



United States Department of Agriculture

*Feasibility of Tribal Administration of Federal
Nutrition Assistance Programs*

Final Report

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Food and Nutrition Service
Office of Policy Support

July 2016

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Glossary of Abbreviations

AI/AN	American Indian/Alaska Native
CACFP	Child and Adult Care Food Program
CFR	Code of Federal Regulations
CPI	Consumer Price Index
CSFP	Commodity Supplemental Food Program
E&T	Employment and Training
EBT	Electronic Benefit Transfer
ENP	Elderly Nutrition Program
FDPIR	Food Distribution Program on Indian Reservations
FFVP	Fresh Fruit and Vegetable Program
FMNP	Farmers' Market Nutrition Program
FNA	Food and Nutrition Act
FNS	USDA Food and Nutrition Service
FSA	Federal Service Area
HHS	United States Department of Health and Human Services
ITO	Indian Tribal Organization
LEA	Local Education Agency
NSIP	Nutrition Services Incentive Program
NSLP	National School Lunch Program
NYSP	National Youth Sports Program
OPM	Office of Personnel Management
PTAC	Procurement Technical Assistance Center
QC	Quality Control
SBP	School Breakfast Program
SFA	School Food Authority
SFMNP	Senior Farmers' Market Nutrition Program
SFSP	Summer Food Service Program
SMP	Special Milk Program
SNAP	Supplemental Nutrition Assistance Program
SSI	Supplemental Security Income
TANF	Temporary Assistance to Needy Families

TEFAP

The Emergency Food Assistance Program

USDA

United States Department of Agriculture

WIC

Special Supplemental Nutrition Program for Women, Infants, and
Children

Executive Summary

Section 4004 of the Agricultural Act of 2014 (P.L. 113-74) authorized a study to examine the feasibility of Tribal administration of Federal nutrition assistance programs, services, functions, and activities (or portions thereof), in lieu of administration by State agencies or other entities. This report is the result of United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) research led by IMPAQ International, LLC, and its subcontractors.

This research examined the basic requirements of administering four major Federal nutrition assistance programs, as well as the services, functions, and activities associated with administration: the Supplemental Nutrition Assistance Program (SNAP), the National School Lunch Program (NSLP), the School Breakfast Program (SBP), and the Summer Food Service Program (SFSP). The research focused on these programs because it was not feasible to adequately address all nutrition assistance programs in detail in the time available for the study. Nor was it possible to comprehensively investigate all administrative requirements of the four focal programs. Given these parameters, researchers engaged with representatives of the 566 Federally recognized American Indian Tribes and Alaska Native villages¹ to accomplish two goals: 1) to understand their interest in administering the focal or other Federal nutrition programs, and 2) to learn about Tribes' existing administrative resources, as well as the challenges and needs they anticipate based on their experience with other Federal programs. Tribes' responses suggest policy changes that would be needed to facilitate Tribal administration of Federal nutrition assistance programs.

BACKGROUND

The mission of FNS is “to increase food security and reduce hunger by providing children and low-income people access to food, a healthful diet, and nutrition education in a way that supports

¹ The Pamunkey Indian Tribe of Virginia became Federally recognized on July 2, 2015. Because the survey was administered in March 2015, the Pamunkey Tribe is not included among the 566 Tribes that were surveyed. There are many more American Indian Tribes and Alaska Native villages that are not included in the register of Federally recognized Tribes.

American agriculture and inspires public confidence.”² To that end, FNS administers 15 Federal nutrition assistance programs.

Currently five of the 15 FNS nutrition assistance programs are directly administered by some Tribes or Alaska Native Villages³: the Commodity Supplemental Food Program (CSFP); the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); the Food Distribution Program on Indian Reservations (FDPIR); the Farmers’ Market Nutrition Program (FMNP); and the Senior Farmers’ Market Nutrition Program (SFMNP). In addition, one Tribe has obtained waivers to administer some functions of SNAP, one of the four focal programs of this research.

RESEARCH DESIGN AND METHODOLOGY

The legislative directive and the FNS Tribal consultation process provided guidance for completing the research. A full audit, conducted collaboratively with individual Tribes, would provide the detailed and specific information necessary to determine each Tribe’s readiness to administer Federal nutrition programs. This approach, however, was infeasible, given the limited time and resources for this research. Such an approach was also inappropriate, since the status of Tribes’ interest in the programs was unknown. For these reasons, this research focuses on the largest nutrition assistance programs, presenting broad findings on Tribes’ interest in administering the programs, the resources and experience they bring to program administration, and the potential challenges they anticipate.

The research employed a multi-method and culturally-responsive design that included document reviews, consultations with official Tribal government representatives, additional outreach to Tribal leaders and program staff, a survey of Tribes, and site visits. Following the tenets of Tribally Driven Participatory Research, the research team received training in this approach from subject matter experts, themselves Tribal members, who were partners in the study. Researchers involved Tribal stakeholders in guiding research activity whenever possible, for example, in the development of study tools. The research addressed four primary objectives:

² <http://www.fns.usda.gov/about-fns>

³ The term “Tribes” is being used through this report to refer to Federally-recognized Tribes as well as Alaskan Native Villages.

- **Objective 1:** Identify services, functions, and activities associated with administering nutrition assistance programs.
- **Objective 2:** Consult with Indian Tribal Organizations (ITOs)⁴ to determine the extent of their interest in administering these programs.
- **Objective 3:** Understand the readiness of ITOs to administer these programs based on the services, functions, and activities associated with administering all or part of particular programs.
- **Objective 4:** Identify statutory or regulatory changes, waivers, or special provisions that would be needed for ITOs to administer each focal nutrition program.

Document Review

To meet research objectives 1, 3, and 4, the research team reviewed program guidance, regulations, manuals, reports, and other documents related to the four major nutrition programs that are not currently administered by Tribes. The team also interviewed key nutrition stakeholders at the Federal, regional, and State levels.

Tribal Consultations and Outreach

Three Tribal consultations were held early in the project to gather formal input from Tribal representatives on the research design. Informal member checking and outreach were held via conference calls and in-person meetings, as well as during Tribal conferences. Member checking is a way to check the validity of qualitative data by offering the research participant an opportunity to comment on (or correct, or elaborate) the researcher's understanding of the subject being discussed. Member checking was conducted both during and after all interviews in this study. During interviews, researchers paraphrased or summarized their understanding of what had just been said, and asked respondents whether the summary was accurate. Within one week of completing an interview, researchers sent any participants in the interview the interview notes, specifically requesting corrections or elaborations.

Survey of Tribes

A survey was developed and administered so that all Federally-recognized Tribes would have an opportunity to contribute to the research. The primary purpose of this survey was to learn about Tribes' interest in administering the four FNS programs and about any relevant experience with FNS or other Federal programs. An early version of survey (and site visit) questions was shared

⁴ While the primary focus of this study is on ITOs, researchers also gathered information from additional Native entities, such as associations, councils, and alliances, as well as entities with which the Native entities contract.

with Tribes for feedback. Later in the survey development, a pilot was completed with volunteers from several Tribes. These volunteers provided feedback on the questions' content and presentation. The survey was revised accordingly. The survey was offered online, in hard copy, and over the telephone.

Site Visits

Researchers completed 13 site visits, during which they spoke with members of 16 Federally-recognized Tribes and Alaska Native villages. Interview questions focused on benefits of and barriers to Tribal administration of Federal nutrition assistance programs. Each visit was facilitated using an agenda and interview protocol developed collaboratively with Tribal consultants. During these visits, the research team met with individuals from Tribal leadership, program management, human resources, information technology, and finance. Following each visit, researchers sent each interviewee a summary of the interview in which he or she participated. Tribal site visit participants were asked to correct or elaborate the summary notes as they saw fit.

Exhibits S1 and S2 show the numbers of small, medium, and large Tribes that participated in site visits and surveys, respectively. Size categories are based on the number of Tribal members living in the Tribe's Federal Service Area (FSA):⁵

- Small: fewer than 1,000 members
- Medium: 1,000 to 4,999 members
- Large: 5,000 or more members

Exhibit S1. Service Population Size of Tribes Visited

Size	No. of Tribes
Small	8
Medium	5
Large	3
All Tribes	16

⁵ An FSA is a defined geographic area within which a Tribe is responsible for providing services to its members.

Exhibit S2. Service Population Size of Tribes Surveyed

Size	No. of Tribes	% of Tribes Surveyed
Small	65	56.0%
Medium	37	31.9%
Large	14	12.1%
Total	116	100.0%

RESEARCH LIMITATIONS

The following limitations, many of which are typical in social science research, are important to note and should be considered in reviewing the findings.

An Abbreviated Research Timeline. Tribally Driven Participatory Research, the approach that undergirds this project, requires researchers to build trust with the Tribal community, which takes time.⁶ Congress mandated an 18-month research period that began with the enactment of the Agricultural Act of 2014. This time period included the contract procurement process and review and approval of all data collection instruments by the Office of Management and Budget (OMB). Ultimately, the research team had approximately four months to consult with Tribes, design and test survey instruments, and develop and test site visit protocols. The short timeline for the overall study also affected the field period of the survey and the researchers' ability to negotiate site visits.

Despite the focus on only four nutrition programs, the depth of researchers' discussion with Tribes about program administration was, by necessity, limited. This study offers an overview of administrative needs and preparedness. A more comprehensive review of all administrative requirements for a given nutrition program is the necessary next step in examining, with Tribes, the desirability and feasibility of program administration.

Low Attendance at Tribal Consultations. At the outset of the research, only one consultation via teleconference was scheduled. Approximately 11 Tribes and Tribal stakeholders participated in that first consultation. The research team responded by organizing two additional consultations via teleconference, as well as various outreach efforts. The short study timeframe did not allow for face-to-face discussions or formal consultations between Federal leaders and Tribal leaders as representatives of two governments or nations. The result of all consultation and outreach efforts

⁶ The importance of patience and sufficient time for relationship building is emphasized throughout the following guidance document: NCAI Policy Research Center and MSU Center for Native Health Partnerships. (2012). *Walk softly and listen carefully: Building research relationships with tribal communities*. Washington, DC, and Bozeman, MT: Authors.

was discussion with over 60 Tribes and Tribal stakeholders; however, this is a relatively small share of the 566 Federally-recognized Tribes.

Self-Reported Findings. The research team had to rely on self-reported survey data and information shared by Tribal members during site visits to address research objectives 2-4. As with all self-reported data, there are risks related to accuracy or bias in the data. However, these risks need to be balanced with other factors, such as increased response burden, that might reduce overall response rates. Requiring additional accuracy could dramatically increase response burden or change the tone of a site visit to that of an audit, thus stifling candid discussion.

Relatively Low Survey Response Rates. Survey response rates from AI/AN populations are typically very low,⁷ for a number of reasons. The research team used a variety of strategies to maximize the number of survey responses. These are detailed in Appendix A, Methodology. Despite these strategies, overall response to the survey was still relatively low.

Lack of Differentiation Between Program Administration and Program Operation.

Throughout the project, researchers attempted to clearly delineate the difference in meaning and activities between program *administration* and program *operation*.⁸ Although this distinction is meaningful to FNS, Tribal representatives spoke instead in terms of specific tasks. The research findings clearly show that many individuals did not distinguish between administration and operation. Tribes' answers to questions about what programs they *administer* must therefore be interpreted broadly. The lack of distinction, however, does not affect descriptions by Tribal members of tasks and activities they perform in relation to specific programs.

Contextualizing the Research Limitations

The combination of these limitations meant that the study could not assess all 15 nutrition assistance programs, nor could the study assess all of the Federal administrative requirements for

⁷ Knapton, K., & Myers, S. (2005, January). A study of non-response patterns. *Quirk's Marketing Research Review*, p. 58.

⁸ The definitions provided in the survey were as follows:

“Program administration includes some or all these activities and responsibilities: having responsibility for receiving and processing applications, determining eligibility, offering customer support, delivering actual services, preparing and submitting reports, oversight, ongoing training, among other similar operational responsibilities.”

“Operating a program refers to managing the day-to-day program activities of a program on behalf of the program administrator, for example a School Food Authority/School District. Typically, program administrators receive funding from the State or Federal government. Program operators receive funding from the program administrator. This section focuses on experience with program administration.”

the four focal nutrition programs. For example, the study focused on the most salient administrative requirements of SNAP eligibility and certification, limited discussion of SNAP Quality Control (QC), and did not discuss SNAP E&T administrative requirements.

Distinguishing whether Tribal interest in each nutrition assistance program refers to administering the program in whole or in part was not possible since the research 1) did not include all of the administrative requirements of each focal program, and 2) Tribal experience and knowledge of the administrative requirements varied. Moreover, some Tribes considered the possibility of administering nutrition assistance programs within the framework of the Indian Self Determination and Education Act, P.L. 93-638, as amended. The Act has established standards permitting Tribal management of Federal programs, using Federal funds, in accordance with Tribal law, regulations, and procedures. During consultations and site visits, several Tribes stated clearly that their interest in and readiness for program administration was contingent on learning more about program details.

TRIBAL INTEREST IN ADMINISTERING NUTRITION ASSISTANCE PROGRAMS

A wide range of Tribes participated in this research, although the group that participated is not representative of all Federally-recognized Tribes. Of the 566 Tribes, 116 completed the survey, for a response rate of 20.5 percent. The site visit Tribes were selected for variety in size, geographic location, urbanity, and resources.

Nearly all Tribes that participated in this research—all site visit Tribes and over 90 percent of survey respondents—expressed interest in administering one or more Federal nutrition assistance programs. Although the primary focus of the research was on four key nutrition assistance programs, nearly two-thirds of Tribes also noted additional programs for which they would consider administration. The other programs in which Tribes were most commonly interested were the Fresh Fruit and Vegetable Program, Afterschool Snack Program, and Senior Farmers' Market Nutrition Programs. The size of the Tribe did not correlate with their interest in administering a particular program in any consistent way.

Responding Tribes anticipated various benefits to administering nutrition assistance programs in whole or part, including (1) the ability to exercise their sovereignty, (2) the ability to identify members who need assistance, (3) the flexibility to manage the nutritional quality of the food provided, and (4) the ability to offer culturally appropriate programming and services.

Approximately one-third of all Tribes indicated that their interest in administering nutrition programs was conditional and, in most cases, dependent upon the availability of additional Federal funding for administrative costs.

Exhibit S3. Interest in Administering Nutrition Assistance Programs

Program	Tribes Expressing Interest on Survey				
	Small (N = 33)	Medium (N = 28)	Large (N = 11)	All Tribes (N = 72)	
				No.	%
SNAP, NSLP/SBP, and SFSP					
SFSP	69.7%	71.4%	54.6%	49	68.1%
Some Other FNS Program	54.6%	64.3%	72.7%	44	61.1%
SNAP	36.4%	60.7%	63.6%	36	50.0%
NSLP/SBP	36.4%	32.1%	27.3%	24	33.3%
Other FNS Nutrition Programs					
	Small (N = 18)	Medium (N = 18)	Large (N = 8)	All Tribes (N = 44)	
				No.	%
Fresh Fruit and Vegetables Program*	72.2%	50.0%	62.5%	27	61.4%
Afterschool Snack Program*	61.1%	44.4%	75.0%	25	56.8%
Senior Farmer's Market Nutrition Program	41.2%	61.1%	62.5%	24	54.6%

*These programs are conditional upon participation in NSLP and other factors.

TRIBAL EXPERIENCE ADMINISTERING NUTRITION PROGRAMS

As part of the survey and site visits, the research team collected information about Tribes' experiences with administering and operating nutrition assistance programs and other Federal programs. Tribes currently administer a variety of Federal assistance programs with requirements and components similar to those of Federal nutrition programs. Over 70 percent of all responding Tribes reported experience with program administration activities such as:

- Determining participant eligibility
- Conducting program outreach
- Producing reports for a State or Federal agency
- Delivering actual services to program participants

Tribes also reported developing and following governance policies to guide implementation of various programs. Over 70 percent of Tribes responding to the survey reported having written financial governance policies. The majority of surveyed Tribes reported having experience in submitting reports to Federal or State agencies, including financial reports, program participation reports, program operations reports, and program integrity reports.

There is great variation in experience administering and operating nutrition and other programs among small, medium, and large Tribes. Challenges experienced or anticipated by Tribes are important to consider in assessing the feasibility of administering nutrition assistance programs in part or whole. Tribes identified several challenges they would expect to face if they began administering a Federal nutrition assistance program. The most frequently cited challenges are listed in Exhibit S4.

Exhibit S4. Key Challenges to Program Administration

Expected Administrative Challenges	Tribes That Named Expected Challenges				
	Small (N = 65)	Medium (N = 37)	Large (N = 14)	All Tribes (N = 116)	
				No.	%
Lack of financial resources	47.6%	45.7%	23.1%	51	44.0%
Insufficient technological infrastructure	33.3%	31.4%	0.0%	32	27.6%
Insufficient physical infrastructure	31.8%	28.6%	15.4%	34	29.3%
No eligible applicants	12.7%	8.6%	7.7%	12	10.3%
Lack of merit system personnel*	6.4%	8.6%	7.7%	8	6.9%

* Merit system personnel challenges are discussed further in section 4.4.3.

CONCLUSIONS

The Tribes that participated in this research reported various benefits to administering nutrition assistance programs in whole or part. They expressed optimism that, with assistance, they could overcome the challenges to program administration. However, this change would likely require significant financial investment on the part of both the Federal government and Tribes. It is not

clear whether Tribes have the financial resources⁹ for the implementation and operational costs of program administration—particularly program start-up and the transition from State to Tribal administration. Tribal leaders also highlighted technical assistance as key to the successful implementation of new programs. Financial resources also are needed beyond program start up for certain administrative functions. For example, Tribes that wish to conduct full administration of SNAP must establish a QC system, which can put the Tribe at risk of financial liabilities if benefit payment errors are above the national rate. It should be noted that many States face similar challenges in meeting the requirements to administer FNS nutrition programs. Many of the difficulties cited are not unique to Tribes.

Tribes reported having experience with various functions of program operation and administration for Federal assistance programs. Although it is not always possible to map each of these experiences directly to specific FNS program requirements, the experience is relevant,¹⁰ and researchers drew parallels when appropriate. For example, experience with administering Temporary Assistance to Needy Families, another complex program, seems relevant to administering SNAP.

Tribes offered recommendations for facilitating administration of Federal nutrition programs. Although some are beyond the purview of FNS, they are documented here for consideration. In addition to requesting that the Federal government provide additional funding for administrative costs and general technical assistance, Tribes suggested that:

- FNS develop a model to help Tribes obtain competitive pricing for electronic benefit transfer (EBT) services for WIC and SNAP. It should be noted, however, that EBT service pricing is generally negotiated between EBT contractors and State agencies. FNS has organized consortia of State agencies, where possible, to negotiate lower prices for EBT services for WIC and SNAP.
- Nutrition assistance programs become part of the Indian Self Determination and Education Act. P.L. 93-638, as amended. This would permit Tribal management of Federal programs, using Federal funds, in accordance with Tribal law, regulations, and procedures. Tribal leaders and stakeholders would like Congress to consider amending P.L. 93-638 to include Federal nutrition assistance programs.

⁹ As described above under Research Design and Methodology, a more formal audit would be required to obtain specific financial information.

¹⁰ For example, the process for determining eligibility varies widely, even within FNS programs. Still, some experience in this area is useful.

- FNS consider the development of Tribal administrative regions corresponding to the national distribution of Tribes. By historical design, Tribes tend to be concentrated in Western states and in rural areas. Currently, most Tribes and Alaska Native villages are concentrated in a few FNS regions.

Each Tribe is unique, with a distinct set of resources, needs, and goals. The recommendations presented in this report will help address many of the common challenges that Tribes face with regard to program administration, but they will not address all the unique concerns and challenges of individual Tribes. A key next step in understanding the feasibility of Tribal administration of Federal nutrition assistance programs might be conducting an in-depth collaborative audit with a select number of Tribes identified through this study to be both interested in and ready to administer one or more nutrition programs.

Chapter 1. Introduction

Section 4004 of the Agricultural Act of 2014 (P.L. 113-79) authorized a study “to determine the feasibility of Tribal administration of Federal food assistance programs, services, functions, and activities (or portions thereof), in lieu of State Agencies or other administrating entities.”

The Act stipulated that FNS should submit a report to Congress no later than 18 months after the legislation was enacted on February 7, 2014. Specifically, the report must include:

1. A list of programs, services, functions, and activities that would be feasible to be administered by Tribal organizations
2. Descriptions of whether Tribal administration of the programs would require statutory or regulatory change
3. Any other issues determined in consultation with FNS and Tribal organizations

Consultations were to be conducted based on existing USDA regulations.¹¹ These regulations are intended primarily to facilitate government-to-government consultation and coordination in policy development and program activities.

This report is the result of United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) research led by IMPAQ International, LLC, and its subcontractors (IMPAQ). This research examined the requirements of administering four large Federal nutrition assistance programs, as well as the services, functions, and activities associated with program administration, in whole or in part. The four focal programs are the Supplemental Nutrition Assistance Program (SNAP), the National School Lunch Program (NSLP), the School Breakfast Program (SBP), and the Summer Food Service Program (SFSP). As discussed in further detail in Section 1.4, the research needed to be completed during a limited time period; thus, it was not feasible to adequately describe the administrative requirements of all nutrition assistance programs in detail. However, data were collected on all nutrition assistance programs in the survey and site visits. Key elements of program administration are discussed in Chapter 2; further details are discussed in appendices.

¹¹ U.S. Department of Agriculture. (2013). Departmental Regulation Number 1350-002. *Tribal consultation, coordination, and collaboration*.

Given the quick turnaround mandated by Congress, FNS did not intend for this research to be a thorough, detailed survey of programs and functions in all Federally-recognized Indian Tribes and Alaska Native villages. Rather, FNS sought an analysis of the requirements for administering each of the four programs and comparisons with some basic experience and resources gathered from a sample of Tribes. This report provides a broad overview of whether Tribes have the necessary interest, experience, and resources to administer these programs, in whole or in part. ***From this point forward, unless otherwise specified, the term “Tribes” refers to the Federally-recognized Tribes, Indian Tribal Organizations (ITOs), and Alaska Native villages.***

1.1 BACKGROUND

The stated mission of FNS is “to increase food security and reduce hunger by providing children and low-income people access to food, a healthful diet and nutrition education in a way that supports American agriculture and inspires public confidence.”¹² To that end, FNS administers 15 Federal nutrition assistance programs. The public served by FNS includes Tribes and Alaska Native villages.¹³

The American Indian/Alaska Native (AI/AN) population is particularly vulnerable: Native Americans have double the rate of nutrition-related health conditions compared to white Americans of European descent, and the gap has been growing.¹⁴ Native Americans also face high poverty rates and have limited access to food. For example:

- AI/AN adults are 60 percent more likely to be obese than non-Hispanic white Americans.¹⁵
- AI/AN adults are 2.5 times as likely as white adults to be diagnosed with diabetes.¹⁶

¹² <http://www.fns.usda.gov/about-fns>

¹³ The Pamunkey Indian Tribe of Virginia became Federally-recognized on July 2, 2015. Because the survey was administered in March 2015, the Pamunkey Tribe is not included among the 566 Tribes that were surveyed. There are other American Indian Tribes and Native Alaska villages that are not included in the register of Federally-recognized Tribes and were not included in this study.

¹⁴ Kaufman, P., Dicken, C., & Williams, R. (2014). *Measuring access to healthful, affordable food in American Indian and Alaska Native Tribal areas*. U.S. Department of Agriculture, Economic Research Service. EIB-131.

¹⁵ U.S. Department of Health and Human Services (HHS) Office of Minority Health, Obesity and American Indians/Alaska Natives, <http://minorityhealth.hhs.gov/omh/browse.aspx?lvl=4&lvlID=40>

¹⁶ HHS Office of Minority Health, Diabetes and American Indians/Alaska Natives, <http://minorityhealth.hhs.gov/omh/browse.aspx?lvl=4&lvlID=33>

- AI/AN adults are 1.3 times as likely to be diagnosed with heart disease as non-Hispanic white adults.¹⁷
- Among AI/ANs, between 1996 and 2006, the prevalence of type 2 diabetes increased by 26.9 percent, and the prevalence of obesity increased by 25 percent.¹⁸
- Almost 50 percent of individuals living in Tribal areas have incomes at or below 200 percent of the Federal poverty level.¹⁹
- Only 25.6 percent of AI/ANs live within a mile of a supermarket.²⁰

Food access and health issues suggest that, in many cases, Federal nutrition assistance programs have the potential to make a difference in the lives of Native Americans.²¹

Exhibit 1 summarizes administrative responsibilities for each of the Federal nutrition assistance programs and notes where Tribes have expressed interest in administering or are currently administering these programs. Of note, the Exhibit highlights the agencies responsible for the respective programs – some Tribes may have entered into agreements with States to administer select programs locally and are not listed in the exhibit.

The table focuses on the administration of programs rather than their operation. Numerous Tribes operate various aspects of many of these programs. The distinction between program administration and operation is outlined in Section 1.2. As shown, currently five of the 15 programs are directly administered by some Tribes: the Commodity Supplemental Food Program (CSFP); the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); the Food Distribution Program on Indian Reservations (FDPIR); the Farmers’ Market Nutrition Program (FMNP); and the Senior Farmers’ Market Nutrition Program (SFMNP). FNS granted the Washington State agency a waiver to allow non-merit system personnel of the Port Gamble S’Klallam Tribe to conduct eligibility and certification functions for SNAP.

¹⁷ HHS Office of Minority Health, Heart Disease and American Indians/Alaska Natives, <http://minorityhealth.hhs.gov/omh/browse.aspx?lvl=4&lvlID=34>

¹⁸ Pardilla, M., Prasad, D., Sonali, S., & Gittlesohn, J. (2013). High levels of food insecurity on the Navajo Nation. *Public Health Nutrition*, 17(1), 58-65.

¹⁹ Kaufman, P., Dicken, C., & Williams, R. (2014). *Measuring access to healthful, affordable food in American Indian and Alaska Native Tribal areas*. U.S. Department of Agriculture, Economic Research Service. EIB-131.

²⁰ Ibid.

²¹ See, for example, Echo Hawk Consulting. (2015). *Feeding ourselves: Food access, health disparities, and the pathways to healthy Native American communities*. Longmont, CO: Echo Hawk Consulting. <https://nebula.wsimg.com/891e74d1afe847b92abe87b2a1df7c63?AccessKeyId=2EF8ECC329760AC5A98D&disposition=0&alloworigin=1>

Exhibit 1. Federal Nutrition Programs and Their Administration

Federal Nutrition Program	Current Administration
Supplemental Nutrition Assistance Program (SNAP)*	<ul style="list-style-type: none"> - States administer recipient benefits, but a Tribe can ask to operate as a State agency - Retailer administered at the Federal level - In order for Tribes to administer SNAP, FNS must find that the State agency has failed to administer the program properly, and FNS must also find the Tribe capable of administering SNAP as a State agency - Currently, no Tribes are administering as State agencies
National School Lunch Program (NSLP)	<ul style="list-style-type: none"> - Entirely State administered; no Tribes currently administer the program - Historically, Tribes have voiced interest in administering the program, and particularly the Afterschool Snack Program
School Breakfast Program (SBP)	<ul style="list-style-type: none"> - Entirely State administered; no Tribes currently administer the program - Historically, Tribes have voiced interest in administering
Summer Food Service Program (SFSP)	<ul style="list-style-type: none"> - Entirely State administered; no Tribes currently administer the program - Historically, some FNS regional offices have administered the program as a Regional Office Administered Program (ROAP), for example in Virginia. However, once ROAP programs have moved to the State, they cannot move back to regional administration. - Historically, Tribes have voiced interest in administering
Child and Adult Care Food Program (CACFP)	<ul style="list-style-type: none"> - Entirely State administered; no Tribes currently administer the program - Historically, Tribes have voiced interest in administering
Fresh Fruit and Vegetable Program (FFVP)	<ul style="list-style-type: none"> - Entirely State administered; no Tribes currently administer the program - Historically, Tribes have voiced interest in administering
Special Milk Program (SMP)	<ul style="list-style-type: none"> - Entirely State administered, no Tribes currently administer the program - Historically, Tribes have voiced interest in administering
Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)	<ul style="list-style-type: none"> - Administered by Tribes or State WIC agencies - 34 Tribes administer WIC
Food Distribution Program on Indian Reservations (FDPIR)	<ul style="list-style-type: none"> - State administered; a Tribe can request to operate as a State agency - 100 Tribes and 5 State agencies serving 276 total Tribes administer FDPIR
Commodity Supplemental Food Program (CSFP)	<ul style="list-style-type: none"> - State administered; a Tribe can request to operate as a State agency - Two Tribes currently administer CSFP
The Emergency Food Assistance Program (TEFAP)	<ul style="list-style-type: none"> - Entirely State administered; no Tribes currently administer the program - Historically, Tribes have voiced interest in administering
Farmers' Market Nutrition Program (FMNP)	<ul style="list-style-type: none"> - Administered by Tribes or State agencies - 6 Tribes currently administer FMNP
Senior Farmers' Market Nutrition Program (SFMNP)	<ul style="list-style-type: none"> - Administered by Tribes or State agencies - 8 Tribes currently administer SFMNP

1.2 RESEARCH OBJECTIVES

This research has four primary objectives:

- **Objective 1:** Identify services, functions, and activities associated with administering nutrition assistance programs, in whole or in part.
- **Objective 2:** Consult with Tribes²² to determine the extent of their interest in administering the programs, in whole or in part.
- **Objective 3:** Understand the readiness of Tribes to administer these programs based on the services, functions, and activities associated with administering particular programs, in whole or in part.
- **Objective 4:** Identify statutory or regulatory changes, waivers, or special provisions that would be needed for Tribes to administer each nutrition program, in whole or in part.

1.3 RESEARCH DESIGN

This section provides a brief overview of the research design and data collection tools. A more detailed and technical description is in Appendix A. Copies of instruments are in Appendices B and C.

1.3.1 Approach

The design for this research includes multiple methods. Using multiple methods allowed the research team to collect and analyze the necessary breadth of data by reviewing FNS regulatory documents and surveying Federally-recognized Tribes. It also allowed the team to learn in depth about some Tribes' program administration experiences by visiting Tribes and interviewing key leaders and staff members. Inclusivity, a central tenet of Tribally Driven Participatory Research, is the approach the research team used to guide research activity whenever possible. Appendix A describes Tribally Driven Participatory Research in detail. Data collection methods are outlined below.

²² While the primary focus of this research is on Tribes, for purposes of consultation and information gathering the researchers also included additional Native entities, such as associations, councils, and alliances, as well as entities with which the Native entities would contract.

1.3.2 Document Review

For each of the four focal programs, IMPAQ reviewed and summarized existing program guidance, regulations, manuals, reports, and other documents. Having outlined each program's administrative infrastructure and requirements, the research team interviewed key nutrition program stakeholders at the Federal, regional, and State levels to capture the services, functions, activities, and rules of each program.

1.3.3 Tribal Consultations and Outreach

In accordance with the principles of Tribally Driven Participatory Research, the research team conducted outreach using both Tribal consultations through the USDA Office of Tribal Relations and other approaches such as email, telephone, and in-person interviews or discussions to gather input from Tribal representatives on the research design. The consultations also aided the research team in gaining an initial understanding of Tribal interest in administering Federal nutrition assistance programs, the history of Tribes' efforts to administer these and other programs, and barriers to administration. Consultations were held via conference calls.

Due to limited participation in the telephone consultations, additional outreach was conducted to respect the principles of Tribally Driven Participatory Research and to meet the objectives of the research. An important component of the consultations and outreach activities was informal member checking. Member checking is a way to check the validity of qualitative data by offering the research participant an opportunity to comment on (or correct, or elaborate) the researcher's understanding of the subject being discussed. Member checking was conducted both during and after all interviews in this research. During interviews researchers paraphrased or summarized their understanding of what had just been said, and asked respondents whether the summary was accurate. Within one week of completing an interview, researchers sent any participants in the interview the interview notes, specifically requesting corrections or elaborations.

Individual participants in the consultations and outreach represented over 60 Tribes. In addition, several community and educational Tribal organizations were also represented. A complete attendance list for each consultation is provided in Appendix H. Consultation and outreach activities are summarized in Chapter 3.

1.3.4 Survey of Tribes

Tribes are located throughout the United States and are diverse in numerous ways. For this reason, a survey was developed so that every Federally-recognized Tribes would have an opportunity to contribute to the research. The primary purpose of the survey was to learn about

Tribes' interest in administering Federal nutrition assistance programs and about their relevant experience—for example, if they currently administered any FNS programs, such as FDPIR, or other large-scale programs, such as Temporary Assistance to Needy Families (TANF). The survey asked specific questions related to information technology (IT) infrastructure, staffing and personnel, and reporting.

In designing the survey, the research team sought feedback from Tribes regarding the initial survey content. Cognitive interviews and pilot testing captured feedback on specific survey questions; feedback on the final instrument was solicited through publication in the Federal Register.²³ When the final survey was fielded, key Tribal stakeholders, including Tribal leaders whenever possible, received an email invitation to a web version of the survey as well as a printed copy.

Of the 566 Tribes, 132 Tribes acknowledged receipt of the survey.²⁴ Of these, 116 responded to at least 25 percent of the survey pages for response rate of 20.5 percent. Respondents were also able to call in and complete the survey over the phone, if they preferred; however no Tribes took this option. The survey was in the field for 20 weeks. Non-respondents received reminders by email, mail, and telephone throughout the research period. The survey instrument is in Appendix B.

1.3.5 Site Visits

Of those Tribes that participated in consultations or instrument development or that otherwise expressed interest in the research, 39 were selected as site visit candidates. These Tribes were diverse in terms of size, experience with Federal programs, and geographic region.

A site visit protocol was developed by adapting the Marguerite Casey Foundation's Organizational Capacity Assessment Tool.²⁵ The research team developed interview questions that focused on learning the benefits of and barriers to administering Federal nutrition assistance programs in the Tribal context. These questions were tested and piloted, using cognitive

²³ Federal Register Notice FNS-2014-0037-001 regarding the Feasibility of Tribal Administration of Federal Nutrition Assistance Programs Study posted on October 16, 2014. In addition to publication in the Federal Register, IMPAQ conducted active outreach in the form of consultations and attending conferences. Efforts to elicit Tribal feedback are detailed in Chapter 3.

²⁴ The survey tool developed for this study allowed IMPAQ to know when a web-based survey was opened and how many pages were viewed before the respondent submitted the survey. Some Tribes also chose to respond only to the paper-based survey and are included in the "received" count. The research team cannot account for Tribes that received only the paper-based survey, but not the web-based survey, and chose not to respond. Tribes may have received only the paper version of the survey when the research team had incomplete, inaccurate, or outdated email addresses.

²⁵ Available at <http://caseygrants.org/resources/org-capacity-assessment/>

interviewing, on nine volunteers from different Tribes. Revisions were made based on these interviews, as well as in response to the protocol's publication in the Federal Register. The final instrument is in Appendix C.

IMPAQ researchers completed 13 site visits, during which they spoke with members of 16 Tribes. These interviews were conducted between April 16 and July 23, 2015. Each visit was one or two days in length. The site visit agenda was developed collaboratively with each Tribe. See Appendix C for a sample agenda. In general, the research team met with individuals from Tribal leadership, program management, human resources, IT, and finance.

1.4 RESEARCH CHALLENGES AND LIMITATIONS

The following limitations, many of which are typical in social science research, are important to note should be considered in reviewing the findings.

An Abbreviated Research Timeline. Congress mandated an 18-month study period that began with the enactment of the Agricultural Act on February 7, 2014. This time period included the contract procurement process and review and approval of all data collection instruments by the Office of Management and Budget (OMB). Ultimately, the research team had approximately four months to consult with Tribes, design survey instruments, and develop site visit protocols. The short timeline also affected the survey field period and the ability of the research team to negotiate and schedule site visits.

Typically, research of this magnitude would need significantly more time for consultations, instrument development, and participant input to ensure that it would be as representative of and responsive to the Tribes as possible. As discussed in the next section, the research timeline also affected the consultation process.

Low Attendance at Tribal Consultations. The purpose of the consultations with Tribal leaders and ITO representatives was to help the research team build an initial understanding of the Tribes' interest in administering Federal nutrition programs, the history of Tribes' efforts to administer these and other programs, and barriers to administration. The consultations also provided an opportunity to collect information to help the research team develop appropriate data collection instruments.

At the outset of the project, only one consultation via teleconference was scheduled. Sixteen individuals representing 11 Tribes and several Tribal stakeholders participated. The research

team responded by organizing additional consultations and various outreach processes, as described in Chapter 3, which significantly expanded the reach of the consultations. The research team was able to consult with more than 60 Tribes and Tribal stakeholders; however, this is a relatively small share of the 566 Federally-recognized Tribes.

Consultation findings are summarized in Chapter 3. Among the key findings from the consultations and outreach was that Tribes did not understand why the research was structured to assess the feasibility of administering nutrition assistance programs with which they had limited or no experience specifically because Federal regulations prevent them from administering the programs. Rather, the Tribes suggested that the research be structured to assess their capabilities and resources based on their administrative experience with similar Federal, State, or Tribal programs.

In response, FNS and the research team reevaluated the research approach and focused on understanding all programs that Tribes were administering or operating, in addition to any FNS nutrition assistance programs they operated.

Self-Reported Findings. Addressing research objectives 2–4 relied on self-reported survey data and on information shared by Tribal members during site visits. As with all self-reported data, there are risks related to accuracy or bias in the data. Lack of accuracy can occur when survey items ask respondents to provide their best estimate. The research team had determined that requiring greater accuracy—for example, by asking survey respondents to look up exact numbers—would substantially increase response burden and likely reduce survey response rates.

Bias is introduced when respondents provide information that (intentionally or unintentionally) favors a particular view. Respondents may present themselves favorably according to cultural norms or expectations (social desirability). For example, leaders of organizations (including Tribes) may overstate the effectiveness of their policies. Another type of bias, acquiescence, occurs when respondents tend to agree with items or issues regardless of their content. For example, a survey respondent might check “good” for a number of items, because it’s easier than selecting “very good” or “poor,” responses that require explanations.

Some amount of bias can be eliminated by reviewing administrative data (rather than talking to a person). However, in this research, asking survey respondents to provide specific data points would have increased burden and reduced response rate. In site visit interviews, asking to see specific documents and records would have changed the tone to that of an audit, stifling candid

discussion. The research team mitigated this risk by developing rapport and encouraging frank discussion and by working closely with experts in both FNS and Tribal research.

Relatively Low Survey Response Rates. Survey response rates by AI/AN respondents are typically very low. The research team used a number of strategies to maximize the number of survey responses, including surveying a full census of Tribes rather than a sample; sending the survey both electronically and in print form; offering hard-copy, electronic, and telephone response options; and conducting intensive outreach and follow-up. Despite these efforts, the final response rate was 20.5 percent.

Lack of Differentiation between Program Administration and Program Operation. Throughout the project, researchers attempted to clearly delineate the difference in meaning and activities between program *administration* and program *operation*. For example, clear definitions were provided at the beginning of each survey section where the terms were used²⁶ and at the beginning of site visits.

Program *administration* includes responsibility for some or all of the following activities: receiving and processing applications, determining eligibility, offering customer support, delivering actual services, preparing and submitting reports, overseeing activities, providing ongoing training, and other similar administrative responsibilities. Program *operation* refers to managing day-to-day program activities on behalf of a program administrator, for example, a school food authority (SFA) or school district. Typically, program administrators receive funding from the State or Federal government and report, in the case of nutrition assistance programs, to FNS. Program operators receive funding from the program administrator. For example, States administer NSLP and are responsible for monitoring and evaluating individual SFAs and LEAs. SFAs—including Tribal SFAs—operate the programs; they are responsible for identifying the benefit status of students and issuing the meals.

Although the distinction between administration and operation is meaningful for FNS, Tribal representatives spoke instead in terms of specific tasks. The research findings clearly show that

²⁶ The definitions provided in the survey were as follows:

“Program administration includes some or all these activities and responsibilities: having responsibility for receiving and processing applications, determining eligibility, offering customer support, delivering actual services, preparing and submitting reports, oversight, ongoing training, among other similar operational responsibilities.”

“Operating a program refers to managing the day-to-day program activities of a program on behalf of the program administrator, for example a School Food Authority/School District. Typically, program administrators receive funding from the State or Federal government. Program operators receive funding from the program administrator. This section focuses on experience with program administration.”

many individuals did not distinguish between administration and operation. For example, eight Tribes stated that they administer SNAP, whereas only one State agency has received a waiver to allow non-Merit system personnel of one Tribe to conduct SNAP certification activities. Tribes' answers to questions about what programs they *administer* must therefore be interpreted broadly, and findings for the two functions are presented together, as “program administration and operation.” The lack of distinction does not affect descriptions by Tribal members of tasks and activities they perform in relation to specific programs.

Contextualizing the Research Limitations

The combination of these limitations meant that the study could not assess all 15 nutrition assistance programs, nor could the study assess all of the administrative requirements for the four focal nutrition programs. For example, the research focused on the requirements of SNAP eligibility and certification, but SNAP QC was not a key focus. In addition, SNAP E&T administrative requirements were not assessed as part of this research. Tribes understood the need to speak somewhat generally about program requirements. They stated clearly that their interest in and readiness for program administration was contingent on learning more about the program details.

Distinguishing whether Tribal interest in each nutrition assistance program refers to administering the program in whole or in part was not always possible since the research 1) did not include all of the administrative requirements for each focal program, and 2) Tribal experience and knowledge of the administrative requirements varied. Moreover, some Tribes considered the possibility of administering nutrition assistance programs within the framework of the Indian Self Determination and Education Act, P.L. 93-638, as amended. The Act has established standards permitting Tribal management of Federal programs, using Federal funds, in accordance with Tribal law, regulations, and procedures. Current “638” programs managed by Tribes include road and transportation programs, construction programs, Tribal health clinic programs, and Tribal property management programs.

A more comprehensive review of all administrative requirements for a given nutrition program is the necessary next step in examining, with Tribes, their interest in and readiness for program administration.

1.5 REPORT ORGANIZATION

This report continues as follows: Chapter 2 provides a summary of the administrative requirements of the four focal Federal nutrition assistance programs: SNAP, NSLP, SBP, and SFSP. Chapter 3 discusses findings from consultation with and outreach to Tribes. Chapter 4 provides a comprehensive narrative of the findings from the two key data collection activities: the survey of all Federally-recognized Tribes and the site visits. Finally, Chapter 5 offers a discussion of these findings along with recommendations for legislative and regulatory changes that might facilitate Tribal administration of Federal nutrition assistance programs.

Chapter 2. Administrative Requirements of Focal Nutrition Assistance Programs

This chapter presents a summary of the requirements for administering each of the four focal nutrition assistance programs: SNAP, NSLP, SBP, and SFSP. In addition, the chapter outlines legislation, regulations, and provisions that govern the activities of each of the programs. Understanding these requirements provides the context for the findings of this research regarding the feasibility of Tribal administration of these programs and Tribes' interest in doing so.

The next three sections of this chapter describe the administrative requirements for each program, with NSLP and SBP combined into a single section due to the similarity of their administrative requirements. The discussions focus on the administrative components of each program that relate to potential areas of interest for Tribes.

The structure of each program description is as follows:

- Organizational structures that are key in administering the program
- Administrative interactions of these structures with one another at the Federal, State, local, and participant levels
- Legislation and regulations relevant to the program

Appendices D through F provide additional detail on the legislation and the accompanying administrative requirements and responsibilities for the focal programs. These appendices also provide description of additional administrative requirements, such as SNAP quality control requirements. Appendix G provides a summary of the administrative requirements for four additional programs often discussed by Tribes during the consultative process and site visits: WIC, FDPIR, CACFP and TEFAP.

2.1 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

SNAP is the nation's largest nutrition assistance program, providing benefits to more than 46 million low-income Americans monthly in 2014. SNAP is the cornerstone of the U.S. effort to eliminate food insecurity and improve nutrition among low-income individuals. In fiscal year

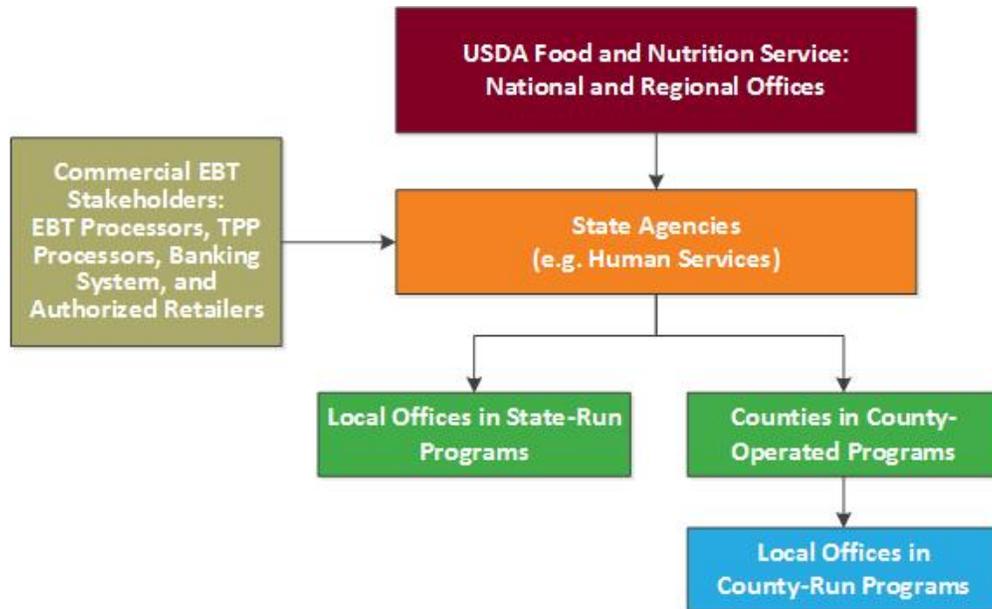
(FY) 2015, the Federal government spent approximately \$74 billion on SNAP. Nearly 95 percent of these funds went directly to household benefits and the remainder went to State administrative costs, Nutrition Education, and Employment and Training programs.²⁷ SNAP provides monthly benefits allowing households that meet specific eligibility requirements to use a debit-like card to purchase eligible food items at more than 250,000 authorized retail stores.

2.1.1 SNAP Organizational Structure

Since the passage of the Food Stamp Act of 1977, the program has undergone a number of changes, but its basic structure, shown in Exhibit 2, has remained in place. FNS administers SNAP in partnership with State and local agencies. The Federal government sets eligibility guidelines, pays 100 percent of benefits and 50 percent of administrative costs, ensures compliance with Federal law through monitoring and oversight, authorizes retailers to accept SNAP benefits as a form of payment, and monitors those authorized retailers for compliance. States determine eligibility and benefit amounts; issue benefits; and provide additional program services including nutrition education, outreach, and employment and training programs. Many other stakeholders are necessary to ensure that SNAP operates properly. These stakeholders include electronic benefit transfer (EBT) host processors and third-party processors, authorized retailers, stakeholders in the banking industry, State and local law enforcement, food banks, and community organizations that serve SNAP clients.

²⁷ <http://www.fns.usda.gov/pd/supplemental-nutrition-assistance-program-snap>. Retrieved February 18, 2016.

Exhibit 2. SNAP Organizational Chart



2.1.2 Summary of SNAP Administration

The Federal government, States, local offices, and commercial EBT stakeholders each have specific roles and responsibilities in the administration of SNAP. These roles are discussed below. As noted in Chapter 1, this summary does not include many of the additional functions of SNAP such as operating an E&T program or establishing and operating the QC system.

Federal Level. FNS is responsible for the overall administration of SNAP. The FNS national office and regional offices create guidance and rules based on the laws passed by Congress. They also provide oversight, accountability, funding, and support for program administration. FNS pays 100 percent of the benefits delivered through the program and approximately 50 percent of the administrative costs. Federal laws and regulations address program eligibility and SNAP benefit amounts.

State Level. Although Federal laws and regulations dictate the basic parameters of SNAP, such as financial and nonfinancial conditions of eligibility, States have the flexibility to choose from among various policy options to modify and administer the program. One option is whether the program is administered by the State or counties, although under either approach FNS holds the States responsible for proper administration of the program. Typically, State-administered

programs designate a State agency, such as the human services department, to administer the program. This agency provides guidance to local (typically county) offices.

As of 2015, 10 States administered SNAP at the county level.²⁸ The ten county-administered States are California, Colorado, Minnesota, New Jersey, New York, North Carolina, North Dakota, Ohio, Virginia, and Wisconsin. County-administered programs receive Federal SNAP administrative funds from the State for program functions performed by county agencies.²⁹ However, even in States in which SNAP is administered at the county level, FNS's relationship is with the State agency.

Whether SNAP is State- or county-administered, local offices serve as the frontline in SNAP administration by accepting applications, interviewing clients, and determining eligibility. Local offices are also responsible for maintaining SNAP caseload data.³⁰ State and local offices also develop and run Employment and Training (E&T) programs that help participants find work and develop skills, and operate the SNAP QC system, which samples and reviews cases to measure payment accuracy.

SNAP's statutes, regulations, and waivers provide State agencies with various options to adapt their programs to meet the needs of eligible low-income households. Modernization and technology have also provided States with new opportunities and options in administering the program. Certain options may further program design goals, such as removing or reducing barriers to access for low-income families and individuals or providing better support for people who are working or looking for work. This flexibility helps States better target benefits to those most in need, streamline program administration and field operations, and coordinate SNAP activities with those of other programs.

Local Level. State local offices (typically at least one in each county) or county offices, for county-administered programs, are responsible for accepting and processing applications, interviewing clients, determining eligibility and benefits per Federal guidelines, and maintaining SNAP caseload data.

²⁸ List provided by USDA FNS SNAP Program Development Division, Program Design Branch, as of October 26, 2015.

²⁹ *USDA Recovery Act impacts on Supplemental Nutrition Assistance Program Phase II*. Audit Report 27703-0001-22. June 2013. Retrieved April 23, 2015, from <http://www.usda.gov/oig/webdocs/27703-0001-22.pdf>.

³⁰ *State options report*. Retrieved April 23, 2015, from http://www.fns.usda.gov/sites/default/files/10-State_Options.pdf.

Commercial and Other Stakeholders. Commercial stakeholders include EBT host processors, third-party processors, the banking system, and authorized retailers. EBT host processors are contracted by the States to provide specific SNAP EBT system services such as EBT card issuance, transaction authorizations, call center support, EBT equipment and service at no cost to exempt authorized retailers using traditional landline EBT-only point-of-sale terminals, and general system maintenance. Third-party processors establish business relationships directly with authorized retailers to provide point-of-sale equipment and related services necessary for the transmission of SNAP EBT transactions from authorized retailers to the EBT host processors as part of the transaction authorization process. SNAP participants use their EBT benefits at SNAP-authorized retailers, which in turn depend on the banking infrastructure to process and reconcile SNAP transactions. Other stakeholders include State and local law enforcement entities who work with FNS to ensure retailer compliance with Federal rules and regulations and who assist State agencies with their responsibilities in terms of recipient compliance.

2.1.3 Legislation and Regulations Governing SNAP

SNAP is authorized by the Food and Nutrition Act of 2008, last amended by the Agricultural Act of 2014.³¹ SNAP is regulated under the Code of Federal Regulations (CFR) at 7 CFR Subtitle B, Chapter II, Subchapter C. Appendix D provides a detailed description of SNAP administration, legislation, and regulations.

2.2 NATIONAL SCHOOL LUNCH PROGRAM AND SCHOOL BREAKFAST PROGRAM

NSLP aims to provide nutritionally balanced, low-cost or free lunches to children each school day. The purpose of SBP is similar; it aims to provide a nutritious breakfast to school children “where it is needed to provide adequate nutrition for children in attendance.” In FY 2014, average daily participation in NSLP exceeded 30.4 million lunches; 19.2 million were free, 2.5 million were reduced-price, and 8.7 million were paid.³² In FY 2014, average daily participation in SBP exceeded 13.7 million breakfasts; 10.6 million were free, 1.0 million were reduced-price, and 2.1 million were paid. The administrative structures of these two programs are very similar.

³¹ 42 USC § 1751

³² Children who pay for their lunch also receive their lunch at subsidized pricing. Annual calculated national average payments retrieved December 15, 2015 from <http://www.fns.usda.gov/school-meals/rates-reimbursement>.

2.2.1 NSLP and SBP Organizational Structure

FNS administers NSLP and SBP at the Federal level, providing policy guidance and structure for operating the programs according to Federal law. FNS provides cash subsidies and donations of food purchased by USDA for each school meal served that meets Federal requirements. FNS also works directly with State agencies through its seven regional offices to provide technical assistance, interpret regulations, and monitor State agency operations.

The programs are administered by a State agency designated in each State. Typically, NSLP and SBP are administered under the State's department of education or department of public instruction.³³ If State law prevents the State from administering either program, NSLP and SBP may be administered by the appropriate FNS regional office; this situation is referred to as a *regional office administered program*.³⁴ FNS also can allow States to allow an alternative agency to administer the programs, as departments of agriculture do in New Jersey and Texas. State agencies set statewide policies, provide policy guidance and instruction to local education agencies (LEAs), and monitor key aspects of performance.

NSLP and SBP administration involves both SFAs and/or LEAs. An SFA is the governing body responsible for administering and operating NSLP and SBP in one or more schools. An LEA, often the school district, is the local authority responsible for the application, certification, and verification activities of NSLP and SBP, as well as aspects of operation and administration such as setting meal standards and wellness policies.³⁵ Meal prices are set at the local level, but all schools are required to operate their meal services as nonprofit programs.

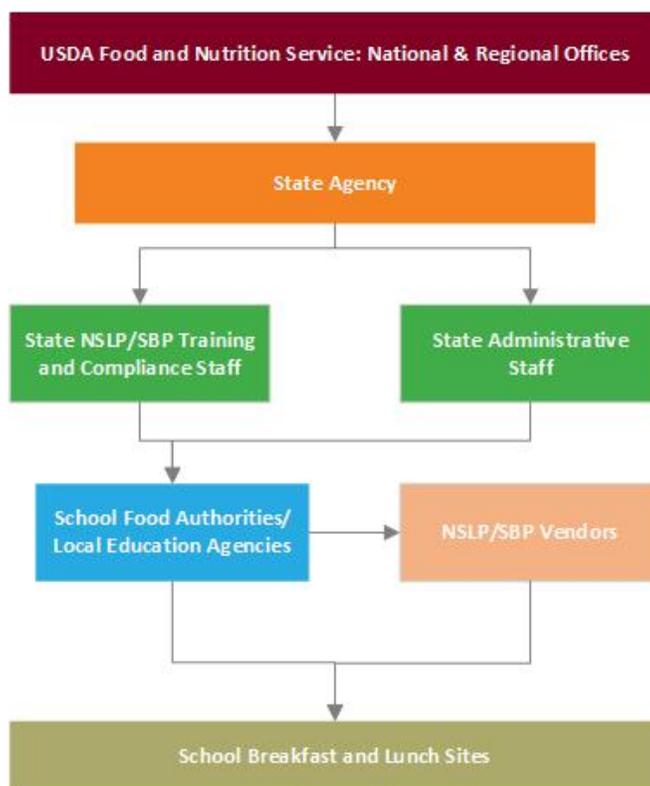
Exhibit 3 displays the administrative relationships among these organizations.

³³ The state department of human services typically houses Child and Adult Care Food Programs, sometimes SFSP, and occasionally NSLP for private schools.

³⁴ As of September 2015, this is how NSLP and SBP are administered in private schools in two States: Colorado and Virginia. Retrieved April 23, 2015, from <http://www.fns.usda.gov/sites/default/files/cn/EliMan.pdf>

³⁵ The Richard B. Russell National School Lunch Act (NSLA) uses two different terms to refer to the local entities that enter into agreements with state agencies to operate the school meal programs. The Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265) amended the NSLA by using the term *local educational agency*, as defined for public schools in the Elementary and Secondary Education Act of 1965 (ESEA), when referring to the application, certification, and verification functions of the school meal programs. Sections of the NSLA that deal with other aspects of the programs, such as meal pattern requirements and meal-counting and claiming reimbursements, use the term *school food authority*, which current NSLP regulations define as the governing body that has the legal authority to operate NSLP and SBP in one or more schools. The entities described as LEAs in the ESEA most commonly are school districts. While this definition applies only to public entities, State agencies also enter into agreements to operate the NSLP with charter schools, non-public schools, or other nonprofit local entities such as an archdiocese running multiple non-public schools.

Exhibit 3. NSLP and SBP Organizational Chart



2.2.2 Summary of NSLP and SBP Administration

Each involved entity, including schools and participants, has specific roles and responsibilities in the administration of NSLP and SBP.

Federal Level. FNS is responsible for administration of NSLP and SBP. FNS subsidizes all school breakfasts and lunches that meet nutritional requirements and that are served to children enrolled in schools participating in NSLP and SBP. Funds are made available to the State agencies through letters of credit issued by FNS.

State Level. State agencies (usually but not always departments of education) administer NSLP and SBP for the States. They report consolidated meal counts for all SFAs and/or LEAs in the State to FNS for reimbursement. FNS provides reimbursement to the State agencies based on the number of meals reported by category (free, reduced-price, or paid). State agencies are responsible for paying the Federal reimbursement to each SFA and/or LEA.

State agencies are also responsible for conducting administrative reviews, which are comprehensive on-site evaluations of all school food authorities participating in the Program to ensure adequate Program performance.

Local Level. The local administrative bodies for NSLP and SBP are SFAs and/or LEAs, typically school districts and other local school administrative bodies. To obtain NSLP and SBP meal reimbursements, SFAs and/or LEAs use either hard-copy rosters or computerized systems at school cafeterias to determine the meal-benefit status of students receiving meals and under which category meals will be claimed for reimbursement. SFAs and/or LEA count the number of reimbursable free, reduced-price, and paid lunches served to eligible students each day and report this information to the State.³⁶ SFAs and/or LEA must establish a system that identifies the benefit status of students; they must also record the number of meals served at the schools' point of service and submit claims for reimbursement to the State agency.

SFAs and/or LEAs must maintain a financial management system and retain records, including student applications to NSLP and SBP and the names of approved students, for at least three years. SFAs and/or LEA can choose to contract with a food service company for some services, but they must follow specific regulations that include monitoring food service operations and retaining control of quality and prices. SFAs and/or LEAs must also implement a food safety program at each facility where food is stored, prepared, or served. SFAs and/or LEAs are responsible for ensuring that the provided meals meet food safety and nutrition standards; SFAs or schools must maintain records of menus and nutritional information on all meals.

SFAs and/or LEAs must develop a process to automatically certify students whose families receive SNAP benefits. SFAs and/or LEAs are also encouraged to automatically certify families who receive TANF and FDPIR benefits. Foster, homeless, runaway, and migrant children are also to be certified as categorically eligible to receive NSLP and SBP meals.³⁷ SFAs, LEAs, and/or individual schools in areas with a high proportion of children who are eligible for free or reduced-price meals can opt to participate in one of several alternative provisions to reduce the application burden on families and serve all students free meals.³⁸

³⁶ Schools and SFAs that participate in one of several alternative provisions serve all meals for free but submit claims for reimbursement that reflect the underlying free, reduced-price, and paid eligibility of enrolled students.

³⁷ 42 USC § 1753 9(b)

³⁸ 42 USC § 1753 11

SFAs and/or LEAs are also responsible for conducting on-site reviews. Every school year, each school SFA and/or LEA with more than one school has to perform no less than one on-site review of the lunch counting and claiming system employed by each school under its jurisdiction. If the review discloses problems with a school’s meal counting or claiming procedures, the SFA and/or LEA has to ensure that the school implements corrective action; and, within 45 days of the review, conducts a follow-up on-site review to determine that the corrective action resolved the problems.³⁹

Detailed description of the intricacies of NSLP and SBP administration can be found in Appendix E.

2.2.3 Legislation and Regulations Governing NSLP and SBP

NSLP is authorized by the Richard B. Russell National School Lunch Act, last amended by the Agricultural Act of 2014.⁴⁰ SBP is authorized by the Child Nutrition Act of 1966, last amended by the Healthy, Hunger-Free Kids Act of 2010.⁴¹ NSLP and SBP are regulated under 7 CFR Subtitle B, Chapter II, Subchapter A. Appendix E provides detailed listings of key Federal regulations and policies governing the administration of NSLP and SBP.

2.3 SUMMER FOOD SERVICE PROGRAM

SFSP’s primary purpose is to provide food service to children from needy areas when area schools are closed for vacation—periods during which NSLP and SBP cannot reach these children. In addition to breakfast and lunch, SFSP offers options to provide morning snacks and supper. SFSP operates primarily from May to September. Additional services may be provided from October to April during unanticipated school closures related to weather and disasters and during student vacations of 15 days or more. On an average day in the summer of 2014, SFSP served nearly 2.7 million children at 45,213 sponsored sites that were open at some time that summer.⁴²

³⁹ <http://www.gpo.gov/fdsys/pkg/CFR-2005-title7-vol4/pdf/CFR-2005-title7-vol4-part210-subpartB.pdf>. Retrieved on January 3, 2016

⁴⁰ 42 USC § 1751

⁴¹ 42 USC § 1773

⁴² Retrieved April 23, 2015, from <http://www.ers.usda.gov/topics/food-nutrition-assistance/child-nutrition-programs/summer-food-service-program.aspx#.VADCAfldV8E>.

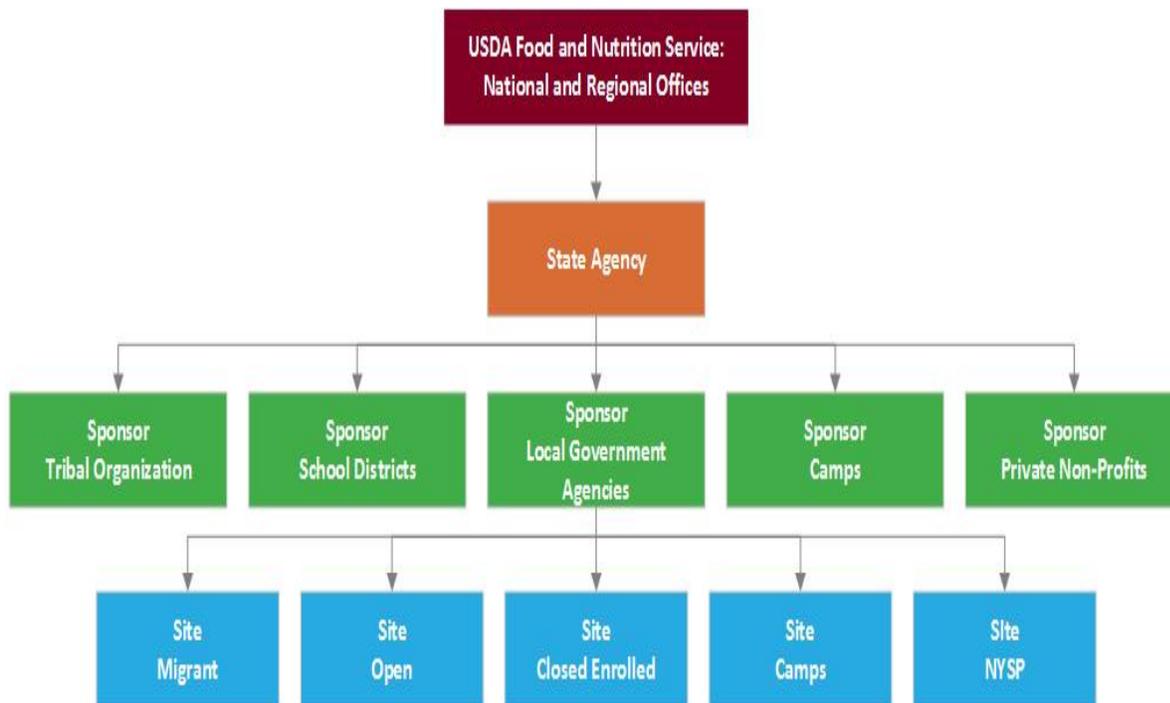
The NSLP Seamless Summer Option (SSO) is another way for SFAs to offer free meals to children during the summer months. Through this option, SFAs can serve meals through many of the same meal service sites eligible for SFSP. SSO programs are reimbursed for their meals at the applicable free NSLP meal rate established on July 1 of the previous school year. For school year 2013–2014, NSLP free meal and snack reimbursement rates were lower than the SFSP reimbursement rates for calendar year 2014. Through the SSO, SFAs can be reimbursed for all of the meal types reimbursed by SFSP, even though morning snacks and supper are not standard NSLP SSO meal types.⁴³

2.3.1 SFSP Organizational Structure

FNS and its regional offices administer SFSP at the Federal level, working through State agencies to coordinate programs through program sponsors and their networks of sites. Sites deliver program services directly to participants. State agencies that administer SFSP typically are the education or human services departments that also administer NSLP and SBP. Sponsors apply to the State agencies to administer SFSP at the local level and operate meal sites. Entities that can operate as sponsors include SFAs, local and municipal government agencies, Tribes, and various nonprofit organizations. Sponsors deliver meals at approved sites which FNS regulations classify as migrant, open, closed enrolled, camps or National Youth Sports Programs (NYSP). A sponsor can operate multiple sites in a State. Exhibit 4 presents the organizational structure of SFSP.

⁴³ Comparison of Programs: Summer Food Service Program/National School Lunch Program/Seamless Option. Retrieved April 23, 2015, from http://www.fns.usda.gov/sites/default/files/SFSP_SeamlessComparisonChart.pdf.

Exhibit 4. SFSP Organizational Chart



2.3.2 Summary of SFSP Administration

Federal Level. FNS and its regional offices administer SFSP. FNS administers SFSP by providing funding and by developing and implementing program regulations. FNS also provides guidance to States to ensure compliance with regulations. FNS regional offices provide technical assistance and monitor State agency compliance, as needed, to fulfill their mission.

State Level. In most States, the State agencies responsible for NSLP and SBP also administer SFSP.⁴⁴ State agencies are responsible for program operation and expansion and for preservation of program integrity. State agencies receive sponsorship applications and make approval decisions. State health departments ensure that approved meal delivery sites are safe by conducting health and sanitary inspections; the State agencies responsible for program administration visit and monitor the sites. Among other functions, the State agencies facilitate the reimbursement of sponsors for the cost of providing approved meals to children and report

⁴⁴ SFSP is housed in a different agency from NSLP in Georgia, Missouri, New Mexico, North Carolina, South Carolina, Tennessee, and Virginia.

aggregated reimbursement, as well as numbers of meals served and participation rates, to the Federal government.

Local Level. Sponsors and sponsoring organizations are the primary local administrative entities. Organizations wishing to become sponsors must apply to the State agency. In these applications, organizations must exhibit an adequate level of available resources to administer SFSP and demonstrate the income eligibility of the population to be served. Sponsors and sponsoring organizations deliver meals to SFSP sites.

Participant Level. Children who (1) attend an open or migrant site located in an area where at least 50 percent of children are eligible for free or reduced-price meals, (2) are enrolled in a closed site or NLSP program, or (3) participate in a camp program and are eligible for NSLP⁴⁵ can receive free meals and snacks each day. Families may be required to demonstrate income eligibility for children participating in closed enrolled or camp programs. Sites may offer two meals: lunch and either breakfast or a morning snack. Migrant sites and camps can provide a maximum of three meals a day provided they primarily serve migrant children.

A detailed description of the specifics of SFSP administration can be found in Appendix F.

2.3.3 Legislation and Regulations Governing SFSP

SFSP is authorized by the National School Lunch Act, last amended by the Agricultural Act of 2014.⁴⁶ As an entitlement program, SFSP is a nondiscretionary expenditure for FNS. FNS rules and regulations governing SFSP are found in 7 CFR 225. In addition, FNS issues policy memos announcing and justifying changes in rules and regulations.⁴⁷ Appendix F provides detailed listings of key Federal regulations and policies governing the administration of SFSP.

⁴⁵ Children qualify for free or reduced-price meals based on categorical eligibility or income. See Appendix F for detailed eligibility guidelines.

⁴⁶ 42 USC 1761

⁴⁷ Policy memos are found at <http://www.fns.usda.gov/sfsp/policy>.

Chapter 3. Consultation with and Outreach to Tribes and Indian Tribal Organizations

Consulting with Tribal leaders and ITO representatives helped the research team build an initial understanding of the Tribes' interest in administering Federal nutrition programs, the history of Tribes' efforts to administer these and other programs, and barriers to administration. Information learned through these interactions informed the research approach as well as the development of the data collection instruments.

Engaging Tribes was also important to introduce the research team, which was composed of FNS experts and Native researchers with expertise in Tribally Driven Participatory Research. This introduction allowed the research team to start building key relationships, which were integral throughout the project. Relationships with Tribes were essential in gathering meaningful feedback on the data collection instruments, arranging site visits, and increasing the response rate to the survey.

This chapter summarizes the activities and findings from the consultations and related outreach. The first section of this chapter summarizes the consultation efforts. The next section summarizes consultation attendance, listing the Tribal representatives, organizations, governments, and other entities that participated in each of the consultations. The third section summarizes the feedback received in the consultations.

3.1 CONSULTATION AND OUTREACH EFFORTS

As noted earlier, this project used a Tribally Driven Participatory Research approach, which positions Tribal governments and leaders as partners in the research. In keeping with this approach, the research team worked to provide multiple opportunities for Tribal leaders to become aware of the project and to provide input and feedback. To increase Tribal awareness, the research team conducted outreach using both Tribal consultations through the USDA Office of Tribal Relations and other approaches such as email, telephone, and in-person interviews or discussions.

At the outset of the project, only one consultation via teleconference was scheduled, on August 20, 2014, with the expectation that participation by ITOs, Tribal governments, and other Tribal representatives would provide an initial indication of Tribal interest in administering Federal nutrition assistance programs in general, and more specifically SNAP, NSLP, SBP, and SFSP. However, participation in the consultation was limited. Sixteen individuals representing 11 Tribes and several Tribal stakeholders participated. A complete attendance list for each consultation is provided in Appendix H.

Due to this limited participation, additional outreach was needed to respect the principles of Tribally Driven Participatory Research and to meet the objectives of the research. The research team worked with FNS to prepare agenda flyers for two additional consultations via teleconference in September, as well as flyers advertising the research team's participation in the two national conferences listed below. The team worked with the Office of Tribal Relations to disseminate these flyers to a broad list of Tribal contacts including national Tribal organizations, regional Tribal organizations, and Tribal email lists. The research team also disseminated information through email, Facebook, and Twitter.

To expand the outreach beyond the initial consultations, the research team:

- Introduced the research to and held discussions with representatives from three national Procurement Technical Assistance Centers (PTACs)⁴⁸ and similar stakeholders:
 - Native American Development Corporation PTAC (Montana)
 - Native Diversification Network PTAC (Minnesota)
 - The National Center American Indian PTAC (Georgia)
 - American Indian Chamber of Commerce of California
 - Tribal Government Institute (Oklahoma)
- Shared research objectives directly with Tribal leaders by operating booths at two national conferences:
 - The National Center for American Indian Enterprise Development's Reservation Economic Summit (RES) Wisconsin, October 6–9, 2014, in Milwaukee, WI

⁴⁸ PTACs provide professional business consulting services and technical assistance to Native American-owned businesses regarding marketing and selling to the federal, state, local, and Tribal governments and to large prime contractors.

- The National Congress of American Indians (NCAI) Annual Convention and Marketplace, October 26–31, 2014, in Atlanta, GA
- Pilot tested the survey and site visit data collection instruments with Tribal members and representatives from Tribes and ITOs⁴⁹

For each of the consultations via teleconference, the research team provided background and an overview of the research, as well as a deeper discussion of the research approach. The presentation highlighted:

- The purpose of the research
- Research team members
- Research questions and objectives
- Benefits of participation
- Potential benefits and challenges of administering Federal nutrition assistance programs
- Research approach, including the principles of Tribally Driven Participatory Research
- Information collection and the need for Tribes' engagement throughout the project
- Next steps including opportunities to participate

Similar information was discussed with the PTAC members and also presented at the booths at the two national conferences noted above.

3.2 CONSULTATION ATTENDANCE

Outreach efforts led to increased participation for each of the September consultations via teleconference. The research team also solicited follow-up discussions with individual participants. Excluding the research team and Federal employees, 19 individuals registered for the September 11 consultation and 36 registered for the September 22 consultation. Four PTAC representatives also participated in a separate discussion with the team on September 22. Exhibit 5 summarizes the number of Tribal participants for each consultation and outreach effort.

⁴⁹ In-depth discussion of the pilot testing and cognitive interviews is provided in Appendix A.

Exhibit 5. Teleconference Consultation and Outreach Participation

Consultation and Outreach Date	Number of Participants
August 20, 2014 Teleconference Consultation	16*
September 11, 2014 Teleconference Consultation	19*
September 22, 2014 Teleconference Consultation	35*
September 22, 2014 PTAC Discussion	4
October 6–9, 2014 RES Wisconsin Booth	20**
October 26–31, 2014 NCAI Booth	55**
Total	149

*These counts represent only the participants who identified themselves on the teleconference.

**These counts represent the number of Tribal participants who visited the booth and shared contact information. Not all booth visitors provided contact information.

As can be seen, there were at least 70 participants who called into the teleconference consultations – 63 were unique unduplicated participants. Individual participants in the teleconference consultations and outreach efforts represented more than 60 distinct Tribes. In addition, several community and educational Tribal organizations were represented. Some of these organizations represented an individual Tribe; some, such as the PTACs, had regional coverage representing multiple Tribes.

3.3 CONSULTATION DISCUSSIONS

Each of the consultations generated meaningful and substantial discussion from multiple participants. Moreover, discussions during the consultations and outreach efforts elicited interactions with Tribal organization members outside the teleconference consultations. Discussions indicated that Tribes had been thinking about and were interested in administering parts or all of the focal Federal nutrition programs (SNAP, NSLP, SBP, and SFSP).

Several regional and national organizations expressed interest in learning more about the project and sharing this information with the leaders of the Tribes they represent, especially with respect to participation in the survey and site visits. Some Tribes and organizations also expressed interest in reviewing and piloting research instruments as they were being developed. Not all comments shared were positive. A few participants expressed skepticism about the FNS consultative process and the limitations of focusing on only four nutrition programs. Summaries from the consultation findings and consultation follow-ups are provided below.

3.3.1 Consultation Findings

During the consultations, multiple participants expressed concern that only four Federal nutrition programs were considered focus areas of the research. In particular, some participants asked about Tribal administration of FDPIR and the CSFP.

Several participants shared concerns about and previous experiences in administering or attempting to administer Federal nutrition assistance programs. Multiple participants noted that, in order for Tribal governments to administer SNAP, they must prove that the State agency has failed to administer the program properly. This requirement can be a significant challenge, especially for Tribes that cross State or county lines. Furthermore, administering agencies may implement corrective action plans to address issues before transitioning administration to Tribes.

Multiple participants raised the issue of the States' reluctance to share leadership and administration responsibilities as a significant barrier to Tribal administration. Others questioned whether States would be willing to share program data. One participant shared a positive experience of working with the State department of health and human services, which collaborates effectively with several Tribes. This State has openly shared data to facilitate the involvement of Tribes in nutrition programs. For this participant, data sharing with local offices in counties has been a greater challenge.

A common concern regarding legislative requirements was that only employees of the State agency administering SNAP employed under merit system personnel guidelines are permitted to perform certification and eligibility functions of SNAP program administration. Also, funding and resources, including human resources, could be a significant challenge.

One participant noted that small Tribes may have additional barriers and asked about education and outreach to smaller Tribes to help them understand complicated Federal nutrition assistance programs and how they might be more involved in program administration.

IMPAQ also convened a meeting of four PTAC leaders representing Tribes in these Bureau of Indian Affairs regions: Eastern, Midwest, Southwest, and Navajo.⁵⁰ The research team shared project flyers with the group and discussed the purpose of the research and its phases. The PTAC

⁵⁰ The Eastern Region includes Alabama, Connecticut, Florida, Louisiana, Maine, Massachusetts, Mississippi, New York, North Carolina, Rhode Island, and South Carolina. The Midwest Region includes Iowa, Michigan, Minnesota, and Wisconsin. The Southwest Region includes Colorado, New Mexico, and western Texas. The Navajo Region is non-geographic.

leaders generally were interested in the research and perceived its objectives as potential economic opportunities for Native Americans engaged in administering nutrition assistance programs. The PTAC leaders expressed a willingness to use their networks to inform Tribal leaders and administrators about the research. They also offered to provide feedback on data collection instruments as they were being developed and possibly to recruit participants to pilot the survey and site visit protocols. PTAC leaders were also willing to conduct outreach to their member Tribes for any additional consultations.

3.3.2 Consultation Follow-up

The consultations and PTAC discussions, along with the outreach discussed above, generated follow-up discussions with consultation participants. Participants contacted the research team by email and telephone. These participants sought to learn more about the research, share perspectives on issues, and/or share Tribal administration experiences that would be helpful to the research.

In addition, the research team interviewed senior staff from the Department of Health and Human Services (HHS) Administration for Children and Families, Division of Tribal Management, who had participated in the Tribal consultations. The team sought to learn more about the agency's experience with Tribal management of TANF. Lessons learned and observations from TANF administration offered insight into issues to consider when designing data collection instruments to assess the resources available to help Tribal communities administer the focal nutrition assistance programs. In addition, understanding the legislative environment that enables Tribes to administer TANF would help the research team understand the potential effects of Federal nutrition program policy on Tribal administration of nutrition assistance programs.

3.3.3 Emerging Themes

Consultations and interactions with Tribal representatives and members provided valuable input from important stakeholders. The thoughts and concerns expressed by Tribes fell into the following themes:

- There is general interest in the purpose of the research and in participating in the research. Individuals viewed this research as an opportunity to positively affect policy.

- There is a need to understand the previous efforts of Tribes to administer nutrition assistance programs, including unsuccessful efforts that resulted in frustration and mistrust.
- The legal requirement to demonstrate State agency failure in administering SNAP is a barrier to Tribal administration.
- Tribes have concerns regarding States' willingness to share leadership, responsibilities, information, and funding.
- Tribal boundaries that cross State lines pose unique challenges.
- Roles and opportunities differ for small Tribal governments, large Tribal governments, and ITOs.
- The availability of Tribal infrastructure and human resources to meet extensive Federal requirements for administering programs may be a challenge.

Upon completion of all official outreach activities, the team continued to maintain relationships developed through the consultation process so that Tribal members would remain active partners in the research. Feedback from Tribes was used throughout the project to inform the development of data collection instruments and research design, as well as the presentation of research findings.

Chapter 4. Research Findings

This chapter addresses research objectives 2 and 3, which translate to these questions:

- What is the extent of interest among Tribes in administering Federal nutrition assistance programs?
- How ready are Tribes to administer these programs?

As described in Chapter 1 and Appendix A, Methodology, the information in this chapter is based on data self-reported by Tribes in a survey distributed to leaders of all 566 Federally-recognized Tribes and on data from site visits with a number of Tribes.⁵¹ A description of both the survey and site visit data collection is in Chapter 1. In brief, the survey captured information about Tribes' interest in administering Federal nutrition assistance programs and about their relevant experience with these or other human services programs. The survey was made available on the web, in hard copy, and by telephone.

During site visits, interviews with Tribal leaders, program administrators, and key program staff added depth of knowledge, shedding light on the details of current and past program administration, as well as operations and infrastructure. After culturally responsive site visitor training,⁵² the IMPAQ research team made 13 site visits, gathering the perspectives of individuals from 16 Tribes and Alaska Native villages. To protect the confidentiality of participants, this report does not identify the specific Tribes and villages visited. The results reported below come from the 116 surveys and 13 site visits. It should be noted that most of the Tribes visited also completed a survey,⁵³ so there is overlap between survey respondents and site visit Tribes; they are not two distinct groups.

After describing the characteristics of survey and site visit respondents, this chapter reports Tribes' interest in administering Federal nutrition programs and describes Tribal readiness in terms of resource capacity in three areas:

⁵¹ This document maintains the confidentiality of Tribes when reporting information. In instances in which naming a program would reveal a Tribe's identity, the program is not named.

⁵² Researchers received training from Native research partners on conducting site visits in the Tribal context. This training fit into a larger effort to incorporate key principles of Tribally Driven Participatory Research.

⁵³ Eight of the Tribes visited completed surveys. There were no partial completions.

- Leadership and management
- Operations and workforce
- Information technology and physical infrastructure

Financial capacity is indirectly addressed as part of each of the three resource capacity areas.⁵⁴ This report uses the term *capacity* in the sense in which it is used in the assessment tool on which the site visit instrument was based. *Capacity* in this context means strengths, resources, and potential. Individuals from several Tribes who reviewed the survey and site visit instruments expressed concern about the word *capacity* being interpreted as derogatory. To avoid this connotation, the instruments were edited to use *resources* wherever possible. That said, *capacity* conveys a specific meaning that is important in this report—and it is not solely a consideration for Tribes. Local, State, and Federal systems also must consider their own capacities in regard to Tribal administration of Federal nutrition assistance programs. This issue is discussed further in Chapter 5.

Further, the research’s challenges and limitations mentioned in 1.4 must be taken into account when considering the results that are presented below.

4.1 CHARACTERISTICS OF TRIBES PARTICIPATING IN THE RESEARCH

4.1.1 Tribal Participants

Although a wide range of Tribes participated in this research, the group that participated should not be considered representative.⁵⁵ Of the 566 Tribes that were Federally-recognized at the time of the survey, 116 completed the survey or viewed at least 25 percent of the survey pages, resulting in a 20.5 percent response rate.⁵⁶ Survey responses were received from Tribes located in 24 states. Most respondents (64 percent) were located in Alaska, California, and Oklahoma,

⁵⁴ Neither the survey nor site visit protocol asked Tribes for detailed financial information. Collecting financial information would require a different type of study or audit, conducted government to government.

⁵⁵ The research team made several efforts to ensure that all Tribes had the opportunity to participate; see Section 3.1 and Appendix A, Methodology.

⁵⁶ The survey tool developed for this study allowed IMPAQ to know when a survey was opened and how many pages were viewed before the respondent submitted the survey. Representatives from a total of 132 Tribes viewed at least one page of the survey. Of these, 106 completed the survey. A survey was considered complete when the respondent submitted the survey. Partial surveys resulted when the survey was started, but the respondent did not submit it. Among the 26 partial surveys, 10 respondents viewed at least 25 percent of the survey pages; these 10 responses are included in the study sample. A threshold of 25 percent was chosen as this was enough information for the team to discern the size of the Tribe. Therefore, 116 Tribes are included in the study sample.

the three states that have the largest number of Tribes. As discussed in Chapter 1, the aim of this research was not to conduct a nationally representative survey, but rather to obtain responses from as many Tribes as possible.

Tribes of various sizes participated in the survey and site visits. Exhibits 6 and 7 show the number of small, medium, and large Tribes that participated in surveys and site visits, respectively. Size categories are based on the number of Tribal members living in the Tribe’s Federal Service Area (FSA):

- Small: fewer than 1,000 members
- Medium: 1,000 to 4,999 members
- Large: 5,000 or more members

Tribe size is important for research studies involving AI/AN people. Services often extend beyond the reservation or village boundaries into off-reservation Tribal communities to which rural and urban Tribal members travel to receive services. An FSA is a defined geographic area within which a Tribe is responsible for providing services to its members.⁵⁷ Tribal respondents also described providing services to non-Tribal members in their FSA. FSA boundaries are not always the same as the boundaries of the Tribe’s reservation;⁵⁸ the FSA may include parts of surrounding counties or urban areas. *Since the focus of this research is program administration, it categorizes each Tribe’s size based on the number of Tribal members living in its FSA.*

Exhibit 6. Service Population Size of Tribes Surveyed

Size	No. of Tribes	% of Responding Tribes
Small	65	56.0%
Medium	37	31.9%
Large	14	12.1%
Total	116	100.0%

⁵⁷ What constitutes Tribal membership varies among Tribes. These definitions should be considered in determining service populations for future program administration.

⁵⁸ Oklahoma Tribes do not have reservations.

IMPAQ completed 13 site visits, during which researchers collected perspectives from 16 Tribes. The sites were located in eight states in various parts of the country. In total, 64 participants spoke to research team members during site visits.

Exhibit 7. Service Population Size of Site Visit Tribes

Size	No. of Tribes
Small	8
Medium	5
Large	3
All Tribes	16

To put Tribal interest in Federal nutrition programs in context, it is important to consider the circumstances in which they live. The disproportionately high rate of poverty among AI/AN populations (29.2 percent⁵⁹) as well as the fact that, nationally, only 25.6 percent of AI/AN households live within a mile of a supermarket make Federal nutrition programs important to Tribes. The scarcity of supermarkets is due to limited household incomes, low population densities, and Tribal government policies and land tenure requirements that may limit ownership by non-Tribal retail firms.⁶⁰ Also, as mentioned in Chapter 1, diabetes rates among Tribal populations are significantly higher than in the general U.S. population.⁶¹ Food access and health issues suggest that, in many cases, Federal nutrition assistance programs have the potential to increase food access and lower nutrition-related health disparities among Native Americans.⁶²

4.1.2 Tribal Governments

The survey did not ask respondents to describe their governance model. Nevertheless, indications are that participating Tribes structure their governments according to a wide range of models.

⁵⁹ 29.2% percent of single-race American Indians and Alaska Natives were in poverty in 2013, the highest rate of any race group. <http://www.census.gov/newsroom/facts-for-features/2014/cb14-ff26.html>

⁶⁰ Kaufman, P., Dicken, C., & Ryan, W. (2014). *Measuring access to healthful, affordable food in American Indian and Alaska Native Tribal areas*. U.S. Department of Agriculture, Economic Research Service. EIB 131.

Notably, while the "food desert" designation is informative, some Tribes (for example, the Alaskan Native villages visited) believe the description does not respect the lifestyle of self-sustaining communities, which do not see themselves in "food deserts."

⁶¹ Compared to their white, non-Hispanic peers, AI/AN adults are 2.3 times more likely to be diagnosed with diabetes, and youth are nine times more likely to be diagnosed with type 2 diabetes. Indian Health Service Fact Sheet, retrieved from https://www.ihs.gov/MedicalPrograms/Diabetes/HomeDocs/Resources/FactSheets/2012/Fact_sheet_AIAN_503c.pdf

⁶² See, for example, Echo Hawk Consulting. (2015). *Feeding ourselves: Food access, health disparities, and the pathways to healthy Native American communities*. Longmont, CO: Echo Hawk Consulting. <https://nebula.wsimg.com/891e74d1afe847b92abe87b2a1df7c63?AccessKeyId=2EF8ECC329760AC5A98D&disposition=0&alloworigin=1>

This variety is evident in, for example, the administrative divisions that house existing programs, as discussed in Section 4.3. Some governance characteristics among the Tribes visited include:

- Leadership by a chief, chairperson, or governor; a Tribal council; and elected representatives.
- Political appointees leading service provision departments, in most Tribes visited. Appointees were often experts in their area, with academic training and many years of experience.

The range of governmental structures and processes is an important consideration in Tribes' administration of Federal nutrition assistance programs. There would not be a one-size-fits-all model for facilitating administration.

4.1.3 Tribal Program Administration and Operation

Throughout the data collection, in both the survey instrument and the site visit protocols, the research team tried to distinguish between *administering* and *operating* a Federal nutrition assistance program. Unfortunately, the line between these roles was not meaningful to many respondents. For example, on the survey, 8 Tribes reported that they administer SNAP, but FNS has granted a waiver to only one State agency to allow non-Merit system personnel of one Tribe to conduct SNAP certification activities. ***For that reason, "program administration" in the remainder of this chapter refers both to administration tasks and to high-level operations tasks such as budgeting and reporting.***

The site visit Tribes provided insights based on their experiences with program administration. Several have over 10 years of experience administering FDPIR and WIC. By contrast, only two operate the Elderly Nutrition Program (ENP), and none administer SFSP. ENP is an HHS Administration on Aging program that provides grants to support nutrition services to older people. It is authorized under the Older Americans Act Title II, Grants for State and Community Programs on Aging, and Title VI, Grants for Native Americans. The program is intended to improve the dietary intake of participants. It is not administered by FNS, but can be administered at the State, Tribal, or local level jointly with FNS programs.

Several of the site visit Tribes described administering and operating other Federal programs that require determining the income eligibility of participants, such as Early Head Start, Head Start, TANF, and Department of Housing and Urban Development programs. Administering and operating these programs has enabled Tribes to develop processes, infrastructure, and experience

with several core activities necessary for the successful implementation and operation of nutrition programs. These include participant recruitment and eligibility determination, caseload management, and program staffing and training.

During site visits with Tribes, researchers asked which food programs the Tribes administered. Most Tribes reported administering FDPIR, but the Alaska villages did not.⁶³

Exhibits 8 and 9 report survey responses regarding Tribal administration or operation of Federal nutrition assistance programs. As can be seen in Exhibit 8, over 90 percent of responding Tribes report administering or operating at least one program. All larger Tribes reported operating/administering at least two programs whereas two-thirds of the smaller Tribes reported only operating/administering one. Over half the larger Tribes administer or operate four or more programs.

Exhibit 9 presents the percentages of small, medium, and large Tribes reporting administering or operating specific programs. These totals include Tribes that administer/operate programs independently, in partnership with another Tribe, or as part of an ITO or association. The program most commonly administered or operated by Tribes was ENP, operated by almost half of the responding Tribes. The next most common program was FDPIR, operated by about one-third of responding Tribes. About one-fourth of the Tribes reported that they operated SFSP, WIC, and the Child and Adult Care Food Program. Typically, larger Tribes were more likely to report operating one of these programs than were small and medium-sized Tribes.

Exhibit 8. Number of Federal Nutrition Assistance Programs Administered or Operated by Tribes

Number of Federal Nutrition Assistance Programs Administered or Operated by Tribes	Tribes Responding to Survey				
	Small (N = 65)	Medium (N = 37)	Large (N = 14)	All Tribes (N = 116)	
				No.	%
No programs	7.7%	5.4%	0.0%	7	6.0%
One program	67.7%	21.6%	0.0%	52	44.8%
Two programs	9.2%	16.2%	21.4%	15	12.9%
Three programs	7.7%	24.3%	21.4%	17	14.7%
Four or more programs	7.7%	32.4%	57.1%	25	21.6%

⁶³ The Alaska Native Tribal Health Consortium has been providing FDPIR services and benefits since 2010 to a consortium of Alaska villages. In FY 2015, a total of 18 Alaska villages received FDPIR benefits.

Exhibit 9. Federal Nutrition Assistance Programs Administered or Operated by Tribes

Federal Nutrition Assistance Program	Tribes Responding to Survey				
	Small (N = 65)	Medium (N = 37)	Large (N = 14)	All Tribes (N = 116)	
				No.	%
ENP*	24.6%	70.3%	85.7%	54	46.6%
FDPIR	16.9%	40.5%	71.4%	36	31.0%
SFSP	15.4%	29.7%	50.0%	28	24.1%
WIC	4.6%	32.4%	64.3%	24	20.7%
CACFP	10.8%	29.7%	35.7%	23	19.8%
NSIP*	7.7%	21.6%	21.4%	16	13.8%
SFMNP	4.6%	16.2%	21.4%	12	10.3%
FFVP	3.1%	8.1%	28.6%	12	10.3%
CSNP	3.1%	18.9%	14.3%	11	9.5%
TEFAP	7.7%	8.1%	7.1%	9	7.8%
SNAP	4.6%	8.1%	14.3%	8	6.9%
NSLP/SBP	4.6%	5.4%	21.4%	8	6.9%
Some other program	3.1%	13.5%	35.7%	12	10.3%

* A program of the HHS Administration on Aging.

In addition, Tribes currently administer a number of Federal assistance programs with requirements and components similar to those of Federal nutrition programs, as shown in Exhibit 10. Several of these programs require eligibility determination. Again, larger Tribes are more likely to report administering Federal programs. For example, over three-fourths of the large Tribes administer Head Start or Early Head Start; only half of the medium Tribes and 13 percent of the small Tribes do so.

Exhibit 10. Other Federal Programs Administered or Operated by Tribes

Other Federal Program	Tribes Responding to Survey				
	Small (N = 65)	Medium (N = 37)	Large (N = 14)	All Tribes (N = 116)	
				No.	%
Child Welfare Support Programs	13.9%	62.2%	71.4%	42	36.2%
Head Start and Early Head Start	12.3%	48.7%	78.6%	37	31.9%
Indian Child and Family Education	13.9%	40.5%	42.9%	30	25.9%
Social Security Act Title IV-E	3.1%	43.2%	35.7%	23	19.8%
TANF	9.2%	29.7%	42.9%	23	19.8%
Section 8 Housing	10.8%	21.6%	35.7%	20	17.2%
Assistance for Indians with Severe Disabilities	1.6%	13.5%	28.6%	10	8.6%
Early Intervention Program for Infants and Toddlers with Disabilities	3.1%	18.9%	21.4%	12	10.3%
Other	27.7%	18.9%	21.4%	28	24.1%

4.2 INTEREST IN NUTRITION ASSISTANCE PROGRAMS

Nearly all Tribes that participated in this research—all site visit Tribes and over 90 percent of survey respondents—expressed interest in administering Federal nutrition assistance programs. The survey asked respondents to report their interest at one of three broad levels:

- Interested
- Conditionally interested
- Not interested

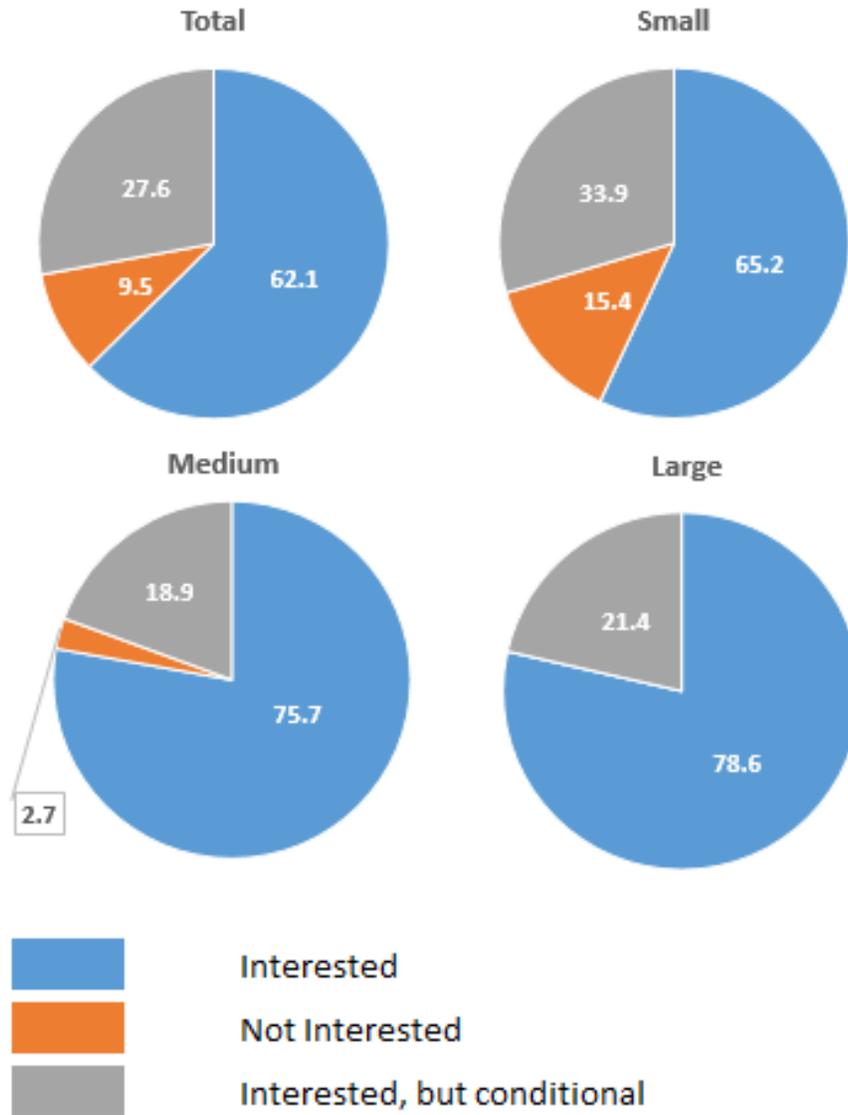
As shown in Exhibit 11, the majority of Tribes that responded to the survey expressed interest in administering Federal nutrition assistance programs without conditions. Other Tribes (19–34 percent, depending on the Tribe’s size) responded that their interest would depend on certain conditions. Among these Tribes with a conditional interest, 75 percent would administer a program only if it were Federally funded.⁶⁴ Sixteen percent would do so if the program had matching Federal funds.

Eleven responding Tribes stated that they were not interested in administering any Federal nutrition assistance programs. Ten of these were small Tribes and one medium. The most

⁶⁴ The survey did not specify the level of funding that would be required.

common reason, selected by one-third of these uninterested Tribes, was “We have tried to administer in the past and it did not work out.”

Exhibit 11. Interest in Nutrition Assistance Program Administration, by Tribe Size



Among survey respondents who expressed any interest in administering programs, each of the focal programs received some interest; see Exhibit 12. Not surprisingly, large and medium Tribes showed more interest in SNAP than their smaller counterparts. Nearly two-thirds of interested Tribes, including 73 percent of large interested Tribes, listed programs of interest in addition to the four focal programs, as shown in Exhibit 13. The most commonly listed programs were the FFVP, Afterschool Snack Program, and SFMNP, in that order.

Exhibit 12. Interest in Focal Programs

Program	Tribes Expressing Interest on Survey				
	Small (N = 33)	Medium (N = 28)	Large (N = 11)	All Tribes (N = 72)	
				No.	%
SFSP	69.7%	71.4%	54.6%	49	68.1%
SNAP	36.4%	60.7%	63.6%	36	50.0%
NSLP/SBP	36.4%	32.1%	27.3%	24	33.3%
Other	54.6%	64.3%	72.7%	44	61.1%

Exhibit 13. Additional Programs of Interest

Program	Tribes Expressing Interest on Survey				
	Small (N = 18)	Medium (N = 18)	Large (N = 8)	All Tribes (N = 44)	
				No.	%
FFVP*	72.2%	50.0%	62.5%	27	61.4%
Afterschool Snack Program*	61.1%	44.4%	75.0%	25	56.8%
SFMNP	41.2%	61.1%	62.5%	24	54.6%
TEFAP	44.4%	55.6%	62.5%	23	52.3%
FFNP	38.9%	61.1%	50.0%	22	50.0%
FDPIR	44.4%	38.9%	62.5%	20	45.5%
CACFP	44.4%	38.9%	37.5%	18	40.9%
WIC	27.8%	33.3%	62.5%	16	36.4%
CSFP	27.8%	33.3%	50.0%	15	34.1%
SMP	44.4%	27.8%	25.0%	15	34.1%

*These programs are conditional upon participation in NSLP and other factors.

The site visit Tribes also showed a high level of interest in the four focal programs, especially SNAP. One Tribe was already in the exploratory phase of working with the State and FNS regional office to establish how it could administer or operate part of SNAP in its FSA. However, due to the limitations of the survey, it is unclear if Tribes are most interested in partial administration of SNAP—e.g. the eligibility and certification functions—or full administration of all of SNAP’s components, including E&T, Nutrition Education, and assuming responsibility for QC requirements.

School-based nutrition programs elicited less interest than the other three focal programs because most site visit Tribes do not operate their own schools. Their children usually attend State-

funded local schools, which, as SFAs, already operate NSLP and SBP. As for SFSP, the site visit Tribes that already operate it also operate CACFP.⁶⁵ Similar to some of the Tribes that responded to the survey, site visit Tribes usually said that interest in administering nutrition assistance programs was conditional on funding. Particular concern was expressed about the startup and transition costs as program responsibilities transition from State or municipal partners to the Tribes. Tribal leaders and administrators also commonly voiced these concerns:

- Will a nutrition assistance program truly meet the nutritional needs of Tribal members? Some Tribes stated a preference for FDPIR over SNAP, because the FDPIR food package includes only foods of high nutritional value.
- What technical assistance will be available from the Federal and State governments to help Tribes ramp up and implement the programs?
- How will the Federal and State governments cooperate with Tribal governments in terms of integrating or adjusting IT and programmatic infrastructure?
- What waivers or accommodations will be available to mitigate or eliminate barriers such as the requirement that employees of the entity administering SNAP who certify SNAP participants be merit system personnel?

Staff and members of the Alaskan villages expressed concerns about the high cost of transporting food to remote villages and about the importance of supporting their subsistence food lifestyle. Fishing and hunting are fundamental activities for these remote Tribes (as they are for several Tribes in the lower 48 states), in terms of both nutrition and culture. Native Alaskans can use SNAP EBT to purchase fishing and hunting supplies. Site visit respondents said they would like this practice to continue. They also said that remote food outlets, such as company stores run by canneries, should become SNAP authorized retailers and expressed the need for other creative solutions to mitigate the cost of food delivery for SNAP recipients.

4.2.1 Perceived Benefits of Administering a Federal Nutrition Program

Exhibit 14 shows how Tribes responded to the survey question that asked them to check whether they expected to gain:

⁶⁵ Some Tribal respondents reported operating SFSP as part of the Child and Adult Care Food Program; however, they are two different, separately administered programs.

- Direct service to members who need assistance
- Ability to improve the nutritional quality of the program
- Ability to offer culturally appropriate programming and services

Exhibit 14. Expected Benefits of Program Administration

Expected Benefit	Small (N = 33)	Medium (N = 28)	Large (N = 11)	All Tribes (N = 72)	
				No.	%
Direct service to members who need assistance	78.8%	92.9%	90.9%	62	86.1%
Ability to offer culturally appropriate programming and services	69.7%	100.0%	100.0%	62	86.1%
Flexibility to manage the nutritional quality of the program	57.6%	92.9%	81.8%	54	75.0%

There was some variation in the responses to this question by Tribe size. Smaller Tribes appear less likely to anticipate program flexibility in terms of nutritional quality and cultural appropriateness. Medium-size Tribes seem more confident, overall, in the potential for positive change—more than 92 percent of medium-size Tribes expect all three potential benefits. Large Tribes generally expect benefits, but, similar to the small Tribes, seemed to question whether flexibility to manage nutritional quality would be a benefit of administration. Nearly all respondents from large Tribes indicated that administering their own programs would allow them to offer culturally appropriate programming and services.

Among the site visit Tribes, leaders and administrators consistently explained that, if they administered Federal nutrition assistance programs, they could do so more efficiently and promptly than is currently the case. They also reiterated the belief that their work would be more culturally appropriate and therefore more effective.

4.2.2 Sovereignty Concerns

The Indian Self Determination and Education Assistance Act⁶⁶ allows Indian Tribes to exercise increased control over the management of Federal programs that affect their members, resources, and governments, rather than to have State or Federal government exercise this control. Federal

⁶⁶ P.L. 93-638 as amended. These agreements are referred to as "638 compacts and contracts." Contracts are authorized under the 1975 Indian Self Determination and Education Assistance Act. Self-governance compacts are made possible by 1994 amendments to the act. Retrieved on June 28, 2015, from http://www.doi.gov/ost/tribal_beneficiaries/contracting.cfm.

and State recognition of Tribal sovereignty was perhaps the most common refrain among the Tribes visited for this research.

For Tribes, the potential of administering Federal programs represents further recognition, implementation, and expression of their sovereignty. Tribal leaders and staff repeatedly reiterated the importance of Tribes being recognized as independent and unique nations with the authority to oversee, administer, and operate their programs and services as best meets the cultural and community needs of their members. They also explained that failure to recognize sovereignty had been an impediment to negotiating program administration in the past. Difficulties have arisen when Federal program administrators did not fully understand Tribal sovereignty or recognize differences among Tribes' finances, operations, and governance. One Tribal respondent noted, "We applied for an Early Head Start partnership, but weren't funded. The reviewers that read our application didn't understand sovereignty. The feedback that we received from the government was that program governance was a weakness in our application. The reviewer didn't understand special language for Tribes."

In summary, participating Tribes were very interested in administering Federal nutrition programs and foresaw multiple benefits. Although they anticipated some challenges, usually based on past experience, Tribes suggested a number of potential solutions, which are discussed among the considerations and recommendations in Chapter 5.

The next sections describe Tribal experiences and potential resources related to administering Federal nutrition assistance programs. This information is organized using the capacity categories of the survey tool: leadership and management, workforce and operations, and infrastructure.

4.3 LEADERSHIP AND MANAGEMENT RESOURCES

Leadership and management resources provide the scaffolding upon which human services programming is built. Tribal leaders prioritize and make decisions about how resources are utilized, as well as provide direction and inspiration for the community. Management ensures the effective and efficient use of program resources.⁶⁷ The capacity of an organization, such as a Tribe, to adopt and implement new programming is enhanced by leadership and management

⁶⁷ Marguerite Casey Foundation Organizational Capacity Assessment Tool.

that learn from past experiences, conduct strategic planning, and collect and use data for continuous improvement.

4.3.1 Governance Policies

The presence of formalized governance policies demonstrates that leadership and management learn from experience. All participating Tribes described formal governance policies that involved passage by a Tribal council as a (if not *the*) key element of decision making on matters that affect the Tribe. All of the site visit Tribes discussed or showed governance policies across program areas and government functions, though the set-up of Tribal governments varied. Exhibit 15 shows the prevalence of governance policies in finance and administration, IT, and other areas, among Tribes that responded to the survey.

Among survey respondents, the existence of specific types of governance policies and procedures varies by both the type of policy and the size of Tribe. For example, three-fourths of all large Tribes have a formal internal auditing system or staff. This figure drops to 60 percent for medium Tribes and to one-third for small Tribes. Among financial and IT policies, the least prevalent was having a written risk management plan.

Exhibit 15. Governance Policies

Governance Policies	Tribes Responding to Survey				
	Small (N = 65)	Medium (N = 37)	Large (N = 14)	All Tribes (N = 116)	
				No.	%
Financial & Audit Policies & Systems					
Written financial governance policies	72.3%	81.1%	71.4%	87	75.0%
Computerized financial and administrative records	70.8%	75.7%	78.6%	85	73.3%
Paper-based financial and administrative records	60.0%	59.5%	57.1%	69	59.5%
An internal auditing system and/or internal auditing staff	35.4%	56.8%	78.6%	55	47.4%
A written risk management plan	18.5%	40.5%	42.9%	33	28.5%
IT Policies					
A written policy protecting personally identifiable data	32.3%	64.9%	57.1%	53	45.7%
Written IT governance policies	27.7%	56.8%	71.4%	49	42.2%
A written disaster recovery plan for IT infrastructure	23.1%	37.8%	64.3%	38	32.8%
A written information and data security plan	21.5%	40.5%	57.1%	37	31.9%
Other Policies					
Written non-discrimination and civil rights policies	33.9%	56.8%	71.4%	53	45.7%
Technical assistance staff (e.g. nutrition experts, policy experts)	20.0%	51.4%	64.3%	41	35.3%
A written policy protecting the identity of children receiving meals	12.3%	35.1%	42.9%	27	23.3%
No structures in place	4.6%	2.7%	7.1%	5	4.3%

4.3.2 Implementing Programs

Through the survey and site visits, Tribal leaders and staff shared experiences, successes, and challenges in implementing programs. Understanding and documenting this information is an essential step in developing successful implementation plans for new programs.

Current Program Administration. As noted in Section 4.1, Tribes currently administer (or conduct high-level operational tasks for) a number of Federal programs, including both Federal nutrition programs and other Federal programs with similar requirements. Overall, this experience demonstrates that many Tribes have adopted and implemented a wide range of Federal programs.

Leadership and management resources are organized in numerous administrative structures. Just as national governments are structured to serve their particular contexts and constituents, Tribal governments, too, build a variety of administrative systems to fit their Nations' unique needs. This variety is evident in the different ways that existing nutrition programs fit into Tribes' administrative structures.

Few Tribes that responded to the survey indicated that they administer or operate SNAP, NSLP/SBP, or SFSP. Among the Tribes reporting that they administer or operate some aspect of SNAP (N=25), 68 percent operate the program through an agency other than health, education, or social services. Among those that administer or operate NSLP/SBP (N=29), 59 percent of these programs are administered or operated through an education agency. Finally, Tribes operating SFSP (N=32) administer the program through a range of agencies: Education (31 percent), social services (31 percent), or other agencies (37 percent).

Tribes may have different definitions of what it means to operate a Federal nutrition assistance program. Among Tribes that reported operating programs of various sizes, the most common activities are delivering actual services to clients, producing reports to the State or Federal agency, conducting outreach to potential clients, and determining participant eligibility. Of the Tribes responding that they operated a program, over 70 percent said they perform all of these activities. Additionally, almost 60 percent of Tribes manage client caseload data, and 54 percent monitor compliance. Exhibit 16 presents these activities in detail by Tribal size. Smaller Tribes are generally less likely to perform a given activity than medium and large Tribes.

Exhibit 16. Program Administration Activities

Program Activities	Tribes Reporting That They Provide Program Activities				
	Small (N = 32)	Medium (N = 34)	Large (N = 13)	All Tribes (N = 79)	
				No.	%
Deliver actual services	50.0%	88.2%	92.3%	58	73.4%
Produce reports to a State or Federal agency	50.0%	85.3%	100.0%	58	73.4%
Determine participant eligibility	46.9%	82.4%	100.0%	56	70.9%
Conduct outreach	37.5%	88.2%	100.0%	55	69.6%
Manage caseloads	31.3%	73.5%	84.6%	46	58.2%
Monitor compliance and/or prosecute fraud	31.3%	61.8%	92.3%	43	54.4%
Develop, synchronize, and maintain information databases	28.1%	61.2%	92.3%	42	53.2%
Process and submit invoices to Federal or State agency for reimbursement	40.6%	58.8%	69.2%	42	53.2%
Work with or employ a nutritionist or certified dietician	21.9%	70.6%	84.6%	42	53.2%
Contract with another organization to deliver services	40.6%	50.0%	23.1%	33	41.8%

Intertribal Organizations. Several Tribes discussed in survey responses and in site visit interviews the importance of working with intertribal organizations. Tribal respondents often cited the value of Tribal consortia in facilitating their ability to administer new programs. For example, one interviewee said:

Individually, the smaller Tribes in this area could not do it. However, if a Tribal consortium received the right to administer the programs, [the smaller Tribes] could. Consortiums can run on reimbursement and could also conduct audits.

Another respondent spoke of the services offered by Tribal associations:

The Tribe collaborates with [two Tribal consortia]. This association meets three times per year and focuses on information about legislation with Tribes in their areas. [The other organization] hosts symposiums, trainings, and workshops.

Among Tribes that responded to the survey, 81 percent reported belonging to an ITO. As Exhibit 17 shows, 63 percent of smaller Tribes and 73 percent of medium-sized Tribes belong to an ITO. In contrast, almost all larger Tribes that responded to this question belong to an ITO. Thirty-seven percent of Tribes that responded to the survey work with an ITO or with another Tribal

government to operate a Federal nutrition assistance program. Larger Tribes are the most likely to do so.

Exhibit 17. Tribes Involved with Intertribal Organizations

Intertribal Collaborations	Small (N=65)		Medium (N=37)		Large (N=14)		All Tribes (N=116)	
	No.	%	No.	%	No.	%	No.	%
Belong to an ITO	41	63.1%	27	73.0%	13	92.9%	81	69.8%
Operate a Federal nutrition assistance program with an ITO	18	27.7%	17	46.0%	8	57.1%	43	37.1%

All 16 Tribes represented in the site visits belong to an ITO. One Tribe had taken over administration of a Federal nutrition assistance program from the local ITO because its council felt that the ITO had mismanaged the program.

Recent Adoption and Implementation Experience. In recent years, many Tribal communities have experienced a rapid growth in the administration of a wide range of services for their members. Leaders of one site visit Tribe said that they had doubled the number of programs they administer in the last 10–15 years. In general, the site visit Tribal communities attributed their growth to various internal and external changes, including revised State laws and regulations that made new funding available, regional and local changes in program administration, and increased levels of demand for services within the Tribal community. For example, one Tribe described a family services program that it took over from the State five years ago. Participation by Tribal members has grown by 28% since then. More families use the services because they no longer need to travel a long distance into town to do so—something that was particularly taxing for grandparents, who frequently play an active role in Tribal families. Over half of the Tribes (52 percent) that responded to the survey said “yes” when asked if they had coordinated the development, planning, and implementation of a new program or the modification or expansion of an existing program in the past five years. This proportion did not vary across Tribal sizes.

Tribes listed several sources of assistance for program implementation, as shown in Exhibit 18. The most common source of planning and implementation support was Federal agencies. This finding underscores the importance of Federal and State funding and funding mechanisms to support Tribes in administering additional Federal nutrition programs.

Exhibit 18. Assistance in Developing and Implementing Program Plans

Entity That Provided Assistance in Planning for New Programs	Tribes That Received Assistance				
	Small (N = 24)	Medium (N = 8)	Large (N = 8)	All Tribes (N = 40)	
				No.	%
Federal agency	35.7%	50.0%	50.0%	18	45.0%
Individual or agency within the tribal government	28.6%	22.2%	12.5%	9	22.5%
Private consultant	14.3%	11.1%	12.5%	5	12.5%
State agency	7.1%	5.6%	12.5%	3	7.5%
Other	14.3%	11.1%	12.5%	5	12.5%

Tribal leaders and administrators described their experiences implementing new programs that began as demonstrations. They noted that demonstrations and grants can be challenging because they require the investment of Tribal resources, including staff and funding, into programs that may be operated by the Tribe for only a limited period of time.

Tribal staff members also reported challenges associated with start-up programs that transitioned to Tribal administration from ITOs or directly from the Federal or State government. Reported challenges included encountering State resistance to transferring program responsibilities, hiring and training staff, learning how to run the program, learning how to comply with reporting requirements, and coordinating programmatic activities among staff and other Tribal programs.

During the implementation phase of new programs, challenges often persisted. One individual described one Tribe’s experience of operating SFSP as a sponsor site. An audit found that the program was out of compliance with requirements related to the “distribution of food” and “placement of food on plates.” The issue, this person explained, was that the Tribe served food traditionally, potluck style, which did not match FNS program requirements. Tribal administration of Federal nutrition assistance programs might provide an opportunity for FNS to examine the cultural assumptions in program requirements that may be detrimental to the success of the program in many communities.

In the survey, Tribes identified several challenges (Exhibit 19) they would expect to face if they begin to administer a Federal nutrition assistance program based on their past experiences. The most frequently indicated challenges were lack of financial resources, insufficient technological infrastructure, and inadequate physical infrastructure, in that order. These challenges were noted by Tribes of all sizes.

Exhibit 19. Administration Challenges Experienced or Expected by Tribes

Expected Administrative Challenges	Tribes That Named Expected Challenges				
	Small (N = 65)	Medium (N = 37)	Large (N = 14)	All Tribes (N = 116)	
				No.	%
Lack of financial resources	47.6%	45.7%	23.1%	51	44.0%
Insufficient technological infrastructure	33.3%	31.4%	0.0%	32	27.6%
Insufficient physical infrastructure	31.8%	28.6%	15.4%	34	29.3%
No eligible applicants*	12.7%	8.6%	7.7%	12	10.3%
Other	12.7%	2.9%	10.0%	10	8.6%
Tribal government reorganization	7.7%	8.1%	7.1%	9	7.8%
Lack of Federal legal authority	6.2%	8.1%	14.3%	9	7.8%
Lack of merit system personnel	6.4%	8.6%	7.7%	8	6.9%

* It is plausible that some Tribes would not have eligible applicants for FNS programs because the income and assets of Tribal members exceed eligibility thresholds. For example, some Tribes offer their members significant income from sources such as casinos.

Despite challenges, leaders and managers in the Tribal communities that were visited described recent adoption of administrative components of various programs as very successful. Indicators of this success included seamless service delivery, a growing number of program participants, and consistently meeting compliance requirements in full. One Tribe, for example, took over administration of a social service program from the State. Since it did so, the number of recipients of these services has increased by 28 percent. The Tribal respondent attributed this result to the Tribe’s ability to offer improved access to services, in terms both of geographic proximity to beneficiaries and of beneficiary comfort in seeking services from a community member with a shared cultural understanding.

In general, site visit Tribes attributed their success in administering programs to a number of factors, including support from sources such as other Tribes, State governments, the Federal government, and independent consultants. Some individuals with experience onboarding new programs or program components said that they received useful long-term technical assistance and training from State personnel. Administrators from several of the Tribes stressed the potential of State governments to contribute to the successful transition of program administration. Success, they said, is dependent on State government agencies being receptive to the transition and having institutional knowledge of the Tribe’s governing structure. Tribal respondents cited as a hindrance to successful transitions the fact that States too often are reliant

on a single staff member as a repository for Tribal information. When this staff person leaves, the relationship the Tribe had with the State is lost.

4.3.3 Program Funding

The number and types of funding streams that support Tribal programming is indicative of the wide variety of Tribal governments and administrative systems. On the survey, Tribes reported receiving donations, foundation funding, Federal grants, matching funds, State funds, 638 funds,⁶⁸ and private funds to run their programs, nutritional and otherwise.

Almost all Tribes use Tribal funds to support some amount of their human services programming. The survey asked Tribes to estimate the percent of funding that comes directly from the Tribe. Respondents reported how much they fund programs that require matching funds, with the majority selecting the 11–30 percent range. Small Tribes were more likely to fund a larger share of their programs relative to medium and large Tribes. More specifically, 22 percent of small Tribes funded over 30 percent of their program activities, compared to 17 percent for medium-sized Tribes and 9 percent for large Tribes. In addition, a few small Tribes (4 percent) reported funding over 50 percent of their program activities. Exhibit 20 shows funding levels by Tribe size.

Exhibit 20. Levels at Which Tribes Funded Program Activities

Level at Which Tribes Fund Programs	Tribes Operating Programs That Require Matching Funds*				
	Small (N = 65)	Medium (N = 37)	Large (N = 14)	All Tribes (N = 116)	
				No.	%
1–10%	30.4%	8.7%	9.1%	22	19.0%
11–30%	47.8%	73.9%	81.8%	74	63.8%
31–50%	17.4%	17.4%	9.1%	18	15.5%
51–70%	4.4%	0.0%	0.0%	2	1.7%

* Tribes that operate programs that require matched funding and/or pre-funding. Pre-funds refer to funding that must be provided upfront.

Nearly 40 percent of Tribes reported that they have experienced or anticipate experiencing financial challenges with regard to administering food assistance programs, such as the possibility that Federal funds would not be provided until well into a new fiscal year.⁶⁹ When

⁶⁸ "638" self-governance compacts and contracts are authorized under the 1975 Indian Self Determination and Education Assistance Act, P.L. 93-638, and its 1994 amendments.

⁶⁹ According to FNS, FNS nutrition programs receive funding at the beginning of each fiscal year.

asked how they would cope with such a potential gap in Federal funding to cover program costs, a number of Tribes reported that they have either existing financial resources or potential sources of funding, such as grants, to cover the costs. One Tribal respondent noted that the Tribe would have to determine whether covering the gap in Federal funding would be sustainable. Respondents also mentioned that administering Federal nutrition programs as part of a consortium is likely a more feasible option for smaller Tribes that may not be able to cover a gap in Federal funding individually.

Financial resources also are needed beyond program start up for certain administrative functions. For instance, tribes that wish to conduct full administration of SNAP must establish a Quality Control system which can put the Tribe at risk of financial liabilities if errors are above the national rate.

4.3.4 Strategic Planning

Understanding the strategic planning processes and procedures Tribes use to guide administrative decisions and program implementation is important to this research because it speaks to how Tribes move from interest in a program to adopting it. The use of program-specific strategic plans is also relevant because the focal nutrition assistance programs require administering agencies to have strategic plans (usually known as State Plans).

Leaders and administrators from most site visit Tribes reported using strategic plans to guide administrative and programmatic decision making. While the strategic plans of some Tribes include a unique set of goals and objectives for each program or division, the plans of other Tribes focus on higher-level goals that cut across programs and divisions.

Interviewed leaders agreed that taking over the administration of Federal nutrition assistance programs aligns with the high-level goals in their strategic plans, such as reinforcing sovereignty and expanding services to underserved members of the Tribe. Survey respondents noted whether their Tribes have developed strategic plans to address interest in administering specific Federal nutrition assistance programs. Exhibit 21 shows planning activities in which survey respondents have participated, including developing strategic plans, in relation to Federal nutrition assistance programs. As can be seen, few of the survey respondents had developed strategic plans for implementing nutrition assistance programs.

Exhibit 21. Tribal Response to Interest in Program Administration or Operation

Federal Nutrition Program	Tribal Government Response to Interest in Federal Nutrition Programs					
	Discussed internally	Contacted local FNS office	Contacted regional FNS office	Contacted national FNS office	Created a strategic plan	Other
SNAP	37.1%	3.5%	3.5%	0.9%	2.6%	8.6%
NSLP or SBP	25.9%	1.7%	3.5%	0.9%	1.7%	6.9%
SFSP	29.3%	8.6%	6.9%	1.7%	3.5%	13.8%

In surveys and interviews, Tribes reported using their plans for a variety of purposes, including measuring progress toward goals. Plans used in this way generally include program-specific metrics, such as number of participants served, participant satisfaction, and attrition rates. Respondents said that Tribal leaders meet regularly to discuss the status of programs and progress toward the goals outlined in the strategic plan. A few of the Tribes reported sharing their strategic plans, as well as regular progress updates, with Tribal members through newspapers and meetings.

Tribes that had strategic plans described regular and formal processes for reviewing and updating their plans. Changes in Tribal leadership, as well as funding levels, were commonly cited as reasons for updating the plan.

4.3.5 Program Reporting, Data Use, and Information Sharing

Tribes devote significant resources to managing program reporting requirements. As shown in Exhibit 22, nearly all Tribes surveyed reported that they regularly submit reports to Federal and State agencies. Nearly all Tribes submit financial reports, but many also submit reports related to program participation, operations, and integrity.

Most site visit Tribes have electronic or online record maintenance systems, such as RightTrack. Maintaining records and protecting client confidentiality is a priority. One administrator said, “Not all programs fall under HIPAA [The Health Insurance Portability and Accountability Act of 1996], but we treat all programs as if they were.” Another Tribe has a dedicated manager who oversees eligibility, recruitment, selection, enrollment, and attendance records. Tribes noted that they are working to find a balance between data security and data sharing. Challenges to data sharing include data privacy rules such as HIPAA and convincing specific programs and departments of the value of sharing data.

Exhibit 22. Program Compliance, Integrity, and Reporting Requirements

Program Compliance Activity	Tribes Reporting on Compliance Activities				
	Small (N = 57)	Medium (N = 34)	Large (N = 12)	All Tribes (N = 103)	
				No.	%
Regularly submit reports to Federal or State agencies	87.9%	91.9%	85.7%	91	88.8%
Types of Reports					
Financial	91.2%	97.1%	100.0%	97	94.2%
Program participation	73.7%	94.1%	100.0%	86	83.5%
Program operations	73.7%	82.4%	90.9%	81	78.6%
Program integrity	61.4%	79.4%	81.2%	72	69.9%
Mode of Submission					
Hard copy (paper)	57.9%	44.1%	45.5%	54	52.4%
Electronic copy via email	75.4%	76.5%	81.8%	79	76.7%
Electronic copy via web-based reporting system	59.7%	79.4%	90.9%	71	68.9%

Many of the Tribal administrators interviewed noted that they prepare reports, usually monthly, for their funders. These reports are often reviewed first by Tribal leaders. This protocol gives Tribal leaders a snapshot of a program’s status and allows them to gauge remaining program resources.

The majority of Tribes that responded to the survey fulfill State and/or Federal reporting requirements. Eighty-eight percent of small Tribes do so, compared with 86 percent of large Tribes. Most reporting to State or Federal agencies is done quarterly or annually. WIC, for example, requires monthly, quarterly, and annual administrative reports.

As with record maintenance, several Tribes reported using specialized software, such as Eaglesun, for submitting reports. Tribes named specific software systems that they use. One noted that these systems were chosen because the vendors “work closely with the Federal government to determine what they need to vend to us to make us compliant with reporting requirements across a number of programs.”

Tribal leaders and administrators reported using data from a wide range of sources for planning and decision making. Program data use, storage, tracking, and reporting are often dictated by funding organizations. Data sources include Tribal programs, local governments, census data, hospital data, and medical records. Respondents had varying opinions on the quality and value of accessible data. Some noted that they lack data of sufficient quality to support management

decisions. Other respondents believed that their Tribes' data are superior in quality to publicly available data. Of the few survey respondents who reported not using data for decision making, reasons cited included poor data quality, lack of available data, and lack of time to analyze the data. Some Tribes are making efforts to expand data collection and tracking capabilities. These efforts include facilitating the sharing of data across Tribal programs using new data sharing networks.

Tribal respondents reported a range of perspectives, policies, and resources with regard to sharing information and data across programs and departments. Some site visit Tribes have made significant investments in data sharing networks that facilitate, among other things, the sharing of participant information across programs in order to better meet the needs of their community. Other efforts to facilitate sharing information include co-locating service programs, monthly cross-program directors meetings, and data sharing agreements across programs and with States.

4.4 WORKFORCE AND OPERATIONS RESOURCES

Workforce and operations resources are at the heart of Tribal program administration. Workforce resources include skilled and trained staff, with the ability to add or replace staff when needed. Operations resources provide protocols and ongoing support for implementing key organizational and programmatic functions.

4.4.1 Current Staff

In general, survey and site visit data show that Tribal respondents see their program staff as great assets to their organizations. Leaders and program administrators from most of the site visit Tribes stated that their current programs are adequately staffed. Tribal programs were staffed by both Tribal members and non-members. Most Tribes boasted a very low turnover rate among program staff. This was seen as a positive factor because, as one respondent put it, "Staff know the history of the Tribe." Tribes also noted the value of having a workforce composed mostly of Tribal members, who bring a sense of ownership and responsibility to serving their community. When asked during site visits what aspects of their workforce they might like to improve, few individuals saw any need for improvement. Those that did said that additional training would be useful, to keep pace, for example, with changing technologies and Federal reporting requirements.

4.4.2 Hiring New Staff

For the most part, Tribes did not report difficulties hiring new staff, although there was some variation in response depending on the size of the Tribe. Tribes with small service populations were almost twice as likely as larger Tribes to expect such a challenge.

Tribes hire for a wide variety of positions, according to interviewees. Most work through a process established with their human resources department, which includes procedures for advertising, screening, and interviewing candidates. Tribes that have online application processes believe that these processes have widened their applicant pool. Administrative staff in a number of the Tribes mentioned bolstering their applicant pool by offering competitive benefits packages.

4.4.3 Merit-System Personnel

Under current SNAP rules, a Tribe can only administer SNAP if the Tribe is acting as a State agency (Food and Nutrition Act, Sec 11 (d)). This designation requires that first a determination of failure needs to be made on the State's ability to administer SNAP on a reservation, and then FNS would need to determine the Tribe's capability of administering SNAP as a State agency (7 CFR 281.4(b)(v)), including assessing the Tribe's ability to employ staff under a merit personnel system.

Specifically, the Food and Nutrition Act, 11 (e) (6) (b) requires that all personnel of the State agency administering SNAP who conduct eligibility and certification functions be employed in accordance with a merit system of personnel administration as outlined in the Intergovernmental Personnel Act of 1970 (42 USC 4728) and currently determined by the Office of Personnel Management (OPM). In effect, this "merit system personnel" requirement means that only State employees can legally conduct SNAP eligibility determinations and certifications. Tribal governments have their own employment systems and merit guidelines. Under current regulations, Tribes have to demonstrate their merit guidelines are in accordance with 42 USC 4728 in order to be determined capable of administering SNAP as a State agency.

Some Tribes have Tribal members who are employed by the State working in their offices that administer Federal benefits for such programs as SNAP. This arrangement, however, can pose problems, for instance, if State employees are on a different pay scale from Tribal employees. One Tribe discussed petitioning the State to be able to administer Medicaid services without merit-based staff.

Many site visit Tribes said that they had developed “workarounds” with their States in order to meet the merit-system staffing requirement. For example, workarounds included working with the State to hire Tribal members to perform the activities within the State merit-system. Such established workarounds may be the reason that only 7 percent of survey respondents indicated that they expected this requirement to be a problem if they were to administer a Federal nutrition assistance program.

4.4.4 Training Staff

Site visitors asked Tribal leaders and administrators to describe their experiences with staff training, especially when taking on a new program. Most Tribes have a system to track what training has been completed by employees and where there are gaps in training. Tribes reported having engaged in all manner of training, including:

- State and Federal training
- Training conducted at regional and national meetings
- Training at an in-house training center
- Formal and informal training from other Tribes with experience in the same or similar programs

Tribal leaders and administrators were most enthusiastic about in-person training with post-training support available from the training provider. For example, one Tribe described being first in its State to take over administration of a particular nutrition program. The State relied on the Tribe to identify potential issues, but dedicated a State staff person to the transition for one year. The staffer would visit the Tribe every few weeks for a week at a time. “It was a seamless transition in program delivery,” said the interviewee. Although this solution may seem resource-intensive for the State, the Tribe reported that one of the long-term results is a program that consistently achieves full compliance in all areas.

4.4.5 Employee Review Process

A Tribe’s employee review process speaks to how the Tribe collects and tracks employee performance data, as well as how it uses those data to improve employee performance.

Sixty-seven percent of tribal leaders and administrators reported that they collect data on employee performance, with nearly 80 percent of medium-sized Tribes doing so. Exhibit 23 presents the types of employee performance data survey respondents collect. Over 90 percent of

Tribes that collect employee performance data collect data on employees' attendance or absenteeism.

Exhibit 23. Employee Performance Data Collected by Tribes

Employee Performance Data Collected	Tribes That Collect Information on Employee Performance				
	Small (N = 43)	Medium (N = 33)	Large (N = 12)	All Tribes (N = 88)	
				No.	%
Quality of work (performance ratings)	93.0%	97.0%	100.0%	84	95.5%
Attendance or absenteeism	88.4%	93.9%	91.7%	80	90.9%
Timeliness	72.1%	81.8%	91.7%	69	78.4%
Quantity of work completed	48.8%	66.7%	50.0%	49	55.7%
Cost-effectiveness	32.6%	45.5%	66.7%	37	42.1%
Other specific measures	11.6%	9.1%	33.3%	12	13.6%

Of the Tribes that do not collect employee performance data (15 percent), most reported that it is not necessary for their government to collect the data.

Individuals from many site visit Tribes reported using performance data to conduct annual employee reviews. Many said they also conduct 90-day reviews with new employees. Administrators described the review process as an opportunity to identify training needs. Close to 57 percent of survey respondents reported that they assess employee performance annually. About 10 percent assess it every two years or on an as-needed basis.

Some Tribal administrators reported that they offer incentives, such as pay increases, bonuses, and recognition, to encourage continuous on-the-job improvement. Exhibit 24 shows the percentage of Tribes surveyed that link performance to salary and bonuses.

Exhibit 24. Tribes' Employee Performance Incentives

Employee Performance Incentive	Tribes That Reported on Employee Incentives				
	Small (N = 65)	Medium (N = 37)	Large (N = 14)	All Tribes (N = 116)	
				No.	%
Employee performance is linked to salary and bonuses	15.4%	5.4%	28.6%	16	13.8%
Employee performance is linked to salary only	36.9%	43.2%	42.9%	46	39.7%
Employee performance is linked to bonuses only	0.0%	5.4%	0.0%	2	1.7%
Employee performance is not linked to salary or bonuses	38.5%	35.1%	14.3%	40	34.5%

4.4.6 Management and Communication

Tribes have a range of established methods that facilitate communication between management and staff in existing programs. Similar mechanisms would likely be employed in newly adopted programs. Most site visit Tribes reported that they rely heavily on regular meetings, emails, and reports to facilitate communication between program management and staff regarding program activities and progress. There is, of course, variation in the frequency and type of communication across Tribes. One commonality is that managers and administrators share the information their staff provides with Tribal leaders or the Tribal council, at least monthly.

In many cases, program managers also share information on their program activities with other similar programs on a monthly or quarterly basis. They do so primarily to improve service delivery and avoid duplication of services. A number of Tribes noted that they have developed, or are working to develop, shared databases and a common Tribal activities calendar to aid in this cross-program communication.

In addition to communicating with Tribal staff, Tribal leaders and administrators discussed facilitating communication with outside organizations, including other Tribes, ITOs, and FNS regional offices, to help improve program operations and service delivery.

4.4.7 Operational and Workforce Barriers to Administering Federal Nutrition Programs

Although most Tribes visited were confident in their ability to administer Federal nutrition assistance programs, many did note operational and workforce barriers that would have to be addressed to ensure successful implementation. Tribal leaders noted that new staff would need to be hired and trained to implement program activities. The skills and experience required of new staff, as well as the level of training required, would depend on the specific programs being administered. Among the Tribes that responded to the survey, 33 percent believed their IT staff would be available to support new programs, and 33 percent indicated that they would need to add new staff to support them (Exhibit 25).

Exhibit 25. IT Staff Available to Support New Programs

Are IT staff available to take on new programs?	Tribes That Listed at Least One IT Staff Member				
	Small (N = 27)	Medium (N = 28)	Large (N = 11)	All Tribes (N = 66)	
				No.	%
Yes, we will not need to hire new staff.	25.9%	35.7%	45.5%	22	33.3%
Yes, but we will have to add new staff to support them.	37.0%	25.0%	45.5%	22	33.3%
No, they will not be available, so we need new staff.	14.8%	7.1%	9.1%	7	10.6%
We do not know yet.	18.5%	32.1%	0.0%	14	21.2%

4.5 INFRASTRUCTURE RESOURCES

This section presents site visit and survey findings related to Tribes’ current infrastructure resources. *Infrastructure* in this context can be physical or technological. Understanding current infrastructure reveals what additional resources Tribes may require to expand their program offerings.

4.5.1 Physical Infrastructure

In discussions about physical infrastructure, Tribes described their current office and warehouse space, freezers, coolers, external generators, and vehicles. Though there is significant variation in physical infrastructure among the Tribes visited, most Tribes reported that their physical infrastructure is adequate for administering existing programs and services.

The Tribes visited described a range of buildings that accommodate Tribal government and program staff. Some Tribes have many office buildings across large geographic areas; others house all Tribal staff in one or two buildings. A number of site visit Tribes explained that they have recently made significant improvements to their physical infrastructure. Such improvements include expanded or remodeled office and storage space and newly acquired office space in urban areas off of the reservation.

Tribes also described food storage facilities, primarily for FDPIR, including warehouses and large walk-in freezers. Tribes that administer FDPIR also reported having distribution centers for food pickup; these centers include food storage space as well as kitchen space for cooking demonstrations. Respondents noted that food storage facilities are typically equipped with external generators to prevent food spoilage in case of a power outage. Tribes also reported

having vehicles, including delivery trucks, forklifts, snow plows, and trailers to facilitate food storage and delivery.

Although most Tribes visited reported that their physical infrastructure is adequate to meet their current program needs, many noted that they are operating at capacity and would need to expand their current infrastructure in order to implement new Federal nutrition programs. Generally, Tribes explained that they would need additional office and storage space along with basic equipment including desks, chairs, and filing cabinets. Tribes also noted the need for additional vehicles for food delivery. One respondent explained that the Tribe would require a centralized kitchen if it were to administer school nutrition programs, as it does not have access to the public school kitchen.⁷⁰ Another respondent noted that the Tribe's current infrastructure could accommodate SNAP activities. As discussed earlier, not all administrative requirements (for example E&T and QC) were discussed in depth with Tribes. Therefore, it is not clear whether Tribes implied readiness for all SNAP administrative activities.

4.5.2 Information Technology Infrastructure

Similar to physical infrastructure, IT infrastructure varies widely across the Tribes visited. Despite this range, most site visit respondents described IT infrastructures that are meeting their current programmatic needs. In discussions about IT infrastructure, respondents described their IT hardware, software, and data networks.

The visited Tribes generally reported having IT hardware, including desktop and laptop computers, printers, copiers, scanners, phone systems, and servers, which adequately support their programs. A number of Tribes described IT systems supported by many servers, including back-up servers, which are housed in secure server rooms. A few Tribes also reported that they are working to move their systems to cloud-based platforms. One respondent noted that the Tribe equips WIC field staff with laptops, portable printers, and WiFi hotspot devices that allow them to access the program database. The greatest challenge for the field staff is that, even with their WiFi hotspot devices, they are unable to connect to the internet in very remote areas.⁷¹

⁷⁰ While program administration does not involve the delivery or preparation of food, some Tribes discussed conducting these activities themselves out of either preference or necessity. Due to limited resources, small Tribes may have to conduct these activities.

⁷¹ FNS noted that WIC field staff in a retailer-based WIC food delivery system do not deliver food. Where a phone or internet connection is not possible, clinic staff usually set their computers to a "disconnected" mode to allow enrollment and certification of WIC participants. Data are then uploaded when they return to their office and reconnect their computers.

Tribes also discussed software that supports their many programs in determining applicant eligibility, tracking services, and preparing program reports. Tribes commonly reported using Eaglesun, as well as the Model Tribal System, to support existing programs including TANF and the Child Support Enforcement program. (Procedures for determining applicant eligibility are discussed further in Section 4.5.3.) Many visited Tribes also noted that they have in-house software coding capabilities that can help with IT development for smaller programs. These Tribes reported that they procure technology services, including network support services, from third-party vendors such as Cisco.

Of the Tribes surveyed, 44 percent reported they have obtained IT services from a third-party vendor using a competitive bidding process. Exhibit 26 presents the reasons the remaining 56 percent of Tribes reported for not using a competitive bidding process to procure IT services. The most common reason was that they do not have such a process in place. Smaller Tribes were particularly likely not to have such a process.

Exhibit 26. Reasons for Not Using a Competitive Bidding Process to Procure IT Services

Reasons for Not Using Bidding Process	Tribes Reporting Not Using Competitive Bidding				
	Small (N = 37)	Medium (N = 13)	Large (N = 4)	All Tribes (N = 54)	
				No.	%
No bidding process	37.8%	0.0%	0.0%	14	25.9%
Contract with third-party vendors outside of a procurement process	18.9%	15.4%	0.0%	9	16.7%
Partner with State agencies to meet IT needs for programs	5.4%	15.4%	0.0%	4	7.4%
Partner with an ITO or another Indian organization to meet IT needs for programs	10.8%	0.0%	0.0%	4	7.4%
Partner with local agencies to meet IT needs for programs	5.4%	7.7%	0.0%	3	5.6%

Exhibit 27 presents the types of bids used to procure IT services from third-party vendors.

Exhibit 27. Types of Bids Used to Procure IT Services

Types of Bids	Tribes Reporting Using Competitive Bidding				
	Small (N = 22)	Medium (N = 21)	Large (N = 8)	All Tribes (N = 51)	
				No.	%
Request for proposals or quotations, or indefinite delivery/indefinite quantity	95.5%	95.2%	87.5%	48	94.1%
Sole source contracts	27.3%	23.8%	50.0%	15	29.4%
Task order contracts	22.7%	14.3%	37.5%	11	21.6%
Set-asides for small, veteran, disabled veteran, or minority-owned businesses	13.6%	4.8%	50.0%	8	15.7%

Many Tribes visited also reported that their networks are supported by fiber optic cables. Of the Tribes surveyed, 66 percent reported that all of their agencies have high-speed internet connections, such as broadband or DSL. Of the Tribes that did not have internet connections for all agencies, the vast majority (10 of 11) were small Tribes. Reasons for not having high speed internet included lack of availability or high expense.

Although most site visit Tribes reported that their IT infrastructure is adequate to meet their current programmatic needs, many noted that they would need to expand their existing IT infrastructure in order to implement new Federal nutrition assistance programs. Tribes cited a range of IT upgrades that would be required in order to adopt new programs including improved internet speed, upgraded phone systems, additional hardware, and additional software and hardware specific to scanning and EBT card use.

Tribes also noted that their challenges in connecting with State data systems would need to be addressed to facilitate the successful adoption of new programs. Many Tribes described major challenges in linking their data systems with State systems. Such linkages are crucial for Tribes to determine program eligibility, distribute benefits, and prevent the duplication of services. Tribes cited the following reasons for these challenges:

- Antiquated State systems
- Frequent changes in State IT policies and plans
- State staff who cannot support linkages between the two systems
- Lack of data use agreements

- States' resistance to allowing Tribes to link their databases or partner to share participant information electronically

Without these connections, Tribes report a burdensome process of determining eligibility for programs independent of State systems.

4.5.3 Eligibility Determination

An important part of administering Federal nutrition assistance programs is determining applicant eligibility. This task can be time sensitive and complex, involving access to records within and between various social service programs.⁷² Of the Tribes that responded to the survey, almost half (48.5 percent) administer at least one non-nutrition program that requires eligibility determination. All of the Tribes visited administer programs for which they determine eligibility. The procedures that Tribes use to locate and check the necessary data for applicant eligibility range from completely manual, without the use of any software, to fully automated, using specialized software to complete all steps.

Establishing applicant eligibility for SNAP can require coordination with (sometimes multiple) State agencies. Site visit Tribes reported a range of opinions about the efficacy and efficiency of system coordination between State agencies and Tribal governments. When the State is involved, Tribal staff members must do individual checks, as there is no seamless linkage between the systems. Otherwise, Tribal staff members use their own process and software (e.g., ClientTrack).⁷³

Tribes that have experience with other large-scale programs involving eligibility requirements, such as TANF, understood the post-determination steps of program administration, including establishing a bank that would disburse the funds to EBT cards. In a site visit interview, one administrator explained that, “the Tribe has experience with that process, in that all staff salaries are currently distributed through electronic funds transfer systems”. Another administrator said, “This is currently done for FDPIR, TANF, and SNAP.”

⁷² WIC, NSLP, SBP, and FDPIR also have eligibility determinations. The eligibility determination process for FDPIR is similar to SNAP. WIC and the school meals programs have income thresholds, but no criteria for resources, citizenship status, or other nonfinancial criteria.

⁷³ ClientTrack is a case management software solution for health and human services. <http://clienttrack.com/>

4.6 SUMMARY

The research showed that most Tribes, regardless of size, have experience in administering and operating Federal programs, including TANF, Head Start and Early Head Start, and Child Welfare Support. Moreover, Tribes also have experience administering or operating nutrition assistance programs such as FDPIR, SFSP, CACFP and the ENP. Generally, larger Tribes have experience with more programs. Over 70 percent of Tribes responding to the survey have experience with program activities, including delivering actual services, producing reports for State or Federal agencies, conducting program outreach, and determining participant eligibility.

All Tribes visited by the research team and over 90 percent of survey respondents expressed interest in administering Federal nutrition assistance programs. Among the minority of Tribes who put conditions on their interest, 68 percent would administer a program only if it were Federally funded, and 18 percent would do so only if matching Federal funds were provided. Tribes were most interested in administering some or all SNAP, SFSP, FFVP, Afterschool Snack Program, SFMNP, and TEFAP.⁷⁴

Tribes have a range of resources and program-specific experiences beneficial in administering a nutrition assistance program, including having formalized governance policies. All participating Tribes said they had at least some formal policies, such as written financial governance policies, computerized financial and administrative records, written policies protecting personally identifiable data, and written non-discrimination and civil rights policies. Having these policies and procedures in place would likely aid in administering and/or operating a nutrition assistance program.

Tribal leaders noted that they see their program staff as great assets to their organizations and generally feel their programs are adequately staffed. For the most part, Tribes did not report difficulties hiring new staff. Tribal leaders described training as their primary operational workforce concern in administering new Federal programs; however, they noted that they have experience tracking their training needs and training their staff.

The Food and Nutrition Act requires the State agency administering SNAP to demonstrate that employees conducting eligibility and certification functions are employees of a merit based personnel system in accordance with 42 USC 4728. Some Tribes that participated in the site

⁷⁴ Participation in the Fresh Fruit and Vegetable and Afterschool Snack programs is contingent upon participation in NSLP.

visits indicated that such a requirement could be a barrier for Tribal administration of some or all of SNAP or other Federal programs as a State agency.

Chapter 5 expands on the main challenges identified by Tribes: dependable funding and State and Federal government recognition of Tribal sovereignty.

Chapter 5. Conclusions

This chapter summarizes the key research findings. Section 5.1 revisits the legislative directive for the study and the research approach. Section 5.2 recaps Tribal interest in administering FNS nutrition assistance programs and the perceived benefits of doing so. This section concludes by describing the experience of Tribes in administering various Federal programs. Section 5.3 discusses Tribes' reports of their experience with administering nutrition assistance and similar programs and the barriers they have faced or anticipate. Finally, Section 5.4 summarizes some of the recommendations suggested by Tribes. These recommendations are discussed in light of the legislative and regulatory changes that would be needed to enable Tribes to administer nutrition assistance programs.

5.1 LEGISLATIVE DIRECTIVE AND RESEARCH APPROACH

Legislative Directive

Section 4004 of the Agricultural Act of 2014 (P.L. 113-79) authorized a study “to determine the feasibility of Tribal administration of Federal food assistance programs, services, functions, and activities (or portions thereof), in lieu of State Agencies or other administering entities.” The Act stipulated that FNS should submit a report to Congress no later than 18 months after the legislation was enacted on February 7, 2014. Specifically, the report must include:

- A list of programs, services, functions, and activities that would be feasible to be administered by Tribal organizations
- Descriptions of whether Tribal administration of the programs would require statutory or regulatory change
- Any other issues determined in consultation with FNS and Tribal organizations

Consultations were to be conducted based on existing USDA regulations.⁷⁵ These regulations are intended primarily to facilitate government-to-government consultation and coordination in policy development and program activities.

⁷⁵ U.S. Department of Agriculture. (2013). Departmental Regulation Number 1350-002. *Tribal consultation, coordination, and collaboration.*

Research Design

The research employed a multi-method design guided by the tenets of Tribally Driven Participatory Research. This design was intended to ensure an opportunity for the research team and Tribal governments and leadership to connect in meaningful and consultative ways. The research design included:

Document review. The research team reviewed program guidance, regulations, and other key documents and conducted interviews with stakeholders at the Federal, regional, and State levels.

Tribal consultation and outreach. Researchers conducted outreach via telephone consultations and other approaches, held telephone and in-person discussions with Tribal stakeholders, and attended Tribal conferences.

Survey. A survey was developed with feedback at two stages from Tribal volunteers. It asked questions about Tribal interest in administering Federal nutrition programs and about relevant experience administering various Federal programs. The survey was sent to leadership of all Federally-recognized Tribes.

Site visits. Site visit protocols were developed with feedback from Tribal volunteers. The research team completed 13 site visits to collect in-depth, qualitative information to supplement the survey data and provide context to the survey responses. During these visits, the research team met with individuals from Tribal leadership, program management, human resources, information technology, and finance.

Because of the number and variety of Tribes and the need to rely on self-reported data, researchers were limited in their ability to conduct a full feasibility assessment for each Federal nutrition assistance program and for all Tribes within the limited time mandated for the research. Instead, this report presents broad general findings regarding Tribes' interest in Federal nutrition programs, their capacity to administer those programs, and their perceptions of potential challenges.

5.2 TRIBAL INTEREST IN ADMINISTERING FEDERAL NUTRITION ASSISTANCE PROGRAMS

The 116 Tribes that responded to the survey and the Tribes that participated in site visits, although they were not intended to be statistically representative of all Federally-recognized Tribes, reflected the diversity of AI/AN Tribes in terms of size and geography. More than half

were small Tribes, which are of particular importance when examining the feasibility of administering new programs. Responding Tribes represented 24 states, with the greatest number of responses coming from states with the largest number of Tribes. Nearly all Tribes that participated in this research—all site visit Tribes and over 90 percent of survey respondents—expressed interest in administering Federal nutrition assistance programs. In general, the most frequently cited reason for Tribal interest was sovereignty. Tribal respondents were passionate about Tribal sovereignty, which they brought up in every phase of the research. For Tribes, the potential of administering Federal programs represents further recognition, implementation, and expression of their sovereignty.

Tribes saw other potential benefits to administering Federal nutrition assistance programs. Chief among those were the ability to provide direct service to Tribal members who need assistance, the flexibility to manage the nutritional quality of the food provided, and the ability to offer culturally appropriate programming and services.

Among survey respondents who expressed interest in administering programs, over 68 percent expressed interest in the SFSP. More than half of all Tribes expressed interest in administering SNAP, in whole or in part. Given their larger infrastructures, large and medium Tribes (60 and 61 percent, respectively) showed more interest in SNAP than their smaller counterparts (34 percent). Only 33 percent of Tribes surveyed expressed interest in administering school lunch and breakfast programs. Nearly two-thirds of interested Tribes, including 80 percent of large interested Tribes, expressed interest in other programs in addition to the four focal programs. The most common were the Fresh Fruits and Vegetables (61 percent), Afterschool Snack (57 percent), and Senior Farmers' Market Nutrition Programs (55 percent).

5.3 TRIBAL EXPERIENCE WITH AND CHALLENGES IN ADMINISTERING NUTRITION PROGRAMS

5.3.1 Experience

The research team examined the feasibility of Tribal administration of nutrition assistance programs by learning about and understanding the resources Tribes bring and the experiences they describe in relation to administering and operating both nutrition and non-nutrition assistance programs.

Tribes reported operating or administering a number of Federal assistance programs with requirements and components similar to those of the FNS nutrition programs. Throughout the

project, the research team made the distinction between “administering” and “operating” programs. However, during the process of data collection, it became clear that most respondents did not distinguish between the two terms and used “administering” and “operating” interchangeably.

Over 70 percent of all responding Tribes reported experience with program administration activities such as:

- Determining participant eligibility
- Conducting program outreach
- Producing reports for State or Federal agencies
- Delivering services to program participants

Tribes also reported developing and using governance policies to guide implementation of various programs; having written financial governance policies; and having experience with program compliance, integrity, and reporting. The majority of responding Tribes (89 percent) reported experience submitting financial, program operations, or other reports to Federal or State agencies. Over 70 percent of responding Tribes submitted these reports electronically either via email or through a web-based reporting system.

Tribes reported having experience with various functions of program operations and administration for various Federal assistance programs. While it is not always possible to map each of these experiences directly to specific FNS program requirements, the experience is still relevant. For example, the process for determining eligibility varies widely across programs, even within FNS programs. Still, some experience in this area is useful. Researchers drew parallels when appropriate. For example, program administration experience with TANF, another complex program, appears relevant to administering SNAP.

5.3.2 Challenges

There is great variation in experience administering and operating nutrition and non-nutrition programs among small, medium, and large Tribes. Medium and large Tribes were disproportionately likely to report various strengths in program administration compared to small Tribes. Challenges experienced by all Tribes, especially small Tribes, are important to consider in assessing the feasibility of administering nutrition assistance programs, in whole or in part, as small Tribes are the majority of all 566 Federally-recognized Tribes.

In surveys and site visit interviews, Tribal respondents named several specific challenges.

Lack of Financial Resources. Approximately 44 percent of all responding Tribes reported lack of financial resources as one of the challenges they experienced or expected in administering nutrition assistance programs. Only 23 percent of the large Tribes reported this challenge, compared to approximately 46 percent of small and medium Tribes. Many of these Tribes also indicated that their interest in administering nutrition programs was conditional upon additional Federal funding. The survey did not differentiate between startup and administrative costs. Site visit respondents discussed the need for both forms of Federal funding support. Financial resources are needed beyond program start up. For instance, tribes that are interested in full administration of SNAP must establish a QC system and understand that the Tribe is at risk of financial liabilities if benefit payment errors are above the national rate.

Merit System Personnel Regulations for SNAP Certification. States administering SNAP must ensure that State agency staff conducting certification interviews are employed in accordance with standards determined by the OPM; that is, they are merit system personnel. Tribal leaders and stakeholders cited this requirement as a challenge to their ability to administer SNAP. Each Tribal government is sovereign and has its own employment standards. Under current SNAP rules, Tribes may be designated as State agencies for the purpose of administering SNAP after meeting specific guidelines.⁷⁶ Tribes noted the advantage of having program certification conducted by Tribal staff who may better understand the cultural context of applicants, which could be beneficial during one-on-one interactions required for applicant certification.

Infrastructure and Human Resource Needs. Nearly one-third of responding Tribes indicated that they had insufficient technological infrastructure to administer additional Federal nutrition programs; a similar number of Tribes said they had insufficient physical infrastructure. Both challenges were reported by more small and medium-sized Tribes than by large Tribes.

⁷⁶ FNS must: 1) find the State agency incapable of administering SNAP on the reservation (FNA, Sec 11 (d)); and 2) determine that the Tribe is capable of administering SNAP on the reservation as a State agency, following all the requirements of a State agency that administers SNAP, including the requirement to have staff employed under a merit personnel system performing SNAP eligibility and certification functions (281.4(b)(v)).

If all of these requirements were met, and the Tribe were to have a merit personnel system in accordance with 42 USC 4728 as determined by OPM, the Tribe would be in compliance with SNAP rules. A Tribe wishing to act as a State agency that does not have a merit personnel system as stated in the FNA would have to ask for a waiver of that State agency requirement.

5.4 SUMMARY

Tribes that participated in the research reported various benefits to administering nutrition assistance programs in whole or part. Tribes expressed optimism that, with assistance, they could overcome barriers to administering nutrition assistance programs. However, significant financial investment on the part of the Federal government and Tribes would be required. It is not clear whether Tribes have the financial resources to dedicate to program implementation or to the ongoing costs of program administration. Nearly half of all responding Tribes indicated that they expected lack of resources to present a challenge to program administration.

A full audit, conducted collaboratively with individual Tribes and designed to examine specific administrative requirements, would provide the detailed and concrete information necessary to determine each Tribe's readiness to administer a Federal nutrition program. The current research, which presents broad findings about Tribes' interest in and ability to administer key nutrition programs, could inform such a future audit.

Many of the administrative and financial challenges noted by the Tribes are not unique to Tribal administration. States face similar challenges in meeting the requirements to administer FNS nutrition programs. During consultations and site visits, some Tribal leaders expressed concern that Tribes were being held to a higher set of standards in meeting administration requirements when, from their perspective, many States are not in full compliance with those same requirements.

Tribes offered recommendations for facilitating administration of the focal Federal nutrition programs. While some are beyond the purview of FNS, they are documented here for consideration.

Technical Assistance. Tribal leaders highlighted technical assistance as key to the successful implementation of new programs. FNS works with State agencies and Tribes through their Regional Offices offering technical assistance. Extending these services is within the purview of FNS.

Competitive EBT Pricing. Some Tribes would like FNS to develop a model to help Tribes obtain competitive pricing for EBT services for WIC and SNAP. Tribes expressed that they are at a disadvantage conducting direct negotiations with EBT contractors who typically serve States with large participant populations. However, FNS does not directly negotiate EBT service

pricing with contractors. Rather, it has organized consortia of State agencies, where possible, to negotiate lower prices for EBT services for WIC and SNAP.

Including FNS Nutrition Programs in the Indian Self Determination Act. Tribes suggested that legislative language be inserted into the Indian Self Determination and Education Act, P.L. 93-638, as amended, to include FNS nutrition assistance programs (programs administered under P.L. 93-638 are often referred to as 638 programs). The implications of including nutrition assistance programs in the Indian Self Determination Act is that it would enable Tribes to manage Federal resources (funding) in accordance with Tribal laws.

The Act has established standards permitting Tribal management of Federal programs, using Federal funds, in accordance with Tribal law, regulations, and procedures. For example, Subpart F contains provisions relating to financial management, procurement management, and property management. 638 programs have less prescriptive regulatory requirements. These requirements focus on minimum standards of performance that must be met in each of these management areas.⁷⁷ Current 638 programs managed by Tribes include road and transportation programs, construction programs, Tribal health clinic programs, and Tribal property management programs.

Development of Tribal Regional Offices. Tribes suggested that FNS consider the development of Tribal regional offices analogous to the existing FNS regional offices. Most Federally-recognized AI/AN Tribes and villages are concentrated in only a few FNS regions. Tribes suggested that Tribal administration of nutrition assistance programs could overtax existing regional offices, so that those offices might not be able to meet the needs of Tribes efficiently. Adding Tribal regional offices to provide better coverage of the Western and rural areas where Tribes are concentrated could help cover this gap.

In summary, each Tribe is unique, with a distinct set of resources, needs, and goals. Variance in State and Tribal government relationships, binding agreements through gaming compacts, and other regulatory mechanisms further complicate considerations for shifting the administration of Federal nutrition assistance programs, or components of those programs, to Tribes. The recommendations presented in this report will help address many of the common challenges that

⁷⁷ For example, Section 900.44 articulates the standards for financial management systems. Subpart F Establishes minimum requirements for seven areas: financial reports; accounting records; internal control; budget control; allowable costs; source documentation; and cash management.

Tribes face with regard to program administration, but they will not address all the unique concerns and challenges of individual Tribes.

To do so, FNS will need to develop flexible, creative solutions. Further research, in collaboration with Tribes is encouraged to facilitate Tribal administration of Federal nutrition assistance programs. Areas for future research include the financial resources required to facilitate Tribal administration, as well as the role Tribal consortia could play in facilitating program administration by smaller Tribes. A key next step in understanding the feasibility of Tribal administration of Federal nutrition assistance programs might be conducting an in-depth collaborative audit with a select number of Tribes identified through this study to be both interested in and ready to administer one or more nutrition programs.

Appendix A. Methodology

This research had four primary objectives:

- **Objective 1:** Identify services, functions, and activities associated with administering nutrition assistance programs.
- **Objective 2:** Consult with Tribes⁷⁸ to determine the extent of their interest in administering the programs.
- **Objective 3:** Assess the readiness of Tribes to administer these programs based on the services, functions, and activities associated with administering all or part of particular programs.
- **Objective 4:** Identify statutory or regulatory changes, waivers, or special provisions that would be needed for Tribes to administer each nutrition program.

To meet the research objectives within funding and time constraints, FNS and the research team agreed to focus on four programs: SNAP, NSLP, SBP, and SFSP. Tribes were also able to comment and provide examples from their experiences related to administering or interest in other Federal and non-federal non-nutrition programs.

The design for this research included multiple methods. Using multiple methods allowed the research team to collect and analyze the necessary breadth of data by, for example, both reviewing FNS regulatory documents and surveying all Federally-recognized Tribes. This approach also enabled the team to learn in depth about some Tribes' program administration experiences by visiting Tribes and interviewing key leaders and staff members. Inclusivity is a central tenet of Tribally Driven Participatory Research—the approach the research team used to guide the research whenever possible.

A.1 DESIGN PRINCIPLE: TRIBALLY DRIVEN PARTICIPATORY RESEARCH

As much as possible, the research team aligned its work with the principles of Tribally Driven Participatory Research. This approach is based on the community-based participatory research

⁷⁸ While the primary focus of this research is on ITOs, for purposes of consultation and information gathering the research team also included additional Native entities, such as associations, councils, and alliances, as well as entities with which the Native entities would contract.

approach, which presumes that the people who will be using a particular service have the best understanding of and knowledge about how the service can work effectively in their community. They become the first people to consult, rather than the last. Therefore, the approach builds trust, which, in the case of this study, enabled researchers to collect meaningful data on the interest and resources of Tribes. The community buy-in built during community-based participatory research is vital to the success of any future program demonstrations.

By specifying that the participatory research was *Tribally driven*, the researchers:

- Acknowledged Tribal sovereignty
- Acknowledged the diversity of Tribal languages, cultures, and governments
- Ensured that participants would benefit from participating in the research
- Advocated for Native voice and participation in all decision making with regard to research design
- Considered communities from a strengths-based, rather than deficit-based, approach. This approach focuses on understanding what resources Tribes have rather than focusing on what they are lacking.

In an effort to respect and adhere to the principles of Tribally Driven Participatory Research, the research team included the following features in the research design:

- **Multiple pathways for communication** between the researchers and Tribal members throughout the project
- **Active outreach** to make sure Tribes were aware of the research and could participate both in reviewing the methods and in the data collection
- **Two rounds of feedback from Tribes** in the process of designing the survey and the site visit protocol:
 - First, the research team shared the initial instrument questions and asked for comments.
 - After revising the questions, the researchers did cognitive testing with volunteers from Tribes, who shared their experience of answering the survey and site visit interview questions.
- **Respondent check-in** conducted by sharing notes from site visits with Tribal participants for comments and follow-up

- Development of a **public-use dataset** based for the survey data. IMPAQ will deliver copies of this dataset to Tribes that participated in site visits.

A.2 DATA COLLECTION

Data for this research were gathered using three methods:

- Document review and consultation with subject matter experts, Tribes, and Tribal stakeholders. Consulting with Tribal leaders and ITO representatives helped the research team build an initial understanding of the Tribes' interest in administering Federal nutrition programs, the history of Tribes' efforts to administer these and other programs, and barriers to administration. Consultations with Tribes and Tribal stakeholders are described in detail in Chapter 3.
- A multi-mode survey
- Site visit interviews

Document Review and Consultation with Subject Matter Experts

To meet research objectives 1, 3, and 4, the research team reviewed program legislation and regulations for the four focal programs. For each of these programs, the research team reviewed:

- U.S. Code of Federal Regulations (CFR)
- Existing program guidance available on the FNS website, including programmatic memorandums and waivers
- Program manuals
- Program reports and other documents as suggested by FNS and subject matter experts

The research team summarized the findings from these steps into detailed tables highlighting the appropriate legislation and policy findings (Appendices D–F). Researchers then conducted in-depth interviews with key FNS staff at the national and regional offices to better understand legislation and policy, especially as they apply to Tribes. The research team also interviewed HHS staff to better understand Tribal administration of TANF, a program currently administered by some Tribes. Findings from these interviews were summarized into an administrative requirements memorandum; Chapter 2 is an extract of the memorandum. As the research progressed, Tribes expressed interest in or experience with additional programs including WIC, FDPIR, CACFP and TEFAP. The research team aggregated brief administrative requirements for these programs (Appendix G) by reviewing existing program guidance available from FNS.

Survey Development

Development of the survey involved several steps, described below.

Identifying a capacity and resource measurement framework and adapting it to the Tribal context. The research team used the Marguerite Casey Foundation’s Organizational Capacity Assessment Tool.⁷⁹ Three capacity and resource development areas were identified for assessment: leadership and management, operations and workforce, and information technology and physical infrastructure.

Developing a list of potential questions and collaboratively working with Tribes, Tribal stakeholders, and FNS to refine them. The research team worked with subject matter experts to develop an exhaustive list of potential questions to ask for each capacity and resource development area. These questions were shared with FNS and Tribal leaders and stakeholders who had worked with the research team throughout the initial phases of the project: consultations, outreach, and conferences. Feedback from this process suggested eliminating unnecessary or intrusive questions, rephrasing questions to make them more culturally appropriate, and addressing gaps identified by Tribal stakeholders. This process resulted in a more concise and culturally appropriate survey instrument.

Conducting pilot and cognitive testing of the survey instrument. All survey questions were both programmed into a web-based survey and formatted into a paper-based survey. The research team identified a total of nine Tribal leaders and stakeholders interested in testing the survey instrument. Researchers then administered the survey via telephone to these Tribal leaders to assess their perspectives on and understanding of the questions. Questions that were not clear were rephrased, questions that yielded less valuable information were eliminated, and the order and logic of survey questions were checked. The finalized survey, including changes made in response to public comments, was then published in the Federal Register including changes made in response to public comments.

⁷⁹ IMPAQ developed a site visit protocol based on the Marguerite Casey Foundation’s Organizational Capacity Assessment Tool. The Casey tool is a derivative product of the Capacity Assessment Grid created by McKinsey and Company for Venture Philanthropy Partners (www.vppartners.org), published in *Effective Capacity Building in Nonprofit Organizations* (2001). It was modified, reorganized, and assembled in electronic format for the Marguerite Casey Foundation (www.caseygrants.org) by Blueprint Research & Design, Inc. (www.blueprintrd.com). It was used with permission from Venture Philanthropy Partners.

Available at <http://caseygrants.org/resources/org-capacity-assessment/>

Survey Administration

While the survey instrument was undergoing OMB review, the research team compiled an up-to-date list of contacts for Tribal leaders of all 566 Tribes that were Federally-recognized at the time of the survey. Resources used included contact lists from the Bureau of Indian Affairs and the USDA Office of Tribal Relations. The team also used the extensive contacts of its subject matter experts. Finally, a test of the contact list was completed by emailing all contacts on the list a request to update their information. This process enabled the research team to identify inaccurate contacts and seek alternate contacts where possible.

Once the survey instrument was approved by OMB, fielding the survey involved the following steps:

1. Deploying the survey on the web and by surface mail; training staff to conduct telephone surveys using the web-based version of the survey.⁸⁰
2. Inviting Tribal leaders to complete the survey. Initial survey invitations were sent by email and surface mail to all Tribes. This invitation also served as a final check on the validity of the contact information. Each email invitation included a link to the web-based version of the survey along with a tracking token, that is, a unique identifier associated with each Tribe.
3. Mailing the survey to Tribal leaders. One week after the initial invitation, the survey was sent to Tribal leaders by surface mail. The web-based survey was emailed a second time. Survey tracking tokens were used.
4. Sending reminders. Each week, electronic reminders were sent to each Tribe that had not completed the survey. After the fifth week, the research team began to conduct follow-up calls to encourage Tribes to complete the survey. Respondents reached by phone were told that the caller could address any questions they had or assist them by completing a telephone survey.
5. Tracking and reporting on a weekly basis. The survey was kept open for 20 weeks, from April to August 2015. The research team tracked how many surveys were completed and partially completed (online or paper-based), as well as how many emails bounced back. Researchers called all respondents who had partially completed the survey to encourage them to finish it.

⁸⁰ Respondents were invited to request a telephone survey by calling the study team. A researcher would then complete the survey with the respondent by following the web-based version. However, no respondents requested a telephone survey.

Site Visit Interview Protocol Development and Use

The site visit protocol was developed using the same interactive process that was used for the surveys. Specifically, the research team developed a list of preliminary questions that would elicit what FNS wanted to know. This list was based on the capacity-building questions in the Marguerite Casey Foundation's Organizational Capacity Assessment Tool. The preliminary questions were shared with all Tribes that had expressed interest in the research during consultation calls, conferences, and outreach. The research team used their feedback to refine the questions. Once a draft interview protocol had been developed, the researchers asked participant Tribes for volunteers who would be willing to participate in cognitive testing: a mock interview using the protocol, during which an interviewer discussed with the respondent each question and his or her reaction to it. The research team conducted four of these trials. The volunteers who acted as respondents provided excellent guidance on clarifying the questions, developing additional prompts, and using appropriate language. The finished site visit interview protocol was published in the Federal Register. Based on public comments received from several Tribes, the research team further modified some of the language, particularly in regard to the use of the word *capacity*.

Once the site visit protocol (Appendix C) was finalized, the research team designed and delivered a detailed one-day training for site visitors on Tribally Driven Participant Research, the interview protocol, and site visit logistics. Meanwhile, the team recruited Tribes for site visits. The team's Tribal experts, who are themselves Native Americans, contacted 35 AI/AN Tribes and villages to ask whether they would allow researchers to visit their communities. This request was extremely challenging because the research team hoped to make the visits within weeks of the recruitment calls. Most Tribes needed to funnel the request to their leaders and Tribal councils for approval. While Tribes were considering the request, researchers typically participated in a series of discussions explaining the purpose of the research; they also shared documents about the proposed visit. The team gradually expanded its outreach to 39 Tribes and villages. The researchers were able to meet their goal of involving Tribes that varied in the following ways:

- Tribes from different parts of the country
- Tribes ranging from small to large

- Tribes whose FSA includes an urban area,⁸¹ Tribes that are geographically isolated, and Tribes in between these positions
- Tribes whose experience administering large, complex programs (such as TANF) ranges from extensive to virtually none
- Tribes whose interest in administering Federal nutrition assistance programs ranges from low to high

Site visits took place between late April and August 2015. Researchers conducted 13 site visits involving 16 Tribes and villages. Visits were customized to fit the needs of host Tribes. Most visits were two days in length; they involved interviews with Tribal chiefs or chairpersons, as well as program or division managers and directors in the following departments: human services (or an analogous department), finance, IT, operations, and physical resources. When possible, researchers spoke to program staff, too. Each site visit was conducted by two members of the research team: One was a Tribal expert, and the other was an expert on FNS programs.

A.3 DATA ANALYSIS

Each data source was analyzed independently. Afterward, researchers looked across findings to identify common themes; areas where data were complementary; and instances of contrast, where survey respondents suggested something, but interviewees had a different view.

Analysis of Survey Data

Once the survey closed, the research team developed an analytic dataset from the raw survey data. Data from all surveys completed by mail were manually added into the analytic data file, which was composed of web-based survey responses. A sample size was then determined.

The web-based survey tool developed for this research allowed the research team to know when a survey was opened and how many pages were viewed before the respondent submitted the survey. A total of 132 Tribal respondents viewed at least one page of the survey. Of these, 106 submitted completed surveys. Surveys were considered complete when respondents submitted them by choosing the survey completion prompt on the final webpage. Surveys that were started but not submitted were considered partial completions. Among the 26 partial surveys, 10

⁸¹ Urban areas were not strictly defined, for example using the USDA Economic Research Service definitions. Rather, the research team recognized that reservations could be sparsely populated, include town centers, or border with relatively dense town/city areas.

respondents had viewed at least 25 percent of the survey pages. A threshold of 25 percent was chosen because it included more than just the first page of the survey and provided enough information for the team to discern the size of the Tribe. These 10 surveys were included in the research sample. Therefore, the sample consists of 116 Tribes, for a response rate of 20.5 percent.

Basic descriptive statistics were calculated for all variables collected, such as the percentage of Tribes with particular governance policies or with interest in particular nutrition programs. Subgroup cross-tabulations by Tribe size were then developed to show differences in program administrative and operational experience among Tribes serving small, medium, and large FSAs. The research team also collected survey responses that included narrative descriptions from respondents to augment the quantitative findings. For example, one survey question asked respondents to list “other” reasons they were not interested in administering nutrition assistance programs.

Analysis of Site Visit Interview Data

Research members who visited Tribes followed strict procedures for documenting the visit and for respondent check-ins. Within one week of a visit, site visitors compared notes and produced written documents summarizing each interview. The site liaison (the lead researcher for the site) ensured that each interviewee received his or her summary one week after the visit. The purpose of sharing the interview documents was to give each interviewee an opportunity to correct information that might have been misinterpreted and to add detail if there was more to share. Sending the interview notes was also an opportunity for the site liaison to ask for clarification, where necessary.

The research team requested feedback on interview notes two weeks after being sent. If researchers did not hear from a Tribe after two weeks, they would check in to ask for feedback. In August, the researchers emailed all Tribes a notice with a final deadline for feedback. Any feedback that was received was integrated into the interview notes.

For each visit, the two visitors completed a summary form that pulled information from the multiple interviews and organized that information into the areas from the modified Organizational Capacity Assessment Tool: leadership and management, workforce and operations, and physical and technology infrastructure. This summary served as the first analysis step and facilitated review of each area across Tribes. Once summaries were available for all

Tribes, analysts reviewed all summaries to identify and catalog key themes, as well as outliers within each capacity area.

Each week, the research team met to review findings from one of the areas. During these meetings, team members discussed the representativeness of each key theme and outlier, whether and how it answered the research questions, and how to address that finding in this report.

Appendix B. Survey Instrument

The OMB Control Number for this information collection is 0584-0600 and the expiration date is 09/30/2015.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information is 0584-0600. The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

INTRODUCTION

IMPAQ International (Prime Contractor) is working with Bowman Performance Consulting (BPC), a Native American consulting firm from Wisconsin, and WRMA, a social science consulting firm, to find out if Tribes are interested in administering their own Food and Nutrition Service (FNS) programs and if it is feasible to do so through the Tribal Government. United States Department of Agriculture (USDA) funded this study in response to Congress as part of the USDA's recent reauthorization of the Farm Bill. FNS will report the findings from our study to Congress in August 2015.

OVERVIEW OF THE SURVEY

This survey will inform one of the key activities requested by Congress.

In particular, this survey will be shared with all Federally-recognized Tribal Governments to assess their interest in administering all or part of four nutrition assistance programs:

1. Supplemental Nutrition Assistance Program (SNAP)
2. School Breakfast Program (SBP) – *School breakfast*
3. National School Lunch Program (NSLP) – *School lunch*
4. Summer Food Service Program (SFSP) – *Summer meals program*

Another important aspect of this survey is assessing whether Tribes have the resources and experience to meet each of these program's administrative requirements.

RESPONDENT PREPARATION

First, thank you for taking time to complete this survey. All of the information you provide will be reported as aggregate or grouped data and will only be used for the purposes of this study.

Since the survey covers various topic areas, we expect that Tribal Government leadership, program administrators, and program frontline staff may assist in completing portions of the survey. The primary recipient of the survey should feel free to circulate the survey to any staff that can help provide accurate answers. This may include:

- Tribal Government Leadership
- Tribal Administrators
- Information Technology staff
- Human Resource directors
- Program Development staff
- Food Distribution Program on Indian Reservation staff
- School administrators
- Social services
- Tribal Accounting
- Economic Development agencies

The different types and roles of survey respondents are described below to assist your Tribal Government team in working together to complete this survey.

The survey is designed to be completed by respondents who have the:

- Authority to make decisions for the Tribal Government regarding the implementation and operation of new programs – *Tribal leadership* and/or *Tribal Government*
- Experience of day-to-day management of complex assistance or Federal programs on the Tribes reservations among program managers, State staff or consultants hired or working on behalf of the Tribe to administer certain aspect of programs such as Nutritionists or Registered Dieticians, and other frontline program staff as well as Tribal staff.
- Responsibility for managing the Information Technology (IT) infrastructure for major Tribal programs, especially those that need to integrate or report to State and Federal information systems, including IT program managers, IT staff, consultants, and contractors.
- Responsibility for managing the finances and/or program integrity activities serving the Tribe. These include leadership staff in accounting, finance/budget and program quality assurance.

We anticipate that the survey will take an average of 30 minutes to complete.

IMPAQ and our study partners are available to answer any questions respondents may have as they complete the survey. Please contact the study team using the following contact information.

CONTACT INFORMATION

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INDIAN TRIBAL ORGANIZATION CHARACTERISTICS

We'd like to start with some questions about your Tribe's organization. This first section asks about your Tribal population, Tribal Government structure and any Tribal affiliations your Tribe may have.

Q1. Thinking about your Tribal Community, could you give us an estimate of the number of members living on the reservation? Select one response. Your best estimate is fine.

- | | |
|---|---------|
| <input type="checkbox"/> Fewer than 1,000 people | 01 → Q2 |
| <input type="checkbox"/> 1,000 to fewer than 5,000 | 02 → Q2 |
| <input type="checkbox"/> 5,000 to fewer than 10,000 | 03 → Q2 |
| <input type="checkbox"/> 10,000 to fewer than 20,000 | 04 → Q2 |
| <input type="checkbox"/> 20,000 to fewer than 50,000 | 05 → Q2 |
| <input type="checkbox"/> 50,000 to fewer than 100,000 | 06 → Q2 |
| <input type="checkbox"/> 100,000 people or more | 07 → Q2 |

Q2. Thinking about your Tribal Community, could you give us an estimate of the number of members living within the Tribes Federal Service Area? Select one response. Your best estimate is fine.

- | | |
|---|---------|
| <input type="checkbox"/> Fewer than 1,000 people | 01 → Q3 |
| <input type="checkbox"/> 1,000 to fewer than 5,000 | 02 → Q3 |
| <input type="checkbox"/> 5,000 to fewer than 10,000 | 03 → Q3 |
| <input type="checkbox"/> 10,000 to fewer than 20,000 | 04 → Q3 |
| <input type="checkbox"/> 20,000 to fewer than 50,000 | 05 → Q3 |
| <input type="checkbox"/> 50,000 to fewer than 100,000 | 06 → Q3 |
| <input type="checkbox"/> 100,000 people or more | 07 → Q3 |

Q3. Does your Tribal Government belong to an Intertribal organization or Indian organization? Examples include the National Congress of American Indians and Tribal Alliance of Sovereign Indian Nations.

- | | |
|------------------------------|----------|
| <input type="checkbox"/> Yes | 01 → Q3a |
| <input type="checkbox"/> No | 02 → Q3a |

Q3a. Do you administer a Federal nutritional assistance program in conjunction with another Tribal Government, Intertribal organization or Indian organization?

- | | |
|------------------------------|---------|
| <input type="checkbox"/> Yes | 01 → Q4 |
| <input type="checkbox"/> No | 02 → Q4 |

INTEREST IN, AND EXPERIENCE WITH OPERATING FEDERAL NUTRITION ASSISTANCE PROGRAMS

Next, we'd like to ask about your Tribe's interest and experience with Federal nutrition assistance programs.

Program administration includes some or all these activities and responsibilities: having responsibility for receiving and processing applications, determining eligibility, offering customer support, delivering actual services, preparing and submitting reports, oversight, ongoing training, among other similar operational responsibilities.

Note: Operating a program refers to managing the day-to-day program activities of a program on behalf of the program administrator, for example a School Food Authority/School District. Typically, program administrators receive funding from the State or Federal government. Program Operators receive funding from the program administrator. This section focuses on experience with program administration.

Q4. Do you operate any of the following Federal nutrition assistance programs? Please check all that apply.

<input type="checkbox"/>	Supplemental Nutrition Assistance Program (SNAP) – <i>Food Stamps/Card</i>	01 → Q4a
<input type="checkbox"/>	National School Lunch Program or School Breakfast Program	02 → Q4a
<input type="checkbox"/>	Summer Food Service Program (SFSP) – <i>Summer Program</i>	03 → Q4a
<input type="checkbox"/>	Supplemental Nutrition Program for Women, Infants and Children (WIC)	04 → Q4a
<input type="checkbox"/>	Child and Adult Care Food Program (CACFP)	05 → Q4a
<input type="checkbox"/>	Elderly Nutrition Program	06 → Q4a
<input type="checkbox"/>	Food Distribution Program on Indian Reservations (FDPIR)	07 → Q4a
<input type="checkbox"/>	The Emergency Food Assistance Program (TEFAP)	08 → Q4a
<input type="checkbox"/>	Commodity Supplemental Food Program (CSFP)	09 → Q4a
<input type="checkbox"/>	Nutrition Service Incentive Program (NSIP)	10 → Q4a
<input type="checkbox"/>	DoD Fresh Fruit and Vegetable Program	11 → Q4a
<input type="checkbox"/>	Senior Farmers Market Nutrition Program	12 → Q4a
<input type="checkbox"/>	Some other program (Please specify)	13 → Q4a
<input type="checkbox"/>	We do not operate any Federal nutrition assistance programs	14 → Q5

Q4a. Which Tribal Government agency operates these nutrition assistance programs?

FNS Program	Tribal Health Department <i>OR</i> Tribal Health Division <i>OR</i> Tribal Health Clinic 01	Tribal Education Department <i>OR</i> Tribal Education Division <i>OR</i> School Agency 02	Tribal Social Services <i>OR</i> Family Services <i>OR</i> Children Services <i>OR</i> Human Services 03	Other Agency 04	Not Applicable 97
Supplemental Nutrition Assistance Program (SNAP)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
National School Lunch Program or School Breakfast Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Summer Food Service Program - <i>Summer Program</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supplemental Nutrition Program for Women, Infants and Children (WIC)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child and Adult Care Food Program (CAFPC)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Elderly Nutrition Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Food Distribution Program on Indian Reservations (FDPIR)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Emergency Food Assistance Program (TEFAP)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commodity Supplemental Food Program (CSFP)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nutrition Service Incentive Program (NSIP)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DoD Fresh Fruit and Vegetable Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senior Farmers Market Nutrition Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Some other program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q4b. Please tell us which activities you do during the operation of your programs. Please check all that apply.

- | | |
|--|---------|
| <input type="checkbox"/> Manage client caseloads | 01 → Q5 |
| <input type="checkbox"/> Conduct outreach to potential participants | 02 → Q5 |
| <input type="checkbox"/> Determine participant eligibility | 03 → Q5 |
| <input type="checkbox"/> Develop, synchronize, and maintain information databases | 04 → Q5 |
| <input type="checkbox"/> Contract with another organization to deliver services | 05 → Q5 |
| <input type="checkbox"/> Deliver actual services | 06 → Q5 |
| <input type="checkbox"/> Produce reports to a State or Federal agency | 07 → Q5 |
| <input type="checkbox"/> Process and submit invoices to Federal/State agency for reimbursement | 08 → Q5 |
| <input type="checkbox"/> Monitor compliance and/or prosecute fraud | 09 → Q5 |
| <input type="checkbox"/> Work with or employ a nutritionist or certified dietician | 10 → Q5 |

Q5. Does your Tribal Government have any interest in administering FNS nutrition assistance programs?

- | | |
|--|----------|
| <input type="checkbox"/> YES , our Tribal Government is interested, but we do not currently <u>administer</u> any FNS nutritional assistance programs | 01 → Q7 |
| <input type="checkbox"/> YES , our Tribal Government is interested <u>AND</u> we currently <u>administer</u> a FNS nutritional assistance program(s) | 02 → Q7 |
| <input type="checkbox"/> NO , our Tribal Government is not interested in administering any FNS nutritional assistance programs | 03 → Q6 |
| <input type="checkbox"/> Our interest would depend on certain conditions | 04 → Q5a |

Q5a. What conditions does your Tribal Government's interest depend on? Please check all that apply.

- | | |
|---|---------|
| <input type="checkbox"/> We are interested in administering programs that are Federally-funded | 01 → Q7 |
| <input type="checkbox"/> We are interested in administering programs that can be matched with Federal funding | 02 → Q7 |
| <input type="checkbox"/> Some other condition (Please specify) | 03 → Q7 |

Q6. Why is your Tribe NOT interested in administering any FNS programs? Check all that apply.

- | | | |
|--------------------------|---|---------|
| <input type="checkbox"/> | We lack the administrative structure to support these programs | 01 → Q9 |
| <input type="checkbox"/> | We do not have enough interest among our Tribe members in these programs | 02 → Q9 |
| <input type="checkbox"/> | We have tried to administer in the past and it did not work out | 03 → Q9 |
| <input type="checkbox"/> | We are not able to financially subsidize the program if reimbursements do not cover operating costs | 04 → Q9 |
| <input type="checkbox"/> | There are regulatory or policy barriers (Please specify) _____ | 05 → Q9 |
| <input type="checkbox"/> | Some other reason (Please specify) | 06 → Q9 |

SHOW FOR WEB ONLY: Program administration includes some or all these activities and responsibilities: having responsibility for receiving and processing applications, determining eligibility, offering customer support, delivering actual services, preparing and submitting reports, oversight, ongoing training, among other similar operational responsibilities.

Note: Operating a program refers to managing the day-to-day program activities of a program on behalf of the program administrator, for example a School Food Authority/School District. Typically, program administrators receive funding from the State or Federal government. Program Operators typically receive funding from the program administrator.

Q7. We are especially interested in your Tribal Government's interest in the programs listed below. Which of these FNS nutrition assistance programs is your Tribal Government interested in administering? Check all that apply.

- | | | |
|--------------------------|--|----------|
| <input type="checkbox"/> | Supplemental Nutritional Assistance Program (SNAP) | 01 → Q7b |
| <input type="checkbox"/> | School Lunch or School Breakfast program | 02 → Q7b |
| <input type="checkbox"/> | Summer Food Service Program (SFSP) | 03 → Q7b |
| <input type="checkbox"/> | Some other FNS nutrition assistance program | 04 → Q7a |

Q7a. What are the other FNS nutrition assistance programs your Tribal Government is interested in administering?

- | | | |
|--------------------------|---|----------|
| <input type="checkbox"/> | Child and Adult Care Food Program (CACFP) | 01 → Q7b |
| <input type="checkbox"/> | Afterschool Snack Program | 02 → Q7b |
| <input type="checkbox"/> | Fresh Fruit and Vegetables Program | 03 → Q7b |
| <input type="checkbox"/> | Special Milk Program | 04 → Q7b |
| <input type="checkbox"/> | Supplemental Nutrition Program for Women, Infants, and Children (WIC) | 05 → Q7b |
| <input type="checkbox"/> | Food Distribution Program on Indian Reservations (FDPIR) | 06 → Q7b |
| <input type="checkbox"/> | Commodity Supplemental Food Program (CSFP) | 07 → Q7b |
| <input type="checkbox"/> | The Temporary Emergency Food Assistance Program (TEFAP) | 08 → Q7b |
| <input type="checkbox"/> | Farmers Market Nutrition Program | 09 → Q7b |
| <input type="checkbox"/> | Senior Farmers Market Nutrition Program | 10 → Q7b |

Q7b. What are some of the benefits you expect your Tribal Government to gain from administering your own FNS nutrition assistance program?

- | | | |
|--------------------------|--|---------|
| <input type="checkbox"/> | We will be able to provide direct service to our members who need assistance | 01 → Q8 |
| <input type="checkbox"/> | The Tribal Government will have flexibility to manage the nutritional quality of the program | 02 → Q8 |
| <input type="checkbox"/> | The Tribal Government can offer culturally appropriate programming and services | 03 → Q8 |
| <input type="checkbox"/> | Other (Please specify) | 04 → Q8 |
-

Q8. How has your Tribal Government addressed this interest?						
FNS Program	Discussed internally	Contacted local FNS office	Contacted Regional FNS office	Contacted National FNS Office	Created a strategic plan	Something else
Supplemental Nutritional Assistance Program (SNAP)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
School Breakfast/Lunch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Summer Food Service Program (SFSP)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child and Adult Care Food Program (CACFP)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Afterschool Snack Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fresh Fruit and Vegetables Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Milk Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supplemental Nutrition Program for Women, Infants, and Children (WIC)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Food Distribution Program on Indian Reservations (FDPIR)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commodity Supplemental Food Program (CSFP)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Temporary Emergency Food Assistance Program (TEFAP)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Farmers Market Nutrition Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senior Farmers Market Nutrition Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q9. Within the past five years, has the Tribal Government ever coordinated the development, planning, and implementation of a new program or modification/expansion of an existing program? By new or existing program, we mean any State or Federally-funded nutrition or health program, any State or Federally-funded family or social services program, or any grant-funded program.

- Yes 01 → Q10
- No 02 → Q10

EXPERIENCE WITH FEDERAL AND STATE PROGRAM OPERATIONS

The next few questions are about your Tribal Government's experience with program administration at the Federal and/or State level. Questions in this section refer to administration of any Federal and/or State level programs.

Program administration includes having some or all these activities and responsibilities: having responsibility for receiving and processing applications, determining eligibility, offering customer support, delivering actual services, and preparing and submitting reports, oversight, training, among other similar operational responsibilities.

Note: Operating a program refers to managing the day-to-day program activities of a program on behalf of the program administrator, for example a School Food Authority/School District. Typically, program administrators receive funding from the State or Federal government. Program Operators typically receive funding from the program administrator.

Q10. Does your Tribal Government administer any of these additional Federal non-nutritional assistance programs listed below for your members?

- | | | |
|--------------------------|---|-----------|
| <input type="checkbox"/> | Temporary Assistance to Needy Families (TANF) | 01 → Q10a |
| <input type="checkbox"/> | Section 8 housing | 02 → Q10a |
| <input type="checkbox"/> | Head Start and Early Head Start | 03 → Q10a |
| <input type="checkbox"/> | Indian Child and Family Education | 04 → Q10a |
| <input type="checkbox"/> | Assistance for Indians with Severe Disabilities | 05 → Q10a |
| <input type="checkbox"/> | Early Intervention Program for Infants and Toddlers with Disabilities | 06 → Q10a |
| <input type="checkbox"/> | Title IV-E | 07 → Q10a |
| <input type="checkbox"/> | Child Welfare Support Programs | 08 → Q10a |
| <input type="checkbox"/> | Other (Please specify) _____ | 09 → Q10a |
| <input type="checkbox"/> | We do not administer any additional Federal non-nutritional assistance programs | 10 → Q12 |

Q10a. How many of these programs require you to determine participant eligibility?

- None 01 → Q12
- 1 to 2 programs 02 → Q10b
- 3 to 4 programs 03 → Q10b
- 5 or more programs 04 → Q10b

Q10b. Below is a list of non-nutritional programs your Tribal Government may administer. For the programs that your Tribal government administers where you determine participant eligibility and indicate how long you have administered each program. Your best estimate is fine. Please round to the nearest whole year. If less than one year, round to the nearest whole month.

Program	Enter Number	Choose One.		
		Months	Years	Not Applicable
Temporary Assistance to Needy Families (TANF)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Section 8 housing		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Head Start and Early Head Start		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indian Child and Family Education		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Assistance for Indians with Severe Disabilities		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Early Intervention Program for Infants and Toddlers with Disabilities		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Title IV-E		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child Welfare Support Programs		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q10c. On a scale of 1 to 5, where 1 means completely automated and 5 means completely manual, please rate each program’s automation for determining participant eligibility. For example, completely manual means that eligibility determination is all done without any software. For the school lunch/breakfast programs this would mean all applications, records, reports, budgeting, procurement, menus, and staff training are done without the use of any software programs.

Program	Completely Automated		3	Completely Manual		Not Applicable
	1	2		4	5	
Temporary Assistance to Needy Families (TANF)	<input type="checkbox"/>					
Section 8 housing	<input type="checkbox"/>					
Head Start and Early Head Start	<input type="checkbox"/>					
Indian Child and Family Education	<input type="checkbox"/>					
Assistance for Indians with Severe Disabilities	<input type="checkbox"/>					
Early Intervention Program for Infants and Toddlers with Disabilities	<input type="checkbox"/>					
Title IV-E	<input type="checkbox"/>					
Child Welfare Support Programs	<input type="checkbox"/>					
Other	<input type="checkbox"/>					

Q11. Please tell us which activities you do during the administration of your programs. Please check all that apply.

<input type="checkbox"/> Manage client caseloads	01 → Q12
<input type="checkbox"/> Conduct outreach to potential participants	02 → Q12
<input type="checkbox"/> Determine participant eligibility	03 → Q12
<input type="checkbox"/> Develop, synchronize, and maintain information databases	04 → Q12
<input type="checkbox"/> Contract with another organization to deliver services	05 → Q12
<input type="checkbox"/> Deliver actual services	06 → Q12
<input type="checkbox"/> Produce reports to a State or Federal agency	07 → Q12
<input type="checkbox"/> Process and submit invoices to Federal/State agency for re-imburement	08 → Q12
<input type="checkbox"/> Monitor compliance and/or prosecute fraud	09 → Q12
<input type="checkbox"/> Work with or employ a nutritionist or certified dietician	10 → Q12

Q12. Have any of your agencies developed an operations plan to implement a Federal/State program within the past five years?

- Yes 01 → Q13
- No 02 → 12a

Q12a. Why have you NOT developed an operations plan in the past to implement a Federal/State program?

- None was required 01 → Q14
 - The program did not have funding to support this 02 → Q14
 - We have not implemented a Federal/State program 03 → Q14
 - Other (Please specify) 04 → Q14
- _____

Q13. Did you receive any assistance in developing and implementing the plan? Please include any assistance from within or outside your Tribal Government.

- Yes 01 → Q13a
- No 02 → 14

Q13a. Who provided this assistance?

- Federal agency 01 → Q14
 - State agency 02 → Q14
 - Private consultant 03 → Q14
 - An individual or agency within your Tribal government 04 → Q14
 - Another external Tribal department/agency (Please specify) 05 → Q14
- _____

Q14. In the past, how has your organization funded the setup or expansion of other programs?

- Funded with Federal funds 01 → Q15
- Funded using only external (non-Federal government) funds 02 → Q15
- Funded with only Tribal funds or resources 03 → Q15
- Funded with a combination of Federal, external and Tribal funds or resources 04 → Q15
- We have NOT funded the setup or expansion of other programs 05 → Q16

Q15. Does your Tribe operate any program that requires you to pre-fund (money that is reimbursed later) or contribute matched funds?

- | | |
|---|-----------|
| <input type="checkbox"/> Pre-fund only | 01 → Q16 |
| <input type="checkbox"/> Contribute matched funds only | 02 → Q15a |
| <input type="checkbox"/> Both pre-fund and matched funds | 03 → Q15a |
| <input type="checkbox"/> No, we do not operate programs that require pre-funding or matched funds | 04 → Q15b |

Q15a. Thinking of all of your programs, on average, how much funding does your Tribal Government usually contribute to the matched funds?

- | | |
|--------------------------------------|----------|
| <input type="checkbox"/> 1% to 10% | 01 → Q16 |
| <input type="checkbox"/> 11% to 30% | 02 → Q16 |
| <input type="checkbox"/> 31% to 50% | 03 → Q16 |
| <input type="checkbox"/> 51% to 70% | 04 → Q16 |
| <input type="checkbox"/> 71% to 100% | 05 → Q16 |

Q15b. If a program requires that your Tribal Government pre-fund or contribute matched funds, does the Tribal Government have sufficient finances to accommodate such a requirement?

- | | |
|--|----------|
| <input type="checkbox"/> Yes | 01 → Q16 |
| <input type="checkbox"/> No | 02 → Q16 |
| <input type="checkbox"/> Depends on the program requirements or amount of funds required | 03 → Q16 |

Q16. Did you experience or do you anticipate experiencing any of the following challenges when your Tribal Government administers its own FNS programs? Check all that apply.

- | | |
|--|----------|
| <input type="checkbox"/> Lack of Federal legal authority | 01 → Q17 |
| <input type="checkbox"/> Tribal Government reorganization | 02 → Q17 |
| <input type="checkbox"/> Financial resources | 03 → Q17 |
| <input type="checkbox"/> Insufficient technological infrastructure | 04 → Q17 |
| <input type="checkbox"/> Insufficient physical infrastructure | 05 → Q17 |
| <input type="checkbox"/> No qualified applicants | 06 → Q17 |
| <input type="checkbox"/> Lack of merit system personnel | 07 → Q17 |
| <input type="checkbox"/> Other (Please specify) | 08 → Q17 |
| <input type="checkbox"/> We don't anticipate experiencing any challenges | 09 → Q18 |

Q17. Have you faced any of these same challenges in the past when administering a Federal/State program?

- | | |
|---|-----------|
| <input type="checkbox"/> Yes. Please specify how you resolved these challenges. | 01 → Q17a |
| <input type="checkbox"/> No | 02 → Q18 |

TRIBAL GOVERNMENT EMPLOYEE PERFORMANCE MEASUREMENT AND ASSESSMENT

Now we will ask you some questions about Tribal Government employee performance measurement and assessment. Some Federal programs require a merit-based promotion system.

Employee performance measurement includes having a process in place to define employee goals based on the job's responsibilities. An important part of the process is assessing how employees are doing as they work toward the positions goals.

Q18. Do you collect data on employee performance?

- | | | |
|--------------------------|-----|-----------|
| <input type="checkbox"/> | Yes | 01 → Q19 |
| <input type="checkbox"/> | No | 02 → Q18a |

Q18a. Why do you NOT collect data on employee performance?

- | | | |
|--------------------------|--|----------|
| <input type="checkbox"/> | It is not necessary for our Tribal Government to collect employee performance data | 01 → Q21 |
| <input type="checkbox"/> | We are in the process of putting a system in place | 02 → Q21 |
| <input type="checkbox"/> | We do not have the resources to do so | 03 → Q21 |
| <input type="checkbox"/> | Some other reason (Please specify)
_____ | 04 → Q21 |

Q19. What types of employee performance data do you collect now?

- | | | |
|--------------------------|--|----------|
| <input type="checkbox"/> | Quality of work (i.e. performance ratings) | 01 → Q20 |
| <input type="checkbox"/> | Quantity of work completed | 02 → Q20 |
| <input type="checkbox"/> | Timeliness | 03 → Q20 |
| <input type="checkbox"/> | Cost-effectiveness | 04 → Q20 |
| <input type="checkbox"/> | Attendance/absenteeism | 05 → Q20 |
| <input type="checkbox"/> | Other specific measures | 06 → Q20 |

Q20. How often do you assess employee performance after a probationary period and review?

- | | | |
|--------------------------|-----------------------|----------|
| <input type="checkbox"/> | Quarterly | 01 → Q21 |
| <input type="checkbox"/> | Twice a year | 02 → Q21 |
| <input type="checkbox"/> | Annually | 03 → Q21 |
| <input type="checkbox"/> | On an as-needed basis | 04 → Q21 |

Q21. Do you have an employee performance incentive program?

- | | | |
|--------------------------|-----|----------|
| <input type="checkbox"/> | Yes | 01 → Q22 |
| <input type="checkbox"/> | No | 02 → Q22 |

Q22. Do you have a merit-based promotion system for your employees? *That is, is Tribal Government employee career advancement solely based on relative ability, knowledge, and skills?*

- Yes 01 → Q22a
- No 02 → Q23

Q22a. Does the merit-based promotion system operate within a Federal, State or Tribal payscale?

- Yes 01 → Q23
- No 02 → Q23

Q23. Do you link employee performance (formally or informally) to their pay and/or bonus?

- Employee performance is linked to salary only 01 → Q24
- Employee performance is linked to bonuses only 02 → Q24
- Employee performance is linked to salary and bonuses 03 → Q24
- No, employee performance is not linked to salary or bonuses 04 → Q24

INFORMATION TECHNOLOGY SERVICES

Now we are going to ask you about how you get any needed technology services.

Q24. Has your Tribal Government ever obtained information technology services from a third-party vendor using a competitive bidding process?

- | | | |
|--------------------------|-----|-----------|
| <input type="checkbox"/> | Yes | 01 → Q25 |
| <input type="checkbox"/> | No | 02 → Q24a |

Q24a. Why have you NOT obtained information technology services from a third-party vendor using a bidding process?

- | | | |
|--------------------------|--|----------|
| <input type="checkbox"/> | We have technology services located within our Tribal Government | 01 → Q27 |
| <input type="checkbox"/> | We partner with State agencies to meet technology needs for the Federal and non-Federal programs we administer | 02 → Q27 |
| <input type="checkbox"/> | We partner with local agencies to meet technology service needs for the Federal and non-Federal programs we administer | 03 → Q27 |
| <input type="checkbox"/> | We contract with third-party vendors outside of a procurement process | 04 → Q27 |
| <input type="checkbox"/> | We partner with an Intertribal association or an Indian organization | 05 → Q27 |
| <input type="checkbox"/> | We don't have a bidding process | 06 → Q27 |

Q25. How long has your Tribal Government been using a bidding process to obtain information technology services from third-party vendors?

- | | | |
|--------------------------|------------------------------|----------|
| <input type="checkbox"/> | Less than 1 year | 01 → Q26 |
| <input type="checkbox"/> | 1 year to less than 3 years | 02 → Q26 |
| <input type="checkbox"/> | 3 years to less than 5 years | 03 → Q26 |
| <input type="checkbox"/> | 5 years or more | 04 → Q26 |

Q26. What types of bids do you post for vendors to respond to? Check all that apply

- | | | |
|--------------------------|---|----------|
| <input type="checkbox"/> | Competitive bidding (Request for Proposals, Request for Quotations, Indefinite Delivery Quantity contracts) | 01 → Q27 |
| <input type="checkbox"/> | Sole source contracts | 02 → Q27 |
| <input type="checkbox"/> | Task Order contracts | 03 → Q27 |
| <input type="checkbox"/> | Set asides (Small, Veteran, Disabled Veteran, or minority-owned business) | 04 → Q27 |
| <input type="checkbox"/> | Other (Please specify)
_____ | 05 → Q27 |

EXPERIENCE WITH REPORTING REQUIREMENTS

Next, we would like to ask you about reporting to federal and State agencies about the programs you administer.

Q27. Do any of the programs you administer require that you submit reports to a Federal or State agency?

- Yes 01 → Q28
- No 02 → Q31

Q28. What types of reports do you submit to a Federal or State agency? Check all that apply.

- Financial 01 → Q29
- Program integrity (such as fraud prevention, quality control, audit) 02 → Q29
- Program participation (such as number of Tribal members served) 03 → Q29
- Program operations 04 → Q29
- Other (Please specify) 05 → Q29

Q29. How often do you submit reports to a Federal or State agency? Check all that apply.

Report Type	Daily	Weekly	Monthly	Quarterly	Annually	Less than Annually	Not Applicable
	01	02	03	04	05	06	07
Financial	<input type="checkbox"/>						
Program integrity	<input type="checkbox"/>						
Program participation	<input type="checkbox"/>						
Program operations	<input type="checkbox"/>						
Other	<input type="checkbox"/>						

Q30. How do you typically submit reports to the Federal or State agency? Check all that apply.

- Hard-copy/paper 01 → Q31
- Electronic copy via email 02 → Q31
- Electronic copy via an electronic web-based reporting system 03 → Q31

INTERNAL INFRASTRUCTURE AND CONTROLS

Next, we would like to ask you some questions about the internal technological resources and control procedures of your Tribe.

Q31. Do you have high-speed internet connection such as broadband or DSL for your Tribal agencies?

- | | |
|---|----------|
| <input type="checkbox"/> Yes, all agencies | 01 → Q33 |
| <input type="checkbox"/> Yes, some agencies | 02 → Q32 |
| <input type="checkbox"/> No | 03 → Q32 |

Q32. Please indicate the reasons why a high-speed internet connection such as broadband or DSL is not available for all agencies within your Tribal Government. Check all that apply.

- | | |
|--|----------|
| <input type="checkbox"/> High-speed internet too expensive | 01 → Q33 |
| <input type="checkbox"/> High-speed internet not available in all areas of our reservation | 02 → Q33 |
| <input type="checkbox"/> Not all agencies need a broadband internet connection | 03 → Q33 |
| <input type="checkbox"/> Some other reason (Please specify) | 04 → Q33 |
-

Q33. Please indicate the internal structures your Tribe has in place to support the programs (both nutritional and non-nutritional) that you administer. Check all that apply.

- | | |
|--|----------|
| <input type="checkbox"/> Written financial governance policies | 01 → Q34 |
| <input type="checkbox"/> Written IT governance policies | 02 → Q34 |
| <input type="checkbox"/> An internal auditing system and/or internal auditing staff | 03 → Q34 |
| <input type="checkbox"/> A written disaster recovery plan for your IT infrastructure | 04 → Q34 |
| <input type="checkbox"/> A written information and data security plan | 05 → Q34 |
| <input type="checkbox"/> A written risk management plan | 06 → Q34 |
| <input type="checkbox"/> Computerized financial and administrative records | 07 → Q34 |
| <input type="checkbox"/> Paper-based financial and administrative records | 08 → Q34 |
| <input type="checkbox"/> A written policy protecting personally identifiable data (PII) such as social security number, beneficiary ID, etc. | 09 → Q34 |
| <input type="checkbox"/> A written policy protecting the identity of a child receiving meals | 10 → Q34 |
| <input type="checkbox"/> Written non-discrimination and civil rights policies | 11 → Q34 |
| <input type="checkbox"/> Technical assistance staff (e.g. Nutrition experts, policy experts) | 12 → Q34 |
| <input type="checkbox"/> Other policies (Please specify) | 13 → Q34 |
-
- | | |
|---|----------|
| <input type="checkbox"/> We have no structures in place | 14 → Q34 |
|---|----------|

Q34. When did your Tribe last conduct any of the risk assessment processes listed below?

	We do not have this process	Less than 6 months ago	6 months to less than 1 year ago	1 year to less than 3 years ago	3 years to less than 5 years ago	5+ Years ago
A written disaster recovery plan for your IT infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A written risk management plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A written information and data security plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q35. Please indicate which of the following IT staff that you have in your Tribal Government. Check all that apply.

<input type="checkbox"/> Chief Information Officer	01 → Q35a
<input type="checkbox"/> Chief Security Officer	02 → Q35a
<input type="checkbox"/> Systems Administrator(s)	03 → Q35a
<input type="checkbox"/> Network Manager(s)	04 → Q35a
<input type="checkbox"/> None of these staff members	05 → Q36
<input type="checkbox"/> Other (Please specify)	06 → Q35a

Q35a. Will these staff be available to take on new programs?

<input type="checkbox"/> Yes, we will not need to hire new staff	01 → Q36
<input type="checkbox"/> Yes, but we will have to add new staff to support them	02 → Q36
<input type="checkbox"/> No, they will not be available so we need new staff	03 → Q36
<input type="checkbox"/> We don't know yet	04 → Q36

Q36. Do you have a website that describes all social services/assistance programs your Tribe offers? Check all that apply.

<input type="checkbox"/> Yes, we have a Tribe-run website that lists this information	01 → Q37
<input type="checkbox"/> Yes, we have a Tribe-run social media page (such as Facebook, Twitter) that lists this information	02 → Q37
<input type="checkbox"/> Yes, we link to a Federal or State-run website where members can get this information	03 → Q37
<input type="checkbox"/> No. Our website or links to other Federal or State-run websites are only for <u>some</u> social services/assistance programs.	04 → Q37
<input type="checkbox"/> No.	05 → Q37

Q37. Thinking about the programs your Tribal Government administers, in general how do your members apply for services? Check all that apply.

- Online via a Tribal-run website
- Online via a Federal or State-run website
- In person at an office located on the reservation
- In person at an office located at a local State or county office
- In person at local events (pow-wows, flea markets, other community activities)
- Over the telephone with a Tribal Government employee
- Some other way (Please specify)

Thank you!

Thank you for taking time to complete this survey. As we noted at the beginning, all of the information you provided will be reported as aggregate or grouped data and will only be used for the purposes of this study.

Please provide the following information about any staff members who have assisted with completion of this survey.

	Job Title	# of Years In This Position
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

If you have any questions about completion of this survey or wish to receive your survey in an alternative format, please contact Ms. Amy Djangali of IMPAQ International at FNS_Tribal_Study@impaqint.com

Appendix C. Site Visit Agenda and Interview Protocol

Sample FNS Study Site Visit Itinerary

Sample Itinerary	
Day 1	Time
Site visit team arrives onsite and prepares for visit	Afternoon
Dinner / invite Tribal leader(s) to join us at their own cost	Evening
Day 2	Time
Greet leadership, learn about Tribal history, introduce study and purpose of visit	9:00 AM - 10:00 AM
Interview Tribal leader(s) and Program Management <ul style="list-style-type: none"> • General interest in administering FNS programs • Experience with other programs (FNS or otherwise) 	10:15 AM - 11:30 AM
Interview(s) Tribal staff (e.g., program staff, someone from HR, someone from IT, someone from operations. We can do individual interviews or small groups): <ul style="list-style-type: none"> • Staffing, hiring, training • Communication among managers • Experience starting up a new program 	9:30 AM - 11:30 AM
Lunch	11:30 AM - 1:00 PM
Visit/walkthrough of current program settings (if Tribe wishes)	1:00 PM - 1:30 PM
Interview(s) Tribal staff (e.g., program staff, someone from HR, someone from IT, someone from operations. We can do individual interviews or small groups): <ul style="list-style-type: none"> • Physical infrastructure • IT's role in maintaining data, internal and external reporting • Funding expectations 	1:45 PM - 3:30 PM
Day 3	Time
Meet with any additional interviewees that the Tribe has selected, or continue discussions, as Tribe prefers	9:00 AM - 11:30 PM
Lunch (we can do on our own, or with Tribal members/staff, as Tribe prefers)	11:30 AM - 12:30 PM

PART A: INTERVIEW DISCUSSION GUIDE

The OMB Control Number for this information collection is 0584-XXXX and the expiration date is XX/XX/XXX.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information is 0584-XXXX. The time required to complete this information collection is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

1. FNS Tribal Feasibility Study: Overview for Interviewers

IMPAQ International, LLC, and its partners Bowman Performance Consulting and WMRA (collectively the IMPAQ team) are conducting a study to ascertain Indian Tribal Organizations' (ITOs) interest in administering specific United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) programs (National School Lunch Program/School Breakfast Program, Summer Food Service Program, and the Supplemental Nutrition Assistance Program, aka "food stamps"). This study is also gauging the feasibility of ITO administration, including any legislative or regulatory adjustments that may be needed. As part of this research, the IMPAQ team will conduct interviews with Tribal members and employees at up to 16 sites. An overview of the interviews to be conducted is presented below.

1.1 Purpose of the Interviews

Interviews with Tribal/ITO members and staff will be used in combination with information gathered through a survey that is being delivered to all Federally recognized Tribes (566). The survey will be available for completion on the web, by telephone, or in hard copy. The purpose of the interviews is to add depth to the information collected by the survey. With this information we will provide Congress with a report that indicates both the breadth and depth of ITO interest and resources.

The survey and interviews are considering three dimensions of resources:⁸²

- **Leadership and Management:** The resources leaders have to prioritize, make decisions, provide directions, innovate, as well as monitor, assess, and respond to internal and external changes
- **Operations and Workforce Resources:** The tools at the ITOs disposal to ensure the effective and efficient use of resources
- **Infrastructure:** The resources ITOs have to implement key organizational and programmatic functions

⁸² Adapted from the Marguerite Casey Foundation's Organizational Capacity Assessment Tool. Available at: <http://caseygrants.org/resources/org-capacity-assessment/>

1.2 ITO Interviewees

It is expected that 8 ITO leaders/staff will be interviewed at each ITO, on average. This will include 2 leaders and 6 program staff. Program staff may be individuals from existing FNS programs administered by the ITO, or from other programs administered by the ITO (some sites will have large programs like TANF, some may only administer smaller programs).

1.3 Site Selection

We will be visiting a purposive sample of up to 16 sites. Sites will be selected based on several factors, one of which will be ITO experience administering programs. Our goal is to talk to individuals in ITOs with different levels of experience.

2. Interviewer Preparation

2.1 Scheduling

Once ITOs have been selected and agreed to participate, an IMPAQ team member will schedule and coordinate all site visits. This task will involve:

- 1) Assigning sites to site visit teams;
- 2) Identifying an appropriate on-site liaison to discuss potential interviewees and to assist in the scheduling of the visit;
- 3) Confirming basic information about the ITO, such as:
 - Correct designation – is this a Tribe, a consortium, etc.,
 - Which of the 4 FNS programs the ITO is interested in,
 - Whether the ITO currently administers any other FNS programs (WIC, FDPIR, etc.),
 - Whether the ITO currently operates any other FNS programs, and
 - Whether the ITO currently administers any other benefits programs (such as TANF, Energy Assistance, HUD, etc.); and
- 4) Providing all site visit details to assigned team members.

2.2 Training and Materials

In-depth training for leader/staff interviews will occur approximately 2-4 weeks prior to the start of site visits. Training of all staff will take place in IMPAQ's Columbia, MD office and occur over a period of 2 days. Detailed manuals and other relevant materials will be developed for use during training.

In addition to this guide, we will use diagrams to facilitate discussions about the state and local responsibilities involved with the FNS programs a) in general, and b) for each of the 4 specific programs. These diagrams are provided in Section 4.

In the remainder of this guide, italicized text indicates information for interviewers. Text that is not italicized is meant to be shared with respondents. While this guide is not intended to be used as a script, it is important that during a visit, researchers cover all of the information in the guide.

3. Interview Discussion Guide

3.1 Introduction/Purpose of the Study

Good morning/afternoon. My name is *[name]* and I'm from *[company]*. My role on the study is *[role]*. First let me begin by thanking you for letting us be a guest in your community and giving us an opportunity to visit with you today. *[Other site visitor to introduce him/herself. Ask respondent to introduce anyone who has not been introduced: Name, role in the Tribe.]*

IMPAQ International (Prime Contractor) is working with Bowman Performance Consulting (BPC), a Native American research company from Wisconsin *[or WRMA from Washington DC]* to find out two things:

1. Whether Tribes are interested in administering Food and Nutrition Service (FNS) programs
2. If interested Tribes have the resources to do so –that is, whether Tribes have what they would need to meet the program requirements.

The United States Department of Agriculture Food and Nutrition Service (FNS) funded this study in response to Congress, as part of the USDA's recent reauthorization of the Farm Bill. Information from our study will be provided to Congress in August 2015.

3.2 How We Selected Respondents

We are speaking with you today because you were identified as a good person to talk with about FNS programs and *[name of Tribe/ITO]*. With your permission, we would like to audio record our interview, to make sure we don't miss any important information. Is that acceptable to you? *[Thank respondent(s) if yes / No problem if no]* Would you please tell us your name, your position in the Tribe, and share your background especially related to *[FNS/other benefits]* programs with the *[name of Tribe/ITO]*?

3.3 Purposes of Interview

For our interview today, we are asking about *[number]* FNS programs in particular:

- Supplemental Nutrition Assistance Program (SNAP) --formerly called food stamps or *[Placeholder for local name of SNAP]*-
- The National School Breakfast Program,
- The National School Lunch Program, and
- The Summer Food Service Program, which provides food to children when the school lunch and breakfast programs are not in operation.

We would like your input about the *[Tribe's/ITO's⁸³]* interest in taking over the administration of these programs. We're interested in your feedback in several areas, including: which of the program services, functions and activities interest the Tribe, and any challenges (including Federal regulations) you believe could impact the Tribe's administration of these FNS programs.

Our visits with Tribes are to help us explain to Congress, from the perspective of Tribal members like you, what is needed to administer these programs –including recommendations to current policies and regulations that may hinder Tribal administration.

3.4 Transition & Check-In

We anticipate that it will take about 90 minutes for us to go through our interview questions. We have questions clustered around three main resource areas: Leadership & Management, Operations & Workforce, and Infrastructure.

At any time please feel free to ask for clarification on the questions we have for you. Do you have any questions about the study or the interview process that we can answer for you now? *[If yes, answer.]* Are you ready to begin?

Thank you. Before we delve into our specific questions, we have found that learning about a Tribe's history and how their Tribal governing structure was formed is helpful in gaining an understanding of how a Tribe operates. Could you tell us a bit about your Tribe's history and how the government was formed?

3.5 General Interest in Administering FNS Nutrition Programs

[Distribute program illustration(s)] We would like to start by talking about the Tribe's interest in administering these FNS programs. We thought it would be helpful if we all had the same picture in mind of what that administration looks like.

First, it will be important to clarify what we mean by program administration. For the purposes of this study, when we talk about administering specific FNS programs, this involves being responsible for the oversight, management, and monitoring of program activities. Program operation is specific to implementing day-to-day service delivery activities. *Typically, program administrators receive funding from the State or Federal government. Program Operators receive funding from the program administrator.* This is an important distinction as many Tribes/ITOs may already operate some of the FNS programs we are going to discuss today but may not be involved in program administration.

Second, if a Tribe decided to take over administration, it might do so at the state level or at the local level.

⁸³ The rest of the guide will refer to Tribes; however, you may be interviewing members of an ITO. In that case you will need to name the ITO/consortium appropriately.

For State administration of the nutrition programs,⁸⁴ there is a range of responsibilities for each program but those responsibilities generally fall into one of the following categories:

- Developing and distributing State programmatic policies and operations plans
- Providing guidance and technical assistance to local program administrators
- Maintaining and submitting records to FNS
- Instituting integrity and fraud monitoring efforts
- Overseeing local level program administration

At the local level of administration, responsibilities for the four programs generally fall into one of these categories:

- Processing applications and determining eligibility
- Providing information/education/outreach on the nutrition programs to potential applicants and recipients
- Procuring and/or delivering benefits
- Managing benefit recipient caseload
- Ensuring benefits are delivered according to Federal standards/requirements
- Maintaining program records and reporting to Federal/state entities as required

1. At which level --state or local-- do you see your Tribe implementing the nutrition program[s]?
2. Are there specific responsibilities from either the state and/or local level that you feel your Tribe would be interested in carrying out? If so, which responsibilities and why?

Repeat this discussion using the specific diagrams for the programs of interest to the Tribe.

3.6 Leadership & Management Resources

Now we would like to talk about your Tribe's experience planning and implementing programs from a leadership perspective. This is the first of the three resource areas we mentioned earlier. It includes questions about your Tribe's existing organizational structures, coordination with agencies within your Tribe, and approaches to programmatic planning

We understand from our phone conversation that the Tribe currently administers *[List programs, FNS or otherwise]*. We have a few questions about those programs. You can also tell us about any other programs like this that the Tribe administers now – or administered in the past.

1. Are these programs Federally-funded?

⁸⁴ These examples are from the general diagram, which should be used to introduce the levels of responsibility to Tribes that are interested in multiple programs. If a Tribe is interested in a single program, interviewers should proceed directly to that diagram.

2. Are they run by the Tribal Government (as opposed to a TG Board like Tribal Clinics or Tribal Schools)?
3. Does the Tribe receive reimbursement from a Federally-funded source for services, programming resources, staff, and other expenses?
4. Do these programs have external monitoring and reporting requirements for programmatic and fiscal elements?

Regarding the [4] FNS Programs...

5. How has the Tribe discussed any interest in or goals for administering FNS program?

PROBES:

- When did the Tribe start talking about it?
 - Who participates in these discussions?
 - Can you tell us what some of the main points of the discussions have been?
 - Have any major concerns or objections been raised during these discussions? If so, what are these concerns?
6. How do you think your community will respond to the idea of the Tribe administering FNS program(s)?

May we talk about the Tribe's Strategic Plan?

7. How often is the Tribe's strategic plan updated?
8. Has the plan been modified before to take into account new programming or services? *[If so]* can you describe the new program or service and this modification process?
9. How is this plan communicated with the Tribe?
10. Is the strategic plan used to help guide daily decisions?
11. How often does the tribal leadership meet to formally discuss progress made on strategic goals?

12. Are their common indicators of success that the Tribe uses from the elected leadership down through program areas? *Example: number of new jobs created number of newly trained staff, percent increase in budgets, level of tribal member satisfaction, etc.*
13. How do you measure progress of the Tribe in meeting strategic goals? Thinking back to the programs that you told us about administering [*discussed earlier*], how do you measure progress of departments or programs in meeting strategic goals? Do you require all programs to contribute to the Tribe's annual report? [*If so, request copy.*]
14. Can you talk about how administering the FNS programs would fit into the Strategic Plan?
15. How do you think the Tribe would meet the demands of FNS program administration? We are thinking about growing existing infrastructure and resources.

PROBES:

- Can you describe the existing connections and/or relationships that the Tribe has with other State or Federal departments?
 - Which State departments do you have experience with in terms of program implementation or administration?
16. Can you discuss the challenges you have experienced in implementing other federal/state programs such as the Food Distribution Program on Indian Reservations (FDPIR) program or Temporary Assistance for Needy Families (TANF), and how you have handled these challenges?
 17. How often do levels of Tribal government and the workforce meet to address performance data, or achievement of short and long-term goals?

PROBES:

- What data does the Tribe regularly collect? [*E.g., census-type data, school data, resource-use data.*]
 - Who collects it?
 - How frequently?
 - How is it shared with other decision-makers?
 - [*If experienced with FNS programs*] Does your organization have experience using data to inform decisions related to FNS programs?
18. Is there anything else that you think we should understand about the Tribe administering FNS program(s)?

Now we have some questions about how your Tribe has identified the need for and developed and adjusted in order to implement new programs.

19. Tell us about the Tribe's past experience with starting up new programs or expanding an existing one.

PROBES:

- What conversations or processes went into deciding to start or expand a new program?
- How would the Tribe go about investigating if they were ready to take over an FNS program? What would you do, who would you talk to, what would have to be in place?

20. Based on your previous answer, tell us about the details of that planning, development or expansion and implementation process.

PROBES:

- Please provide details on the adoption and implementation process.
- What was the annual program budget (approximately) and how many staff were employed under the program?
- What were some of the strengths of the implementation process for the new (or expanded) program?
- What were lessons learned?
- What would you do different next time? Does your Tribe have the resources to make those adjustments in the future?

21. How does the Tribe measure and monitor whether programs are being implemented according to institutional requirements?

PROBES:

- Does your Tribe have experience conducting administrative reviews of programs to ensure compliance with institutional and/or Federal programmatic requirements?
- Can you walk us through a recent review that the Tribe has done for one of the programs it administers?
- How often is this kind of review done?
- How are non-compliance issues handled? (*For example a Process Improvement Plan?*)

22. Do you have internal audit staff? If so, how are Tribal audits performed?

23. When planning across programs or departments, how does the Tribe communicate and share data/information (such as demographics, quarterly outcomes, etc.)? Can you provide an example of how the Tribe has shared information across programs/departments?

PROBES:

- What network or database does the Tribe currently use internally?
 - Specifically how does the Tribe share data internally and how often?
24. What are the communication strengths and challenges that the Tribal departments/programs experience when they share information? What resources or capacities would be needed to improve this?
25. Does the Tribe have a shared network or other “common database” where all programs/departments can enter, share, have access to, and retrieve data? If yes, please explain. If not, where are centralized data stored?
26. When new Tribal employees and leaders join the government workforce, how do they learn about the communication and data systems of the Tribe?
27. What are the communication strengths and challenges that the Tribe encounters when they share information externally to other agencies? What resources or capacities would be needed to improve this?
28. When we were talking about Leadership earlier, we discussed how data informs the Tribe’s Strategic Plan. We also would like to know about how the Tribe uses data on a more ongoing basis -- for Tribal initiatives or program planning. When Tribal employees or leadership use data, how do you know it is up to date and accurate? What is the process for ensuring updated information is available?
29. Please share an example of how the Tribe uses data for program planning, decision making, or evaluating whether strategic direction, impact, or intended outcomes have been met?
30. Please tell us how often tribal council, division or department leaders (senior administration/management), and program managers (mid-level) meet formally to discuss the Tribes programs, operations, and initiatives.

PROBES:

- Are there typed notes/agendas?
- Do tasks get assigned & are deadlines set?
- How is information or tasks from one meeting followed up on for the next meeting?

Do you have questions for us so far?

3.7 Operations and Workforce Resources

Now we have some questions about the how your Tribe/ITO operates and utilizes resources. This is the second of the three resource areas. These questions will address your organization's existing management approach, organizational structure, staffing, and other resources, in the context of administering an FNS program. Your responses will help us make sure we're not overlooking any resources or assets that the Tribe is already using.

1. In thinking about administering a new program, what are some of the strengths and skills of your Tribe's current staff?
2. Are there things about your workforce that you would like to improve on?
3. Can you describe the range of positions for which the Tribe hires staff? What efforts do these staff support?
4. Generally, how does the Tribe identify and hire qualified staff members? Can you describe the processes and procedures involved?
5. Does the Tribe currently employ an adequate number of staff with the needed skills and abilities to implement existing policies, programs, services, etc.?

[If yes] How have you worked to staff your Tribe to work at this capacity?

[If not] What has prevented your Tribe from hiring a sufficient number of qualified staff?

6. Can you tell me about how many people the Tribe currently employs to administer any public assistance programs? About how many years' experience do these people typically have?

PROBES:

- Can you tell us about a recent experience hiring staff?
- Has your Tribe encountered challenges in recruiting and retaining qualified workers to administer current programs?
- Do you have any staff or recruitment incentive programs?

7. Right now, there are rules that require staff performing specific tasks under certain FNS programs to be Federal or state employees or Merit employees. Do you currently have any Federal or state employees supporting programs your ITO administers?
8. What types of IT personnel does your Tribe employ? How many IT employees do you employ?

PROBES:

- What certifications do they have?
 - What types of IT systems do they currently work with?
 - What types of tasks do they perform daily/on a regular basis?
9. How does your Tribe ensure that IT staff have adequate skills and abilities to perform all required tasks?

PROBE: What types of training/professional development resources are available to your IT staff?

10. Do you see any other operational, workforce or other resource barriers to the Tribe administering their own FNS program(s)? If so, please explain and provide details about what additional support would be needed.

[For Tribes with existing FNS experience]

11. Thinking about your *[existing FNS program]*, can you tell us about the staff training that it involved?

PROBES:

- Multiple days?
 - Onsite/offsite?
 - By State people/Contractors/Feds/Staff from Experienced Tribes?
12. What type of feedback did you receive on the trainings?

PROBES:

- What parts do you think were successful?
- Were there areas where that staff wanted more information?

- Do you know if there are refresher trainings available for staff?

13. How do you keep track of who needs training?

[For Tribes currently running other large-scale programs –such as TANF, Energy Assistance, HUD programs, etc.]

We'd like to talk for a minute about how you approach employee reviews/evaluation.

14. Can you describe your Tribe's employee review process?

PROBES:

- When and how often are these reviews conducted?
- Do you provide any “extra incentives” for good performance, or improvement?
- Do you have a blank employee evaluation form that you could share with us?
- How do professional development trainings fit into this process?

15. Is there anything else you would like to tell me about Tribal personnel?

Next, I have a few questions about the way management communicates.

16. Can you tell me how program management and staff communicate within your existing programs?

PROBES:

- How involved is leadership? What role does your leadership play in this process?
- How often are you updated?
- How are you updated [meetings, reports, 1-1 informal check-ins]?

17. Are there any Tribal policies about communication that are typically put in place at the beginning of a new program? Any program-specific communication policies that are common?

18. Can you provide examples of any Tribal operating manual, or guidelines, or policies related to a service?

19. *[If they have an example]* Can you tell me about the process of developing and sharing that [guide/policy/manual]?

PROBES:

- How long did it take?
- What people or offices were involved?
- How did you send it out when it was done? (Hard copy, electronically).
- Where does it 'live' now –that is, where do people go if they need to see it?
- How often is it reviewed or updated?

3.8 Infrastructure Resources

Now we would like to talk about your Tribe's existing assets, policies, and procedures that may help facilitate the daily operations involved in administering FNS nutrition programs. This is the last of the three resource areas and includes questions about your organization's existing physical and systemic infrastructure, financial resources, and professional staff. Your responses will help us gain an understanding of what aspects of the FNS nutrition programs your organization could implement at this point in time, as well as what resources your Tribe would require to expand its resources to implement these programs.

We would like to start out by talking about your organization's physical infrastructure.

1. Please describe the physical infrastructure of your organization? This can include physical office space, IT equipment (computers, copiers, printers, scanners) and vehicles.

[For sites w/ FNS knowledge/experience]

2. If you were to consider the implementation of the *[name FNS program(s)]*, would you expect that your Tribe could meet the physical infrastructure capacities? If so, please explain. If not what additional physical resources/capacities do you think would be needed?

PROBES:

- Can you describe the physical buildings and/or office space your organization has access to?
 - What types of vehicles does your organization have access to?
 - Can you describe your organizations IT infrastructure? What are the primary functions of the IT system?
 - Are limitations in infrastructure (physical buildings, office space, computers, copiers, printers, vehicles, etc.) often barriers for getting work done successfully?
 - In the past how has your organization expanded physical infrastructure capacities (space, vehicles, computers, etc.) when it has been required?
3. Do you operate any programs that require determining whether program applicants are eligible to receive a specific set of benefits?

[If so] PROBES:

- Is this process automated? If yes, how often do you have to update this automation?
- What processes and procedures are used to verify the accuracy of applicant data?
- What processes and procedures are used to determine eligibility?
- What processes and procedures are used to maintain applicant files?
- What processes and procedures are in place for client notification?
- What processes and procedures are in place for recertification?

4. Do you have experience in procuring technology services from a third-party vendor?

[If so] PROBES:

- How did you solicit and obtain these services?
- What has been your experience working with these vendors?
- How do you monitor the quality of the services that they provide?

5. Do you operate a program that requires regular submission of reports to either federal or state agency?

[If so] PROBES:

- What types of reports are prepared and submitted? And to whom?
- What different types of information do these reports provide?
- How are these reports prepared? Who prepares them?
- How has your organization worked to meet the different reporting requirements of different organizations/agencies?

6. Can you describe the current state of your organization's technology or IT systems for collecting data and reporting (internal or external)?

PROBES:

- If you are familiar with the requirements related to administering and implementing [FNS program(s) of interest], do you feel that the Tribe's technology/IT system for collecting and reporting data meets these requirements? [If yes] Please explain.
- What security systems are in place to protect client data?
- What back-up processes are in place to store client data?
- [If no] What added system upgrades, equipment, software, hardware, or IT staff development might you need?

7. Would you please describe your organization's financial governance policies? How often do you monitor compliance with these policies?

8. Would you please describe your organization's IT governance policies? How often do you monitor compliance with these policies?
9. Would you please describe your organization's processes and procedures for maintaining records and sharing data?

PROBES:

- How does the Tribe maintain administrative and service records? How does your organization plan and prepare for audits?
 - How does the Tribe manage the disclosure of data that contains personally identifiable data?
10. Would the *[FNS program(s)]* pose any issues or strain on your financial or accounting departments with regard to a new reimbursement process?

[If not] Please explain how the Tribe could currently meet the administration requirements related to implementing a new reimbursement process.

[If yes] Please explain what additional resources/capacities you would need to develop.

11. If federal financial support cannot fully fund expansion in operational and human resources, how might the Tribe plan to finance the necessary expansion?

PROBES:

- Does the Tribe have existing funds/resources that could support expansion in these areas? If so, how would these resources be accessed? Are there restrictions in the use of these funds?
- How, if at all, has the Tribe funded (at least in part) the startup or expansion of other programs in the past?
- Would the Tribe be able to leverage activities performed under other programs in order to meet the requirements of FNS programs? For example, your organization may already provide nutrition education programming that includes food delivery inspection, etc.

3.9 Wrap Up

Those are all the questions that we have for you today. Thinking of all the topics we covered, across the different resource areas, is there anything else you would like to share?

Thank you for taking the time to speak with us. This discussion has been very informative and helpful. If you think of any additional information you would like for us to know, please feel free to contact me directly. *[Give business card]* If I have follow-up or clarifying questions, may I contact you?

Appendix D: Supplemental Nutrition Assistance Program: Detailed Administrative and Legislative Requirements

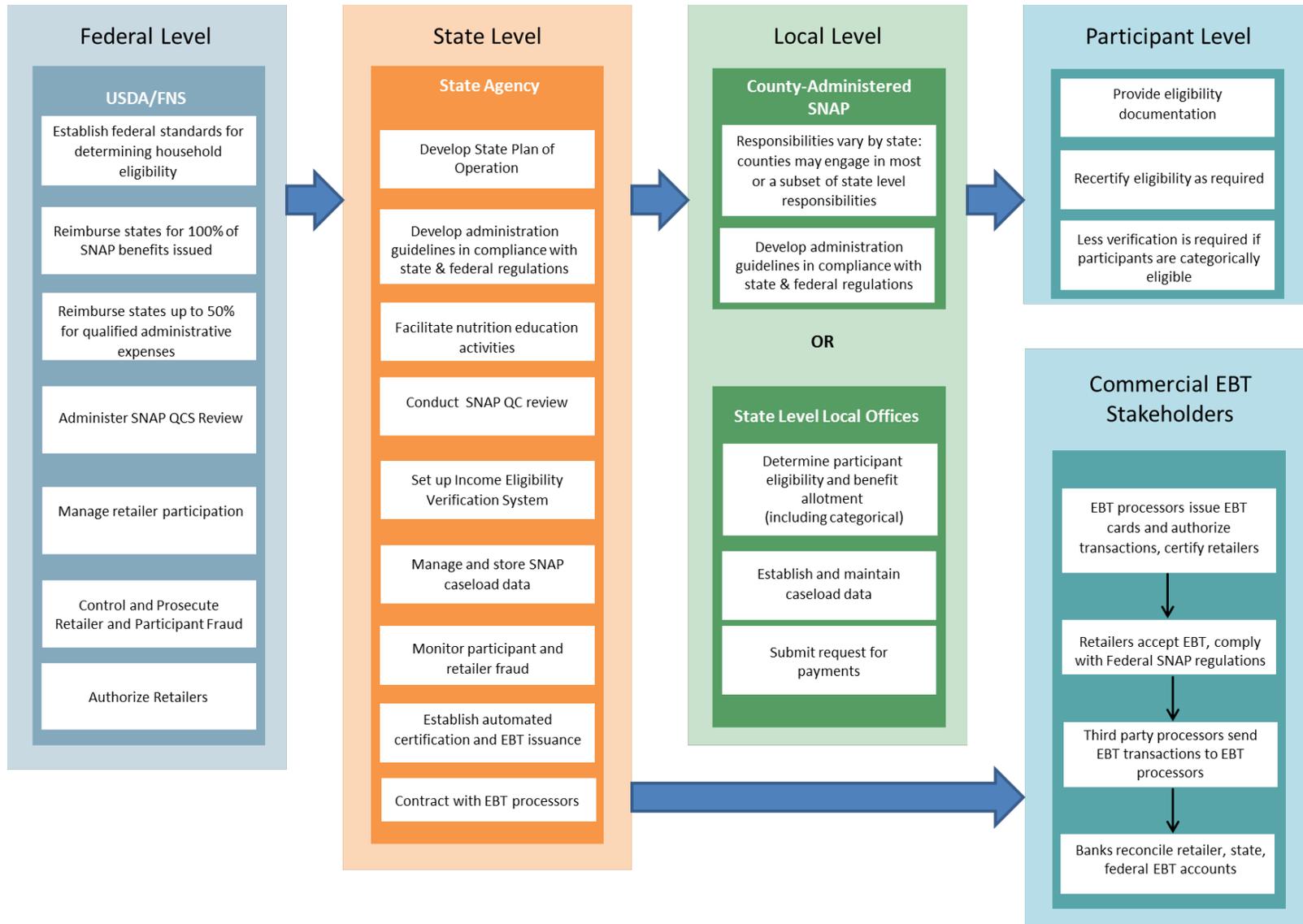
The Federal government, States, local offices, and commercial EBT stakeholders each have specific roles and responsibilities in the administration of SNAP. These roles are outlined in Exhibit D1 and discussed in detail below. Key legislative and regulatory requirements are listed in Exhibit D2. Of note, the research team worked with FNS to determine the most relevant legislative and regulatory requirements with regard to Tribal administration of SNAP in whole or part. Moreover, the research team's approach for assessing capacity was not to measure Tribes against specific program activities, but rather to assess Tribes' experience with similar activities in other Federal and non-federal non-nutrition programs. Consequently, not all SNAP program regulations such as SNAP Employment and Training or SNAP-Ed are provided in detail.

At the Federal level, FNS is responsible for administration of SNAP. FNS pays 100 percent of the food benefits delivered through the program and approximately 50 percent of State agency administrative costs. FNS also provides 100 percent funding for nutrition education and employment and training activities through a formula grant.

Other primary responsibilities of FNS and its seven regional offices include:

- Establishing Federal standards for determining household eligibility and benefit levels
- Providing oversight to ensure that States implement SNAP in accord with national requirements
- Monitoring proper payment of benefits through the SNAP Quality Control System
- Authorizing retailers to accept SNAP benefits and monitoring authorized retailer compliance in accordance with Federal rules and regulations
- Connecting with EBT host processors and assisting States in EBT procurement activities

Exhibit D1. Roles and Responsibilities in Administering SNAP



- Providing program guidance and technical assistance to States
- Providing program evaluation and monitoring

FNS provides State agencies with leadership, direction, policy guidance, coordination and assistance on how to implement federal SNAP regulations. The Regional Offices provide administrative oversight by conducting State and local level management evaluations that monitor State compliance with all administrative areas. Should a State be found out of compliance with Federal requirements, the Regional Office will work with States to develop a corrective action plan that addresses the compliance issues.

Outlined below are key administrative functions performed at the Federal level.

D.1. FEDERAL LEVEL RESPONSIBILITIES

D.1.1. Establishing Uniform National Eligibility Standards

The Food and Nutrition Act of 2008, as amended, defines SNAP households, categories of households eligible for benefits, income and resource limits, allowable exclusions and deductions from income, and other nonfinancial criteria used to determine eligibility.

Households. A household is defined as individuals who live together and customarily purchase and prepare food together.⁸⁵ The income and countable resources of each household member are aggregated to determine household eligibility and benefits.

Income Eligibility Standards and Resources. Households must meet standards of gross income (130 percent of the Federal poverty limit) and net income (100 percent of the Federal poverty limit) to receive benefits. These standards are established in the Food and Nutrition Act of 2008, as amended. Similarly, household eligibility is dependent on meeting resource limits as established in this Act. Resource limits are indexed to inflation; resources include cash, resources easily converted to cash, and some non-liquid resources. Some types of property, such as

⁸⁵ Individuals who live together but do not purchase and prepare food together may apply as separate households. Spouses must apply together, and parents must apply together with their children under age 22. Elderly and disabled individuals who cannot purchase and prepare food because of substantial disability may apply as separate households as long as the gross monthly income of the remainder of the assistance unit is less than 165 percent of Department of Health and Human Services poverty guidelines. U.S. Department of Agriculture, Food and Nutrition Service, Office of Policy Support, Characteristics of Supplemental Nutrition Assistance Program Households: Fiscal Year 2012, by Kelsey Farson Gray and Esa Eslami. Project Officer, Jenny Genser. Alexandria, VA: 2014

retirement and education savings accounts, family homes, certain vehicles, and business property, are not counted as resources.

Categorical Eligibility. Categorical eligibility simplifies the administration of the program by stipulating SNAP eligibility for certain households. By law, households whose members receive cash benefits from another means-tested program, including Supplemental Security Income (SSI), cash TANF, or general assistance, are categorically eligible for SNAP. Income and assets for categorically eligible households are determined by the means-tested program conferring eligibility. Categorically eligible households must meet all other SNAP requirements and have net incomes low enough to be eligible for benefits. These households must provide documentation of income and certain expenses to enable calculation of household benefit amounts.

States have the option of adopting a policy referred to as broad-based categorical eligibility (BBCE), which expands SNAP categorical eligibility to households that receive non-cash benefits that are at least 50 percent funded by TANF assistance or maintenance-of-effort funds. Under BBCE, a State aligns its asset and income limits with the non-cash-benefit TANF program that confers categorical eligibility. By law, BBCE households must have a gross monthly income at or below 200 percent of the Federal poverty guideline. These households must meet all other SNAP rules and have net incomes low enough to qualify for SNAP. Of the 42 States that have adopted BBCE, 37 States do not have an asset limit.⁸⁶

Nonfinancial Eligibility Standards. These standards restrict the participation of strikers, individuals who are institutionalized, fleeing felons, drug felons, students enrolled half-time or more in an institute of higher education, and many noncitizens. Noncitizens who have lived legally in the U.S. for at least five years, are recipients of disability-related assistance or benefits, or are children under 18 are eligible to receive SNAP benefits. Those admitted as refugees or granted asylum status are eligible for seven years; however, after five years, they also qualify under the provision granting eligibility to those with five years' legal residency status. All noncitizens need to satisfy the same SNAP income and resource-limit requirements as citizens.

Able Bodied Adults Without Dependents (ABAWDS). The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 limits the receipt of SNAP benefits to three months in a three-year period for nondisabled childless adults aged 18–49, also known as “able-bodied adults

⁸⁶ <http://www.fns.usda.gov/sites/default/files/snap/BBCE.pdf>. Retrieved on February 8, 2016.

without dependents” or “ABAWDs”, who are not working 20 or more hours per week, participating in a workfare program, or participating in and complying with the requirements of a work program for 20 hours or more each week. There are some exceptions, which vary with location, and States have flexibility to seek waivers for this provision.⁸⁷

D.1.2. Calculating Benefit Amounts

Monthly SNAP benefits are computed on the basis of net⁸⁸ monthly income and household size. Maximum benefits are based on the cost of the Thrifty Food Plan⁸⁹ and vary by household size. Eligible households are expected to spend 30 percent of their net income on food.⁹⁰ A household’s actual SNAP benefit is calculated by subtracting the benefit reduction rate, 30 percent of the household’s net income, from the maximum benefit for that household size. Each year, maximum and minimum allotments and other program parameters, such as the standard deduction, are adjusted for inflation.⁹¹

D.1.3. Monitoring Program Integrity: SNAP Quality Control

SNAP Quality Control (QC) is required by regulation 7 CFR Subtitle B, Chapter II, Subchapter C, Part 275. The Federal government, through the FNS Regional Offices, provides monitoring and oversight for the State agency SNAP program; QC is part of the monitoring process. States are subject to fiscal penalties if their payment error rates are persistently higher than the national average. States may receive incentive payments for having very low or improved payment error rates. States also may receive incentive payments for high timeliness or high program access rates.

⁸⁷ <http://www.fns.usda.gov/snap/able-bodied-adults-without-dependents-abawds>. Retrieved on May 28, 2015.

⁸⁸ Net income is defined as gross cash income minus certain deductible expenses such as a standard deduction, earned income deduction, dependent care, medical care, child support payments, and excess shelter expenses (calculated as shelter costs that exceed 50 percent of countable income after all eligible deductions are subtracted from gross income).

⁸⁹ *The Official USDA Food Plans: Cost of Food at Home at Four Levels, U.S. Average* annual reports provide four different cost levels for a nutritious diet. The Thrifty Food Plan is one of the four cost levels. The reports can be retrieved at <http://www.cnpp.usda.gov/USDAFoodPlansCostofFood/reports>.

⁹⁰ Fitzgerald, K., Holcombe, E., Dahl, M. & Schwabish, J. (2012, April). *The Supplemental Nutrition Assistance Program*. Washington, DC: Congressional Budget Office, Budget Analysis Division & Health and Human Resources Division.

⁹¹ <http://www.fns.usda.gov/sites/default/files/snap/SNAP-FY2016-Cost-of-Living-Adjustments.pdf>. Retrieved on December 15, 2015.

D.2. STATE LEVEL RESPONSIBILITIES

At the State level, States have the flexibility to choose from among various policy options when administering SNAP.⁹² This flexibility helps States better target benefits to those most in need, streamline program administration, and improve coordination with other programs. For example, States may waive recertification interviews for elderly and disabled individuals with no income, determine appropriate timelines for reporting changes in financial circumstances, and determine penalties for failing to comply with work requirement programs. Together these options enable States to tailor their programs to meet the needs of their SNAP-eligible populations.

States administer SNAP through local offices or by passing Federal administrative funds to county agencies. Specific activities conducted by local offices and counties are described below. Some of the administrative functions that occur at the State level include:

- Developing and maintaining a State Plan of Operation.
- Providing program administrators with operating guidelines and forms.
- Ensuring that all program administrators engaged in SNAP certification meet Federal requirements, such as having bilingual staff as needed. States must also ensure that staff conducting certification interviews are employed in accordance with current standards determined by the Office of Personnel Management, that is, that they are merit-system personnel.
- Using an income and eligibility verification system that draws relevant participant data from the State Wage Information Collection Agency, Social Security Administration, Internal Revenue Service, and the State agency administering Unemployment Insurance benefits.
- Developing plans (Automated Data Processing/Computerization of Information Systems plans) and managing systems that, at a minimum, automate certification and EBT issuance, reconciliation, and reporting. In addition, program operations need to meet various timeliness and data quality requirements, coordinate with appropriate Federal and State programs such as TANF and SSI, and maintain an appropriate level of data confidentiality. Ultimately, States are responsible for submitting financial and performance data to FNS.
- Managing EBT systems by contracting for EBT processor services. EBT processors are responsible for issuing EBT cards.

⁹² *State Options Report*. http://www.fns.usda.gov/sites/default/files/10-State_Options.pdf. Retrieved on April 23, 2015.

- Ensuring program integrity by participating in the SNAP QC system and investigating suspected recipient fraud. The State agency has to establish a continuing performance reporting system to monitor program administration and program operations. As part of SNAP QC, States are required to draw an annual representative sample, ranging from 300 to 2,400 household cases, and thoroughly review the accuracy of their eligibility and benefit decisions. These reviews and samples are sent to FNS for re-review and calculation of State error rates.

States work with FNS to investigate suspected SNAP fraud. States are specifically responsible for intentional program violations by recipients and must establish penalties in accordance with FNS guidelines including recoupment of benefits that were improperly obtained or used, temporary or permanent disqualification from the program, and prosecution.

D.3. LOCAL LEVEL RESPONSIBILITIES

FNS holds States responsible for all activities conducted at the local level. States have the discretion to organize their operations as they see fit, and some States have State offices that conduct some of the activities listed in this section.

At the local level,⁹³ State local offices (typically in each county) or, for county-administered programs, county offices, are responsible for accepting and processing applications, interviewing clients, determining eligibility and benefits per Federal guidelines, and maintaining SNAP caseload data. In general, local responsibilities include:

- Determining participant eligibility and calculating benefits at initial certification and recertification. Local offices must verify the accuracy of information provided by participants.
- Managing an ongoing caseload, including processing changes reported by SNAP participants when applicable.
- Facilitating nutrition education activities (SNAP-Ed).
- Providing information about SNAP to eligible or participating households.
- Maintaining records and ensuring payment accuracy.

⁹³ While this report delineates responsibilities at the State and local level, in practice the delineation is not absolute. States have the discretion to organize as they see fit; some State offices do some of the activities listed as the responsibility of local offices. It is important to note that Federal guidelines stipulate that FNS holds the States, not the local offices, accountable.

Most local SNAP offices must conduct interviews at initial certification and at least once every 12 months thereafter. With the advent of online applications and State waivers for telephone interviews in lieu of face-to-face interviews, applicants increasingly have the option to complete their application and certification without visiting the SNAP office. As of June 2015, most States had been granted waivers for face-to-face interviews; all States provide options for telephone interviews at initial certification, recertification, or both. As of December 2015, 43 States offered online applications.⁹⁴ All States must allow individuals to apply for SNAP benefits when they apply for TANF or SSI benefits.

According to the Food and Nutrition Act of 2008, as amended, and SNAP regulations, States must process applications for SNAP benefits within 30 days of receipt. Moreover, applications from households with extremely low income or resources must be processed within seven days under the expedited SNAP eligibility rules.

SNAP participants are required to report certain changes in household circumstances during their certification period. The frequency of reporting may vary according to State agency policy. SNAP households must reapply and be interviewed at the end of their certification periods to be recertified for SNAP. Certification periods vary in length and are most often 6 or 12 months, or 24 months for elderly and disabled households.

States must collect and maintain a large amount of data for each household that applies for and participates in SNAP. This information includes key family demographics, such as number of people in the household, age, gender, race, and so on; earned and unearned income, assets, and deductions including shelter, utility, medical, and childcare expenses; case actions such as issuances, notifications, and recertification; and household contact information.

States contract with an EBT processor to manage SNAP benefit issuance. In most cases, EBT processors also issue EBT cards for SNAP-eligible participants. EBT processors and third-party processors provide SNAP authorized retailers with point-of-sale equipment and service so they can conduct EBT transactions. The State's EBT Processor and third-party processors providing service to retailers also interface with the banking system to manage redemption of SNAP benefits.

⁹⁴ <http://www.fns.usda.gov/snap/apply>. Retrieved on December 15, 2015.

Exhibit D2. SNAP Legislative Requirements

SNAP Regulation	Topics Covered	Relevant Subparts	Relevant Policy Memos
Regulations: Title 7, Subtitle B, Chapter II, Subchapter C, Food Stamp and Food Distribution Program			
7 CFR 271.1 to 271.8	General information and definitions	<p>271.3 – Delineates responsibilities of FNS for SNAP program administration, including EBT-related functions.</p> <p>271.4 – Delineates responsibilities of State agencies for SNAP program administration, including EBT-related functions.</p> <p>271.5 – Outlines misuse of SNAP benefits and associated penalties, which includes issues related to EBT cards.</p> <p>271.7 – Outlines allotment reduction, suspension, and cancellation procedures.</p>	
7 CFR 272.1 to 272.14	Requirements for participating State agencies	<p>272.2 – Specifies the components and content of the State Plan of Operation as well as submittal requirements.</p> <p>272.3 – Lists the guidelines that State agencies need to provide to staff. States must submit the guidelines and forms to FNS for review. Also provides rules for submitting and approving waivers.</p> <p>272.4 – Requirements on administration and personnel, including bilingual requirements, internal controls, court suit reporting, participation monitoring, hours of operation, and fraud detection.</p> <p>272.5 – Requirements on conveying program information.</p> <p>272.12 – Requirements for State agencies participating in computer matching programs.</p> <p>272.7 – Additional regulations for Alaska.</p> <p>272.8 – Regulations on obtaining and exchanging income and benefit information. States may request wage and benefit information from a list of agencies. They may also exchange information with other programs that provide benefits.</p> <p>272.10 – Requirements regarding automating food stamp program operations and computerizing the systems.</p> <p>272.9, 11, 13, and 14 – Regulations on serving the homeless and on information verification for aliens, prisoners, and the deceased.</p>	<p>Policy waivers: http://www.fns.usda.gov/snap/waivers-rules</p> <p>SNAP Policy on Immigrants and Access Issues: http://www.fns.usda.gov/snap-policy-immigrants-and-access-issues-3</p>
7 CFR 274.1 to 274.8	Issuance and use of program benefits	<p>274.1 – Requirements for State agencies regarding managing the issuance system, including an online and an offline EBT system. States may also issue benefits using an alternative system and may contract or delegate issuance responsibilities.</p> <p>274.2 – State agencies’ responsibilities in providing benefits to participants.</p> <p>274.3 – State agencies’ responsibilities in managing retailers, including new retailer participation, point-of-sale deployment, agreements with retailers, and use of third-party processors.</p>	

SNAP Regulation	Topics Covered	Relevant Subparts	Relevant Policy Memos
Regulations: Title 7, Subtitle B, Chapter II, Subchapter C, Food Stamp and Food Distribution Program			
		<p>274.4 – State agencies’ responsibility to account for all issuance through a reconciliation process and to review and submit a list of monthly reports to FNS.</p> <p>274.5 – State agencies’ responsibilities in maintaining and providing records and documents.</p> <p>274.6 – State agencies’ responsibility for issuing replacement food and cards.</p> <p>274.7 and 8 – State agencies’ obligation to ensure that benefits are redeemed by eligible households and that the EBT system meets functional and technical requirements.</p>	
7 CFR 275.1 to 275.24	Performance reporting system	<p>275.2 – Requirement that State agencies establish a performance reporting system and employ sufficient staff to implement the system.</p> <p>275.4 – Requirement that State agencies maintain system records.</p> <p>275.5 to 9 – Requirements for quality control reviews.</p> <p>275.10 to 14 – Requirements for management evaluation reviews.</p> <p>275.15 – Requirements for data analysis and evaluation.</p> <p>275.16 to 19 – Requirements for corrective action.</p> <p>275.20 to 24 – Requirements for program performance.</p>	<p>Questions and Answers on the Quality Control-Related Provisions of the Agricultural Act:</p> <p>http://www.fns.usda.gov/questions-and-answers-quality-control-related-provisions-agricultural-act</p>
7 CFR 276.1 to 276.7	State agency liabilities	<p>276.1 to 3 – State agencies’ responsibilities for establishing and maintaining control over coupons and cash and for preventing losses of Federal funds. Specifies State agencies’ liabilities for financial losses, negligence, or fraud.</p>	<p>SNAP Questions and Answers Concerning the Trafficking Controls and Fraud Investigations Final Rule:</p> <p>http://www.fns.usda.gov/snap-questions-and-answers-concerning-trafficking-controls-and-fraud-investigations-final-rule</p>
7 CFR 277.1 to 277.18	Payments of certain administrative costs of State agencies	<p>277.3 – Application requirements for Indian reservations are specified in 283.9.</p> <p>277.4 – Allowable and non-allowable State agency costs.</p> <p>277.6 – Standards for financial management systems.</p> <p>277.9 – Administrative cost principles.</p> <p>277.7, 8, 10 to 14, 16 to 18 – Detailed requirements regarding cash depositories, bonding and insurance, program income, financial reporting, records retention, property, procurement, suspension, audit, and State systems advance planning.</p>	

SNAP Regulation	Topics Covered	Relevant Subparts	Relevant Policy Memos
Regulations: Title 7, Subtitle B, Chapter II, Subchapter C, Food Stamp and Food Distribution Program			
7 CFR 278.1 to 278.10	Participation of retail food stores, wholesale food concerns, and insured financial institutions	<p>278.1 – Approval of food stores, including application and determination of authorization; rules for wholesalers, meal services, treatment programs, etc.</p> <p>278.2, 3, and 5 – Requirements for participating retail food stores, wholesale food concerns, and insured financial institutions.</p> <p>278.4 – Procedure for redeeming coupons.</p> <p>278.6 and 7 – Disqualification of retail food stores and wholesale food concerns, penalties, and determination and disposition of claims.</p> <p>278.9 – Implementation of amendments.</p>	<p>Retailer Notice on Agricultural Act of 2014 Provisions: http://www.fns.usda.gov/retailer-notice-agricultural-act-2014-provisions</p> <p>Supplemental Nutrition Assistance Program - The use of FNS-provided data on retailer disqualifications to investigate suspicious recipient transactions: http://www.fns.usda.gov/supplemental-nutrition-assistance-program-snap-use-fns-provided-data-retailer-disqualifications-0</p>
7 CFR 281.1 to 281.2	Administration of SNAP on Indian reservations: administration issues	<p>281.1 – The role of the regulations in this chapter relative to other regulations.</p> <p>281.2 – Miscellaneous administration issues: Delineates what ITOs need to demonstrate to FNS to qualify for participation. Requires States to submit plans for ITOs to review and comment on. Designates Indian reservations as separate project areas unless State agencies demonstrate reasons against such designation. Outlines functions and responsibilities that State agencies may and may not contract with ITOs. States may contract non-certification activities such as outreach, preparation of bilingual material, and translations. States may not contract certification activities such as interviews or eligibility determination.</p>	<p>In 2009, FNS approved a demonstration project waiver that allowed the Port Gamble S’Klallam Tribe to perform certification activities at the county level within a specified set of zip codes. The waiver has been extended to December 2016.</p> <p>In January 2013, the White Earth Nation applied for a similar demonstration waiver and was denied due to issues pertaining to non-merit system employees. FNS continues to work with the White Earth Nation to include it in the State outreach plan.</p>
7 CFR 281.3 to 281.4	Administration of SNAP on Indian reservations: determination of State agency failure and ITO capability	<p>281.3 – Determination of failure of State agency’s administration in Indian reservations, including request, review, warning, determination of failure, and ITO operations.</p> <p>281.4 – Determination of ITO capability: ITO provides FNS with information including its operation of government programs, fiscal capabilities, projected certification and issuance facilities, fraud hearings and claims, staffing, and civil rights assurance. FNS consults with other sources prior to determination. Upon approval, FNS determines the necessary training and technical assistance and designates the ITO as a State agency. The ITO needs to submit to</p>	

SNAP Regulation	Topics Covered	Relevant Subparts	Relevant Policy Memos
Regulations: Title 7, Subtitle B, Chapter II, Subchapter C, Food Stamp and Food Distribution Program			
		FNS State plans, proposed budget, and termination and transition arrangements.	
7 CFR 281.5 to 281.10	Other aspects of administration	<p>281.5 – Responsibilities of an ITO: Adhere to the Food and Nutrition Act of 2008. Follow guidelines on functions that ITOs may and may not contract out. Assume full responsibility for program administration.</p> <p>281.6 – ITO subject to the same liabilities and sanctions as any other agency.</p> <p>281.7 – State agency’s responsibility to resume program administration if ITO fails to meet its responsibilities.</p> <p>281.8 – Regulations to follow when transferring program administration from a State agency to an ITO and vice versa.</p> <p>281.9 – Funding principle of FNS’s payment to the State agency or ITO that administers SNAP on a reservation.</p> <p>281.10 – Conditions for and process of appealing the determination made by FNS.</p>	<p>The Food and Nutrition Act of 2008: http://www.fns.usda.gov/food-and-nutrition-act-amended-through-pl-110%E2%80%9393246-effective-oct-1-2008</p>

Appendix E. National School Lunch Program and School Breakfast Program: Detailed Administrative and Legislative Requirements

Exhibit E1 displays the interrelationships of roles and responsibilities at each level of administration for NSLP/SBP. Each involved entity, including schools and participants, has specific roles and responsibilities, as discussed in detail below. Key legislative and regulatory requirements are listed in Exhibits E2 and E3. Of note, the research team worked with FNS to determine the most relevant legislative and regulatory requirements with regard to Tribal administration of NSLP and SBP in whole or part. Moreover, the research team's approach for assessing capacity was not to measure Tribes against specific program activities, but rather to assess Tribes' experience with similar activities in other Federal and non-federal non-nutrition programs. Consequently, not all NSLP and SBP program regulations are provided in detail.

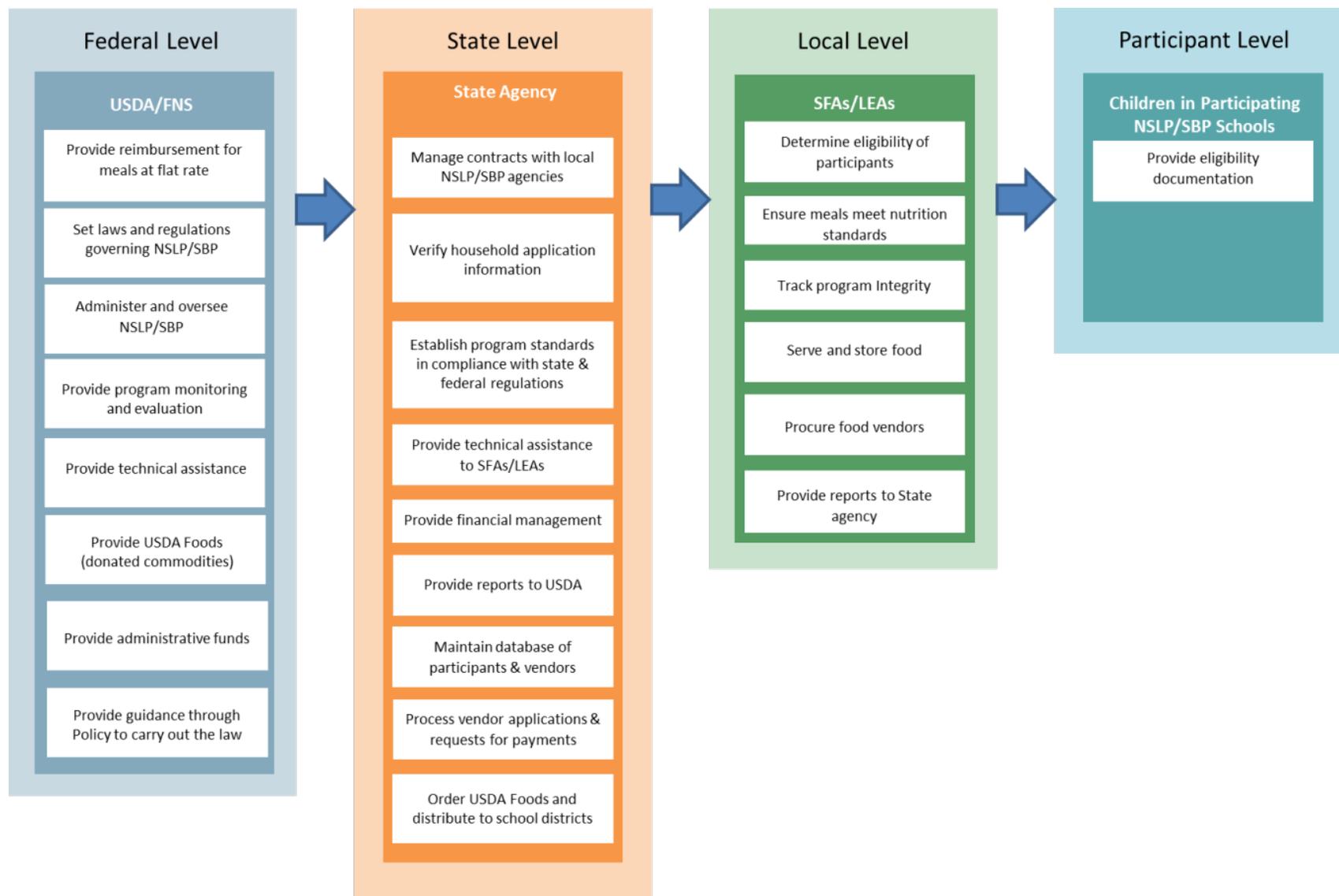
E.1. FEDERAL LEVEL RESPONSIBILITIES

At the Federal level, FNS is responsible for administration of NSLP and SBP. FNS subsidizes all school breakfasts and lunches that meet program requirements and that are served to children enrolled in NSLP/SBP participating schools. Reimbursable lunches must meet USDA's minimum nutritional requirements and be served to eligible students.

The primary responsibilities of FNS and its seven regional offices include:

- Distributing State Administrative Expense funds
- Providing funding for reimbursement of meals provided by schools under these programs
- Tracking reporting
- Providing USDA Foods
- Interpreting legislative statutes governing NSLP and SBP

Exhibit E1. Roles and Responsibilities in Administering NSLP/SBP



- Creating and disseminating program regulations
- Providing program guidance and technical assistance to States
- Providing program evaluation and monitoring
- Conducting management evaluations of all State agency program operations

E.2. STATE LEVEL RESPONSIBILITIES

At the State level, State agencies administer NSLP and SBP. They report consolidated meal counts for all SFAs in the State to FNS for reimbursement. FNS provides reimbursement to the agencies based on the number of meals reported by category. State agencies are responsible for paying the Federal reimbursement to each SFA.

The primary responsibilities of State agencies are to:⁹⁵

- Operate NSLP and SBP through agreements with SFAs/LEAs
- Set statewide policy that is consistent with Federal regulations and requirements
- Submit statewide financial reports, meal counts, and reimbursement claims to FNS
- Allocate and distribute USDA Foods
- Inspect local food storage facilities at least twice per year
- Conduct administrative reviews of SFAs/LEAs to ensure compliance with regulations and legislation
- Provide policy guidance, instruction, and technical assistance on program administration to SFAs/LEAs and monitor key aspects of their performance

E.3. LOCAL LEVEL RESPONSIBILITIES

At the local level, the administrative bodies for NSLP and SBP are SFAs and LEAs, typically local school districts and other local school administrative bodies. To obtain NSLP/SBP meal reimbursements, SFAs use either hard-copy rosters or computerized systems at school cafeterias to determine the meal-benefit status of students receiving meals and under which category the meals will be claimed for reimbursement. SFAs count the number of reimbursable free, reduced-price, and paid lunches served to eligible students each day and report this information to the

⁹⁵ 7 CFR 210.3

State. SFAs must establish a system that identifies the benefit status of students; they must also record the number of meals served at schools' point of service and submit claims for reimbursement to the State agency.

Each SFA must maintain a financial management system and retain records for at least three years. SFAs also maintain records of student applications to NSLP/SBP and the names of approved children for three years. SFAs can choose to contract with a food service company but must follow specific regulations for this agreement, including monitoring food service operations and retaining control of quality and prices. SFAs must implement a food safety program at each facility where food is stored, prepared, or served. SFAs are responsible for ensuring that meals provided meet food safety and nutrition standards; SFAs or schools must maintain records of menus and nutritional information of all meals.

In summary, the primary responsibilities of SFAs/LEAs are to:

- Procure food vendors in accordance with NSLP and SBP regulations
- Serve and store food in accordance with NSLP and SBP regulations
- Ensure that meals delivered in schools meet regulatory nutrition standards
- Distribute applications to households, collect and store eligibility documentation from households,⁹⁶ and notify households of eligibility
- Perform direct certification of categorically eligible students using program administrative data
- Verify the household size and income of a random sample of applications. There are three sample sizes established for verification. The standard sample size is the lesser of 3,000 error-prone applications or 3 percent of all applications approved, although alternate sample sizes are available if approved.⁹⁷
- Establish the full price to be charged for meals served to children who do not qualify for free or reduced-price meals
- Create program integrity tracking systems and perform daily and monthly checks on the number of eligible children, school attendance, and number of meal-serving days;

⁹⁶ These records must be stored for a minimum of three years.

⁹⁷ Each LEA must annually verify eligibility of children from a sample of household applications approved for free and reduced-price meal benefits for that school year unless the State agency assumes responsibility for verification on behalf of the LEA. Child Nutrition Programs, Food and Nutrition Service, USDA. (2014, August). *Eligibility manual for school meals: Determining and verifying eligibility*. Washington, DC.

report daily meal counts by category; and maintain records of menus, nutritional information, and reimbursement claims to the State agency. Records must be kept for a minimum of three years.

In an effort to reduce paperwork at the local level, Congress has introduced several alternative provisions to the normal requirements for annual determination of eligibility for free and reduced-price meals.⁹⁸

- Provision 1 allows schools in which 80 percent of enrolled children are eligible for free or reduced-price meals to certify eligible students once every two consecutive school years instead of every year. There is no requirement to serve free meals to all students. Schools must continue to record daily meal counts of the number of meals served to children by type as the basis for calculating reimbursement claims.
- Provision 2 reduces application burdens and simplifies meal counting and claiming procedures. It allows schools to establish “claiming percentages” of free, reduced-price, and full-price meals during a base year. They then can serve all meals at no charge for the next three years and receive reimbursement at the rate established in the base year. Families do not have to submit applications after the base year, and schools are not required to count meals served by category. Schools electing this alternative must pay the difference (with non-Federal funds) between Federal reimbursement and the cost of providing all meals at no charge.
- Provision 3 also reduces application burdens and meal counting and claiming procedures. It allows schools to receive the same level of Federal cash and USDA Foods assistance received in a base year for three subsequent years, accounting for adjustments each year. Schools provide free meals to all participating children for all four years and do not make additional eligibility determinations. Schools electing this alternative must pay the difference (with non-Federal funds) between Federal reimbursement and the cost of providing all meals at no charge.

It is the responsibility of SFAs/LEAs to identify schools that qualify for one of these provisions and determine whether schools will participate. The decision to participate in one of these provisions can fundamentally change the administrative requirements of the SFA/LEA; it can

⁹⁸ Section 11(a)(1) of the National School Lunch Act

also reduce the burden on participants to apply to the school meal programs and provide proof of eligibility.

The Community Eligibility Provision (CEP) is an additional option to further simplify administration of NSLP and SBP in low-income areas.⁹⁹ The CEP uses information from other Federal assistance programs, including SNAP, TANF, and FDPIR, or based on status, such as migrant youth, homeless, foster child, or Head Start, in lieu of NSLP and SBP eligibility application processes, a process called direct certification.¹⁰⁰ If 40 percent or more of students are directly certified as categorically eligible in a school, multiple schools, or an LEA, the school(s) can participate in the CEP. Participating schools do not collect applications from families. Rather, they provide free lunches and breakfasts to all students. These schools use non-Federal funds to cover any costs of providing free meals to all students above amounts provided in Federal assistance. Federal reimbursement is based on the percentage of identified students adjusted by a multiplier to represent the share of all children eligible for free and reduced-price meals in the participating schools. The percentages of identified students established for a school may be used for four years.

E.4. PARTICIPANT LEVEL RESPONSIBILITIES

At the participant level, an adult in the household must complete a school meal application to determine a child's eligibility to receive free or reduced-price meals unless the child has been directly certified as categorically eligible by the SFA/LEA. Children qualify for free or reduced-price meals based on categorical eligibility or family income.

A child is eligible for free meals if any of the following criteria are met:

- Family income is less than or equal to 130 percent of the poverty guidelines for household size.
- The family receives SNAP, FDPIR, or TANF benefits.
- The child is a runaway, homeless, or a migrant.

⁹⁹ The Community Eligibility Provision is a key element of the Healthy, Hunger-Free Kids Act of 2010. As of February School Year 2015-2016, the USDA and Department of Education had rolled out implementation of CEP to all 50 States, the District of Columbia and Guam, in 3,000 school districts, and over 1,744,000 schools. Nationwide rollout commenced in July 2014. Joint Letter from Secretary of Agriculture and Secretary of Education. http://www.fns.usda.gov/sites/default/files/CEP_jointletter.pdf. Retrieved April 23, 2015.

¹⁰⁰ Students from households receiving Medicaid benefits (and that meet 133 percent of the poverty guidelines) in pilot States participating in the Medicaid/NSLP direct certification pilot study, can also be directly certified for the NSLP.

- The child is a foster child under Social Security Act Title IV.
- The child is participating in Head Start or Even Start.

A child is eligible for reduced-price meals if the family income is between 130 and 185 percent of the poverty level based on household size.

Once certified, children participating in NSLP and SBP may receive a free or reduced-price lunch and breakfast each school day. Children attending schools that participate in NSLP or SBP may purchase meals at full price if they do not qualify for free or reduced-price meals.

Exhibit E2. Legislative Requirements for NSLP

NSLP Regulation	Topics Covered	Summary	Relevant Policy Memos
Legislation: Richard B. Russell National School Lunch Act (as amended through February 7, 2014)			
42 USC 1753 Sec. 4, 5	State apportionments	<ul style="list-style-type: none"> – The Act provides guidelines to establish National Average Payment Factors for meals, snacks, and milk payments. The factors determine the per lunch amount; the maximum lunch reimbursement rates; reimbursement rates for afterschool snacks; and breakfast rates. The rates are differentiated for all Alaska and Hawaii versus all other contiguous States. – Payments for NSLP and SBP are adjusted annually based on the change in Price Index for Food Away From Home series of the Consumer Price Index (CPI) for All Urban Consumers. – For school year 2013–2014 and beyond, States that fail to achieve a direct certification rate of SNAP participants of at least 95% are required to develop and implement continuous improvement plans. 	School Meals Rates of Reimbursement http://www.fns.usda.gov/school-meals/rates-reimbursement
42 USC 1753 Sec. 9	Nutrition requirements	<ul style="list-style-type: none"> – Providers must meet Federal nutrition regulations, offer milk or an acceptable substitute, and offer free potable water. – Maximum family income for free lunch eligibility is 130% of Federal poverty line, adjusted by CPI. – Maximum family income for reduced-price lunch eligibility is 185% of Federal poverty line, adjusted by CPI. Maximum price: 40 cents. 	Child Nutrition Programs Income Eligibility Guidelines for 2014–2015
42 USC 1753 Sec. 9 (b)	Income verification requirements	<ul style="list-style-type: none"> – States must verify the income of a sample of approved applications. This standard sample must be the lesser of 3,000 applications or 3% of all applications approved. Alternative sample sizes are available. – Two types of certification: – Direct: verifying income through participation in other means-tested programs. 	NSLP: Direct Certification Continuous Improvement Plans Required by the Healthy, Hunger-Free Kids Act of 2010 Direct Certification and Certification of

NSLP Regulation	Topics Covered	Summary	Relevant Policy Memos
		<ul style="list-style-type: none"> - Discretionary: other income verification methods. - Households must produce one of the following forms of documentation: - Household is at appropriate income level. - Household participates in SNAP, FDPIR, or TANF. - Household receives Social Security Act Title IV benefits. - Youth is a runaway or homeless. - Youth is a migratory child. - Youth participates in Head Start. 	Homeless, Migrant, and Runaway Children for Free School Meals; Approval of Information Collection Request
42 USC 1753 Sec. 9 (a)	School wellness policy	<ul style="list-style-type: none"> - LEAs must establish local school wellness policies. 	Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010
42 USC 1753 Sec. 11	Special provision	<ul style="list-style-type: none"> - Provision 1 allows schools in which at least 80% of students are eligible for free or reduced-price lunch to certify eligible students for two consecutive years. - Provision 2 allows schools to establish “claiming percentages” of free, reduced-price, and full-price meals during a base year. They then can serve all meals at no charge for the next three years and receive reimbursement at the rate established in the base year. - Provision 3 allows schools to receive the same level of Federal cash and USDA Foods assistance received in a base year for three subsequent years, accounting for adjustments each year. - Community Eligibility Provision: If 40% or more of students are directly certified as categorically eligible in a school, multiple schools, or an LEA, the school(s) can participate in CEP. Participating schools do not collect applications from families; they provide free lunches and breakfasts to all students. These schools use non-Federal funds to cover any costs of providing free meals to all students above amounts provided in Federal assistance. 	
Regulations: 7 CFR 210, National School Lunch Program (as of Aug 12, 2014) (Duplicate info from 42 USC 1753 omitted)			
7 CFR 210.1 to 220.3	Administrative responsibilities	<ul style="list-style-type: none"> - Purpose and definitions - Describes administration of SBP at the national level by the Child Nutrition Division of FNS and at the State level by the State Agency. If the State Agency is unable to administer the Program in public or private nonprofit residential child care institutions or nonprofit private schools, then Program administration for such schools may be assumed by FNS Regional Office or another agency as designated by the Governor or appropriate executive or legislative authority. The FNS Regional Office, 	Final Rule: NSLP Independent Review of Applications Required by the Healthy, Hunger-Free Kids Act of 2010

NSLP Regulation	Topics Covered	Summary	Relevant Policy Memos
		<p>will, in each State in which it administers the Program, assume all responsibilities of a State agency as set forth in the Act.</p> <ul style="list-style-type: none"> – 7 CFR 235 of the Child Nutrition Act of 1966 establishes State Administrative Expenses for both NSLP and SBP. – SFAs are responsible for the local administration of NSLP in schools. – Section 306 of the Healthy, Hunger-Free Kids Act of 2010 amended section 7 of the CNA by adding “Professional Standards for School Food Service”. 7 CFR 210 and 7 CFR 235 are amended accordingly to define professional standards for the NSLP and SBP. 	
7 CFR 210.5	Payment process to States	<ul style="list-style-type: none"> – State agencies are required to submit monthly, quarterly, and annual reports to FNS. Monthly reports include meal counts, participants, and school types, among other nonfinancial information. Quarterly and annual reports include application verification, participation, and financial information. 	
7 CFR 210.7	Reimbursement for SFAs	<ul style="list-style-type: none"> – SFAs must maintain a system that correctly approves, tracks, and updates each child’s eligibility for NSLP; records counts of free and reduced-price lunches served; and generally maintains the integrity of the program. 	Certification of Compliance with Meal Requirements for the National School Lunch Program Under the Healthy, Hunger-Free Kids Act of 2010
7 CFR 210.10	Food requirements for SFAs	<ul style="list-style-type: none"> – Schools must provide nutritious and well-balanced meals in accordance with improved nutrition standards established by the Healthy, Hunger-Free Kids Act of 2010. 	Child Nutrition Programs— Identification of Blended Beef, Pork, Poultry or Seafood Products
7 CFR 210.11	Competitive food service and standards	<ul style="list-style-type: none"> – State agencies and SFAs shall establish regulations to prohibit the sale of foods of minimal nutritional value in competition with the nutritious and well-balanced meals served at lunch. 	
7 CFR 210.12	Community involvement	<ul style="list-style-type: none"> – SFAs shall promote activities that involve students and parents in the nutrition programs, such as menu planning and student-community support activities. 	
7 CFR 210.13	Facilities management	<ul style="list-style-type: none"> – SFAs must meet State and local health and food safety standards. – SFAs must ensure proper food storage. – Schools must, at least once during each school year, obtain a food safety inspection conducted by a State or local governmental agency responsible for food safety inspections. 	
7 CFR 210.14	Resource management	<ul style="list-style-type: none"> – Regulations regarding SFA food service finances and the use of donated foods. 	

NSLP Regulation	Topics Covered	Summary	Relevant Policy Memos
7 CFR 210.16	Procurement rules	<ul style="list-style-type: none"> – SFAs may contract with food service management companies but must adhere to procurement and financial standards. 	
7 CFR 210.18	State requirements: administrative review	<ul style="list-style-type: none"> – State agencies are required to conduct regular administrative reviews of SFAs to ensure compliance according to protocols defined in this section. 	
7 CFR 245	Eligibility for free and reduced price meals, certification, and verification	<ul style="list-style-type: none"> – Each State agency, or FNS Regional Office where applicable, announce family-size income standards to be used by local educational agencies. The standards are in accordance with Income Eligibility Guidelines published by FNS. LEAs must adhere to these standards. SFAs serve free and reduced price meals or free milk in the respective program (NSLP, SBP) to children meeting eligibility requirements. – LEAs must publically announce the eligibility criteria. – LEAs must provide meal benefit forms for use by families/households in making application for free or reduced price meals or free milk. The LEA may establish meet this requirement using electronic forms and collecting electronic signatures. – LEAs directly certify children in households receiving SNAP assistance. LEAs may also directly certify using other programs such as FDPIR or TANF. – The Act provides for written evidence as the primary source of information for verification. Written evidence includes written confirmation of a household's circumstances, such as wage stubs, award letters, and letters from employers. Information concerning income, household size, or SNAP, FDPIR, or TANF eligibility, maintained by other government agencies to which the State agency, the LEA, or school can legally gain access, may be used to confirm a household's income, size, or receipt of benefits. – The LEA must verify eligibility of children in a sample of household applications approved for free and reduced price meal benefits for that school year. 	

Exhibit E3. Legislative Requirements for SBP

SBP Regulation	Topics Covered	Relevant Subparts	Relevant Policy Memos
Regulations: Title 7, Subtitle B, Chapter II, Subchapter A, Part 220, School Breakfast Program			
7 CFR 220.1 to 220.3 and 220.7	General information, definitions, high-level administration	220.1 and 2 – Purpose and definitions. 220.3 – Describes administration of SBP at the national level by the Child Nutrition Division of FNS and at the State level by the State agency in public schools and by the FNS regional office in private schools, or by another	Eligibility Manual for School Meals: Determining and Verifying Eligibility:

SBP Regulation	Topics Covered	Relevant Subparts	Relevant Policy Memos
Regulations: Title 7, Subtitle B, Chapter II, Subchapter A, Part 220, School Breakfast Program			
		<p>State agency if necessary. 7 CFR 235 of the Child Nutrition Act of 1966 establishes State Administrative Expenses for both NSLP and SBP.</p> <p>220.7 – SFA applies to State agency or FNS regional office for each new school where it wants to offer SBP; must include a free and reduced-price policy statement. Includes requirements for food safety program and inspections. State agencies approve applications. SFAs can contract with food service companies; outline of contract and documentation requirements. Outlines child eligibility guidelines.</p> <p>Section 306 of the Healthy, Hunger-Free Kids Act of 2010 amended section 7 of the CNA by adding “Professional Standards for School Food Service”. 7 CFR 210 and 7 CFR 235 are amended accordingly to define professional standards for the NSLP and SBP.</p>	<p>http://www.fns.usda.gov/sites/default/files/cn/SP40-CACFP18_SFSP20-2015a.pdf</p> <p>Community Eligibility Provision resources: http://www.fns.usda.gov/school-meals/community-eligibility-provision</p> <p>Provisions 1, 2, and 3 to reduce the burden of applications at the local level: http://www.fns.usda.gov/school-meals/provisions-1-2-and-3</p>
7 CFR 220.4 to 220.6	Process of disbursing funds from USDA to States and schools	<p>220.4 – Describes payment of funds from USDA to the State agencies. Outlines annual funding adjustments.</p> <p>220.5 – Funds are made available to the State agencies through letters of credit issued by FNS.</p> <p>220.6 – State agencies use funds to pay SFAs for breakfasts served; with approval, 1% of funds can be used for special developmental projects. Outlines penalties for misuse or embezzlement of funds.</p>	
7 CFR 220.9 to 220.11	More detailed reimbursement procedures	<p>220.9 – Describes how State agencies make reimbursement payments to schools based on breakfasts that meet nutrition standards served to eligible children. Guidelines for determining if school is in “severe need.”</p> <p>220.10 – Effective date for reimbursement.</p> <p>220.11 – Outlines requirements for SFAs’ submissions of monthly claims for reimbursement.</p>	<p>Rates of Reimbursement: http://www.fns.usda.gov/school-meals/rates-reimbursement</p>
7 CFR 220.8 and 220.23	Meal standards and compliance monitoring responsibilities	<p>220.8 – Meal standards: nutrition, pricing, documentation, and serving standards. State agencies must provide technical assistance and training to assist schools in meeting meal standards and are responsible for monitoring compliance.</p> <p>220.23 – Additional nutrition standards and menu planning approaches for school breakfasts; allowable substitutions and exceptions.</p>	<p>Policy memos on nutrition standards for school meals: http://www.fns.usda.gov/school-meals/nutrition-standards-school-meals</p> <p>Offer Versus Serve guidance: http://www.fns.usda.gov/sites/default/files/SP45-2013os.pdf; http://www.fns.usda.gov/sites/default/files/SP57-2014a.pdf</p> <p>School Food and Produce Safety: http://www.fns.usda.gov/school-meals/school-food-and-produce-safety</p>

SBP Regulation	Topics Covered	Relevant Subparts	Relevant Policy Memos
Regulations: Title 7, Subtitle B, Chapter II, Subchapter A, Part 220, School Breakfast Program			
7 CFR 220.12 to 220.22	Additional administrative, financial, and logistic requirements	<p>220.12a – Description of competitive food services and foods of minimal nutritional value.</p> <p>220.13 – Reporting, recordkeeping, and financial management requirements and oversight responsibilities of State agencies.</p> <p>220.14 – Claims against SFAs and recovery of overpayments.</p> <p>220.15 – FNS management evaluations and audits of State agencies.</p> <p>220.16 – Procurement regulations.</p> <p>220.17 – SBP not conditional on school characteristics or unrelated requirements as outlined; value of assistance will not be considered income or resources.</p> <p>220.19 – FNS may suspend or terminate State agency programs in whole or part that fail to comply with this provision. State agencies may also terminate the program by mutual agreement.</p> <p>220.20 – Provides contact information to SFAs desiring program information from State agencies and/or FNS Regional Offices.</p> <p>220.21 – Provides a list of OMB-assigned control numbers.</p>	<p>National School Lunch Program Administrative Review Manual: http://www.fns.usda.gov/sites/default/files/ARguidancemanual.pdf</p> <p>Coordinated Review Effort Procedures Manual: http://www.fns.usda.gov/sy-2014-15-cre-procedures-manual-forms-and-instructions</p>

Appendix F. Summer Food Service Program: Detailed Administrative and Legislative Requirements

Exhibit F1 details the administrative structure of SFSP, the organizations involved in it, and the activities conducted by each organization. Administrative responsibilities at each level of the program are discussed in detail below. Key legislative and regulatory requirements are listed in Exhibit F2. Of note, the research team worked with FNS to determine the most relevant legislative and regulatory requirements with regard to Tribal administration of SFSP in whole or part. Moreover, the research team's approach for assessing capacity was not to measure Tribes against specific program activities, but rather to assess Tribes' experience with similar activities in other Federal and non-federal non-nutrition programs. Consequently, not all SFSP program regulations are provided in detail.

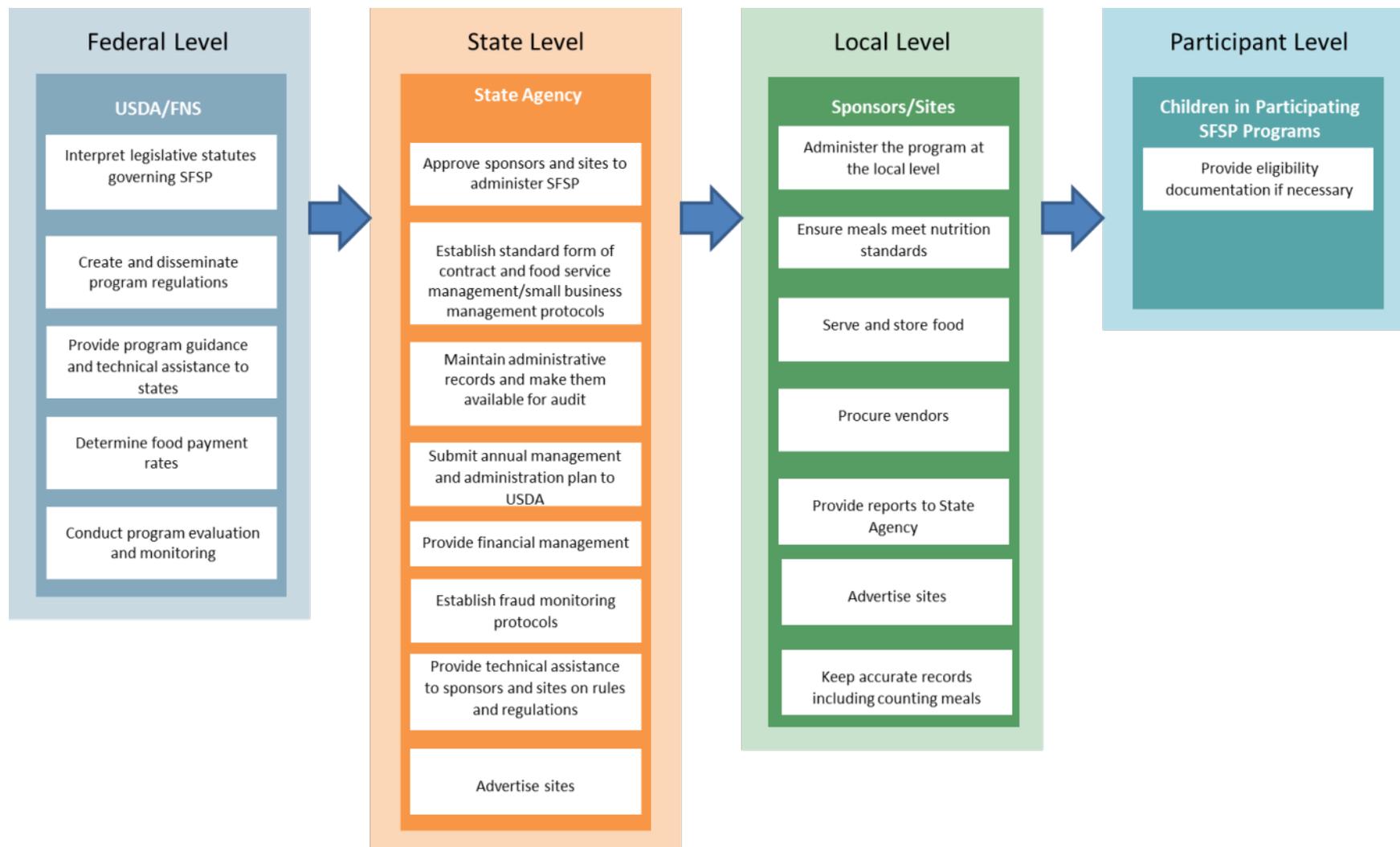
F.1. FEDERAL LEVEL RESPONSIBILITIES

At the Federal level, FNS and its regional offices administer SFSP. FNS administers SFSP by providing funding and by developing and implementing program regulations. FNS also provides guidance to States to ensure compliance with regulations. The FNS regional offices provide technical assistance to State agencies as needed to enable them to fulfill their mission.

The primary administrative responsibilities of FNS and its regional offices include:

- Interpreting legislative statutes governing SFSP
- Creating and disseminating program regulations
- Providing program guidance and technical assistance to States
- Publishing food payment rates determined by legislation
- Conducting program evaluation and monitoring
- Tracking reporting
- Making reimbursements for meals
- Distributing administrative funds

Exhibit F1. Roles and Responsibilities in Administering SFSP



F.2. STATE LEVEL RESPONSIBILITIES

At the State level, for most States,¹⁰¹ the State agencies responsible for NSLP and SBP also administer their States' SFSPs. State agencies are responsible for program operation and expansion and for preservation of the program's integrity. State agencies receive sponsorship and site applications and make approval decisions. State health departments also ensure that approved meal delivery sites are safe by conducting health and sanitary inspections. States do pre-approval site visits and monitor sites for compliance with such SFSP requirements as meals served, number of children, and meal service times. Among other functions, State agencies facilitate the reimbursement of sponsors and sponsoring organizations for the cost of providing approved meals to children.

In summary, the primary responsibilities of the State agencies are:¹⁰²

- Approving sponsors and sponsoring organizations and sites to administer SFSP, including advance payments
- Maintaining administrative records and making them available for audit
- Submitting annual management and administration plans for FNS approval
- Establishing fraud monitoring protocols and penalties for violations
- Conducting annual training for sponsors and sponsoring organizations
- Monitoring summer sites and sponsors and sponsoring organizations
- Informing sponsors and sponsoring organizations about and providing technical assistance on Federally established nutrition criteria, model meal standards, and food safety measures

F.3. LOCAL LEVEL RESPONSIBILITIES

At the local level, sponsors and sponsoring organizations are the administrative entities. Organizations wishing to become sponsors must apply to the State agency. In these applications,

¹⁰¹ SFSP is housed in a different agency from NSLP in Georgia, Missouri, New Mexico, North Carolina, South Carolina, Tennessee, and Virginia.

¹⁰² 42 USC § 1761 (f-h, l-q)

organizations must demonstrate availability of organizational and technical resources to administer SFSP and demonstrate the income eligibility of the population to be served.

The following types of organizations are eligible to become sponsors:¹⁰³

- Public or nonprofit SFAs that administer NSLP and SBP
- Public or nonprofit residential summer camps
- Units of local, municipal, county, or State governments
- Public or nonprofit colleges and universities that are currently participating in the National Youth Sports Program (NYSP)
- Nonprofit organizations, such as summer day camps

Sponsors and sponsoring organizations' major responsibilities include:¹⁰⁴

- Ordering or preparing meals on the basis of participation trends
- Delivering meals to SFSP sites
- Keeping records of costs and meals claimed
- Holding mandatory site administrator trainings on program purpose, site eligibility, recordkeeping, site operations, meal pattern requirements, and the duties of a site monitor
- Monitoring the provision of training
- Visiting each site at least once during the first week of operations and visiting food service operations at least once during the first four weeks
- Announcing the program in media serving the area where participants live
- Managing household applications for meals
- Managing the disclosure of participant data, such as data that are de-identified and aggregated at the State or sponsor level, as well as identified lists of children and their eligibility status

Sites are the locations where sponsors and sponsoring organizations deliver meals to participants.

¹⁰³ 7 CFR 225.14

¹⁰⁴ 7 CFR 225.15

Sponsors and sponsoring organizations apply to provide meal services at eligible sites. The State agency must approve all sites. FNS regulations classify sites as open, closed enrolled, camp, migrant, or NYSP.¹⁰⁵

- **Open sites** operate in geographical areas in which at least 50 percent of children are eligible for free and reduced-price school meals. Sponsors and sponsoring organizations must prove that an open site is located in a low-income area. Acceptable documentation includes data provided by zoning commissions, the U.S. Census, public or nonprofit school officials, or other appropriate sources. Meals are served to all who show up on a first-come, first-served basis. Children do not need to be registered or enrolled in site programs to receive meals at open sites.
- **Closed enrolled sites** provide meals only to a specific group of children enrolled in an organized program; these children need not reside in a low-income neighborhood. Sponsors and sponsoring organizations must document a site's eligibility in one of the following ways:
 - Asking the parent or guardian of each enrolled child to complete an income eligibility form
 - Obtaining from schools lists of enrolled children who are eligible for free and reduced-price meals under NSLP and SBP
 - Using school data to establish area eligibility for the site
 - Using census data to establish area eligibility for the site
- **Camps** are sites that provide meals along with other organized activities for children. The sponsor or sponsoring organization receives reimbursement only for children who qualify for free or reduced-price meals.
- **Migrant sites** serve children of migrant workers. To qualify as a migrant site, the sponsor or sponsoring organization must provide appropriate certification from a migrant organization.
- **National Youth Sports Program** sites are colleges or universities that participate in NYSP. The sponsor or sponsoring organization receives reimbursement only for children who are enrolled in NYSP.

¹⁰⁵ 7 CFR 225.6

F.4. PARTICIPANT LEVEL RESPONSIBILITIES

At the participant level, children who attend an open or migrant site, are enrolled in a closed site or NYSP program, or participate in a camp program and are eligible for NSLP can receive free meals and snacks each day. Sites may offer two meals if one is lunch and the other is either breakfast or a morning snack. Migrant sites and camps can provide a maximum of three meals a day. Caretakers may be required to demonstrate family income eligibility for children participating in closed enrolled or camp programs.

Exhibit F2. Legislative Requirements for SFSP

SFSP Regulation	Topics Covered	Relevant Subparts	Relevant Policy Memos
Legislation: Richard B. Russell National School Lunch Act (as amended through February 7, 2014)			
42 USC 1754 (d) (3)	Nutrition promotion	A portion of funds distributed to the State for nutrition promotion based on NSLP meal reimbursement can be applied to disseminate USDA nutrition messages and materials to SFSP participants.	
42 USC 1758 (i)	Nutritional and other program requirements	If a single State agency administers SFSP, a permanent agreement must be established between the State agency and the SFA; administrative reporting should be completed with a Common Claims Form.	
42 USC 1760 (j) (1)	Miscellaneous provisions and definitions	<p>Claims can be reimbursed if:</p> <ul style="list-style-type: none"> – The claims have been submitted to the State agencies not later than 60 days after the last day of the claim month. – Operations reports for the month are submitted no later than 90 days after the last day of the month. <p>Requirements can be waived at the discretion of USDA.</p>	
42 USC 1761 (a) (1)	Definitions and area income eligibility criteria; program structure	<ul style="list-style-type: none"> – Area or individual determinations of eligibility and durations or effect for each level of determination: <ul style="list-style-type: none"> ○ Attendance area of a school in which at least 50% of enrolled children qualify for free or reduced-price meals. ○ Census-derived area in which at least 50% of children are eligible for free or reduced-price meals. ○ Site documentation of eligibility of enrolled children: At least 50% of enrolled children at site are eligible for free or reduced-price meals. ○ Area derived from department of welfare or zoning data in which at least 50% of children are eligible for free or reduced-price meals. Sponsors may document area eligibility by submitting documentation from a Tribal authority which certifies that the proposed site is located on a Tribal reservation, on trust land, or in an Alaska Native village where 50 percent or more of the children in the defined area are eligible for free or reduced price school meals. ○ Site-derived approach to demonstrate that 50% of enrolled children are 	<p>Area Eligibility in Child Nutrition Programs</p> <p>http://www.fns.usda.gov/area-eligibility-child-nutrition-programs-0</p>

SFSP Regulation	Topics Covered	Relevant Subparts	Relevant Policy Memos
Legislation: Richard B. Russell National School Lunch Act (as amended through February 7, 2014)			
		<p>eligible for free or reduced-price meals.</p> <ul style="list-style-type: none"> – A “service institution” (SI, or “sponsor” in regulations) is a public or private nonprofit SFA; local, municipal, or county government agency; public or nonprofit higher education institution participating in NYSP; or residential public or private nonprofit summer camp providing food service similar to NSLP. 	
42 USC 1761 (a) (2), (11), (12)	Program authorization	<ul style="list-style-type: none"> – Allows for creation of nonprofit summer food service programs. – Requires USDA to provide information and technical assistance to service institutions. – Provides guidance on improving outreach to eligible families. – Provides SFSP support grants to test technical assistance, sponsor retention. 	
42 USC 1761 (f–h, l–q)	State responsibilities: nutrition, meal quality, and safety	<p>State agencies must:</p> <ul style="list-style-type: none"> – Maintain records and make them available for audit. – Submit a detailed annual management and administration plan for USDA approval. – Establish fraud monitoring protocols. (Punishments are detailed.) – Follow established nutrition criteria and provide technical assistance, model meal standards, and food safety measures to sponsors. 	SFSP 13-2014 Procurement Thresholds in the Summer Food Service Program
42 USC 1761 (j, k)	Payments to States	<ul style="list-style-type: none"> – States receive payments from USDA based on administrative expenses in prior fiscal year. Payments are: <ul style="list-style-type: none"> o 20% of the first \$50,000 o 10% of the next \$100,000 o 5% of the next \$250,000 o 2.5% of remaining funds distributed – Additional funds are available for nutritional and food quality monitoring. 	SFSP 14-2012 Tribal Participation in the Child and Adult Care Food Program and the Summer Food Service Program
42 USC 1761 (b–e, k)	Payments to service institutions	<ul style="list-style-type: none"> – The Act establishes reimbursement rates for breakfast, lunch or supper, and a snack. The rates are differentiated for rural or self-prep sites versus other sites, and all Alaska and Hawaii versus all other States. – Reimbursement amounts adjusted annually to reflect changes in CPI. 	<p>Summer Food Service Program 2015 Reimbursement Rates</p> <p>http://www.fns.usda.gov/summer-food-service-program-2015-reimbursement-rates-0</p> <p>https://www.gpo.gov/fdsys/pk</p>

SFSP Regulation	Topics Covered	Relevant Subparts	Relevant Policy Memos
Legislation: Richard B. Russell National School Lunch Act (as amended through February 7, 2014)			
		<ul style="list-style-type: none"> – Sponsors can serve breakfast, lunch, dinner or meal supplement in various combinations except serving lunch AND dinner. – States must establish permanent operating agreements and budgets with SIs. Amount of reimbursements to SIs is determined by a USDA study. – Meals must be served May – September and may be served during eligible non-summer vacations and natural disasters. – USDA can establish advance program payment amounts to be disbursed to States on April 15, May 15, and July 1 for use in following months. – Remaining payments are disbursed no later than 60 days after claim receipt. – States then distribute funds to SIs no later than June 1, July 15, and August 15. – The second month’s advance program payment is sent only if SI has held training sessions on program duties for its own personnel and site personnel. – SIs must operate under SFSP for at least 10 days in the month. 	<p>g/FR-2015-01-21/pdf/2015-00877.pdf</p>

Appendix G. Other Nutrition Assistance Programs: Summary of Administrative Requirements

This appendix includes a summary of the administrative requirements of four additional nutrition assistance programs often referenced by Tribal stakeholders during the site visit data collection:

- The Supplemental Nutrition Assistance Program for Women, Infants, and Children
- The Food Distribution Program on Indian Reservations
- The Child and Adult Care Food Program
- The Emergency Food Assistance Program

G.1 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

WIC provides supplemental foods, nutrition education, breastfeeding promotion and support, and healthcare referrals to low-income, nutritionally at-risk pregnant women, breastfeeding and non-breastfeeding postpartum women, infants, and children up to age five.¹⁰⁶ WIC food packages are aligned with the Dietary Guidelines for Americans and the American Academy of Pediatrics' recommended infant feeding practices. In most States, WIC participants redeem food instruments (paper checks/vouchers or EBT cards).¹⁰⁷ Most State agencies directly distribute WIC food packages to participants from central locations; one State agency delivers food packages to participants' homes. All States must transition to EBT by 2020.

In FY 2014, an average of nearly 8.3 million women, infants, and children participated in WIC each month at a total cost of approximately \$6.3 billion.¹⁰⁸ Unlike SNAP, NSLP, or SBP, WIC is a discretionary program subject to funding limitations set by Congress.

¹⁰⁶ <http://www.fns.usda.gov/wic/about-wic-wics-mission>

¹⁰⁷ Ibid.

¹⁰⁸ <http://www.fns.usda.gov/pd/wic-program>

WIC Organizational Structure

Congress enacted WIC through Section 17 of the Child Nutrition Act of 1966.¹⁰⁹ WIC's organizational structure, shown in Exhibit G1, has remained largely unchanged since then. FNS's Supplemental Food Programs Division and its seven regional offices are charged with administering WIC in accordance with the requirements of 7 CFR 246. FNS fulfills this charge by providing assistance to WIC State agencies and by reviewing and approving each State agency's annual State Plan.

Ninety States and ITO agencies currently administer WIC.¹¹⁰ Every year, these agencies must submit a plan that is compliant with Federal regulations. Components of these plans include the following:

- A budget for nutrition services and administration and an estimate of food costs
- A rank-ordered list of priority geographic areas and special populations in need of WIC services
- An estimate of statewide participation and eligible individuals within each priority geographic area
- A description of the agency's plans for nutrition education and the promotion of breastfeeding
- Descriptions of the food delivery system (retail, direct distribution, or home delivery) and of vendor selection and monitoring criteria
- A list of infant formula wholesalers, distributors, and retailers
- Procedures for containing the cost of infant formula
- The names and addresses of all local agencies administering WIC within the State or Tribal agency's jurisdiction

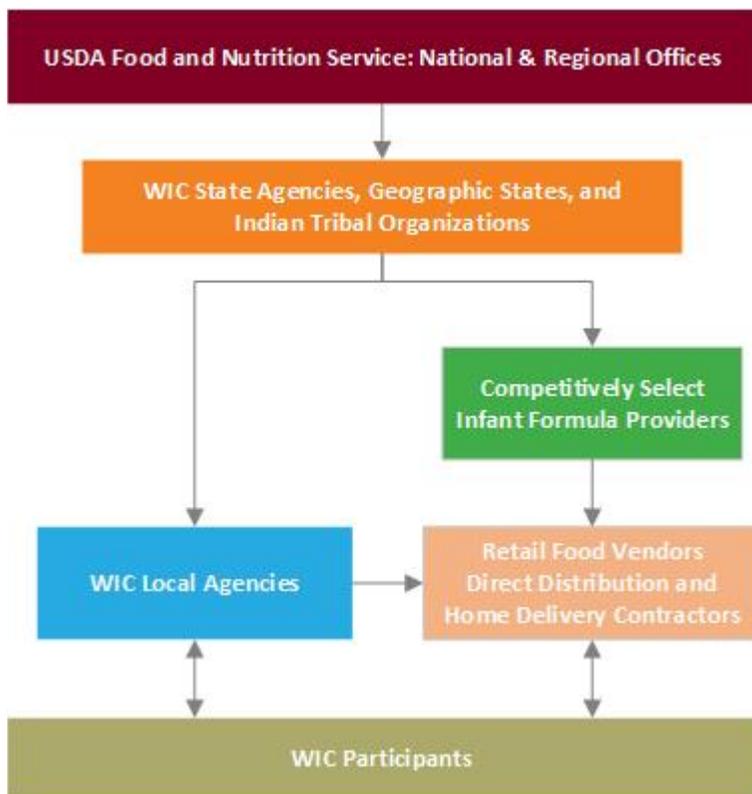
WIC is directly administered by approximately 1,900 local agencies contracted by WIC State agencies, with FNS approval. Selection is contingent upon the availability of nutrition services and administration funds, but also takes into account the need for WIC services, especially among identified special populations in priority geographic areas. Priority is given to public or private nonprofit health agencies that either can provide ongoing pediatric and obstetric care and

¹⁰⁹ However, WIC did not become a pilot project until 1972. <http://www.fns.usda.gov/wic/about-wic-wics-mission>

¹¹⁰ 50 State health departments, 34 ITOs, the District of Columbia, and five territories. <http://www.fns.usda.gov/wic/about-wic-wic-glance>

administrative services or can enter into agreements with entities that can provide these services, such as physicians, hospitals, or other healthcare facilities. WIC local agencies determine the eligibility of participants, coordinate with healthcare providers, provide nutrition education services, promote breastfeeding, and provide food instruments (WIC checks, vouchers, and EBT cards) to participants. Exhibit G1 illustrates the relationships among WIC entities.

Exhibit G1. WIC Organizational Chart



WIC Administration

FNS, WIC State agencies, and WIC local agencies each have important roles to play in the administration of WIC. Exhibit G2 at the end of this section provides an overview of their most crucial responsibilities.

At the Federal level, FNS provides technical assistance to State and local agencies and evaluates program activities at all levels to ensure that the Program operates effectively and efficiently in

accordance with Federal regulations.¹¹¹ FNS reviews and approves of State Plans. Submitted annually, State Plans allow FNS to review and approve or provide feedback on State agency policies and procedures, including, but not limited to, certification eligibility requirements; staffing requirements; cost containment measures; budgets; Affirmative Action Plans, which include a prioritized list of areas and special populations targeted for WIC assistance; plans for coordinating with local agencies, especially on outreach activities; nutrition education plans, including breastfeeding promotion and substance abuse education and counseling; plans for coordinating with other programs such as Head Start; training of local agency staff; financial management systems; vendor limiting criteria, selection criteria, and monitoring; and food instrument and cash-value voucher security. FNS may approve State agency plans to tailor food packages to address cultural preferences.¹¹² After State Plans and their associated budgets are approved, FNS distributes the grants.

FNS also provides technical assistance to State agencies on all aspects of nutrition education, including breastfeeding promotion and support. An important area of technical assistance relates to EBT planning and implementation. At its discretion, FNS may modify regulatory provisions to assure that the “EBT system provides adequate safeguards that serve the purpose of the provisions being modified.”¹¹³

At the State agency level, a number of important administrative requirements are fulfilled with FNS approval and oversight. State agencies are responsible for selecting, training, managing local agencies, and vendor management. State agencies contract with WIC local agencies, which form the frontlines of WIC administration. They must also ensure that vendors offer competitive prices for supplemental foods and follow redemption procedures, as required by Federal regulations and State agency policy. Tribes that act as WIC State agencies must adhere to all Federal regulations regarding the selection, authorization, training, and monitoring of vendors. Some Tribes have agreements with WIC State agencies in order to streamline these processes for vendors that are authorized by multiple WIC State agencies.

Just as State Plans afford FNS the opportunity to review and approve the State’s planned WIC administration, local agency agreements provide State agencies with an opportunity to understand and approve local agency WIC activities. ITO agencies must be sure that all local

¹¹¹ 7 CFR 246.3

¹¹² For example, FNS might approve the substitution of whole wheat tortillas for whole wheat bread.

¹¹³ 7 CFR 246.12(a)

agencies within their jurisdiction serve primarily AI/AN populations. Subject to the availability of funds and their ability to meet State or Tribal requirements, local agencies are selected based upon the degree to which they serve prioritized populations and geographic areas. Most State agencies use a procurement system or the local agencies are State or county health departments. Subject to FNS approval through the review of State Plans, State agencies determine the extent and type of program outreach, as well as nutrition education and breastfeeding promotion goals. WIC regulations have minimum expenditure requirements for State agencies.¹¹⁴ State agencies then provide guidance to local agencies on achieving these goals. State agencies must comply with all appropriate OMB circulars.

State agencies establish vendor selection criteria and uniformly apply them when authorizing vendors. All vendors must have the ability to supply a minimum variety and quantity of fruits, vegetables, whole grains, and other authorized foods; purchase infant formula from authorized sources; meet business integrity requirements; and have a clean record with SNAP. They must not provide prohibited incentive items to WIC participants.

State agencies establish vendor peer groups that determine allowable prices that vendors must agree not to exceed when redeeming WIC food instruments. Recognizing that food prices can vary by vendor type (for example, supermarket vs. small grocer) and geographic location, State agencies group vendors and determine reasonable prices for each food item for each vendor peer group. Maximum prices are determined by taking into account current prices, changes in prices over time, and price variation within and between peer groups. State agencies are also responsible for training vendors and monitoring their compliance with program rules.

WIC promotes breastfeeding as the optimal infant feeding choice. The infant formula provided to infants who are not breastfed can represent a significant program food expenditure. To control WIC costs, most State agencies must, by law, institute a single-supplier, competitive bidding system for infant formula. State agencies solicit sealed bids from infant formula manufacturers to supply and provide a rebate to the State for infant formulas.

At the local level, WIC local agencies are responsible for the administration of WIC through WIC clinics. The activities of WIC local agencies are prescribed in the agreements they enter into with State agencies, which are ultimately overseen by FNS at the Federal level. WIC local

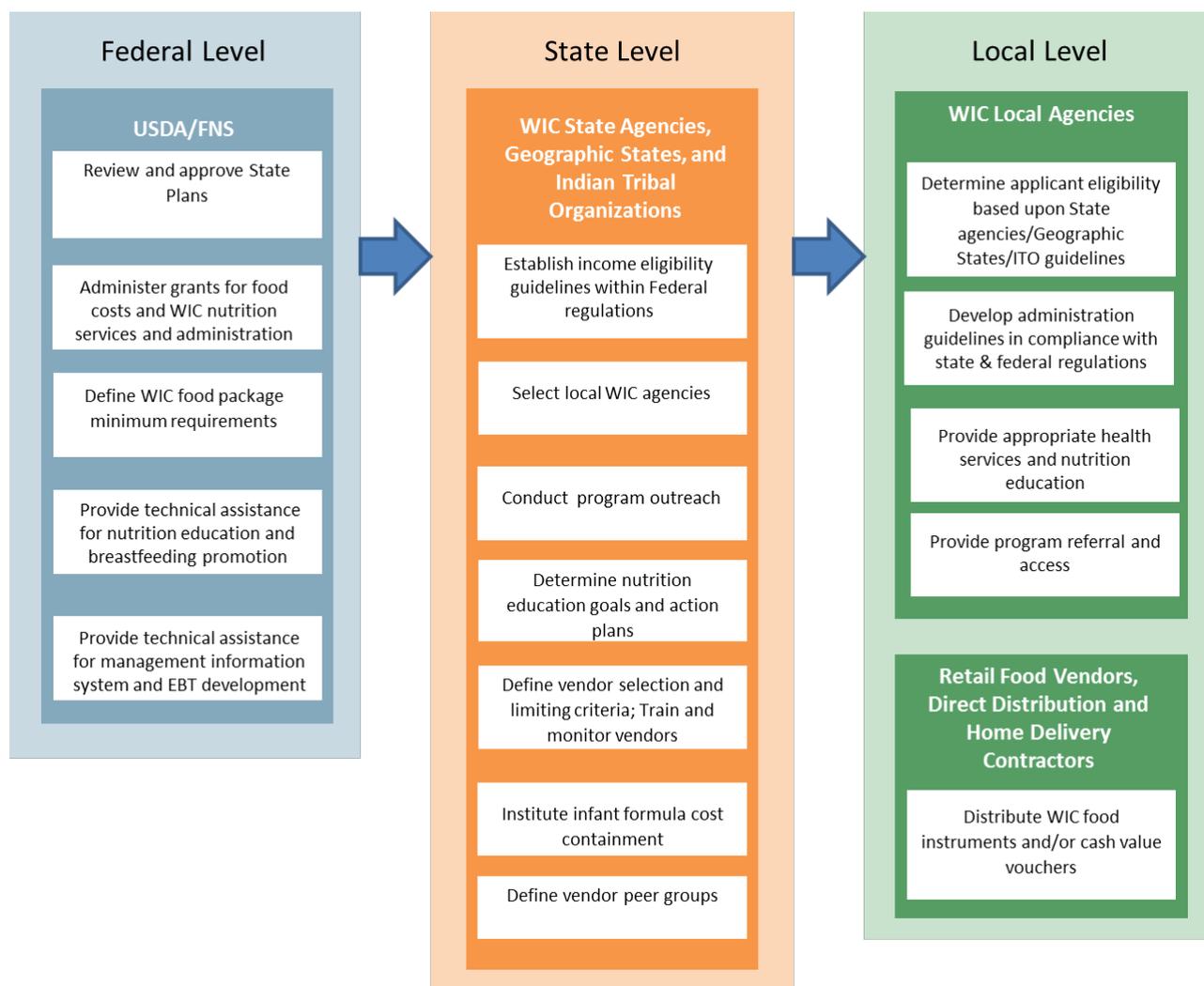
¹¹⁴ 7 CFR 246.14(c)(1)

agencies determine the eligibility of each participant, distribute food instruments, provide health services or referrals, provide nutrition education, and promote and support breastfeeding.

For a local agency to be selected by a State agency, it must agree to:

- Meet all fiscal and operational requirements as determined by the State agency
- Provide competent staff capable of performing participant certification procedures
- Provide all appropriate health services to participants or enter into agreements with health service providers to do so
- Provide nutrition education
- Promote and support breastfeeding
- Implement parts of the State agency's food delivery system
- Maintain accurate accounting of all program funds received and expended
- Keep accurate records of the criteria and documents used to certify each participant

Exhibit G2. Roles and Responsibilities in Administering WIC



G.2 FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS

FDPIR was originally authorized through the Food Stamp Act of 1977 (P.L. 95-113) and the Agricultural and Consumer Protection Act of 1973 (P.L. 93-86)¹¹⁵ out of concern that, due to a lack of food retailers in rural Tribal lands, SNAP could not adequately supplement the diets of low-income AI/AN individuals and families. Through the program, USDA Foods are distributed to qualified beneficiaries from distribution centers or mobile sites.

¹¹⁵ <http://www.fns.usda.gov/fdpir/about-fdpir>

In FY 2015, an average of about 88,600 individuals participated in FDPIR during any given month, with a total appropriation of \$145.2 million. FDPIR is locally administered by 102 Tribes and three State agencies. The relevant regulations, 7 CFR 253 and 254, authorize program administration by Tribes or a State agency if agreed upon by the State and Tribal governments.

FDPIR and SNAP are similar in terms of eligibility requirements; both are intended to supplement the diets of low-income Americans and provide nutrition education. However, to participate in FDPIR, a household must either reside on an Indian reservation or have at least one household member who is a Tribally registered member of a Federally-recognized Tribe in approved areas near reservations or in certain areas of Oklahoma. The fundamental difference between the programs, though, is that while SNAP provides beneficiaries with the purchasing power to supplement their food budget at approved food retailers, FDPIR provides a monthly food package with program funds.¹¹⁶ Given the alignment of purpose for the two programs, households may not participate in both programs simultaneously.

FDPIR Organizational Structure

FNS, at the Federal level, provides assistance to FDPIR administering agencies and evaluates all levels of program operations.¹¹⁷ Administering agencies are the Tribes or State agencies that enter into agreements with FNS to distribute USDA Foods to eligible beneficiaries.

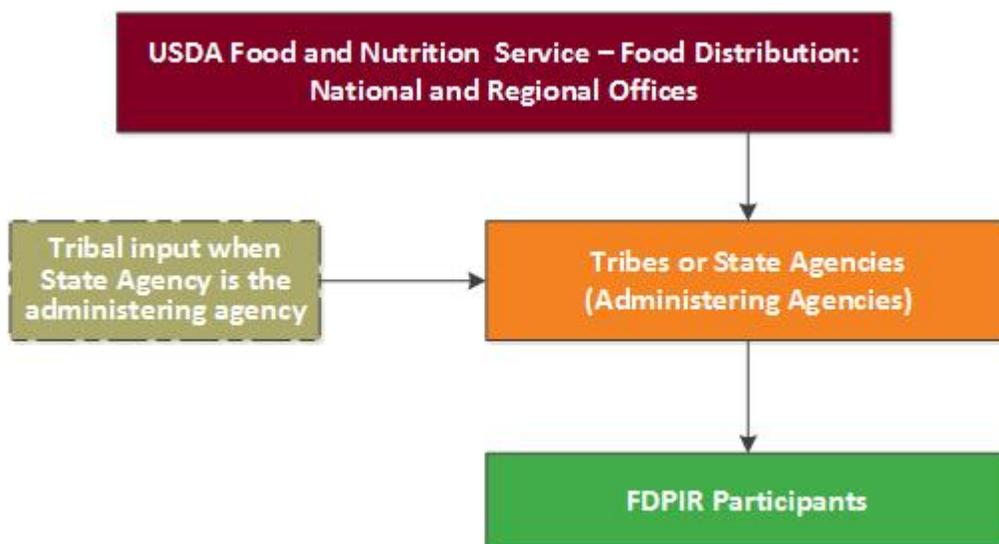
Currently, the majority of FDPIR programs are administered by Tribes, in which case the organizational structure of FDPIR is fairly simple. In the less common instances in which a State agency acts as the administering agency, the structure becomes only slightly more complicated. In these cases, State agencies must consult with Tribes in the state before submitting initial plans of operation, budgets, or any amendments to existing agreements to FNS.¹¹⁸ Exhibit G3 provides the FDPIR organizational structure, with a dashed box representing the Tribal relationship when a State agency administers FDPIR.

¹¹⁶ These are referred to as USDA Foods. To the extent possible, fruits, vegetables, juices, dried beans, and meats are supplied in shelf-stable forms. Frozen protein items are exceptions in 2015. Fresh produce is also provided in FDPIR, which can be taken by Tribes and State agencies in place of canned fruits and vegetables, or in combination with such products up to established maximum monthly guide rates. For a complete list of USDA Foods available for distribution in 2015, see http://www.fns.usda.gov/sites/default/files/fdd/FY2015_FDPIR.pdf.

¹¹⁷ 7 CFR 250.2

¹¹⁸ 7 CFR 253.5(a). Note that all approved plans are considered permanent and are amended only at the discretion of the Tribal or State agency or at the request of FNS. Amendments must be approved by FNS.

Exhibit G3. FDPIR Organizational Chart



FDPIR Administration

FNS and Tribes or State agencies have important and well-defined responsibilities, outlined in Exhibit G4.

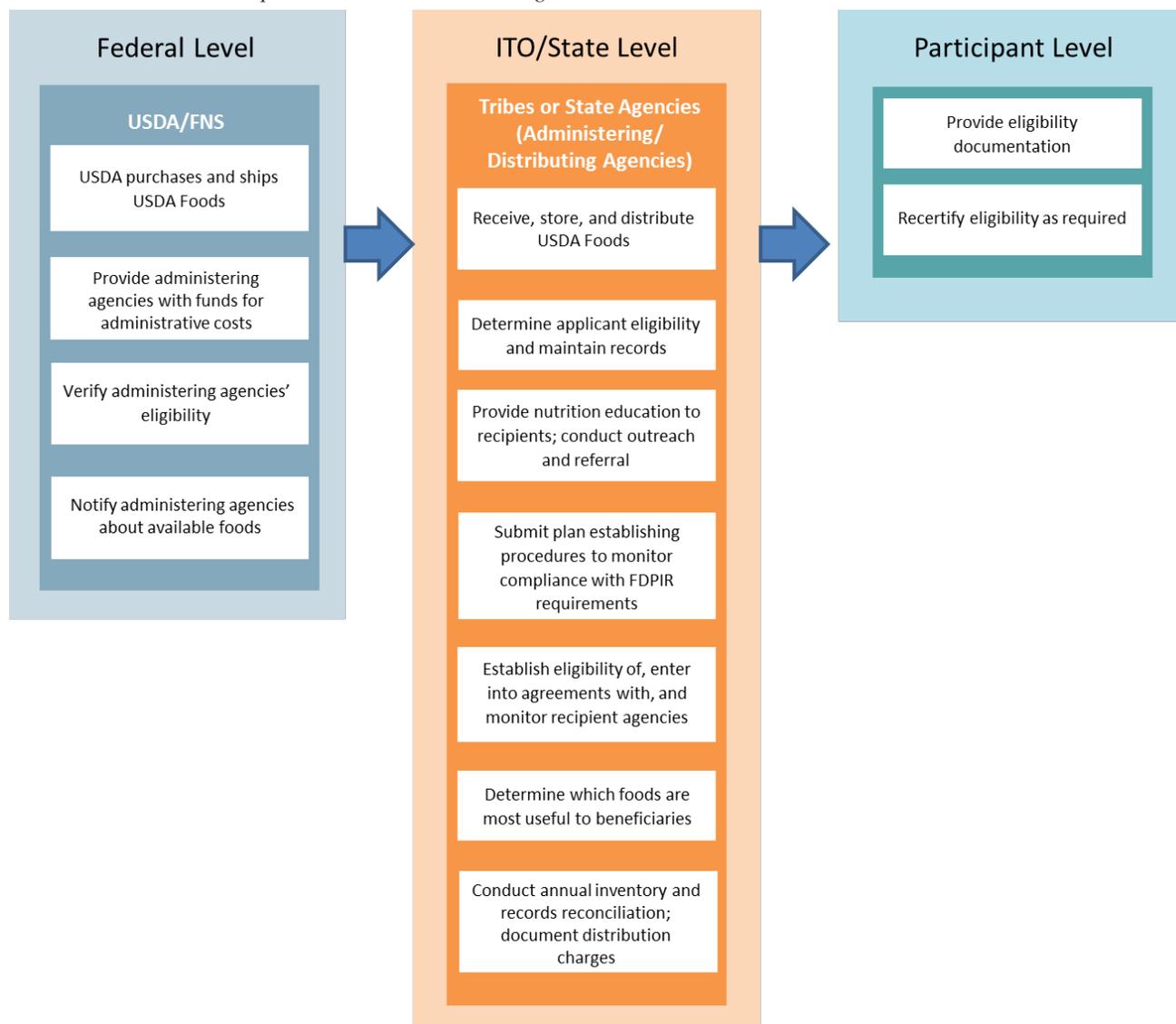
At the Federal level, FNS is responsible for verifying the eligibility of Tribes and State agencies applying to participate in FDPIR. It also reviews applicant agencies' plans for administering and monitoring the program and for maintaining accurate records of FDPIR activities at all levels of the program. Once FNS approves an agency's plan, it remains in effect until amended. FNS is also responsible for setting the monthly guide rate in collaboration with a Food Package Review Workgroup, comprised primarily of Tribal and State agency representatives, which establishes the types and quantities of USDA Foods that make up a full food package by household size. FNS also sets the eligibility criteria for FDPIR and the methods by which households may demonstrate eligibility under those standards.

At the Tribe or State level, Tribes or State agencies are responsible for submitting an initial plan of operation and for establishing procedures to monitor compliance with all FDPIR requirements. Either the administering agency or FNS may request amendments to the plan. Importantly, Tribes or State agencies also determine which available USDA Foods are preferred by beneficiaries, while ensuring that full food packages are issued. USDA fulfills these preferences to the extent practical.

Tribes or State agencies also develop estimates of the number of potentially eligible beneficiaries within their jurisdictions and conduct outreach and referral to other programs, such as WIC, from which a FDPIR applicant may benefit. Tribes or State agencies also establish a food warehousing system; maintain records of USDA Foods receipt, distribution or disposal, and inventory; verify applicant eligibility; and maintain records of each approved beneficiary's participation and receipt of benefits.

In addition, Tribes or State agencies warehouse USDA Foods, conduct physical inventory and records reconciliation, distribute USDA Foods to beneficiaries, provide nutrition education and counseling, and document all administrative expenses associated with distribution. Exhibit G4 summarizes these roles and responsibilities. Some Tribes or State agencies that administer FDPIR delegate some of these functions to local agencies. The exact delineation of roles and responsibilities varies from agency to agency.

Exhibit G4. Roles and Responsibilities in Administering FDPIR



G.3 CHILD AND ADULT CARE FOOD PROGRAM

CACFP is authorized through Section 17 of the National School Lunch Act (42 USC 1766). Program regulations are issued by the USDA under 7 CFR 226. CACFP offsets the food and administrative costs incurred by providers that serve nutritious meals and snacks to children ages 12 years and younger, the children of migrant workers age 15 years and younger, and young people ages 18 and under at emergency shelters and afterschool care facilities for at-risk youth. Additionally, institutions or facilities where the majority of attendees are 18 years or younger can have the costs of meal provision offset for any attendee of any age who has one or more disabilities.

Adult day care centers can be reimbursed for meals provided to adults who are functionally impaired or age 60 or older. The rate of reimbursement is generally dependent on the income of the individual receiving meals, with a higher rate reimbursed for individuals with incomes at or below 130 percent of Federal poverty guidelines and a lower rate for those with incomes between 130 and 185 percent of poverty guidelines.

In FY 2014, almost 3.9 million children and adults participated in CACFP. About 1.9 billion meals were served to children at daycare homes and centers, and another 71 million were provided to adults at adult daycare centers. The total cost in FY 2014 was about \$3.1 billion.¹¹⁹

CACFP Organizational Structure

CACFP is funded through State grants that are administered by FNS. States then direct the program, usually through their departments of education, to groups of daycare centers and homes, most frequently under the direction of a CACFP sponsoring organization. CACFP sponsoring organizations assume direct responsibility for CACFP participating centers and daycare homes, provide staff training on program requirements and regulations, and provide information on meal requirements and meal reimbursements.

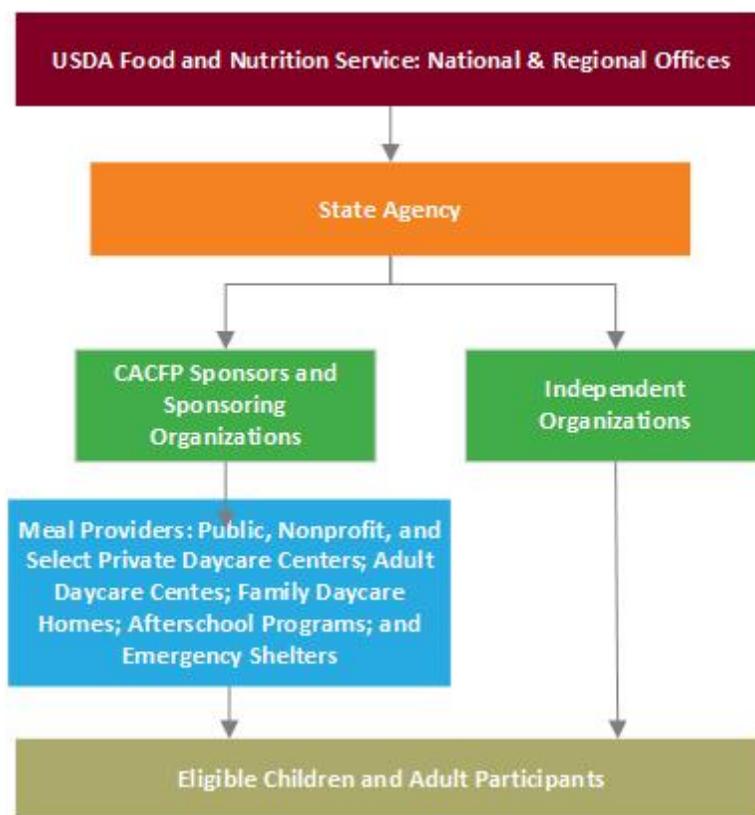
In some cases, CACFP participating providers are public entities, for example, SFAs or county governments. In other instances, they may be private for-profit or nonprofit organizations with a number of daycare homes or centers. For-profit center means a child care center, outside-school-hours care center, or adult day care center providing nonresidential care to adults or children that does not qualify for tax-exempt status under the Internal Revenue Code of 1986.¹²⁰ In other instances, for-profit or nonprofit centers may organize themselves independently of formal CACFP sponsoring organizations, assuming all of the responsibilities of a sponsoring organization, and have a direct agreement with a State agency.

To operate as a CACFP sponsoring organization or independent center, the institution must demonstrate to the State agency its financial viability and solid management practices, identify the need it will fill by facilitating the participation of centers and daycare homes, and present an allowable budget. Exhibit G5 depicts CACFP organization.

¹¹⁹ <http://www.fns.usda.gov/pd/child-nutrition-tables>

¹²⁰ Private, for-profit centers may participate in CACFP if at least 25 percent of attendees at a site are eligible for Title XX.

Exhibit G5. CACFP Organizational Chart



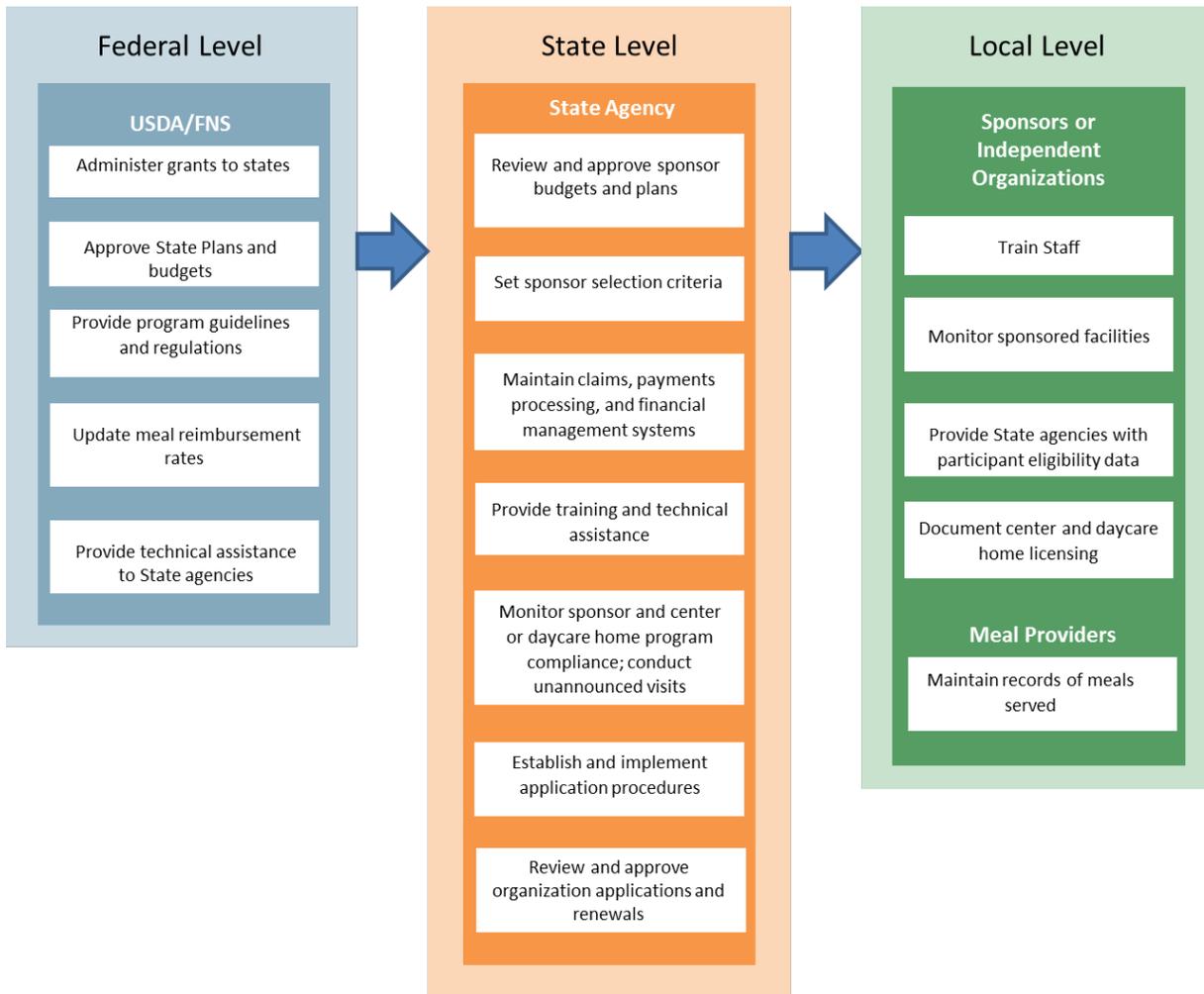
CACFP Administration

At the Federal level, FNS administers CACFP grants to State agencies. FNS regional offices annually review and approve State plans and budgets. One of the most important FNS administrative functions is to communicate and administer meal compensation rates adjusted annually through legislation based on the CPI published by the U.S. Department of Labor. FNS also determines and updates meal requirements for each age group and meal type: breakfast, lunch, supper, or snacks.

At the State level, State agencies review and approve the budgets and management plans for all sponsors and independent organizations, in part in order to prevent unallowable administrative expenses. State agencies also determine sponsor selection criteria. Criteria are developed to promote the expansion of CACFP benefits and services to populations and areas most in need. State agencies maintain payments, claims, and financial management systems; provide training and technical assistance; and monitor the performance of participating sponsors and independent organizations, as well as the centers and homes directly providing CACFP benefits.

At the local level, CACFP sponsors and independent organizations fulfill many of these same functions for centers and daycare homes. Sponsoring organizations train staff on CACFP requirements and monitor the facilities they oversee for compliance. They document the fulfillment of State licensing requirements and assist centers and daycare homes with the determination of participant eligibility, conveying this information to the State agency. Exhibit G6 summarizes roles and responsibilities at each level.

Exhibit G6. Roles and Responsibilities in Administering CACFP



G.4 THE EMERGENCY FOOD ASSISTANCE PROGRAM

Since its inception in 1981, TEFAP has distributed a variety of nutritious, high-quality USDA Foods to public and nonprofit charitable organizations that then distribute the USDA Foods to

qualifying households and low-income individuals.¹²¹ TEFAP began as a means of reducing national food inventories, providing surplus food to families until 1988, when agricultural surpluses diminished. At that point, additional funds were required and authorized through the Hunger Prevention Act of 1988 P.L. 100-435.¹²² In FY 2015, 754 million pounds of food were distributed to program recipients.

Recipients of USDA Foods provided through TEFAP may also concurrently be beneficiaries of other Federal nutrition programs such as WIC, SNAP, FDPIR, NSLP, and CSFP. Households that meet State eligibility criteria may receive TEFAP foods for home use. States set statewide TEFAP income standards, which may, at the discretion of the State, be met through participation in other existing Federal, State, or local food, health, or welfare programs for which eligibility is based on income. States can adjust eligibility criteria to ensure that assistance is provided only to those households most in need. Recipients of prepared meals are considered to be low-income and are not subject to a means test.

The rates of participation in TEFAP vary across the 50 States and the U.S. territories. Data sources such as the Current Population Survey provide information on participation in emergency food programs and nutrition assistance programs at the individual level, making it difficult to assess program access at the household level.

USDA uses a legislatively mandated formula that takes into account unemployment and poverty rates to allocate USDA Foods to States and territories. For FY 2015, Congress appropriated \$327 million to be used for food purchases and \$49.4 million for administrative costs.¹²³ Section 4027 of the Agricultural Act of 2014 amended the law to allow funds for the purchase of USDA Foods for TEFAP to remain available for two fiscal years, subject to terms and conditions determined by USDA. This provision took effect in FY 2015. Beginning in FY 2015, States are able to keep any remaining TEFAP food entitlement balance at the end of a fiscal year and place food orders against that balance during the subsequent fiscal year.

¹²¹ The Emergency Food Assistance Program Fact Sheet. (January 2016). <http://www.fns.usda.gov/sites/default/files/tefap/pfs-tefap.pdf> (NOTE: The fact sheet is regularly updated on the website)

¹²² Ibid.

¹²³ http://www.fns.usda.gov/sites/default/files/tefap/TEFAP_Funding_Memorandum.pdf

TEFAP Organizational Structure

As the Federal administrating body, USDA allocates USDA Foods to State distributing agencies according to a statutory funding formula using States' poverty rates and levels of unemployment. In turn, State agencies provide food to local agencies, often food banks, which deliver USDA Foods to emergency food programs such as soup kitchens and food pantries.¹²⁴ State agencies can also distribute USDA Foods to local agencies such as community action agencies that directly serve the public. USDA supports administration of the program through the provision of administrative funds to TEFAP State distributing agencies. Exhibit G7 summarizes the organizational structure.

Exhibit G7. TEFAP Organizational Chart



TEFAP Administration

Roles and responsibilities in administering TEFAP are shown in Exhibit G8.

¹²⁴ The Emergency Food Assistance Program Fact Sheet. (January 2016). <http://www.fns.usda.gov/sites/default/files/tefap/pfs-tefap.pdf> (NOTE: The fact sheet is regularly updated on the website)

At the Federal level, USDA purchases a variety of nutritious, high-quality USDA Foods and makes those foods available to State distributing agencies. The proportion of food each State receives is based on the number of unemployed persons and the number of people with incomes below the poverty level in the state. Under TEFAP, USDA also provides States with administrative funds to support the storage and distribution of USDA Foods. These funds must, in large part, be passed down to local eligible recipient agencies.

At the State level, State agencies are responsible for the distribution of USDA Foods and administrative funds to eligible recipient agencies, with which they must have documented agreements to ensure proper program administration. State responsibilities include maintaining and ensuring proper storage and inventory management practices, as applicable, and ensuring use of administrative funds for approved costs.¹²⁵ States must also maintain a record of the use of administrative funds.

In addition, it is the responsibility of States to set uniform statewide eligibility requirements for households receiving USDA Foods for home consumption. Eligibility requirements may be based on existing Federal or State income guidelines, or they may be adjusted to increase access according to demonstrated need.¹²⁶

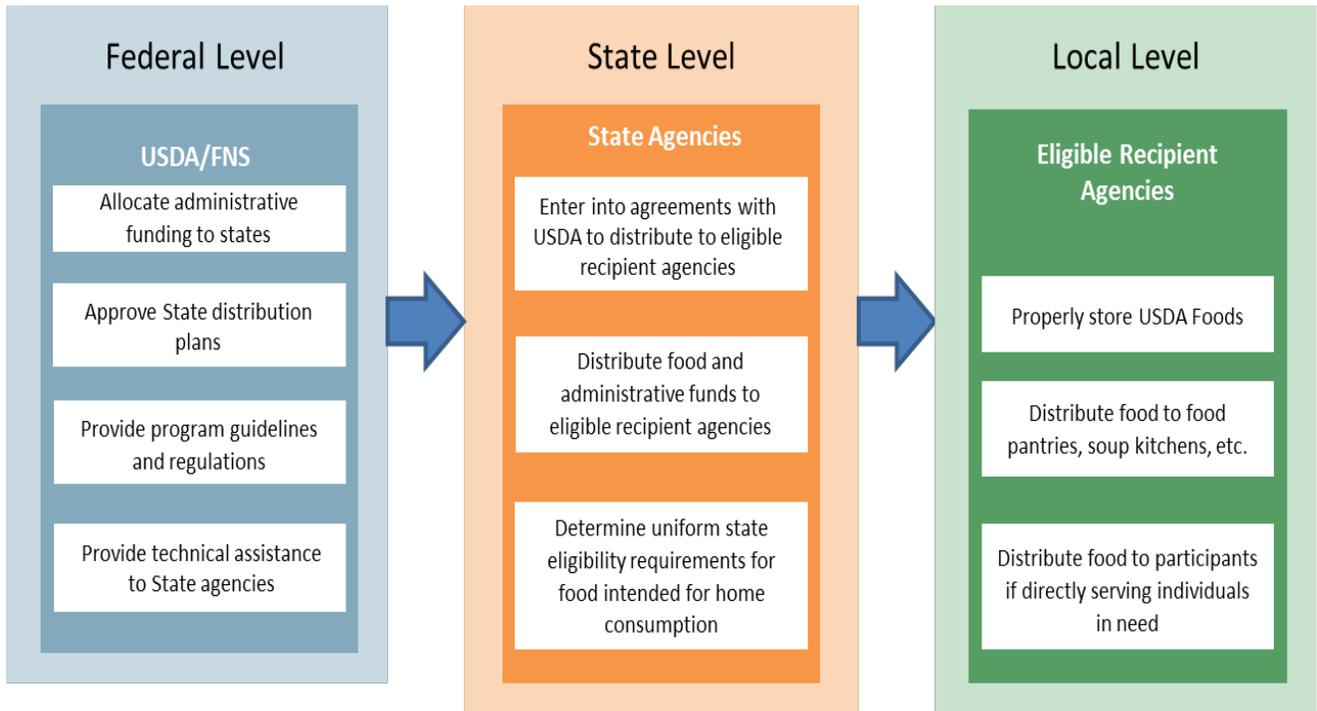
At the local level, eligible recipient agencies are responsible for distributing USDA Foods to pantries, soup kitchens, and other charitable food organizations.¹²⁷ Eligible recipient agencies are typically public or private emergency food organizations such as food banks or community action agencies.

¹²⁵ 7 CFR 251.2(b-c)

¹²⁶ <http://www.fns.usda.gov/tefap/frequently-asked-questions>

¹²⁷ 7 CFR 251.3

Exhibit G8. Roles and Responsibilities in Administering TEFAP



Appendix H. Consultation and Outreach Documentation

Exhibits H1–H3 list registered participants in the official Tribal consultations on August 20, September 11, and September 22, 2014.

Exhibit H1. Consultation Registrants, August 20, 2014

First Name	Last Name	State	Tribe/Organization
Speakers and Other Study Team Members			
Steven	Garasky	MD	IMPAQ
Kassim	Mbwana	MD	IMPAQ
Ann	Middleton	CA	IMPAQ
Nicky	Bowman	WI	Bowman Performance Consulting
Carolee	Dodge Francis	NV	Bowman Performance Consulting
Linda	Warner	OK	Bowman Performance Consulting
Aaron	Lane	MD	WRMA
USDA Representatives			
Kiev	Randall	VA	FNS Office of the Chief Communication Officer
Kathryn	Law	VA	FNS Office of Policy Support
Bill	Ludwig	TX	FNS Southwest Regional Office
Katy	Foster	TX	FNS Southwest Regional Office
Yolanda	Gracia	TX	FNS Southwest Regional Office
Jessica	Chua	IL	USDA
Kathy	Sweitzer	CO	FNS Mountain Plains Regional Office
Erica	Antonson	VA	FNS Supplemental Nutrition and Safety Program
Lou	Hankins	TX	FNS Southwest Regional Office
Tribal Participants			
Denise	Dodson	WI	Ho-Chunk Nation of Wisconsin
Leah	Duncan	OK	Cherokee Nation, Oklahoma
Debra	Echohawk	OK	Pawnee Nation of Oklahoma
Joanne	Frye	MA	Wampanoag Tribe of Gay Head (Aquinnah)
Gloria	Goodwin	MN	White Earth Nation
Laura	Huff	MS	Mississippi Band of Choctaw Indians

Amy	Laster	NV	Intertribal Council of NV, WIC Program
Connie	Martinez	NM	Pueblo of Acoma, New Mexico
Sarah	Miracle	OK	Chickasaw Nation, Oklahoma
Marisa	Mitchell	NE	Food Distribution Program, Omaha Tribe of Nebraska
Tod	Robertson	OK	The Seminole Nation of Oklahoma
Ella	Sands	OK	Cherokee Nation, Oklahoma
Marita	Scott	MA	Mashpee Wampanag Indian Tribal Council, Inc.
Karen	Tehuno	OK	Apache Tribe of Oklahoma
Jerry	Tonubbee	OK	Choctaw Nation of Oklahoma

Exhibit H2. Consultation Registrants, September 11, 2014

First Name	Last Name	State	Tribe/Organization
Speakers and Other Team Members			
Anne	Chamberlain	MD	IMPAQ
Kassim	Mbwana	MD	IMPAQ
Ann	Middleton	CA	IMPAQ
Nicole	Bowman	WI	Bowman Performance Consulting
Carolee	Dodge Francis	NV	Bowman Performance Consulting
Rebecca	Polar	WI	Bowman Performance Consulting
Linda	Warner	OK	Bowman Performance Consulting
Susan	Drilea	MD	WRMA
USDA and Other Federal Agency Representatives			
John	Lowery	DC	USDA Office of Tribal Relations
Jenny	Genser	VA	FNS Office of Policy Support
Kathryn	Law	VA	FNS Office of Policy Support
Kiev	Randall	VA	FNS Office of the Chief Communications Officer
Ileana	Alamo	VA	FNS Office of the Chief Communications Officer
Melissa	Baker	CA	FNS Western Regional Office
Ronna	Bach	MA	FNS Western Regional Office
Felicia	Gaither	DC	Health & Human Services
Tribal Participants			
Elene	Allen	WI	Great Lakes Inter-Tribal Council, Inc.
Sue	Blodgett	WI	Community Resource Center, Menominee Indian Tribe of Wisconsin
Laura	Goodwin	MN	White Earth Nation
Lisa	James	OK	Cherokee Nation, Oklahoma

First Name	Last Name	State	Tribe/Organization
Mindy	Josefides	AZ	Inter-Tribal Council of Arizona
Natalie	Kenmille	MT	Confederated Salish & Kootenai Tribes of the Flathead Reservation, Montana
Jerome	Lhotka	MN	Minnesota Chippewa Tribe, Minnesota (White Earth Nation)
Tracy	LittleDave	OK	Cherokee Nation, Oklahoma
Sarajane	Mallwood	OK	Choctaw Nation of Oklahoma
Ellen	Robertson	SD	Enemy Swim Day School, charter school run by Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota
Tod	Robertson	OK	The Seminole Nation of Oklahoma
Debra	Rumpza	SD	Enemy Swim Day School, charter school run by Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota
Paul	Savoonga	AK	Alaska Native Tribe, Native Village of Savoonga
Caitlin	Smith	NM	New Mexico Appleseed, Navajo Nation, Arizona, New Mexico & Utah
Paula	Smith	KS	Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
Ronica	Spote	AZ	Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona
Jamie	Stewart	MN	Minnesota Chippewa Tribe, Minnesota (White Earth Nation)
Berdie	Williams	OK	Choctaw Nation of Oklahoma

Exhibit H3. Consultation Registrants, September 22, 2014

First Name	Last Name	State	Tribe/Organization
Speakers and Other Team Members			
Steven	Garasky	MD	IMPAQ
Anne	Chamberlain	MD	IMPAQ
Kassim	Mbwana	MD	IMPAQ
Ann	Middleton	CA	IMPAQ
Luke	Patterson	MD	IMPAQ
Nicole	Bowman	WI	Bowman Performance Consulting
Linda	Warner	OK	Bowman Performance Consulting
Susan	Drilea	MD	WRMA
Aaron	Lane	MD	WRMA
USDA and Other Federal Agency Representatives			
Jenny	Genser	VA	FNS Office of Policy Support
Ronna	Bach	MA	FNS Western Regional Office

First Name	Last Name	State	Tribe/Organization
Sangeetha	Malaiyandi	VA	FNS Office of Policy Support
Genam	Chew	CA	FNS Western Regional Office
Jessica	Creed-Capsel	CO	FNS Mountain Plains Regional Office
John	Hamma	GA	USDA
Lou	Hankins	OK	FNS Southwest Regional Office
Christine	Hennelly	TX	FNS Southwest Regional Office
Barbara	Lopez	CA	FNS Supplemental Nutrition and Safety Programs
Ron	Maynard	VA	FNS Child Nutrition Programs
Tim	Mote	GA	FNS Southeast Regional Office
Steve	Hortin	GA	FNS Child Nutrition Programs
Rosemary	O'Connell	VA	FNS Child Nutrition Programs
Santrice	Parks	GA	FNS Southeast Regional Office
Hope	Rios	CA	FNS Western Regional Office
Tom	Schindler	IL	Administration for Children and Families Midwest Regional Office
Zita	Viernes	CA	FNS Supplemental Nutrition and Safety Programs
Lindsay	Walle	VA	FNS
Kim	Watson	NC	Agriculture Research Service
Tribal Participants			
Wanda	Agnew	ND	United Tribes Technical College Extension Program
Jameela	Ali	WI	University of Wisconsin Global Health Institute
Scott	Boyle	CA	Federated Indians of Graton Rancheria
Vicki	Bradley	NC	Eastern Band of Cherokee Indians
Daniel	Cornelius	WI	Intertribal Agriculture Council, Wisconsin
Amber	Crotty	AZ	Diné Policy Institute
Fi	Davis	OK	The Osage Nation
Deloris	English	MN	Red Lake Band Chippewa Indians, Minnesota
AJ	Ernst	WI	Lac du Flambeau Band of Lake Superior Chippewa Indians
Charles	Gates	ND	Standing Rock Sioux Tribe of North & South Dakota
Betty	Graveen	WI	Lac du Flambeau Band of Lake Superior Chippewa Indians
Karen	Griego-Kite	NM	Five Sandoval Indian Pueblo, Pueblo of Sandia, New Mexico
Virginia	Hill	CA	The Iipay Nation of Santa Ysabel, California
Janie	Hipp	AR	Indigenous Food & Agriculture Initiatives (Chickasaw)
Keir	Johnson	CA	Intertribal Agriculture Council, California
Michael	Kafka	MN	Mille Lacs Band of Ojibwe

First Name	Last Name	State	Tribe/Organization
Kenneth	Ladeaux	SD	Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
Matthew	Larsen	CA	Toiyabe Health Project
Jim	Melton	SC	None
Anthony	Nertoli	MI	Sault Ste. Marie Tribe of Chippewa Indians of Michigan
Melinda	Newport	OK	Chickasaw Nation
Jennifer	Ramo	NM	Nonprofit
Ruth	Reisel	SD	Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
Hillary	Renick	CA	Sherwood Valley Rancheria of Pomo Indians of California
Ellen	Robertson	SD	Enemy School, charter school run by Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota
Adae	Romero	HI	First Nation Development
Gordon	Sam	MS	Choctaw Nation Food Distribution
Ella	Sands	OK	Cherokee Nation
Adam	Schuchardt	SD	Intertribal Agriculture Council, South Dakota
Caitlin	Smith	NM	New Mexico Appleseed, Navajo Nation, Arizona, New Mexico & Utah
Martin	Smith	MT	Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation
Paula	Smith	KS	Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
Cassius	Spears	RI	Narragansett Indian Tribe of Rhode Island
Roger	Szemraj	DC	OFW Law