

CHAPTER 67-21-07
FOOD DISTRIBUTION ON INDIAN RESERVATIONS

Section

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67-21-07-01. Purpose.

The food distribution program on Indian reservations, initiated at the federal level and in partnership with the states, authorizes the receipt and distribution of United States department of agriculture foods by state agencies to tribal organizations.

History: Effective February 1, 2000; amended effective January 1, 2020.

General Authority: NDCC 15.1-35-03, 28-32-02

Law Implemented: NDCC 15.1-35-03; 7 CFR 253.1

67-21-07-02. State agency.

The department of public instruction has been designated by the United States department of agriculture as the state agency in the state of North Dakota to assist in the implementation, maintenance, and funding of the program for tribal organizations that wish to participate in this program.

History: Effective February 1, 2000.

General Authority: NDCC 15.1-35-03, 28-32-02

Law Implemented: NDCC 15.1-35-03; 7 CFR 253.3

67-21-07-03. Use of federal rules and policies.

Unless otherwise specified in this chapter, eligibility to participate in the food distribution program on Indian reservations is governed by federal rules. The tribal organization shall conform to lawfully issued rules and policies relating to the food distribution program.

History: Effective February 1, 2000; amended effective January 1, 2020.

General Authority: NDCC 15.1-35-03, 28-32-02

Law Implemented: NDCC 15.1-35-03, 15.1-35-05; 7 CFR 253

67-21-07-04. Availability of United States department of agriculture foods, storage, and distribution.

Tribal organizations are eligible to receive United States department of agriculture foods that are made available under the Food and Nutrition Act of 2008. Shipments of United States department of agriculture foods to tribal organizations must be made under the terms of the existing state transportation contract and in accordance with a schedule jointly determined by the department and the tribal organization. Tribal organizations shall maintain control of and accountability for United States department of agriculture foods, conduct inventories as necessary, provide and maintain adequate and appropriate storage facilities, and distribute the United States department of agriculture foods to individuals on the basis of established eligibility.

History: Effective February 1, 2000; amended effective January 1, 2020.

General Authority: NDCC 15.1-35-03, 28-32-02

Law Implemented: NDCC 15.1-35-03, 15.1-35-05; 7 CFR 253.10

67-21-07-04.1. Eligibility.

Within the United States department of agriculture, the food and nutrition service determines if an Indian tribal organization is capable of effective and efficient administration of the program. If the food and nutrition service determines the Indian tribal organization is not capable of effective and efficient administration of the program, the appropriate agency of the state government is responsible for the program on all or part of the Indian reservation. The appropriate agency of the state government may administer the program on behalf of an otherwise capable tribe if agreed to in writing by both parties.

History: Effective January 1, 2020.

General Authority: NDCC 15.1-35-03; 28-32-02

Law Implemented: NDCC 15.1-35-03; 7 CFR 253.4

67-21-07-04.2. Monitoring.

The department of public instruction shall conduct annual onsite reviews of tribal organization program operations, as specified in the federal regulations, for the purpose of providing guidance and technical assistance to local agencies. All reviews must ensure tribal organizations meet program requirements and objectives. Program deficiencies must be documented and specific plans of corrective action for deficiencies must be established and implemented.

History: Effective January 1, 2020.

General Authority: NDCC 15.1-35-03; 28-32-02

Law Implemented: NDCC 15.1-35-03; 7 CFR 253.5

67-21-07-05. Administrative payments.

The department shall reimburse tribal organizations not considered to be Indian tribal organizations for costs that are allowable under federal rule 7 CFR 253.11, in accordance with the approved tribal organization budget. The department also shall use administrative funds to cover all warehouse and transportation expenses for those Indian tribal organizations that receive United States department of agriculture foods from the state contracted warehouse facility.

History: Effective February 1, 2000; amended effective January 1, 2020.

General Authority: NDCC 15.1-35-03, 28-32-02

Law Implemented: NDCC 15.1-35-03, 15.1-35-05; 7 CFR 253.11