

FEASIBILITY OF TRIBAL ADMINISTRATION OF FEDERAL NUTRITION ASSISTANCE PROGRAMS (SUMMARY)

Background

The U.S. Department of Agriculture (USDA), Food and Nutrition Service (FNS) administers 15 Federal nutrition assistance programs in partnership with State agencies. Of these, only five – the Food Distribution Program on Indian Reservations (FDPIR), the Commodity Supplemental Food Program (CSFP), the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), the Farmers’ Market Nutrition Program, and the Senior Farmers’ Market Nutrition Program – are directly administered by Tribes.

Section 4004 of the Agricultural Act of 2014 requires a study to determine the feasibility of Indian Tribal Organizations (ITOs) administering additional Federal nutrition assistance programs in lieu of State agencies. This study has four objectives:

- Identify services, functions, and activities associated with administering nutrition assistance programs.
- Consult with ITOs to determine the extent of their interest in administering these programs.
- Understand the readiness of ITOs to administer all or parts of these programs.
- Identify statutory or regulatory changes, waivers, or special provisions that would be needed for ITOs to administer these programs.

Study Design and Methodology

This study focused on Tribal interest and readiness to administer four of the largest Federal nutrition assistance programs: the Supplemental Nutrition Assistance Program (SNAP), the National School Lunch and School Breakfast Programs (NSLP and SBP), and the Summer Food Service Program (SFSP). The study employed a multi-method design for data collection, including:

- **Document reviews** to examine the requirements of administering four major programs not currently administered by ITOs (SNAP, NSLP, SBP, and SFSP).

- **Consultations** with, and outreach to, Tribal leaders to gather input on study design.
- **A survey** sent to all federally recognized Tribes to assess Tribal interest in administering Federal nutrition programs and any relevant experience with other programs like WIC or FDPIR.
- **Site visits** to 16 Tribes, Alaskan Native Villages, and ITOs to collect more in-depth qualitative data to supplement the survey findings.

This report presents broad general findings regarding Tribal interest in administering nutrition assistance programs, capacity to administer all or parts of these programs, and potential challenges.

Findings

Nearly all Tribes that participated in this study expressed interest in administering one or more Federal nutrition assistance programs. Regarding the larger FNS programs, two-thirds of Tribes expressed interest in administering SFSP and half were interested in administering SNAP.

- However, many Tribes, particularly small Tribes, indicated that their interest was conditional and, in most cases, dependent upon availability of Federal funding for administrative expenses.
- Tribes anticipated potential benefits of administering these programs, including the ability to directly serve Tribal members who need assistance, the ability to manage the nutritional quality of the programs, and the ability to offer culturally appropriate programming and services.
- In addition, Tribes believed that administering Federal nutrition assistance programs would represent further recognition and expression of Tribal sovereignty.

The majority of Tribes reported some experience with program administration activities similar to

those of nutrition assistance programs, including eligibility determination, conducting program outreach, producing reports for State or Federal agencies, and delivering services to participants.

Tribes identified several challenges to administering Federal nutrition assistance programs. Small- and medium-sized Tribes, which are the majority of all Tribes, were more likely to identify these challenges than larger Tribes.

- *Lack of financial resources.* Nearly half of all Tribes indicated that a lack of financial resources would present a challenge to paying half of program administration costs.
- *Staffing.* Two-thirds of Tribes indicated they would need to hire additional Information Technology staff.
- *Merit system personnel.* State agency staff conducting SNAP certification process functions must be employed in accordance with standards determined by the Office of Personnel Management (OPM); that is, they are merit system personnel. Under current SNAP regulations, in order for a Tribe to be determined capable of administering SNAP as a State agency, the Tribe must be able to administer the program in compliance with Federal rules, including establishing a merit personnel system in accordance with OPM standards. Tribal leaders and stakeholders cited this requirement as a challenge, as each Tribal government is sovereign and has its own employment standards.
- *Infrastructure.* Nearly one-third of Tribes identified insufficient technological or physical infrastructure as a potential challenge.

Tribes expressed optimism that, with assistance, they could overcome these challenges. However, this would likely require significant financial investment on the part of the Tribes and the Federal Government and technical assistance on the part of the Federal Government.

ITOs offered additional recommendations for ways to facilitate Tribal administration of nutrition programs:

- **Congress should amend the Indian Self Determination and Education Act (P.L. 93-638)** to include Federal nutrition assistance programs in the group of programs that Tribes can manage, using Federal funds, in accordance with Tribal law and policy.
- **FNS should develop a model to help Tribes obtain competitive pricing for electronic benefit transfer (EBT) services for WIC and SNAP.** While FNS does not have the mandate to negotiate EBT service pricing, FNS has worked with State agencies to form consortia to negotiate lower pricing when possible.
- **FNS should develop Tribal administrative regions** that more closely align with the national distribution of Tribes.

Conclusion

Tribes reported various benefits to administering nutrition assistance programs in whole or part, and expressed optimism that, with assistance, they could overcome barriers to administration. However, it is not clear whether Tribes have the financial resources, human resources, and technical or physical infrastructure to dedicate to program implementation or to the ongoing costs of program administration. An audit conducted collaboratively with individual Tribes and designed to examine specific administrative requirements could provide the detailed and concrete information necessary to determine each Tribe's readiness to administer a Federal nutrition program.

This current research, which presents broad findings about Tribes' interest in administering key nutrition programs and their ability to do so, could inform future assessments. In the meantime, it can help FNS explore flexible, creative solutions to address many of the common challenges that Tribes face with regard to program administration.

For More Information

Garasky, Steven, et al. (2016). *Feasibility of Tribal Administration of Federal Nutrition Assistance Programs*. Prepared by IMPAQ International, LLC, for the USDA Food and Nutrition Service (available online at www.fns.usda.gov/research-and-analysis).