SPIRIT LAKE TRIBE

OFFICE OF THE TRIBAL CHAIRMAN

PO BOX 359 • FORT TOTTEN, ND 58335 • PHONE: 701-766-4626 • FAX: 701-766-4126

Jan. 19, 2007

USDA, Food and Nutrition Service
Food Distribution Division
3101 Park Center Drive, Room 506
Alexandria, Virginia 22302

Dear Members of the FDPIR Funding Methodology Work Group,

Here are the responses to USDA regarding the proposed implementation of a "funding formula."

Spirit Lake Tribe is against a funding formula for these reasons:

- NAFDPIR, a member organization comprised of Food Distribution Programs rejected implementation in the past because it wasn't in the best interest of the organization. By implementing a funding formula, some tribes will lose funds which in turn will create loss of services to the people they serve. This proposed funding formula has created division within the NAFDPIR, if FNS was truly concerned about the tribes, they would provide additional funds to alleviate the disparities. The Regional Offices need to be more involved in equitably trying to prohibit disparities among the programs in which they work with. To state that the matter of a funding formula would be simpler on FNS's part, isn't that what they're supposed to be doing, working "with the tribes?" The federal government has inherent trust responsibilities to the tribes which includes the right to negotiate. By simply adding a small fraction of the budget to be negotiated, this is not a true form of negotiation.
- If FNS wants to treat all programs equitably and fair, why are there two sets of regulations?
- HUD & WIC have enacted funding formulas for their programs and this has not been well received, you become numbers and services are cut to the people that the program was intended for because budgets are based strictly on a funding formula. Programs are unable to operate effectively because they are locked into participation based funding and there are too many other factors that aren't considered.
- Workgroup-FNS workgroup doesn't have "equal" representation for the funding workgroup; representation on the Tribal level was not equal. Workgroups initiated are usually FNS lead and dictated.

- Turn back of funds: Historically some regions have consistently turned back funds because they were not able to spend their allocated funding amounts. Why would FNS give more funds to any region that hasn't historically spent their funds? Is this going to result in more unspent funds in the future?
- NAFDPIR has requested through resolutions new foods to improve the program, as well as trying to ease regulations to make more needy clients eligible. The resolutions have sat dormant for several years, why doesn't FNS put the issues of importance on the fast track?
- USDA/FNS has provided no informational charts that show the tribes what the impacts are going to be, what are the losses or gains? This is unacceptable to the Spirit Lake Tribe to approve or agree with funding changes that may hurt or cripple services to our Tribe.
- Percentage of funds received by Mountain Plains Region for warehousing costs for MT and ND have been taken out of administrative dollars for many years. These funds should have been taken out of warehousing and food costs. In turn, USDA/FNS has provided inaccurate percentages received by the Mountain Plains Region and have been presented at the FDPIR conference. This information needs to be updated and funding charts need to reflect this change.
- Cost drivers, there are too many disparities in how services are provided to the people. How do you figure tailgating, home deliveries, geographical areas and most of all, services to the people, we deserve to be more than just a number.

I urge USDA to continue to work in unity with the Tribes, not divide and create conflict.

Sincerely,

Myra Pearson,
Tribal Chairwoman

SPIRIT LAKE TRIBE
RESOLUTION NO. A05-07-056

WHEREAS, the Spirit Lake Tribe, formerly known as the Devils Lake Sioux Tribe of Indians is a federally recognized American Indian Tribe governed by a revised Constitution dated May 5, 1950, approved by the Acting Commissioner, Bureau of Indian Affairs, July 14, 1961, and subsequently amended July 17, 1969; May 3, 1974; April 16, 1976; May 4, 1981; and August 19, 1996; and

WHEREAS, the Constitution of the Spirit Lake Tribe generally authorizes and empowers the Spirit Lake Tribal Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribe and of the enrolled members thereof; and

WHEREAS, the Spirit Lake Tribal Council (hereinafter the Tribal Council) is empowered to administer the economic resources and financial affairs of the Tribe; and

WHEREAS, the United States Department of Agriculture Food and Nutrition Service has proposed the implementation of an Administrative Funding Formula for the Food Distribution Program; and

WHEREAS, this proposed funding formula will eliminate the right of the Spirit Lake Tribe and other Treaty Tribes the right to consult and negotiate funding for Food Distribution Programs; and

WHEREAS, the proposed funding formula treats all Food Distribution Programs in the same manner despite differences in Indirect Costs for each Indian Tribe, salary costs, urban versus rural populations; and

NOW THEREFORE BE IT RESOLVED, that the Spirit Lake Tribe is strongly opposing any proposed plan to reduce or eliminate the treaty obligation of the United States Department of Agriculture Food and Nutrition Service to negotiate funding for the Food and Distribution Program with the Spirit Lake Tribe on a government to government basis; and

BE IT FURTHER RESOLVED, that the Spirit Lake Tribe also opposes the USDA's imposition of any funding formula or methodology without approval by the Spirit Lake Tribe.

CERTIFICATION

I, the undersigned as Secretary-Treasurer of the Spirit Lake Tribal Council, do hereby certify that the Tribal Council is composed of six (6) members, of whom six (6) were present constituting a quorum for a Special Meeting duly called and convened on this 19th day of JANUARY, 2007, and approved this resolution by an affirmative vote of four (4) in favor, none (0) opposed, none (0) abstaining, none (0) absent.
(The Secretary-Treasurer does not vote and the Chairperson votes only in case of a tie.)

Brian S. Pearson
Secretary-Treasurer

Myra S. Pearson
Chairperson