



CONSULTATION REPORT-OUT

Food Distribution Program on Indian Reservations Tribal Leader Consultation Working Group

December 12, 2017

Consulting Official:

Brandon Lipps, Acting Deputy Under Secretary – Food, Nutrition, and Consumer Service

Location: Intertribal Agriculture Council
Annual Membership Conference

4455 Paradise Road
Las Vegas, NV 89169

Background:

The Food Distribution Program on Indian Reservations (FDPIR) is a Federal program that provides USDA foods to income-eligible households, including the elderly, living on Indian reservations, and to Native American families residing in designated areas near reservations and in the State of Oklahoma.

In 2015, Tribal Leaders requested to consult with USDA on this program's administration. Since then, USDA Deputy Secretaries and the Under Secretary for the Food, Nutrition, and Consumer Service mission area, along with the Director of Tribal Relations, have joined Tribal Leaders two to three times per year to convene a Food Distribution Program on Indian Reservations Tribal Leaders Consultation Working Group. This meeting marked the second Working Group meeting under the Trump Administration and the first for Fiscal Year 2018.

Summary:

Seventeen tribal leaders from across the country, as well as FDPIR managers, and USDA officials, expressed unanimous appreciation that the Administration continues to build on the success of this Working Group. Topics discussed included the nature of FDPIR appropriations, and by extension, potential contingencies for hypothetical federal shutdowns; the desire for more nutrition education; the inclusion of traditional foods in the USDA food package for FDPIR recipients; and other logistical concerns.

Outcome:

USDA agreed to continue consulting with Tribal Leaders regarding FDPIR. The next Working Group consultation is slated to align with the National Congress of American Indians Executive Council Winter Session in Washington, D.C., the week of February 12th.

Enclosed:

Minutes, pg. 2
Next Steps, pg. 5
Attendance List, pg. 6

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ENCLOSURE: Minutes

A. Introductions

- Opening Prayer – Mark Mitchell, Governor, Pueblo of Tesuque
- Opening Remarks
 - This meeting marks the highest attendance of Tribal Leaders in the Working Group’s history.
 - Both Tribal Leaders and USDA expressed interest in building on this Working Group’s success and identifying avenues for necessary change, legislative or otherwise.
- Introduction of USDA Leadership and Tribal Leadership
- Approval of Minutes from February 2017 Meeting
 - An overview of previous meetings and this Working Group’s success is available in the matrix provided by the Food and Nutrition Service.
- Approval of Today’s Agenda
 - Tribal Leaders invited USDA to get to know them, hear their stories, and visit their lands. Developing these individualized relationships will help better exemplify successes across Indian Country.

B. Tribal Leaders’ Summary of Consultation Progress and Prior Agenda Items

- Summary of Issues resolved through consultation
 - Issues of Tribal Leader involvement
 - USDA’s continued commitment to consult vis a vis this Working Group
 - Clarification of inventory requirements versus a “lean warehouse” requirement which does not exist for FDPIR
- Summary of Issues still under discussion
 - How to keep local food local – Distributing locally-grown product for use in nearby FDPIR warehouses promotes economic growth through local agriculture and healthier diets for food package recipients. USDA’s food procurement requirements may be challenging for Native producers / manufacturers to meet.
 - Traditional food inclusion in USDA food package – FNS is using the \$5M specifically appropriated by Congress as well as regular FDPIR appropriations as available to purchase traditional foods for FDPIR. A food package review work group, made up primarily of Tribal representatives, continues to provide recommendations on which traditional foods to include in the food package. The work group meets frequently throughout the year.
 - Block-granting FDPIR funds – Tribal Leaders requested USDA confirm whether the Administration is open to block-granting FDPIR funding or will express opposition to this action. Some Tribal Leaders appeared amenable to block-granting funds if these funds were appropriated directly to Tribes, e.g. compacts, but all who spoke on this matter expressed concern that block-granting FDPIR to States versus to Tribes would fail to uphold federal trust obligation.
 - “Buy Indian” Preference – Tribal Leaders requested on-going discussion and expressed an interest in a “Buy-Indian” preference for FDPIR. FNS clarified that a “Buy-Indian”

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preference is not an allowable procurement practice under Federal acquisition regulations.

- Summary of Issues needing Congressional action for final resolution
 - Carry-over FDPIR administrative funds – In 2017, Congress authorized FDPIR funds as 2-year appropriations, through September 30, 2018. To permanently maintain administrative funds as multi-year or two-year appropriations funds requires an amendment in statutory language
 - Increased FDPIR administrative funds – In Fiscal Year 2017, Congress appropriated an additional \$5M in administrative funds for FDPIR, which is maintained in the FY 2018 proposed budget.
 - Authorizing FDPIR administration as a tribal self-governance compact – Changing FDPIR’s administration structure from a program managed by FNS to a program managed by tribes vis a vis a self-governance compact with FNS, e.g. a 638-program, requires a change to FDPIR’s mandatory authorization. Currently, FDPIR is administered directly by Indian Tribal Organizations (ITOs) through a direct agreement with FNS.
 - FDPIR demonstration project – The 2014 Farm Bill authorized \$2M annually, subject to appropriations, to conduct a demonstration project where one or more ITOs would purchase traditional foods instead of USDA for the FDPIR food package. This provision, to-date, has not received funding from Congress.

C. Indigenous Food and Agriculture Initiative Regional FDPIR Distribution Study

- The Indigenous Food and Agriculture Initiative (IFAI) is conducting a study to determine whether there might be potential cost savings if FDPIR food distribution becomes more regionally focused. Initial results were presented at the meeting by an IFAI intern. IFAI stated that it would meet with FNS officials to discuss its work.

D. FDPIR Matching Requirement

- Tribal Leaders expressed interest in removing the 25% matching requirement to administrative funds. This match may have resulted from FDPIR being modeled after SNAP, which maintains a 50/50 matching requirement.
- Upon FNS’ last review, the administrative match waived across all participating FDPIR tribes totaled approximately \$3M.

E. Nutrition Education Funding

- Acting Deputy Under Secretary Lipps stated that the Federal government provides a lot of funding for nutrition education and is interested in taking a closer look on the effectiveness of these obligations.
- Tribal Leaders expressed that outcomes should be referenced beyond biometrics. Families find added value when they have resources and training on making better choices with their money, e.g. canning their own tomatoes means families may not have to buy tomatoes, saving funds that their children can use for dance classes or other activities that may improve diet and health outcomes.
- Tribal leaders expressed concern with the level of funding available for FDPIR nutrition education. While SNAP-Ed may be an alternative, these programs are managed solely by State entities. Other federal funds target these or similar outcomes, e.g. through the USDA National Institute of Food and Agriculture, but tribes are ineligible to apply.
- Tribal Leaders outlined that they cannot identify outcomes if they do not have funds to even manage a nutrition education program.

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F. Other Topics

- Shutdown Contingency Plan
 - Except for DOD Fresh, FNS purchases food 3-6 months in advance, allowing FNS to build up reserves in its supply chain. If a Federal shutdown occurs, depending on timing, FNS may not be able to place orders for the next food shipment in time to meet demand.
- Food Delivery Issues
 - FNS has scheduled monthly operation-related calls to help alleviate concerns by FDPIR program directors concerning USDA Foods availability.
 - Tribal Leaders and representatives expressed concern that some foods do not maintain “Best If Used By” dates. USDA shared federal requirements in this regard and noted that establishing additional labeling requirements could impact its ability to procure commercially-available foods.
 - Where issues arise with DOD Fresh foods that DOD does not resolve, FNS should be notified.
- Upgrading Computer System for FDPIR Administration
 - FNS expects to begin phased implementation of an upgraded inventory management system, named the Automated Inventory System (AIS), in late calendar year 2018 and meets with a NAFDPIR committee every couple months to discuss any updates.
- Updates from the Food Package Review Working Group
 - This working group, comprised primarily of Tribal representatives, last met in November 2017 and agreed to include catfish as the new traditional food item in the FDPIR food package, with research slated on mutton lamb and lake trout.
 - The group is also looking at improvements in guide rates, e.g. fruits and vegetables, grains, etc. to better meet nutrition guidelines.

G. Discussion of “Urban place” definition and Service Area Request

- Tribal citizens in some urban areas have expressed desire to participate as FDPIR recipients.
- Allowing carte blanche authorization for urban-inclusion could impact administrative costs. This impact is one reason why FNS reviews service area requests on a case-by-case basis.
- Tribal representatives suggested that they should have an internal discussion of which tribes would like to serve urban areas and the implications of doing so.

H. Identify Potential Next Dates for Convening Tribal Consultation Work Group

- Winter Session at NCAI (Feb 12-18)
- NAFDPIR (June 10-16)
- December 2018 IAC Meeting

I. Closing Comments

- USDA and Tribal Leaders thanked each other for continued commitment to these issues.
- Tribal leaders encouraged USDA officials to visit Indian Country.
- Acting Deputy Under Secretary Lipps is committed to the working group continuing.

J. Adjourn

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ENCLOSURE: Next Steps

Requested Follow-Ups

Tribal Leaders / NAFDPIR

- Assess ITOs that would like to serve a larger urban area
- Share information with USDA on what kinds of nutrition education activities have contributed to positive outcomes

Indigenous Food and Agriculture Initiative

- Review draft regional distribution study with FNS

Food and Nutrition Service

- Bring other FNS representatives to next meeting for nutrition discussion
- Provide information about the Urban-Service Area Request process

Proposed February Discussion Topics

- IFAI Regional Distribution Study
- Nutrition Education Funding
- “Buy-Indian” Procurement Preference for Native Producers
- Traditional Foods and Tribal Producers
- Technology Updates
- “Urban-Place” Service Requests

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ENCLOSURE: FDPIR Tribal Leader Consultation Working Group (12/2017) Attendees

Tribal Leaders

Name	Tribal Affiliation	Title
S. Joe Crittenden	Cherokee Nation	Dep. Principal Chief
Jefferson Keel	Chickasaw Nation	Lt. Governor
Jody Lamere	Chippewa Cree Tribe	Council Member
Bruce M Savage	Fond du lac	District II
Stella Kay	Little Traverse Bay Bands of Odawa Indians	Tribe Vice Chair
Gary Besaw	Menominee Nation	Chairman
Neenah Tiger	Muscogee (Creek) Nation	Cabinet Sec.
Clarinda Calling Thunder	N. Arapaho Tribe	Council Member
James Mountain	Pueblo de San Ildefonso	Governor
Marcus Leno	Pueblo of Acoma	Secretary
Gailey Morgan	Pueblo of Tesuque	Councilman
Mark Mitchell	Pueblo of Tesuque	Governor
Audrey Simplicio	Pueblo of Zuni	Council member
Jennifer McLeod	S. Creek Tribe of Chippewa Ind	Tribal Council
Audrey Rose Lee	Sac & Fox Nation of Oklahoma	Second Chief
Amber Torres	Walker River Paiute Tribe	Chairman
Greg Zephim Jr.	Yankton Sioux Tribe	Business Claims Committee

National Association of Food Distribution Program on Indian Reservations – Tribal Staff

Name	Organization / Tribal Affiliation	Title
Anna Sterner	Muscogee (Creek) Nation	Director
Chris Traversie	Yankton Sioux	Director
Connie Martinez	Pueblo of Acoma	Director
Dawnette Weaver	Chickasaw Nation	Sr. FDP Mgr.
Jaime Pronty	Comanche Nation	Director
Jennifer Kirby	Cherokee Nation	Director
Joe van Alstine	Little Traverse Bay Band	MWR President
Leah Duncan	Cherokee Nation	Manager
Marvin Miell	San Carlos Apache Tribe	Executive Director
Mary Greene Tras	Spirit Lake	Director
McKean Walton	Southern Ute	Manager
Nancy Wade	Chickasaw Nation	Operations Mgr.
Perry Martinez	8 Northern Pueblo	Director
Tod Roberston	Seminole	President

Other Tribal Representatives

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Name	Organization / Tribal Affiliation	Title
Bryan Shade	Cherokee Nation	General Counsel
Corey Malone-Smolla	Indigenous Food and Ag Initiative	Emerson Hunger Fellow
Erin Parker	Indigenous Food and Ag Initiative	Research Director and Staff Attorney
Ethan Green	Cherokee Nation	Asst. to Dep. Chief
Janie Hipp	Indigenous Food and Ag Initiative	Director
Karli Moore	Indigenous Food and Ag Initiative	Economic Fellow
Linda McLeon	FRTEP – WSU for Colville Reservation	Director
Toni Stanger	Indigenous Food and Ag Initiative	Dir. Tribal Gov.

USDA Representatives

Name	Office / Agency	Title
Barbara Lopez	Food and Nutrition Service	Program Analyst
Ben Keel	Office of Tribal Relations	Director
Brandon Lipps	Food, Nutrition, and Consumer Service	Acting Deputy Under Secretary
Diane Cullo	Office of Partnership & Public Engagement	Acting Director
Diane Kriviski	Food and Nutrition Service	Deputy Administrator
Jessie Mroz	Office of Tribal Relations	Presidential Management Fellow
Josiah Griffin	Office of Tribal Relations	Outreach / Communication Coordinator
Laura Castro	Food and Nutrition Service	Director