Country agriculture in general and, from my perspective as NAFDPIR Board President, to FDPIR specifically. We were excited to see this bill pass with overwhelming bipartisan support, and were prepared to work with USDA on implementing the key programmatic changes that Congress made to support the efficient delivery of FDPIR. At our most recent Tribal consultation with USDA on our program in December of 2018, USDA agreed to monthly teleconference calls with Tribal leaders and NAFDPIR Board members to discuss the implementation of all the Farm Bill provisions that relate to FDPIR, utilizing our expertise and knowledge of the program and our communities as a technical assistance resource that will ensure the provisions Congress passed are implemented efficiently and effectively in Indian Country. Unfortunately, with USDA unable to operate during the partial shutdown, we fear the progress we have made in the past two years of consultations will come to a halt. We are losing the ability to dialogue with USDA on Farm Bill implementation, and that is true not only for FDPIR, but for all sixty-three Indian Country provisions in the 2018 Farm Bill that will facilitate economic development for American Indian farmers and ranchers, promote Tribal food businesses and food systems, create jobs for our people and give them access to better, more nutritious food, and more.

Beyond the missed opportunity of developing Farm Bill programs, however, FDPIR is already experiencing impacts from this partial government shutdown, and I would like to focus the remainder of my testimony on exploring those impacts as well as opportunities for Congress to act to remedy them.

Shutdown Impacts on FDPIR

Even though our administrative funds will not run out until the end of this month, ITO's are already beginning to furlough our warehouse employees and other staff in order to try and stretch what funds we do have for as long as possible to make sure our people can be fed. This unfortunately puts our staff out of work and without pay, making it difficult for them to feed themselves and their families, pay their bills, and contribute to our local economies. Some of our locations are operating with only one staff member right now, and the rest are furloughed. For each subsequent day of the shutdown, more ITO's plan to furlough employees. For the locations currently operating with only one staffer, that leaves one person in the office and warehouse to do intake for participants, assist participants and provide customer service, maintain inventory, receive inventory, and more. This is not only inefficient, it is not a good way to serve our Tribal members.

We are also completely without any administrative support for problems that arise in the day-to-day operation of any food program. The regional contacts that we understood would be available to us during shutdown have been furloughed. Only one person is authorized to work at national headquarters. Meanwhile, on the ground at our ITO's, this means that our non-furloughed staff are unable to run financial reports, grant reports, draw down funds, or perform e-authentication to submit any annual reports. We have no IT support for technical issues. The USDA complaint line for our WBSCM software, which allows us to order and track foods, is not operational right now. If there are problems or issues with the program, we have no way to address them. This disrupts our food ordering and inventory and further jeopardizes our ability to provide food packages to our participants.

Many members of our Tribal communities are federal employees who have been furloughed, and immediately after the shutdown started we began receiving questions from our federal employee community members about their eligibility for the program. Many of these federal employees have families and are concerned about feeding their children and elders without their regular paycheck. In many cases, we are unable to provide assistance for these distressed federal employees, because their income in the previous thirty days would have been too high to qualify for our program. If the shutdown continues long enough for them to qualify because they have not been paid, many of our ITO's will likely have already closed our doors due to lack of administrative funds, which will expire at the end of this month. This leaves our Tribal members who work for the federal government with no options for assistance while they await the opportunity to go back to their jobs.

We also have foods for the food packages waiting in the national warehouses that were ordered and paid for prior to the partial shutdown that cannot be delivered because computer updates were not released in time to allow them to be received into our inventories. For example, a shipment of dried cranberries is currently sitting in the national warehouses, unable to be delivered because of this issue. Even though there is one individual remaining in national headquarters who is authorized to work during the shutdown, this staff member does not have the ability to send out the update that would allow us to receive this food. If the shutdown continues through February, at some point we will likely be unable to receive this food item at all, because USDA-FNS requires that we not distribute food within a month of its "Best if Used By," or BIUB, expiration date. Instead, these foods must either be donated to food banks or

destroyed, depending on how far away from this date they are. NAFDPIR would never support our participants receiving poor quality food—but this is a prime example of the negative impacts of this shutdown on our people. This food was purchased for our participants, and they should have the opportunity to receive it. The longer this shutdown continues, the more our foods are imperiled.

In the October 2013 government shutdown, we saw ITO's forced to close their doors and leave food to rot in warehouses while our participants went without food. Once our administrative funds run out at the end of January, we will likely start to see the same effects happen again. Although USDA announced last week that the agency will utilize expired Continuing Resolution funds this month to assist SNAP recipients for February, that does not apply to FDPIR. There is no budgetary loophole to extend funds further to our program without proper appropriations from Congress. Technically, food has been ordered through March and according to USDA deliveries are supposed to be continuing for February. Unfortunately, this ignores the expiration of our administrative funds, which means that every ITO will likely have to furlough all our staff at the end of January. If food is delivered to warehouses where there are no employees to receive it because there are no funds left to pay those employees, that food will rot. Further, there is no guarantee that food deliveries to FDPIR warehouses will actually happen: these deliveries, especially of fresh fruits and vegetables which we receive through the DoD Fresh program, are completed by government contractors. In the October 2013 shutdown, shipments stopped entirely from these contractors, who understandably will not work if they will not be compensated.

The only recourse some ITOs will have to remain operational past January 31st is if a Tribal government provides them operating funds, for which there will be no reimbursement. Our Tribal governments are already stretched to capacity as our health services are also going unfunded and Tribes are having to provide assistance in many other areas. Essentially, we will be asking our Tribal governments to choose between providing food or medicine for our most vulnerable people.

The shutdown has already had many impacts on our program and our ability to effectively serve our participants, but perhaps the most widespread shutdown impact so far is fear. People are afraid that they will not be able to feed their families. They are afraid that they will not be able to care for their elders, or their children. Our ITO employees and our federal employees who are furloughed share these fears as well, and with the shutdown causing significant impacts to other program areas, like our Tribal healthcare services, our Tribal leaders worry that they will not be able to find the resources to make up for the loss of the federal funds that we see as a fulfillment of the trust responsibility that the federal government has to all Tribes.

The possibility that SNAP, too, will be in jeopardy if the shutdown continues until March is also huge area of concern and fear for NAFDPIR and our ITO managers. We know from experience that any time SNAP benefits are reduced or taken away, our program sees an immediate rise in applications as people seek to feed themselves and their families. In some cases there is a 25 percent increase in participation at our ITO's when SNAP benefits are reduced. We saw this in October 2013, when the American Recovery and Reinvestment Act expired and SNAP benefits were reduced. In the month after ARRA's expiration, we saw an immediate rise in participation across FDPIR sites in all our regions. Unfortunately, this rise in participation does not come

with increased funding. We must try to do more with less. If FDPIR had a contingency plan of some kind, this might alleviate some of this problem.

How Congress can Alleviate Impact to FDPIR in Future Shutdowns

FDPIR has no contingency plan for shutdowns, natural disasters, or commodity food shortages. When shutdowns happen, we are therefore affected immediately. Although we have asked USDA repeatedly about developing a contingency plan over the past two years of consultations with the Department, we still lack a plan for FDPIR. When pressed on this issue, the response of USDA career staff has typically been that government shutdowns are “intended to be disruptive,” and therefore there is little they can do to preemptively ameliorate shutdown effects for FDPIR. But shutdowns are not the only catastrophes that imperil our program and impact our nation’s food system: so do natural disasters and commodity food shortages.

One of the other issues with developing a contingency plan that USDA has articulated to us during consultation is that while funded under a Continuing Resolution, our budget and appropriations laws leave them with little room to maneuver and purchase foods in advance of shutdown. Regular appropriations cycles would help us weather these storms, but in the absence of that, the development of a contingency plan is an absolute necessity.

In addition to our lack of contingency planning, there are existing problems in our program that not only continue, but which have ultimately worsened the effects of the shutdown. One of these is the lack of IT support. Last year, the USDA career employee who managed the Automated Inventory Systems, or AIS, software programming for the entire nation, retired. This system is one of the systems we must use to manage our program and maintain our inventory levels. When the AIS Manager for USDA retired, we lost decades of institutional knowledge and problem-solving expertise with this vital computer program. USDA has yet to fill the position or advertise to fill it. During the shutdown, this loss is even more deeply felt: without the ability to communicate with qualified IT professionals prior to the shutdown to prepare, we are left totally without support.

Consultation between USDA and Tribal leaders on some of these issues has resulted in some progress over the past two years, but ultimately, we still have some programmatic changes that we need USDA to address that will make our program more efficient. Each time the government shuts down, these problems are immediately magnified. If we could address these issues and actually find solutions for them, we would be far less imperiled in the event of not only any future shutdowns, but also natural disasters and other food system-disrupting events.

Financial Implications of Shutdown for FDPIR

The financial implications of this shutdown are hard to quantify right now. Our Tribal economies have certainly been affected by the loss of income from our Tribal members who are federal employees as well as our ITO employees who are furloughed. Many of our reservation communities already struggle economically, and when significant sources of family incomes are suddenly lost, the whole community loses, too.

We will likely see financial implications for our program because of our previous carryover funds policy. Prior to the 2017 appropriations cycle, our funds were only available to be carried

over for one year. Congress changed this in 2017, authorizing two year carryover funding and putting FDPIR in the same budgetary place as our sister commodity programs, which already had two year carryover. This was a much-needed change that NAFDPIR was glad to see in the law. However, because that change was not made permanent in the law until the 2018 Farm Bill, this meant that in the intervening time our additional funds had to be “swept back” to all the FNS regional offices before they could be returned to us for use. Now that the carryover provision is permanent, funds will no longer have to be “swept” in the future. But for those funds that were swept back prior to the Farm Bill’s passage and which still have not been returned, the shutdown has halted that process.

Further, if we start to run up against the “Best if Used By” drop date for the foods we have yet to receive from the national warehouses, forcing those foods to be donated instead of sent to our recipients, we will start seeing thousands of dollars in food purchases wasted. As an example, due to an adjusted USDA administrative policy with the take rate of bison last year, thousands of pounds of bison ran out of time on their “Best if Used By” dates and had to be donated to food banks instead of given to our program. From 2015 to 2018, the total amount of donated bison was 76,752 pounds, according to USDA. At \$8.63 per unit cost, that’s nearly \$700,000 of food dollars used to purchase food—and a traditional food—for FDPIR participants that instead went elsewhere. If the shutdown continues and we cannot receive shipments from the national warehouse, I fear we will be looking at far more significant financial implications. This food has been purchased for FDPIR participants and they should have the opportunity as the intended beneficiaries of the food to receive it. Beyond that, something incredibly relevant to this committee’s work is the environmental cost of food that is wasted because of this shutdown. If foods rot or must be destroyed because they are out of date after the shutdown, they will go to a landfill where they will increase methane in our atmosphere as they decompose, and all the agricultural inputs that went into growing those foods—water, land—will have been wasted.

Finally, because the shutdown has cut off our farmers and ranchers from accessing crop data, new Farm Bill programs, and left many food safety inspectors furloughed, our rural and remote reservation areas are already seeing prices increase for food products. Prices in our rural and remote places in this country are already high for food products, partly because of the transportation costs of moving food to these remote places, and the shutdown will only exacerbate this problem the longer it goes on. For those people who use our program and already cannot make food last the month without our food package, this will be particularly disastrous, but it will affect everyone in our Tribal communities.

Tribes Most Affected by FDPIR Shutdown

The Tribes that are most affected right now are those like Bois Forte ITO in Minnesota that have already furloughed all but one of their ITO staff in order to maintain operations for as long as possible. But, as I discussed earlier in my testimony, every one of the over 102 ITO’s administering FDPIR in Indian Country is suffering from this shutdown, and there is fear throughout our communities that our program will soon meet the same fate as so many of our Indian Health Services facilities and be forced to stop service until the shutdown ends. All of our ITO’s are struggling without the support of our federal regional FNS offices and national headquarters. With the shutdown already wreaking havoc in our Tribal healthcare services and so many other vital policy areas, our Tribal governments will find it difficult if not impossible

to provide further operating funds for most of our programs after our administrative funds expire at the end of January. At that point, the roughly 90,000 participants we serve each month will have lost their major source of food. These are our elders, families with young children, our community members who are working but still cannot make ends meet each month, and every one of the 276 Tribes that uses our program will see people go hungry if our program is unable to continue operating because of this shutdown.

Conclusion

In closing, I would like to once again thank Chairman Grijalva and all the members of this committee for convening this hearing. I have worked for FDPIR in my Tribe for over thirty years and I know firsthand the importance of this program to our Tribal members and those in our Tribal communities who are struggling. I appreciate the opportunity to share the impact of the FDPIR with all of you today, and I hope that my testimony has shed some light on the disastrous effects this shutdown is already having for the work that we do to feed the most vulnerable in Indian Country.

Food Distribution Program on Indian Reservations

What is FDPIR?

FDPIR is a Federal nutrition assistance program that provides food packages to low income families living on Indian reservations. This program is an important alternative to the Supplemental Nutrition Assistance Program (SNAP), in rural and remote reservation communities that may lack meaningful access to SNAP offices or grocery stores. Households may not participate in both programs at the same time.

FDPIR is currently administered to 276 tribes via 102 ITOs and 3 state agencies.¹

Who is eligible for FDPIR?

Income-eligible American Indian and nonIndian households that reside on a reservation and households living in approved areas near a reservation or in Oklahoma that contain at least one person who is a member of a Federally-recognized tribe, are eligible to participate in FDPIR.³

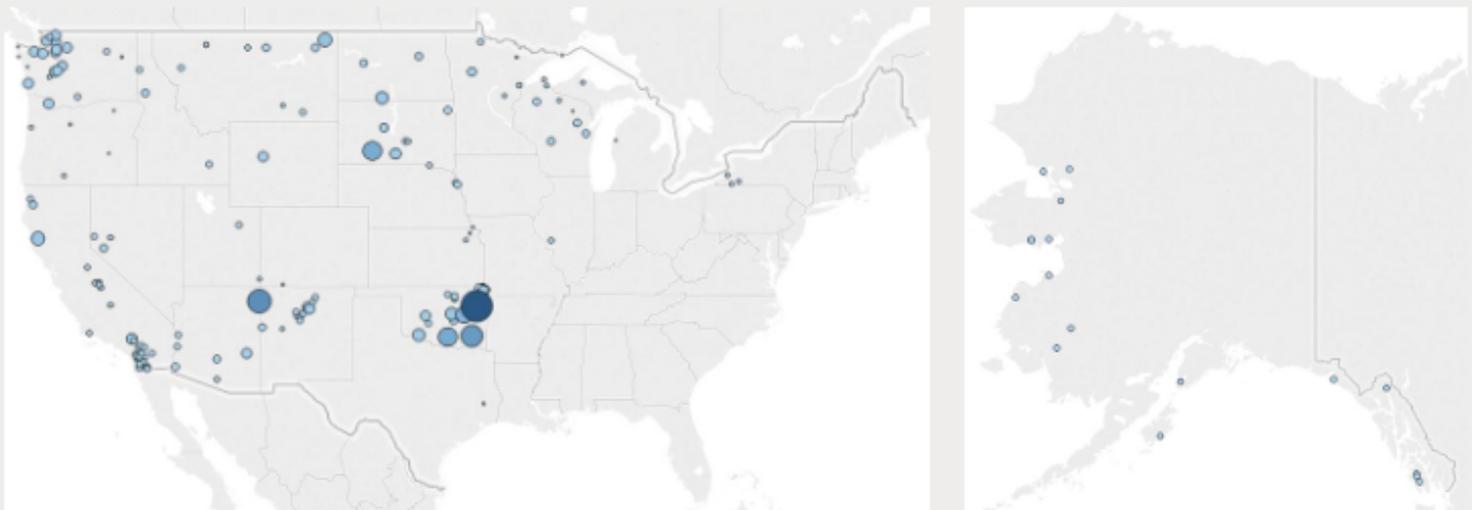
FDPIR serves 90,000 people on average each month.⁴

New FDPIR 638 Demonstration²

The new Farm Bill has authorized \$5 million for demonstration projects for Tribal organizations to enter into 638 self-determination and oversee FDPIR programs themselves. If this demonstration is funded, more Tribes may have the opportunity to have more control over how their Tribal members are served by this critical program.

What foods are provided?⁵

- Frozen & canned meats, poultry and fish
- Canned fruits, vegetables, beans, soups, and pasta sauce
- Pastas, cereals, rice, and other grains
- Cheese, egg mix, and various milk options
- Flour, cornmeal, bakery mix, and crackers
- Dried beans and dehydrated potatoes
- Juices and dried fruit
- Peanuts and peanut butter



A map of FDPIR sites and participation rates in the United States.⁶

For more information on the FDPIR program visit:
<https://www.fns.usda.gov/fdpir/>

Sources:

1, 3, 5: USDA FNS FDPIR Fact Sheet

2: H.R.2: Sec. 4003(b)

4 & 6: National Data Bank, Food and Nutrition Service 2017



For more information, please contact: Colby D. Duren, Director,
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NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #TUL-13-062

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TITLE: Support for Parity and Fairness in the Food Distribution Program on Indian Reservations

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, NCAI recognizes the important role that food, agriculture, and nutrition play in the social and economic well-being of Indian communities; and

WHEREAS, tribal governments understand and that each have roles and responsibilities in ensuring their citizens have access to healthy and nutritious food; and

WHEREAS, the Indian tribes administer the Food Distribution Program on Indian Reservations (FDPIR) that provides feeding program services and food packages for the most food insecure tribal citizens; and

WHEREAS, the shutdown of the federal government, including major portions of the FDPIR feeding program, the WIC program, and related feeding programs affecting their most vulnerable citizens because food assistance cannot continue without funding or rollover funding; and

WHEREAS, FDPIR programs cannot reject damaged or spoiled food and have to pay for unusable food products which leads to waste of resources on unusable food products; and

WHEREAS, the number of Supplemental Nutrition Assistance Program participants are expected decrease and the continuing "food desert" circumstances in Indian Country persist, the number of tribal citizens participating in FDRIP will increase, making it, in some circumstances, the only food program for tribal citizens in need.

NOW THEREFORE BE IT RESOLVED, NCAI calls on the Administration and Congress to: (1) allow full parity in the administration of the FDPIR with states that administer the program to ensure that tribal governments are allowed to carry forward unused funds to establish contingency planning in the event of a funding gap or emergency; (2) amended contract provision related to food delivery to locations and tribal management sites so tribes can reject spoiled or damaged food products; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2013 Annual Session of the National Congress of American Indians, held at the Cox Business Center from October 13 - 18, 2013 in Tulsa, Oklahoma with a quorum present.



President

ATTEST:



Recording Secretary



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ANC-14-054

TITLE: Call upon Food and Nutrition Service to Remedy Food Shortages in the Food Distribution on Indian Reservations Program and Purchase Traditional Foods for Food Packages

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, diet-related diseases including diabetes, cardiovascular disease, and obesity are near epidemic proportions on most Indian reservations; and

WHEREAS, American Indian and Alaska Native citizens in over 270 tribes rely on the Food Distribution Program on Indian Reservation (FDPIR) food packages to meet their daily food needs and FDPIR has seen a sustained rise in participants since October 2013; and

WHEREAS, the sustained rise of participants in the program, coupled with the budget and management of the FDPIR program, has caused irregular food purchases and shortages of foods normally available in the food package; and

WHEREAS, our traditional foods have great potential to address the current health conditions of American Indian and Alaska Native citizens and that it is important that FDPIR participants have access to the traditional foods for their health, well-being, and nutrition; and

WHEREAS, the Congress, through the 2014 Agricultural Act and the previous Farm Bills has authorized the purchase of traditional foods in the FDPIR program.

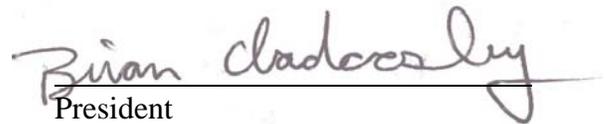
NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby call on the U.S. Department of Agriculture (USDA) to immediately and completely restore FDPIR food packages and that USDA use all available authorities to ensure that food shortages are immediately remedied and that currently unavailable foods be secured for the food package for FDPIR; and

BE IT FURTHER RESOLVED, that NCAI additionally calls for all traditional foods to become a permanent part of the FDPIR food package and that those foods be purchased from Native American-owned companies and producers; and

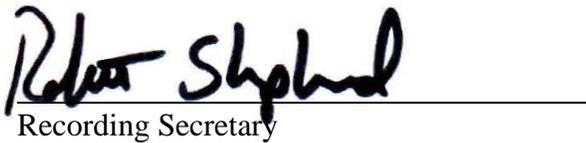
BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2014 Mid-Year Session of the National Congress of American Indians, held at the Dena'ina Civic & Convention Center, June 8-11, 2014 in Anchorage, Alaska, with a quorum present.


President

ATTEST:


Recording Secretary



National Association of Food Distribution Programs on Indian Reservations

March 14, 2014

Under Secretary Kevin Concannon
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Laura Castro, Director
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Dear Mr. Concannon, Ms. Thornton, Ms. Rowe and Ms. Castro:
The Board and membership of the national FDPIR organization (NAFDPIR) congratulate the Department and FNS in the recent passage of the 2014 Farm Bill by Congress. We know it was long sought after by the Department and will provide a strong foundation for the people we serve in rural America. NAFDPIR stands ready to assist the department in implementing these important new provisions. We represent 275 tribes (over half of all federally recognized tribes) in the most important issues to our communities - - access to food.

Our purpose in writing to you today is to begin a discussion about several items that have been on the NAFDPIR national membership agenda for some time. We seek an audience with the Secretary, the Under Secretary's office and FNS leadership to discuss these matters further and look forward to your written response to our discussions offered below.

Food Availability

In the recent government shutdown the FDPIR sites saw an increase in participation. We request FNS work as transparently as possible with us to ensure we do not have people going hungry in our 275 tribal communities. Our program serves over half of all federally recognized tribes and we need to make sure that the coming changes in the SNAP program do not impact our ability to feed our people. We are sure you do not want that outcome either. But in the vein of a "lean warehouse" policy and the coming decline in participation in SNAP, we believe we are the canary in the coalmine in Indian Country and we seek your assistance and support to make sure children and elders are fed.

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MIDWEST REGION

Susie Roy
Leech Lake Chippewa

MOUNTAIN PLAINS

Mary Greene-Trottier
Spirit Lake Sioux Tribe

SOUTHWEST REGION

Perry Martinez
Eight Northern
Indian Pueblo Council Inc.

WESTERN REGION

Jenelle Gimlin
State of Nevada

Lean Warehouse Policy

We are deeply concerned about what could be a shift in policy to a “lean warehouse” concept and are concerned that if in fact FNS has shifted to such a policy, that no one discussed this matter with our leadership in the spirit of tribal consultation specifically important to this critical feeding program in Indian Country. We request a special meeting and a written response to these concerns and a full explanation of what a “lean warehouse” concept will mean for practical purposes within the FDPIR program.

Status Report – FDPIR Study

We request an immediate in-person meeting between FNS, FDPIR federal staff and the NAFDPIR board and leadership to discuss this study and report. We invite representatives of the Urban Institute to take part in such a meeting. Without our input we don't believe a solid report can be delivered. Paying people to complete a survey will ensure that biased input is received, and the study managers are paying individuals within our communities to provide input. We (as a board) would appreciate providing input on the actual survey and we believe that a survey design and process design delivery without our input will result in a flawed outcome and report. It is not too late to fix this process and we are not requesting that the contract be rejected or even modified. What we do believe is that NAFDPIR needs to have a voice in the project, know the status in real time, have an opportunity to provide input to the survey designers, and have an opportunity to review and provide comment to any draft of a report to FNS and/or Congress before that report is made final.

Continued Concerns: Late Deliveries, BIUB Dating, Shipments of Unusable Product and Creation of a Formal Complaint Mechanism

We request FNS take immediate steps to do the following: 1) ensure that the national warehouse deliveries are made in a timely manner; 2) ensure that companies delivering product are not allowed to deliver unusable product to our feeding sites; 3) ensure that the value of those foods is recouped into the FDPIR budget so that we can order and receive food in a timely manner for use by Indian people. We request a meeting and written response to this issue and we strongly request that should you determine that the fault lies with the companies who are under contract with you to deliver food to our sites, that you take immediate steps to release those companies from their contracts with the federal government or take immediate steps to cure these deficiencies.

Matching Funds Requirements

FDPIR intends to approach Congress to seek legislative language to relieve us from the match requirement. We request USDA/FNS join us in this request. At present, ITOs do not receive enough administrative funding to fulfill their needs in managing these important feeding programs. The programs need to be funded at 100% administrative costs to deliver the program and thereby meet the needs of individual ITOs that can be vastly different, tribe-to-tribe. The federal government is adopting new policies in 638 programs government-wide to ensure that tribes recover full administrative costs in their management of programs. Ensuring FDPIR is in line with these new developments is important.

Support for More Funds for Tribal Nutrition Education

Finally, for too long the FDPIR program has been ineligible to seek and obtain funds from the full array of nutrition education programs available throughout the United States through USDA. Using the scant \$1m or less available to us, we have designed and delivered a strong portfolio of nutrition

education projects, but the nutrition and health conditions in Indian Country are so profoundly more epidemic than the rest of the country that it simply makes no sense to cut our programs off from access to the full portfolio of nutrition education funds available. Tribes have demonstrated over and over again that we are best at educating our own people about the choices they make when we do so from within, using traditional and culturally appropriate approaches and language. We need your help to make sure these doors are unlocked. That can be accomplished through ensuring Tribal governments and Tribal colleges have access to nutrition education programs in which they are currently ineligible to participate.

Carry Forward Policy

We request that FNS amend its carry forward policy with regard to operating budgets of the entire FDPIR program. NAFDPIR has passed several resolutions seeking changes to the federal funds carry forward policy. At present, the ITOs lack federal permission to allow the carry forward of unused funds year to year. If carry forward of funds were allowed, the funds could be redirected with federal approval to improve program food delivery infrastructure or provide additional much needed nutrition education. We request FNS provide a plan for amending this carry forward policy.

Outdated Ordering Systems

We request that FNS, as part of Secretary Vilsack's ongoing and important efforts to bring modern technology advancements to USDA as well as his efforts to bring "Lean Six Sigma" business management efficiencies into the department, take a strong look at the possibilities of having Tribal technology departments provide input and insight on how best the systems used in feeding programs can be upgraded. We have several Tribal governments that are highly advanced in technology adoption, several Tribes that have technology contracts with the federal government, and many Tribal governments that have adopted the principles of Lean Six Sigma into their own operations. It seems to us that a unique partnership could be forged between these Tribes and USDA to ensure that programs with authority to only serve Tribal citizens are operated in the most efficient manner possible, and in so doing, create models for other programs within the department. NAFDPIR offers to put USDA and FNS officials in touch with these professionals within Indian Country and do whatever we can to further this concept. At a minimum, the AIS, WBSCM and FFAVORS programs should be reviewed as a whole to determine the ability to roll all these duplicative programs into one overarching program, thus reducing redundancy, waste, and technological inefficiencies.

Traditional Foods in the FDPIR Package

The 2014 Farm Bill had two provisions drawing attention to the importance of traditional foods. We request your attention to ensuring that traditional foods have a permanent place in the FDPIR package and ask that you set up a special team within FNS and USDA, to include a member of the USDA Office of Tribal Relations staff (which was made permanent in this Farm Bill). We also respectfully request that this special team have several members of the NAFDPIR leadership and membership that are representative of the vast array of traditional foods sources available in Indian Country. We suggest that this activity could also be one of the components considered by the Multiagency Task Force mandated by Section 4205 of the Agricultural Act of 2014. In addition, we request that FNS award the \$1m authorized for the traditional foods study to an entity with intimate knowledge of the FDPIR program and that the study itself be designed in such a way that we do not repeat the problems associated with the current FDPIR study being conducted by the Urban Institute as discussed below. We know there are several entities that have unique and informed knowledge of Indian Country, both in terms of knowledge of the consumer in Indian Country, the producer in

Indian Country, the culture surrounding traditional foods, and the challenges and opportunities in this arena. These entities know Indian Country and have the integrity and academic professionalism to provide a unique opportunity to further Indian Country's overarching goals of improving the Native food and agriculture sector and our ability to feed our people.

Support for Tribal Management of All Feeding Programs

We also point to the provisions in the new Farm Bill that give support to the possibility of turning over full management of ALL feeding programs under FNS authority to Tribal governments, where appropriate. The 275 Tribal governments who regularly manage FDPIR programs, and other Tribal governments who manage a vast array of other government services, have more than demonstrated their capacity, interest, and expertise to manage feeding our own people. NAFDPIR stands ready to play a role when such decisions are made and studies are conducted so that we can pave the way for a new partnership between Tribal governments and USDA in these critical areas to our people - - nutrition and health and food. We also believe that Tribal governments who do step forward to manage those programs can do so in a seamless and cooperative way with the State governments operating feeding programs off tribal lands.

Traditional Foods Availability in Indian Country Public Institutions

We request that USDA FNS actively seek and obtain seat(s) for NAFDPIR leadership and membership on a special team made up of members of the USDA and FDA staff responsible for implementing this provision of the new 2014 Farm Bill. We believe that FDPIR program managers and leadership have unique insight into how this provision of the Farm Bill will evolve and we strongly believe that a work team without FDPIR presence will exclude an important voice with experience on the ground in food purchasing, positioning, feeding, and health/nutrition planning and education in Indian Country. An effort to implement this section of the new Farm Bill without a seat at the table for our program managers who confront on a daily basis the needs of our people for food would be a tragic oversight.

Thank you for your kind attention to these complex and important matters. We congratulate the Department on the recent passage of a long-overdue Farm Bill and we stand ready to assist you in every way possible to make sure its benefits reach Indian Country.

Sincerely,



Tod Robertson
President, NAFDPIR (on behalf of the its members)

CC: National Congress of American Indians
USDA Office of the Secretary
USDA Office of Tribal Relations
Senate Committee on Indian Affairs

CC: Tribes participating in FDPIR (275)

CC: Olsson Frank Weeda Terman Matz, PC



National Association of Food Distribution Programs on Indian Reservations

August 12, 2015

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250

Under Secretary Kevin Concannon
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington DC 20250

Audrey Rowe, Administrator
Food and Nutrition Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington DC 20250

Laura Castro, FDPIR Director
Food and Nutrition Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington DC 20250

Dear Secretary Vilsack:

The Board and membership of the national organization (NAFDPIR), serving all Federally Recognized Tribal Nations (567), that have citizens participating in the Food Distribution Program on Indian Reservations (FDPIR) are reaching out to formally request an audience with you to discuss current and long-standing situations affecting the administration and management of FDPIR. The NAFDPIR is comprised of Tribes who are served by the FDPIR program and a few State officials serving Tribes who receive food packages under the FDPIR program.

On March 14, 2014 we requested an audience with Under Secretary Concannon to discuss a long list of concerns we had with regard to the FDPIR program. We followed with another letter in early May 2014 reiterating that request when we received no response to our March letter. Finally, in June 2014 we were granted an audience with Under Secretary Concannon. The written response we received thereafter was inadequate and in most cases did not address our concerns.

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WESTERN REGION

Jenelle Gimlin
State of Nevada

Since that time (over a year ago) minimal action has been taken to address the ongoing concerns we have expressed to the FDPIR Director's office and their staff, the national warehouse personnel, as well as the Under Secretary's office.

Most recently, we met with Under Secretary Concannon during the annual FDPIR meeting in Albuquerque. Present were over 15 senior elected Tribal officials (Governors, Chairmen, Principal Chiefs of multiple Tribal Nations) and senior officials of FNS. While there has been recent movement to purchase bison for the FDPIR package, the vast number of issues we raised with the Under Secretary are still unresolved and we request an audience with you to determine a path forward in the remaining months of your administration.

We believe addressing these long-standing issues with FDPIR, while also making important new improvements in FDPIR, can leave a lasting legacy of improvement to this important programs. We briefly outline the issues needing resolution below, along with our proposed solutions.

Immediate Request: Seat a Working Group

We request you seat a working group as soon as possible, made up of officials from USDA FNS, your office, the USDA Office of Tribal Relations and at least 10 representatives of Tribal nations. Many of the elected Tribal officials attending our recent meeting Albuquerque should be appointed members of the working group and have already expressed willingness to Under Secretary Concannon to serve in that capacity. We respectfully request their charge be to address the issues we outline below:

- **Improve Inefficient Computer Interface Systems**
 - Our offices have many challenges interfacing with the present software food ordering system in use by the federal government. It is outdated, does not allow real time communication between distribution sites (even those located on the same reservations) and requires some sites to resort to pencil and paper in order to accomplish their work.
 - **Solution:** Many of our Tribal nations have advanced technology staffs and would be willing to assist the government in re-designing the system we currently must use. Modernization of the AIS, SBSCM, and FFAVORS software systems FDPIR must use can occur without new appropriations and we believe can be a legacy of other efforts within USDA to modernize software systems and bring about greater efficiency. In our case, it would also alleviate many frustrations of our program sites as well.
- **Seek Appropriate Levels of Funding to Meet Present and Future Needs**
 - We have expressed continuing concerns spanning multiple administrations concerning the funding methodology in use for FDPIR. There are growing needs for increased funding for FDPIR, yet FDPIR still is tied to SNAP and the funding requests and methodology for forecasting needs for the program are inadequate. Example: in FY 2015 FDPIR's funding level was \$145m with estimated 96,500 people participating in

the program; in FY 2016, with sustained increase in participants over 102,000 (and additional sites being denied in AK) the funding levels are the same as in the prior FY. Some FDPIR sites have a sustained 100% increase in participation while others have seen sustained increase in the 50%+ range.

- **Solution:** Administrative funding for ITO sites should not have to be competed for between existing programs. Funding levels must increase and additional appropriations negotiated, requested and secured. FDPIR needs to move to a needs-based negotiated budget process in tribal consultation with elected tribal leadership using the following criteria:
 - Actual and projected participant numbers
 - Ability to adjust participation numbers in real time as numbers increase
 - Regular incremental increases adjusted to inflation and increased costs in food and transportation
 - Funding adequate to
 - bring on additional sites in times of proven need,
 - to address emergency situation,
 - to address chronic infrastructure and capital improvements needs of FDPIR sites, and
 - to addressing severe staffing needs at the Tribal level.
- Alaska sites are being requested but denied while villagers are experiencing significant declines in their subsistence food sources and they live in communities without basic infrastructure and no readily available food retail locations
 - **Solution:** Create a new funding mechanism for Alaska Native villages who request participation in FDPIR so that the lower 48 participation sites are not impacted in bringing on new Alaska sites
- **Address Food Availability and Food Shortages and Develop Contingency Plans**
 - The FDPIR food package has experienced periods in the last two years where up to 30% of the 80 items on the approved food package ordering menu have been **unavailable** for ordering from the national warehouse. At one point all meat proteins except one were unavailable.
 - In addition to increased participation numbers, we are also concerned about other possible threats to food availability such as the recent 2015 avian flu outbreak which has led to higher meat and egg prices, shortages in the red meat supply leading to absence in the food package and other possible impacts of climate and food supply chain disruptions.

- All these problems lead to lack of food on the warehouse shelves that mean lack of foods at the program participant level.
- SNAP is not an alternative to address these situations as most of our rural and remote communities which is where our participation in FDPIR is located live in “food deserts” as defined by USDA, with no or extremely limited retail food sites within reasonable driving distance.
- When food shortages occurred, FDPDIR staff appeared to be caught unawares and we are deeply concerned that their responses to our inquires were met with “there is some food available”. Such responses should be unacceptable to all.
 - **Solution:** We need the working group mentioned above to negotiate specifically with USDA for the creation of contingency plans that are comprehensive and proactive in nature.

- **Reject Lean Warehouse Policy Implementation**
 - In recent years, FDPIR has imposed a “lean warehouse policy” without tribal consultation and with almost no explanation as to the meaning of such policy. In the private sector such terminology means a “just in time” ordering and fulfilling requirement along with the image that a centralized or decentralized warehouse will have very little on the shelves on a continuing basis. We actually have pictures of some program sites that now have very little to no foods on the shelves.
 - Such a policy is furthered by new rules (7 CFR Parts 250 and 251) limiting the program’s inventory on-hand and the inclusion of sections within the new regulations that allow for prosecution for violation of the rule.
 - Such policies are unable to be effectively and efficiently administered by federal employees with no understanding of private retail management of such a system. A lean warehouse policy in FDPIR means that the risk of being unable to feed tribal citizens is more real than ever. And the risk of prosecution for keeping surplus foods on the shelves of remote and under-resourced communities is troublesome at the least.
 - **Solution:** Immediately take steps to reverse the “lean warehouse” policy; reverse prosecution language in the new rules; and incorporate within the scope of the working group requested above the charge to develop a plan for effective warehouse management that allows for carrying of surplus at the local level.

- **Reinstate Regional Vendor Pilot , Cure Defects in the Feasibility Study of Tribal Management of Feeding Programs, and Change Policy Concerning FDPIR Studies**
 - The FDPIR program has been the subject of numerous studies. We are routinely not allowed in-person meetings to discuss the studies nor

ensuing reports. Our means to input ongoing studies are never clarified and our ability to review reports before they are released is not allowed.

- The most recent study of FDPIR has been commissioned (as have all previous studies) to urban-based consulting groups with no ongoing relationships with Indian Country. To our knowledge the study still has not been released. While these researchers may be well-known to FNS staff in DC, they are an unknown entity to Indian Country and as such we question their ability to draw logical insightful conclusions regarding how FDPIR functions at the local level. There are many qualified Native research groups and their engagement is important to ensure validity of any future studies and surveys.
- A recent “regional vendor pilot” which was authorized in the 2008 Farm Bill, undertaken but cut short, is of particular concern to FDPIR. The regional pilot was stopped prematurely and no efforts were made to continue the study. The excuse given was that the study was “too expensive” however no costs were shared with the tribes to ascertain whether cost savings could have been achieved in creative ways. The most troublesome part of the cessation is that the regional vendor was totally in alignment with the Secretary’s focus on regional rural development and while it was in effect, the regional approach vastly increased the numbers of participants who shifted to more fruits and vegetable choices in the package.
 - **Solutions:** The regional vendor pilot program needs to be re-launched so that it could be adequately evaluated. FNS needs an improved approach to studying FDPIR that incorporates meaningful elected tribal leader consultation.
- **Address Ongoing Problems in Unusable Product and Best If Used By (BIUB) Dates**
 - For a period of one and one-half years, the programs operating in the Midwest Region were given unusable (rotten or rotting) fruits and vegetables. When we met with Under Secretary Concannon, he appeared to be unaware of this problem, even though the NAFDPIR board repeatedly advised FNS staff of the problem.
 - Likewise, when we have product on hand that is within thirty (30) days of the BIUB dates, we are required to donate that product to non-tribal feeding programs and we are not allowed to have the value of that product recouped within the FDPIR budgets. In every case, product that is close to the BIUB date is delivered not through any fault of FDPIR program managers, nor our participants.
 - Most FDPIR sites have experienced multiple instances of federal contractors delivering product to our sites within days of exceeding the BIUB date.

- In addition, the “online complaint system” that FDPIR program sites are told to utilize when problems in shipments occur is so severely understaffed and late in oversight to make it almost unusable.
- New regulations and FNS guidance (7 CFR parts 250 and 251) is exacerbating these issues by making tribal government feeding sites obtain an inspection of donated foods by state or local health officials before transferring the foods, and holding them legally liable for receiving rotting products, as opposed to holding the federal government contractor responsible for fulfilling their responsibilities to deliver fresh, unusable product in a timely manner.
- Finally, in some cases, the BIUB dates have been completely removed from some food products delivered to our sites, making it impossible for tribal feeding sites to track conditions of the products or expiration dates.
 - **Solution:** An entire overhaul of how the agency deals with federal contractors whose actions result in delivery of poor quality or unsafe food products is necessary, as is a scrutiny of the entire BIUB policies and the adverse impact of those policies at the tribal level. FNS should take steps to draft new rules and guidance to relieve tribal governments of seeking state or local food safety inspections and holding them liable for being in possession of questionable food product when in fact, that food was delivered to them in such a condition. A working complaint system must be instituted. Finally, FNS should change its policy and not adversely impact the budget of tribal feeding sites if they are delivered and must thereafter donate product approaching its BIUB date.
- **Amend Matching Funds Requirements**
 - Each tribal feeding site must provide a 25% match in order to participate in the FDPIR program and if a site requests a waiver of that requirement; some sites are punished by the lowering of their full budget allocations by the 25% match for which they sought a waiver. This is occurring in some locations but not all.
 - **Solution:** It is our understanding that each Regional Office is required to increase federal funding to program sites to 100% to provide for the full operation of the program. However, given that the match problems identified above still occur in some locations, at minimum this inconsistently in implementation should be addressed.
- **Improve Support for Tribal Nutrition Education**
 - We have repeatedly sought support from FNS to secure additional funding for nutrition education. These tribes serving members of all 567 federal recognized tribes have normally less than \$1.25m available to them in nutrition education. Each of the over 100 ITOs must compete for

this small pot of money. By contrast, the Nutrition Education Grant program funded under SNAP received \$400m Tribal communities, whose diabetes, obesity and other adverse health impacts that trace back to nutrition and food access, are the worst in the nation.

- Tribes are excluded from eligibility from many other important nutrition education funding streams found elsewhere in USDA
 - **Solution:** FNS and USDA must seek appropriations, not to be offset out of the FDPIR program itself, to remedy this situation. We strongly suggest seeking additional funding of at least \$10m annually within one year and at least \$30m annually within the net five years.

- **Change Carry Forward Policy**
 - Tribal program sites are not allowed to carry forward unused funds, whereas states are allowed to do so. Unused funds normally occur within the FDPIR program tied to delays and in effective federal management decisions, not through fault of the tribes. If carry forward funding is not allowed, then another alternative should be pursued such as allowing re-allocation of funds to allow for improved educational funding, technology, brick-and-mortar warehouses at the tribal program level, or other pressing needs of the program). At present those funds are captured and reused elsewhere by the federal government when there are long lists of outstanding needs for such unused funds within FDPIR.
 - **Solution:** FNS needs to work with tribes to amend its regulations and if necessary seek new legislation that will allow for carry forward of unused funds and reallocation to other program needs.

- **Institute Aggressive Traditional Foods Procurement Policies**
 - Congress has instructed FNS for three consecutive Farm Bills that traditional foods are authorized for the FDPIR food package, yet this is still not happening. It is not until your administration that a bison RFP was issued, which due to failures of the contractor, was not fully completed. Thereafter we had to wait another four years until a new bison RFP was issued (within the last month). We still do not have bison in the package. We also do not have blue corn, wild rice, salmon or other traditional foods, all of which are established nutritionally equivalent to similar foods and all of which are found in the commercial marketplace and meet specific food safety requirements.
 - USDA staff consistently advises our program sites that special/supplemental appropriations are required in order to purchase traditional foods, however this is not found in the laws passed by Congress. It is our legal opinion that the funds used to purchase foods for the food package could be used at any time to purchase traditional foods,

particularly those that are commonly available in commercial retail markets (such as those listed above).

- FDPIR program manager surveys reveal a high desire (80%) for traditional foods and our surveys have provided FNS with exact ordering patterns that could be used to regularly procure these culturally important and nutritionally equivalent foods.
- Such foods are even recognized as appropriate for purchase in all Child Nutrition Programs according to a newly issued guidance (July 2015).
- We were recently advised that a researcher from outside Indian Country was told by FNS personnel that “FDPIR is a national program that must meet national tastes” and thus would never have traditional foods in the package; and prior to that, we were advised in writing that one of the FNS nutritionists expressed that as long as they were involved in the program, traditional foods would never be purchased.
 - **Solution:** Traditional foods exist in the commercial marketplace and as such should be included within the approved food package immediately and steps taken by USDA to work with Tribal producers to ensure they can meet all the necessary requirements to have traditional foods they produce eligible for food procurement contracts. FNS needs to place all requested traditional foods on a regular buying schedule, that is regionally relevant to the tribes residing in those regions in compliance with expressed Congressional direction.

- **Ensure Most Recent Study of Tribal Management of all Feeding Programs Accurately Reflects Tribal Government Policies**

- As mandated in the 2014 Farm Bill, FNS is to undertake a separate study (which is currently underway) to determine the feasibility of Tribal management of all feeding programs.
- NCAI has already expressed Tribal governments’ interest in managing all feeding programs affecting our citizens - - precisely as we choose to exercise self-governance in managing health care, construction, housing, roads, and other related infrastructure and inherently governmental services for our lands and people.
- The study currently underway is deeply flawed in concept and design; Tribal governments must be consulted with before any report related to this study is released to Congress.
 - **Solution:** FNS chose to only focus on four programs in management this study, while Congress directed FNS to study feasibility of having tribal governments manage ALL feeding programs. This study must not be reported to Congress in its current form as it did not respond to the concerns relating to its flawed design and methodology, was too narrow in scope, and it has not incorporated meaningful Tribal input. Tribal governments

have expressed their desires to self-govern in all feeding programs for several years and this request, which found its way into the most recent Farm Bill, should be honored. Robust tribal consultation with elected tribal officials must occur before the draft report is made final and submitted to Congress.

Tribes have a special relationship to the federal government that is not bound up in our status as a minority or ethnic group; it is bound up in our political status in relation to the federal government. We have innumerable treaties and other federal laws and court rulings that define that relationship, many of which specifically identify the responsibility of the federal government to provide food and access to food for our people in response to the lands and resources our ancestors provided to the early United States.

We request a meeting with you personally as soon as one can be arranged. We will provide our NAFDPIR board and senior experts, who together have a combined knowledge and management of this program of over 150 years, to more fully brief you in person. We will also have senior elected Tribal government officials who are championing these changes available for the meeting.

Mr. Secretary, we respectfully request your support during the remaining months of your administration to work with us to fix these problems. The FDPIR program is important to our citizens and shouldn't be allowed to languish or be plagued with seemingly insurmountable problems. We believe that the problems we outlined above, with very few exceptions, could be administratively fixed during the remaining months you are Secretary. We stand ready to serve alongside members of your team on a "working group" to tackle these issues.

Thank you so much for your kind attention to this lengthy letter that outlines the breadth of issues we believe should be addressed. We will contact your office within the week to seek a date certain for a meeting with you.

Sincerely,

Joe Van Alstine
NAFDPIR President

CC: Congressman Tom Cole; Senator Heidi Heitkamp; Senator Jon Tester; Senate Committee on Indian Affairs; National Congress of American Indians; Leslie Wheelock, OTR, USDA

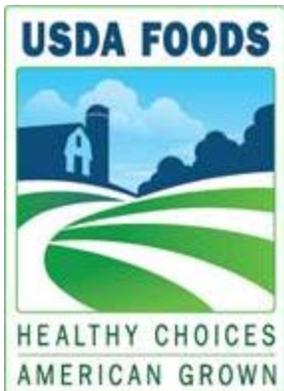
From: [Castro, Laura - FNS](#)
To: [Joseph VanAlstine](#); [Wheelock, Leslie - OSEC](#); [Griffin, Josiah - OSEC](#); [Concannon, Kevin - OSEC](#); [Rowe, Audrey - FNS](#); [Christenson, Daniel - OSEC](#)
Cc: [Kriviski, Diane - FNS](#); [Lisi, Brenda - FNS](#)
Subject: RE: NAFDPIR FORMAL LETTER
Date: Thursday, August 13, 2015 3:44:58 PM

Joe:

Thanks for your letter. We will all be reviewing it thoroughly and look forward to discussing these topics with you when you visit us next month. One statement of immediate concern to us is on page 4: "We actually have pictures of some program sites that now have very little to no foods on the shelves." We have no indication from any FDPIR programs that they do not have enough food to serve participants at this time. If you are aware of specific programs that do not have enough food, please let us know now so that we can ensure all FDPIR programs are adequately stocked. We take our responsibility for FDPIR very seriously and appreciate your partnership in ensuring the program continues to serve participants effectively.

Thanks,
Laura

Laura Castro
Director, Food Distribution Division
USDA Food and Nutrition Service
3101 Park Center Drive
Alexandria VA 22302
Phone: (703) 305-2680



From: Joseph VanAlstine [mailto:JVanAlstine@LTBBODAWA-NSN.GOV]
Sent: Wednesday, August 12, 2015 3:22 PM
To: Wheelock, Leslie - OSEC; Griffin, Josiah - OSEC; Concannon, Kevin - OSEC; Castro, Laura - FNS; Rowe, Audrey - FNS; Christenson, Daniel - OSEC
Subject: NAFDPIR FORMAL LETTER

Good Afternoon,

I have included a letter to The Honorable Tom Vilsack, Secretary of the U.S. Department of Agriculture regarding the issues that are plaguing our program. A hardcopy has been sent to his office as well. These issues were discussed in June 2015 at our National Conference in Albuquerque, New Mexico. We have provided solutions to those issues in hopes of continuing or beneficial relationship and to pursue our mission. Which is to promote advocacy, policy and legislative changes which will favorably impact our primary goal of providing foods and services for hunger assistance and nutrition education to low income Native Americans.

Respectfully,

Joe Van Alstine, President
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Programs on Indian Reservations
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United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

NOV 04 2015

Mr. Joe Van Alstine
President
National Association of Food Distribution
Programs on Indian Reservations
Little Traverse Bay Band of Odawa Indians
7500 Odawa Circle
Harbor Springs, Missouri 49740

Dear Mr. Van Alstine:

Thank you for your letter of August 12, 2015, to me and my colleagues, in which you requested a meeting to discuss issues related to the Food Distribution Program on Indian Reservations (FDPIR) and expressed concerns held by the National Association of Food Distribution Programs on Indian Reservations (NAFDPIR). The meeting, which was held on September 28, 2015, afforded you, Kevin Concannon, Under Secretary of Food, Nutrition, and Consumer Services, and Food and Nutrition Service leadership and staff, an opportunity to engage in meaningful and open discussions that are reflected in this response.

FDPIR is one of the U.S. Department of Agriculture's (USDA) most important nutrition assistance programs serving Native American communities. The program currently provides benefits to approximately 87,000 participants on average on a monthly basis and operates nationwide serving 276 small, medium, and large Tribes in need of food assistance. The individuals and families we reach every day through FDPIR exemplify the importance of the program and our shared goals to increase access to nutritious foods and promote good health through nutrition education and physical activity.

I am committed to working together to continue our collaborative efforts to improve FDPIR services for members of the Native American community facing food insecurity. As a followup to your recent visit, enclosed is a written response to the requests and concerns conveyed in your letter and, where applicable, the offer of some clarification and next steps for continued discussion.

Mr. Joe Van Alstine
Page 2

I congratulate you on your new role as NAFDPIR President. USDA is committed to the partnership with NAFDPIR and making FDPIR the best possible program for participants. Should you have questions, please contact Under Secretary Concannon at (202) 720-7711.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Vilsack".

Thomas J. Vilsack
Secretary

Enclosure

The U.S. Department of Agriculture's (USDA) Response to the NAFDPIR Letter of August 12, 2015

Seat a Working Group

Your letter and subsequent meeting with Under Secretary Concannon and FNS leadership presented a request to seat a working group of appointed members from Tribal leadership, the Food and Nutrition Service (FNS), and the Office of Tribal Relations (OTR). I support increased dialogue with Tribal leaders. My staff will explore with you and the NAFDPIR Board a potential meeting schedule that would provide the opportunity for Tribal leadership to engage in a dialogue on FDPIR programmatic issues without duplicating the existing FDPIR Food Package Review Group.

Improve Computer Interface Systems

USDA welcomes input from NAFDPIR, FDPIR Indian Tribal Organizations (ITO), and State agency staff on business and technical requirements to support the FDPIR program. USDA recognizes the need to update and combine functions of computer systems supporting FDPIR in both food ordering and program administration. USDA recently awarded an initial contract to assess, design, and develop a new system to replace the Automated Inventory System (AIS) currently used by FDPIR. As work on the contract proceeds, USDA will request that the NAFDPIR Board identify individuals to participate in the project.

Funding to Meet Present and Future Needs

USDA recognizes the need for increased funding to support FDPIR administration and operations, including infrastructure and equipment needs as well as expansion to new program sites. USDA requests and receives funding to support all programs governed by FNS, including FDPIR, through Congress. In fiscal year (FY) 2014, Congress initially appropriated \$104 million for FDPIR to cover administrative expenses and food costs. During FY 2014, however, the program saw an unexpected rise in participation of more than 10 percent of participants served compared to the previous year. In response to the increase, FNS sought and was granted approval by Congress to reprogram \$15.5 million in funds from the Supplemental Nutrition Assistance Program (SNAP) account to FDPIR, resulting in a total funding level of \$119.5 million. In FY 2015, as trends in FDPIR participation continued upwards while food costs remained high, Congress increased funding to \$145.191 million.

In your letter, you referenced insufficient funding to support additional FDPIR sites in Alaska. While eighteen (18) Alaska Villages currently receive FDPIR services, there are additional Villages expressing interest in the program. FNS is discussing oversight and management of the current caseload with the administering ITO in Alaska and will pursue the possibility of additional sites through those discussions to determine if that expansion is feasible and in the best interests of the program. Additionally, our Office of Tribal Relations is also working with our Rural Development team to assess warehouse capabilities in Alaska that may be of help in supporting FDPIR.

Food Availability

Ensuring that the FDPIR food package meets the nutritional and cultural needs of the individuals and families we serve is of great importance to USDA. We acknowledge that there were challenges last year ordering and obtaining popular items from our national warehouses. As previously mentioned, these challenges were due to an unexpected increase of more than 10 percent in participation. While some items were unavailable, with your assistance, we continued to offer participants their full FDPIR benefits as products were available in each category to complete full food package issuances. Providing continued services to ITOs, and ultimately participants, is of utmost importance to our staff. Inventory levels have since stabilized, with a wide variety of FDPIR foods currently available and amply stocked across all food package categories.

The stability of FDPIR food inventory levels in the national warehouses continues, and all of the food package categories are well stocked. Given ample inventory levels at our national warehouses, we are extremely concerned to learn that some ITOs may be experiencing low inventory levels at their local program sites. Should an ITO have concerns with their local inventory levels, food orders, or shipments, including any risk of low food availability impeding delivery of full food packages to participants, it is of utmost importance that the ITO immediately contact the appropriate FNS Regional Office for timely resolution. FNS staff will immediately assist the ITO to expedite any food orders it may need to serve participants and provide technical assistance to help prevent recurrence.

It should be noted that FNS continues to proactively monitor participation and inventory trends to ensure, to the greatest extent possible, that food stocks remain at optimal levels moving forward. FNS' Food Distribution Division conducts monthly conference calls with the program community to discuss FDPIR inventories in the national warehouses.

Lean Warehouse Policy

We are discouraged to learn of the continued misunderstanding surrounding FDPIR inventory policy. USDA does not have a lean warehouse policy for FDPIR. Relevant inventory requirements for FDPIR are contained in Federal regulations at 7 CFR, parts 250 and 253, as well as FNS Handbook 501. Our regulations and FDPIR policies require ITOs and State agencies to monitor their local inventory levels and maintain inventories so that a one- to three-month supply of USDA food is available at any time. This requirement helps ensure that all FDPIR ITOs and State agencies have the USDA foods they need to serve participants, while at the same time preventing food losses and spoilage, which could negatively impact the program and participants. This is existing program policy and not a new requirement.

It should be noted that FNS is flexible on the three-month maximum, and it will not pursue sanctions against an ITO that receives a USDA food delivery that would place a food category slightly above this threshold on a short-term basis. We welcome discussions on this topic should NAFDPIR require additional clarification, and we would be happy to work with you to provide additional training and guidance to assist with inventory management.

FDPIR Study

One of the current ongoing FNS studies is of the FDPIR. This study was awarded in September 2011 to The Urban Institute. The study results will assist FNS in enhancing program administration to the benefit of both ITOs and participants, and it will help identify ways for FNS to work with participating Tribes to continue to improve an already strong program. There are two subcontractors: Support Services International, Inc. (SSI) and the National Opinion Research Center at the University of Chicago (NORC). SSI is an American Indian-owned firm that was founded in 1979 and provides consulting services to Federal agencies, Indian Tribes and organizations, and private and public sector organizations in the areas of information technology, housing, business and economic development, health, education, and welfare.

In addition, to improve survey responses, the research team hired Tribal members to conduct household interviews. The contract schedule incorporates time for NAFDPIR Board members and participating Tribes to review a draft report. USDA currently expects the draft report as early as the second quarter of FY 2016. USDA looks forward to sharing the draft report with NAFDPIR for comments once it is available.

Regional Vendor Pilot

We share your concerns with regard to discontinuation of the FDPIR regional vendor pilot. When USDA initiated the pilot, we were optimistic that it could provide a viable alternative to our current distribution system and we wanted it to succeed.

As background, in May 2013, we began a pilot to test a model that could potentially provide FDPIR participants an alternative distribution model to achieve potential cost savings for the program in reduced storage and transportation fees. USDA started the regional vendor pilot in FY 2013 using existing program funds from the appropriated budget, and we anticipated sufficient resources in the coming years to allow for the expansion of this model to more ITOs. Unfortunately, in FY 2015, at the beginning of the fiscal year, Congress enacted a continuing resolution, which provided only a limited amount of short-term funding for FDPIR and other USDA nutrition assistance programs. This served to significantly constrain available resources to operate FDPIR. After receiving a full-year appropriation, FDPIR continued to experience budget constraints as a result of higher program participation levels, higher food costs for food package items, and higher than anticipated costs associated with the pilot itself. We were forced to make difficult decisions as to how to prioritize available resources to ensure that program participants at all FDPIR ITOs were receiving the food package benefits they needed. Given the budget constraints and the significant costs associated with the pilot, USDA could not expand the model as intended and ended all pilot activities effective March 26, 2015.

USDA is currently examining the causes of the high pilot costs and considering what alternatives might be more cost effective. In addition, an evaluation is being conducted to assess the results of this pilot at the four selected sites. The findings of the evaluation will be used to consider future requests for funding efforts in this regard in addition to analyzing favorable aspects of the pilot that may be able to be incorporated into USDA's existing processes. The draft of the evaluation report will be available to USDA as early as the first quarter of FY 2016. USDA will

ensure that the ITOs involved with the regional vendor pilot will be afforded an opportunity for input on the draft of the report before its final release. The draft report will also be shared with NAFDPIR.

Product Issues and Best If Used By (BIUB) Dates

FDPIR has one of the highest Healthy Eating Indexes (HEI) due to the nutritious offerings provided in the monthly food package. Currently, we participate in the U.S. Department of Defense's Fresh Produce Program (DoD Fresh), which provides participating ITOs and State agencies with a variety of fresh fruits and vegetables in smaller quantities, in real time, and at their locations. This is an important program since 91 percent of FDPIR sites provide the fresh fruit and vegetable option to participants.

USDA was made aware of instances where produce of poor quality was received by ITOs located in the Midwest Region during 2014. We took action in this regard and renegotiated our service agreements with DoD to better address quality, delivery, and customer service. Though the immediate issue was resolved, we will continue to explore contractual options with DoD to ensure delivery of quality fresh produce and replacement product, should it be warranted, in a timely manner. Our commitment is to minimize occurrences of subpar fresh products when at all possible. We request the ITOs' assistance in this regard and ask that FDPIR ITOs and State agencies immediately notify the appropriate FNS Regional Office should such an issue occur, so that it can be addressed as quickly as possible. We will be collecting data on the number of times such notifications occur and where so that we have factual information to present to the DoD.

USDA strives to ensure the timely delivery of USDA foods in peak condition. FNS' federally-contracted warehouses are directed not to ship product to FDPIR warehouses if product is within two months of its best-if-used-by (BIUB), or reflects a similar date. In the rare instance that such a delivery occurs, FDPIR ITOs and State agencies should immediately contact their respective FNS Regional Offices for further instruction. FNS Regional Offices will review the circumstances and provide guidance on how the product may be distributed in a timely manner. Distribution could include the provision of such foods to other outlets including, but not limited to, Tribal and non-Tribal food banks, food pantries, and soup kitchens. In addition, FNS will work with FDPIR ITOs and State agencies to expedite product replacement should circumstances warrant.

In FY 2015, FNS' Food Distribution Division created a new Program Integrity and Monitoring Branch that will focus on providing technical assistance to all food distribution programs, including FDPIR. The group will also focus on the food complaints system currently used by FDPIR staff and work to enhance customer satisfaction with the system.

Matching Funds Requirement

FNS concurs that the waiver process should be more uniform and will work to ensure that the process is more consistently implemented across the FNS Regional Offices. NAFDPIR input is welcomed in this regard. Per FDPIR program regulations, USDA provides administrative funds to cover 75 percent of the total approved budget (Federal share), while each FDPIR-

administering agency must contribute 25 percent of its total approved administrative costs. This matching requirement may be met by cash or non-cash (in-kind) contributions. Currently, a waiver provision exists that allows an ITO to request, with appropriate justification, approval to lower their match. As part of the waiver provision, the FNS Regional Office may, at its discretion, approve a reduction of the match. In addition, the FNS Regional Office may provide additional administrative funds, should such funds be available, to cover more than 75 percent of approved administrative costs to an ITO that provides appropriate justification. However, this process must be done within the funds made available to USDA by Congress for the administration of FDPIR. Though FNS would not reduce the Federal allocation below 75 percent of the negotiated and final approved budget, funding appropriated by Congress may be insufficient to provide funding to the ITO above that level should the ITO be unable to meet the match.

Nutrition Education

Though dedicated nutrition education funds are provided to FDPIR, USDA would like to work together with NAFDPIR Board members and its membership to explore avenues to increase nutrition education funding and resources in FDPIR communities and optimize them to provide the greatest benefit to FDPIR participants. In addition to dedicated FDPIR nutrition education funding, another such resource is SNAP-Ed. SNAP-Ed funding is allocated by each State to implementing agencies based on its annual FNS-approved SNAP-Ed Plan. FNS requires States to consult with Tribes about the SNAP State Plan of Operations, which includes the SNAP-Ed State Plan. FNS ensures that States actively engage in Tribal consultations as required by SNAP regulations at 7 CFR 272.2(b) and 272.2(e)(7) and also reflected in FNS SNAP-Ed Plan policy guidance. The consultations must pertain to the unique needs of the members of Tribes. FNS expects States to consider the needs of Tribal populations in conducting their needs assessments for SNAP-Ed and to consult and coordinate with State and local operators of other FNS programs, including FDPIR. FNS approves State SNAP-Ed plans and, in doing so, reviews the plans to ensure they have made every effort to include a focus and devotion of resources to Tribal nutrition education. In support of this collaboration, FNS will work to develop information to help FDPIR directors and staff better understand SNAP-Ed and the process for obtaining such resources.

We encourage FDPIR programs to foster relationships at the Tribal level with other nutrition assistance programs, local health departments, and university extension programs to help with onsite nutrition education implementation, particularly organizations that may be submitting proposals to the State to receive SNAP-Ed funding. FDPIR programs may obtain SNAP-Ed State and local contact information from FNS Regional Office SNAP-Ed Coordinators or through FNS' SNAP-Ed Connection at <https://snaped.fns.usda.gov/state-contacts>.

Carry Forward Policy

FDPIR administrative funding is appropriated by Congress each fiscal year. In our review, we determined that the vast majority of FDPIR programs have very little unobligated funding at the end of each fiscal year. However, we understand the challenges posed by one-year funding and share your concerns. We are closely reviewing how a change in policy may benefit FDPIR and

options that could be considered under current law. Moving forward, FNS will keep NAFDPIR and the program community apprised in this regard.

Traditional Foods Procurement

The 2014 Farm Bill reauthorized the 2008 Farm Bill provision (Section 4211 of the Food, Conservation, and Energy Act of 2008, P.L. 110-234), which provided for the establishment of a fund, subject to the availability of appropriations, for use in purchasing traditional and locally-grown foods for FDPIR. The Consolidated and Further Continuing Appropriations Act of 2015, (P.L. 113-235), which was enacted on December 16, 2014, funded this provision for the first time in the amount of \$5 million for FY 2015. Prior to FY 2015, appropriations were not provided by Congress to meet the provision.

To better understand participant food preferences, including cultural foods, the FDPIR Food Package Review Work Group (Work Group), comprised primarily of NAFDPIR-appointed members, meets regularly during the year to discuss potential new food items to increase the healthfulness and appeal of the FDPIR food package. In recent years, particularly FY 2015, the Work Group discussions provided a preference to expend the entire \$5 million in traditional foods funding.

Bison was selected by the Work Group members as the traditional food to procure with the available funds. Following procurement rules, USDA issued a solicitation for the product in March 2015, and we awarded a contract for several trucks of bison in April 2015. The contracted vendor was unable to meet all of their obligations due to limited bison availability. USDA issued a second solicitation in July 2015 for bison and revised its specifications to better accommodate market conditions and available products. We are pleased to report that the second solicitation resulted in an additional awarded contract for bison to a new vendor. USDA received the first delivery of bison in October 2015. USDA expects to fully expend the \$5 million in traditional foods FY 2015 funding on bison.

In addition to bison, as recommended by the Work Group, USDA recently made an initial purchase of blue cornmeal for FDPIR. Deliveries are expected to begin in the first quarter of FY 2016. USDA will continue to consult with the FDPIR Food Package Review Work Group and keep NAFDPIR Board members apprised regarding the status of traditional foods in FDPIR.

Feasibility of Tribal Administration of Nutrition Assistance Programs Study

The Feasibility of Tribal Administration of Nutrition Assistance Programs study, required by the 2014 Farm Bill, uses a community-based, participatory research approach, intended to ensure an opportunity for the study team and Tribal governments and leadership to connect in meaningful and consultative ways. This included outreach via telephone consultations and other approaches, telephone and in-person discussions with Tribal stakeholders, and attendance at Tribal conferences. Tribes were also given the opportunity to test and comment on the data collection instruments.

In response to comments from Tribal representatives, key changes were made to the survey instrument. First, while USDA originally planned to focus only on the four largest programs that Tribes currently do not administer as State Agencies – the Supplemental Nutrition Assistance Program (SNAP), the National School Lunch Program (NSLP), the School Breakfast Program (SBP), and the Summer Food Service Program (SFSP) – we modified the survey to include questions about Tribal interest in other FNS programs, including the Child and Adult Care Food Program (CACFP) and The Emergency Food Assistance Program (TEFAP). Second, while the Special Supplemental Food Program for Women, Infants, and Children (WIC) and FDPIR were not included in the draft data collection instruments, as Tribes already administer those programs, during pre-testing of the survey instruments, several Tribal representatives commented that the experiences Tribes have had administering these programs could provide valuable insight to the study. Therefore, changes were made to the survey instruments to collect information on Tribal Organizations’ experience with those programs. The final report will include an overview of the administrative requirements of CACFP, FDPIR, NSLP, SBP, SFSP, SNAP, and WIC.

The survey was sent to all 566 Tribes that were Federally-recognized at the time to provide every Tribe with an opportunity to contribute to the study. In addition, the study team visited a representative sample of 16 Tribes, Native Villages, and/or Alaska Native corporations to collect indepth, qualitative information to supplement the survey data and provide context to the survey responses. Considerations, such as experience administering Federal programs, size of the Tribe, and geographic location, were used to determine which locations were visited as part of the representative sample. FNS plans to brief the Tribes on the study findings before the report is submitted to Congress.



the
Chickasaw
Nation HEADQUARTERS

Arlington at Mississippi / Box 1548 / Ada, OK 74821-1548 / (580) 436-2603

September 24, 2015

Bill Anoatubby
Governor

Jefferson Keel
Lieutenant
Governor

Secretary Thomas J. Vilsack
United States Department of Agriculture
14th and Independence
Suite 200 Whitten Building
Washington DC. 20250

RE: Request meeting between Tribal officials and the Secretary to discuss FDPIR

Dear Secretary Vilsack:

We respectfully request time on your schedule in the very near future to discuss and determine a plan of action during the remainder of your administration to take steps to improve the administrative efficiency, effectiveness, and compassion with which the Food Distribution Program on Indian Reservations (FDPIR) is delivered.

Our staff, and the staff of all tribes who actively participate in the FDPIR program (over 270 of the 567 federally recognized tribes) have sought administrative improvements in the FDPIR program for years. In the remaining months of your administration we respectfully request that you and your senior staff seat a working group under the authority of Executive Order 13175 on Tribal Collaboration and Consultation to tackle the problems we have elevated to others within your administration. As former President of NCAI, the problems within FDPIR, which feeds the most vulnerable of our citizens were continually of concern to multiple tribes.

A member of my staff will reach out to your office in the next few days to schedule a meeting. I will take it upon our staff to reach out to the 15 tribal elected officials, among others, who were in attendance at the most recent June 2015 NAFDPIR meeting in Albuquerque to discuss these issues with Under Secretary Concannon, but to date, we have received no responses to our requests for action.

We look forward to our meeting with you. Thank you for your consideration of this request.

Sincerely,

Jefferson Keel, Lt. Governor
The Chickasaw Nation &
Former President,
National Congress of American Indians

CC: Leslie Wheelock, Director of the Office of Tribal Relations, USDA



Putting Our Vote to Work!



Food and
Nutrition
Service

December 4, 2015

Park Office
Center

3101 Park
Center Drive
Alexandria
VA 22302

Mr. Jefferson Keel
Lieutenant Governor
The Chickasaw Nation
Arlington at Mississippi
Box 1548
Ada, Oklahoma 74821-1548

Dear Lieutenant Governor Keel:

I am writing in response to your request for a meeting with U.S. Department of Agriculture (USDA) officials and appointed Tribal leaders to discuss issues related to the Food Distribution Program on Indian Reservations (FDPIR). The request in a form of a working group was also received from the National Association of Food Distribution Programs on Indian Reservations (NAFDPIR). I am pleased to share our support of the working group and propose hosting the first meeting on Tuesday, February 23, 2016 in Washington, D.C.

The working group will provide the opportunity for Tribal leadership to engage with USDA officials from the Secretary's office, the Food and Nutrition Service (FNS) and the Office of Tribal Relations (OTR) on FDPIR programmatic issues. As suggested by NAFDPIR, we propose that membership consist of 10-12 elected or appointed leaders from Tribal Nations that administer FDPIR. I would also like to suggest that the Tribal leaders represent at least each of the following four FDPIR Regions: Western, Southwest, Mountain Plains, and Midwest. These four Regions constitute the vast majority of the FDPIR programs.

During a recent meeting with Under Secretary Kevin Concannon and Mr. Joe Van Alstine, President, NAFDPIR, we discussed that both you and Mr. Van Alstine would work in partnership to select Tribal leaders to serve as members of the working group. We thank you for your assistance and ask that you coordinate with Mr. Van Alstine regarding member selection.

We request receipt of the names of ten appointed Tribal leaders confirmed to sit on the working group by December 31, 2015. In coordination with NAFDPIR, please send the Tribal leaders' names and contact information to Laura Castro, Director, Food Distribution Division, at Laura.Castro@fns.usda.gov. Upon receipt of this list, my staff will send formal invitations with meeting details and a request for agenda items from each Tribal leader to help guide our discussion.

Mr. Jefferson Keel
Page 2

I appreciate your commitment to working with USDA to improve FDPIR. Should you have questions, please contact Laura Castro at (703) 305-2680.

Sincerely,



Diane M. Kriviski
Deputy Administrator
Supplemental Nutrition and Safety Programs



National Association of Food Distribution Programs on Indian Reservations

February 23, 2016

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250

Audrey Rowe, Administrator, FNS
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington DC 20250

The Honorable Krysta Harden
Deputy Secretary
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington DC 20250

Undersecretary Kevin Concannon
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington DC 20250

CC: Acting Deputy Secretary Michael Scuse; Congressman Tom Cole; Senator Heidi Heitkamp; Senator Jon Tester; Senate Committee on Indian Affairs; National Congress of American Indians; Leslie Wheelock, OTR, USDA; Laura Castro, FNS, USDA

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MIDWEST REGION
Susie Roy
Leach Lake Chippewa

MOUNTAIN PLAINS
Mary Greene-Trotter
Spirit Lake Sioux Tribe

SOUTHWEST REGION
Perry Martinez
Big Horn Northern
Indian Pueblo Council Inc.

WESTERN REGION
Ray Gapoeman
Quinalt Nation

Dear Secretary Vilsack:

On February 23, 2016, we, the undersigned Tribal leaders, met with Deputy Secretary Harden, FNS staff, and Under Secretary Concannon to discuss a long list of concerns we had with regard to the FDPIR program. This consultation was the first of its kind in the history of the FDPIR and a welcome opportunity after five years of written requests to USDA officials. We appreciate your willingness to discuss the issues that are so important to the lives of our most vulnerable Tribal citizens, and we leave this document with you as a sign of our dedication to working toward solutions to these problems.

The FDPIR serves 102,000 Tribal citizens from 276 federally-recognized Tribes each month. These are not issues that need another study, as our participating tribes have conducted many surveys on our own and have records to support each issue; these issues need action. To that end, the Tribal leaders present at this historic meeting, in partnership with the NAFDPIR Board, raise the issues outlined in this letter. Many of the issues discussed here have been raised in previous correspondence—and one in-person meeting—with Undersecretary Concannon and FNS officials. For reference, we are including copies of that correspondence with this document.

- **Request: establish a permanent Tribal Leaders Consultation Working Group.**
 - **Why:** There are significant issues with the FDPIR, a program that serves 102,000 of our most vulnerable citizens every month. Yet after years of correspondence, and decades of the program's operation, **today's meeting is the first time consultation has happened on the FDPIR as a whole.** To truly maintain a government-to-government relationship with the 276 sovereign Tribes using this program and USDA, meaningful consultation must continue.
 - **How:** This Consultation Group would be established under the legal and regulatory authorities of Executive Order 13175, President Obama's November 2009 Memorandum, OMB Guidance to the 2009 Memorandum, and USDA Departmental Regulations.
 - **To clarify:** This is **not** a request for a listening session or a federal advisory committee.
 - ***Immediate request:***
 - **Seat group immediately but no later than March 15, 2016.**
 - **Determine the composition and membership of the group.**
 - **Determine meeting schedule.**

- **Request: Increased funding for FDPIR:**
 - **Why:** Participation in FDPIR has increased by at least 90% in some places over the past several years. Food costs have also risen across the country, and infrastructure investments at ITO sites have severely lagged. Increased funding for food purchasing as well as administrative funding in

FDPIR is essential to the continued operation of this program. New program sites are currently unable to join the program, especially Alaska Native Village sites.

- **What:**
 - Funding for Infrastructure (facility maintenance, freezers/cooling systems, building repairs, trucks/trailers, etc)
 - Funding for better computer interface system
 - Institute a carryover policy for FDPIR funds; sister feeding programs do have this policy but not FDPIR
 - Non-competitive funding to establish comprehensive nutrition education
 - Remove matching requirement of 25%
 - Contingency planning for food shortages in times of disaster and market fluctuation/shortfalls
- **How:**
 - Enter into a “budget negotiation” process between the Tribal Leaders Consultation Group and FNS, much like the IHS or BIA processes. This should also include consultation on any proposed regulations.
 - Remove the “lean warehouse” policy in all regions.
 - Include more non-competitive funding for FDPIR Nutrition Education—right now less than \$1 million is supposed to serve 276 Tribes, and the competitive grant process pits Tribe against Tribe.
 - Make the improvement of computer system a “process improvement” priority for USDA, which will allow it to be fixed more expeditiously.
 - Because of their fundamental responsibilities across the entire department with regards to the budget, designate a lead individual from the Office of Budget & Policy Analysis to assist FNS and other agencies of the department to meet the needs of the FDPIR Tribal Leader Consultation Group and serve as a primary departmental point of contact on budget negotiation.
- **Request: Make incorporating Traditional Foods into the package a priority.**
 - **Why:** Traditional foods are an absolute necessity for our Tribal diets. Scientific data proves what we have always known: traditional diets are healthier for us.
 - **How:**

- Use base funding to purchase traditional foods. This is legally possible.
 - Institute a preferred vendor policy for Tribally-owned food businesses selling traditional foods in the commercial marketplace.
 - Move away from a national food purchasing and distribution model and focus on a regional model that meets regional needs.
 - Reconsider pilot projects and request funding for them.
 - Remove regulatory or legal barriers to make it possible for each Tribe to purchase their own traditional foods.
- **Request: Preserve the FDPIR and do not merge it with SNAP.**
 - **Why:** A SNAP model will not work for many of our most vulnerable people, some of whom would have to drive over two hours to reach a convenience store, let alone a full-service grocery store.
 - **How:**
 - For now, preserve FDPIR as a commodity assistance model.
 - Ultimately, “638” this program to Tribes—let Tribes, as sovereign nations, run FDPIR instead of State Agencies.
- **Request: improve the quality of the food package.**
 - **Why:** Recent scientific data, including studies published in peer-reviewed journals, call into question the overall nutritional value of the food package. Particularly, many of these foods exacerbate Type 2 Diabetes, which has reached epidemic stages among American Indian and Alaska Native people. These foods also cause other chronic diseases like liver disease, heart disease, and kidney disease, and may lead to mental health problems such as depression, anxiety, addiction, and lowered cognitive function. Because of these health problems, which are directly related to food and diet, in some parts of the country American Indians’ lifespan is twenty years less than their white counterparts. We cannot continue to feed our people food that will kill them.
 - **How:**
 - Seat an independent interdisciplinary science panel that includes a biochemist and economist to advise the Food Package Review Group on the overall nutritional value of the food package.
 - Recognize that the package needs to transition to a healthier package. Immediately removing all of these problematic foods punishes our people by taking away a primary—if not a sole—source of food.

Mr. Secretary, we respectfully request your support moving forward during the remaining months of your administration to work with the Tribal Leader Consultation Group and the NAFDPIR Board.

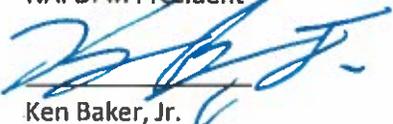
We look forward to a continued partnership with your office on these issues. Working with Tribal leaders on these issues is the hallmark of a true government-to-government relationship, and we look forward to convening the consultation group once more on March 15, 2016. We request that you and the Deputy Secretary both attend that meeting if possible.

We, the undersigned Tribal leaders, in partnership with the NAFDPIR Board, leave this letter with you today to provide a framework for our future good work together. We leave this behind with gratitude for your attention to this lengthy document and look forward to meeting with you in March.

Sincerely,



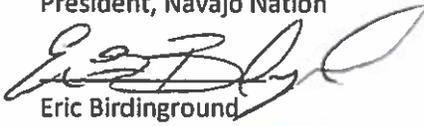
Joe Van Alstine
NAFDPIR President



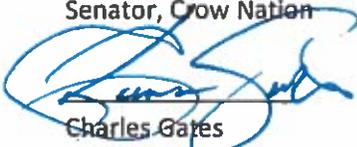
Ken Baker, Jr.
Representative, Spirit Lake Tribe



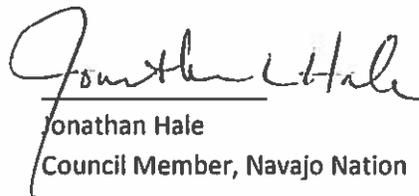
Russell Begaye
President, Navajo Nation



Eric Birdinground
Senator, Crow Nation



Charles Gates
for Dave Archambault, Jr.
Chairman, Standing Rock Sioux Tribe



Jonathan Hale
Council Member, Navajo Nation

Leonard Harjo
Chief, Seminole Nation of Oklahoma



Tehassi Hill
Councilman, Oneida Nation



Jefferson Keel
Lt. Governor, Chickasaw Nation



Vernon Miller
Chairman, Omaha Tribe of Nebraska



James Mountain
Governor, Pueblo de San Ildefonso



Aaron Otto
Tribal Council Secretary
Little Traverse Bay Bands of Odawa Indians

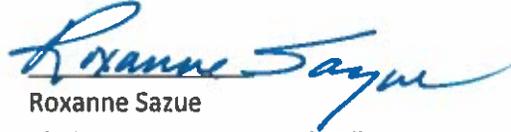


Aaron Payment

Tribal Chairperson
Sault St. Marie Tribe of Chippewa Indians



Myra Pearson
Chairwoman, Spirit Lake Tribe



Roxanne Sazue
Chairwoman, Crow Creek Tribe



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

June 6, 2016

The Honorable James Mountain
Governor
Pueblo de San Ildefonso
7500 Odawa Circle
Harbor Springs, Michigan 49749

Dear Governor Mountain:

Thank you for your letter of February 23, 2016, to me and my colleagues, in which you discuss your recent meeting with U.S. Department of Agriculture (USDA) officials on issues related to the Food Distribution Program on Indian Reservations (FDPIR). I am pleased that the meeting afforded you, Tribal leaders, Deputy Secretary Krysta Harden, Acting Deputy Secretary Michael Scuse, and Mr. Kevin Concannon, Under Secretary of Food, Nutrition, and Consumer Services of USDA, with an opportunity for meaningful discussion on how we can work together to improve the health and nutrition of Native American communities served by FDPIR. I apologize for the delayed response.

I am committed to working with Tribal leadership to ensure that FDPIR meets the needs of the Native American community. Under Secretary Concannon is the lead policy official for USDA on issues related to FDPIR, and I have charged him with continuing the dialogue on topics associated with FDPIR identified in the letter from you and members of the National Association of Food Distribution Programs on Indian Reservations (NAFDPIR). Below is a more detailed response to the requests included in your February 23 letter.

Request: Establish a permanent Tribal Leaders consultation working group

We acknowledge your request that USDA establish a permanent Tribal Leaders Consultation Working Group. USDA's Office of Tribal Relations (OTR) is moving forward with setting up this working group in close collaboration with other relevant agencies in the Department. OTR has been coordinating with Janie Hipp and will be following up with NAFDPIR and Tribal leaders on this subject, including how the working group will be composed, scheduling, and general administration matters.

Request: Increase funding for FDPIR

Your letter also requests increased administrative funding for FDPIR. We support that request. The fiscal year (FY) 2017 President's Budget requests an additional \$5 million in FDPIR administrative funding to support the increased demands on infrastructure generated by higher participation in the program. However, FDPIR administrative funding can only be allocated in accordance with the funding level set by the Congress.

Request: Make incorporating traditional foods into the package a priority

Your letter requests that USDA place a priority on incorporating traditional foods into FDPIR, and USDA will continue to make the availability of traditional foods in FDPIR a priority. The Food and Nutrition Service (FNS) has worked with the Tribal representatives in the FDPIR Food Package Work Group to identify traditional foods that would be desirable to FDPIR participants. Using available funds, including appropriated funds made available for the Traditional and

Locally-Grown Food Fund under the Agricultural Act of 2014 (P.L. 113-79, the 2014 Farm Bill), USDA purchased bison and blue cornmeal in FY 2015 and expects to purchase additional traditional foods in FY 2016. Both products were made available to all Indian Tribal Organizations serving FDPIR, and expanded the food package options made available to participants. In addition, the FY 2017 President's Budget request includes \$5 million to continue such purchases.

The FY 2017 President's Budget also requests an additional \$2 million to support a demonstration project under Section 4004 of the 2014 Farm Bill. If funded by Congress, the demonstration project would award grants to one or more FDPIR Indian Tribal Organizations for the purchase of traditional and locally-grown foods for distribution to FDPIR recipients pursuant to 7 U.S. Code § 2013(b)(6)(A).

Request: Preserve FDPIR and do not merge it with Supplemental Nutrition Assistance Program (SNAP)

USDA has no intention to discontinue FDPIR or to merge FDPIR with SNAP. The President's Budget requests and appropriations received from Congress in recent years demonstrate that FDPIR is fully supported as an independent Program by the Administration. FDPIR has received modest but essential increased funding from Congress to further strengthen the program and ensure it operates as intended.

Request: Improve the quality of the food package

Your letter requests that USDA improve the quality of the food package. USDA is committed to working closely with members of the FDPIR Food Package Review Work Group, Tribal leadership, OTR, and FNS and Tribal nutritionists to ensure that the FDPIR food package affords participants access to nutritious and appealing food. Recently, in addition to traditional foods added to the food package, the Food Package Review Group voted to add whole grain tortillas, whole grain shredded wheat cereal, and reduced-sodium beef stew.

This year, USDA conducted an updated analysis of the FDPIR food package using the most recent scoring methodology under the Healthy Eating Index (HEI-2010). The HEI is a tool designed to assess diet quality in terms of how well diets comply with the *Dietary Guidelines for Americans*. Under the HEI-2010, USDA Foods delivered to FDPIR participants in FY 2014 achieved an HEI-2010 score of 73 out of 100. This compares to an HEI-2010 score of 59 for the average American diet for the years 2011–2012.

I appreciate your commitment to working with USDA. Should you have any questions, please contact Under Secretary Concannon at (202) 720–7711. A similar response is being sent to your colleagues who cosigned the letter.

Sincerely,

A handwritten signature in blue ink that reads "Thomas J. Vilsack". The signature is fluid and cursive, with the first name being the most prominent.

Thomas J. Vilsack
Secretary