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[Date]

Erica Antonson

Branch Chief, Food Distribution Division

Food and Nutrition Service, U.S. Department of Agriculture

3101 Park Center Drive, Room 506

Alexandria Virginia 22302-1592

Re: FNS Docket No. FNS-2019-0031- Comments in Response to Final Rulemaking on Revision to the Administrative Match Requirement

Dear Ms. Antonson:

On behalf of [Name of Tribe or Tribal-Serving Organization], I am writing to submit the below comments on FNS Docket No. FNS-2019-003, the *Food Distribution Program on Indian Reservations: Revisions to the Administrative Match Requirement*. These provisions help alleviate burdens faced by Inter-Tribal Organizations (ITOs) and state agencies in making nutritious foods available for American Indian and Alaska Native households through the Food Distribution Program on Indian Reservations (FDPIR). The significance of this program to our families and children cannot be overstated.

We commend the U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) for taking active steps to ensure that the Federal share of FDPIR’s administrative costs increases to 80 percent starting in fiscal year 2020, and further commend the USDA-FNS for expediting the meaningful advancements made under Section 4003(a) of the Agriculture Improvement Act of 2018 (2018 Farm Bill). Should this measure cause budgetary constraint for FNS in administering this program, it is our hope that the agency will inform us of any such issue as soon as they are aware. Administrative costs associated with implementing this program provide valuable employment for members of our community and further the mission of Agriculture Secretary Perdue to “do right and feed everyone.”

**ITO/State Agency Administrative Match Waiver**

In discussing the Food and Nutrition Act (FNA) Sec. 4(b)(4)(B)(i), as amended, we strongly request FNS consider that each Tribe’s economy, funding, and resource utilization is different, and they be viewed as such. Any declaration by a Tribal organization of substantial burden must be reviewed solely within the framework provided by that Tribe.

Similarly, when FNS reviews supporting documentation, i.e. recent financial documents, which reference other Federal funding sources, these should not lessen any claims of substantial burden by a Tribe in administering the FDPIR. These funds may already be marked for other project areas and can only be used for a specific purpose. Reviews of these requests must also be regionally consistent across all FNS and not be dependent on available funding across FNS Regional Offices. Both applicants and reviewers may benefit from further guidance on waiver criteria and the flexibility or Tribes in defining their own circumstances.

Furthermore, FNS reconsider the requirement that Tribal council sign a letter in requesting an administrative match waiver due to substantial burden. The final rule as written does not specifically identify who from leadership in a State agency is authorized to submit this request; therefore, we strongly encourage FNS to recognize that leadership of similar authority in Tribal organizations—e.g. in Tribal budget office, departments of agriculture, health, food or nutrition—can serve as signatory for these requested waivers.

**Limitation on Reducing Benefits or Services to State Agencies/ITOs Granted an Administrative Match Waiver**

Referencing the added provision of requiring full administrative funding of the FDPIR when a waiver is granted, FNA Sec. 4(b)(4)(C), we agree with interpretation that this requires FNS to provide the same level of program benefits or services necessary to run a FDPIR program site when an administrative match waiver is requested and granted. This ensures that Tribal organizations and State agencies have the necessary resources to provide nutritious foods for American Indian and Alaska Native households. We strongly urge that FNS continue with this interpretation and refrain from accepting any further comment on this section as it aligns with the 2018 Farm Bill as is. We echo our earlier request here that, should FNS Regional Offices foresee budget shortfalls, they notify State agencies and Tribal organizations as early as possible to promote continuity of operations.

**Use of Other Federal Funds To Meet the State Agency/ITO Administrative Match**

Finally, in reviewing Sec. 4(b)(4)(D) of the FNA, allowing other Federal funds to be used as an administrative match, we understand the Department’s need to comply with Sec. 4003(a)(1) of the 2018 Farm Bill, that this “use is otherwise consistent with the purpose of the funds.” We agree that these funds should be verifiable by Tribal organizations and State agencies, however, we encourage FNS to allow the greatest flexibility possible for Federal resources can be used as an administrative match where they would otherwise meet criteria for being a cash or non-cash contribution. Allowing flexibility is response to the specific circumstances of Tribal organizations and State agencies who administer FDPIR and will also provide for the leverage resources to best serving Tribal citizens and recipient households in an effect and efficient manner. Additionally, it will help alleviate administrative burdens on oversight for FNS in determining whether the use of another Federal program is “necessary and reasonable” for the success of FDPIR.

Again, we appreciate FNS’ willingness to engage Tribal Nations on the administration and future of the Food Distribution Program on Indian Reservations and look forward to continuing to work together to ensure that we are providing the best possible services and foods to our Tribal citizen participants.

Sincerely,

[Signature]