

United States Senate

WASHINGTON, DC 20510

August 27, 2024

The Honorable Thomas J. Vilsack
Secretary
United States Department of Agriculture
1400 Independence Avenue SW
Washington, D.C. 20250

Dear Secretary Vilsack,

We write to express our deep concern about the ongoing delivery disruptions and food shortage crisis in both the Food Distribution Program on Indian Reservations (FDPIR) and Commodity Supplemental Food Program (CSFP), which assist some of our Nation's most vulnerable populations. We have heard from Indian Tribal Organizations (ITOs), food banks and emergency feeding organizations, state agencies, and program participants regarding delayed or cancelled food deliveries, or deliveries of expired food. These disruptions not only affect food inventory levels for the program operators, but food security for tribal and senior households. As the U.S. Department of Agriculture (USDA) has acknowledged, this is unacceptable.

These supply chain disruptions have occurred since USDA consolidated the vendors and subsequently, the warehouses that are responsible for food delivery for FDPIR and CSFP to one vendor, Paris Brothers, Inc. in Kansas City, MO. Upon the start of the contract, April 1, 2024, ITOs participating in FDPIR began to experience inconsistent, late, incomplete, or missing food deliveries, with those issues now entering the fifth month. More than 55,000 tribal members depend on FDPIR to receive nutritious and wholesome food, often in remote locations where access to food is severely limited and unaffordable for low-income individuals. Similar disruptions and shortages are impacting CSFP participants across the country, and this program supports more than 719,000 seniors.

We appreciate the actions the Department has taken thus far to provide funding and flexibilities for impacted ITOs, state agencies, and emergency feeding organizations, including releasing funds from the Commodity Credit Corporation to support the ad hoc purchase of food. USDA has also instructed ITOs to access local food bank programming through the state-operated Emergency Food Assistance Program (TEFAP) and for states to use remaining funds under the Local Food Purchase Assistance Cooperative Agreement Program (LFPA) to buy local foods.

However, more must be done to ensure this issue is addressed expeditiously. In addition, some of these options may not be effective in rural and remote areas where FDPIR is operated. Further, some of the states have already allocated all of their LFPA funds, and not all states have used the TEFAP option.

While we appreciate the response efforts to this rapidly evolving situation, there are still questions about the contracting process and USDA's reporting requirements, as well as opportunities for increased transparency with Congress. It is also critical to ensure these programs are protected from similar disruptions in the future so those most in need have uninterrupted access to these programs.

In order for Congress to understand the gravity and scope of the issues, we ask that USDA provide written responses to the following questions, no later than September 20, 2024:

Contract Process

1. Please provide the full contract solicitation and the full contract as signed by Paris Brothers, Inc.
2. Please provide the number of applicants to the solicitation.
3. Did USDA consider the request of Tribal stakeholders to shift the multi-food warehouse structure to a regional, rather than national, model?
4. What are the roles of the Food and Nutrition Service (FNS) and the Agricultural Marketing Service (AMS) in evaluating and selecting a vendor with whom to contract to provide food for FDPIR and CSFP?
5. Before being awarded the contract, how did Paris Brothers, Inc. demonstrate they would be able to quickly and effectively transition to serving the entire country with timely orders? What criteria were used by the Department to evaluate the validity of the Paris Brothers, Inc. proposal?
6. How much time did Paris Brothers, Inc. request to transition to serving the entire country?
7. Will state agencies and ITOs be reimbursed for:
 - a. Non-USDA food procured to make up for supply shortfalls?
 - b. Funds that are reallocated from LFPA projects towards procurement of food for the FDPIR program?
 - c. TEFAP food that was provided by food banks to FDPIR and CSFP?
8. If state agencies and ITOs will be reimbursed, what will be the source of that funding?
9. What is the volume of food disruptions for FDPIR? Please provide monthly updates dating back to contract start date, April 01, 2024.
10. What is the volume of food disruptions for CSFP? Please provide monthly updates, dating back to contract start date, April 01, 2024.

Contractor Mitigation

11. Please provide all communications between the Department and Paris Brothers, Inc. since the contract's commencement date, including, but not limited to, communications related to the delays.
12. We have heard that staffing at the multi-food warehouse and transportation infrastructure have been challenging. How is USDA working to mitigate these issues?
13. Is USDA partnering with other agencies or emergency response organizations? If so, how?
14. Is USDA going to establish an additional contract to bring in one or multiple contractors to provide additional warehouse, staffing and/or transportation infrastructure? If so, when?

15. What corrective actions or accountability measures have been instituted with Paris Brothers, Inc. in light of their failure to provide on-time deliveries?
16. What penalties, if any, have been assessed against Paris Brothers, Inc.?
17. Has USDA re-negotiated the terms of the contract with Paris Brothers, Inc.? If not, are there plans to do so?
18. What actions has Paris Brothers, Inc. taken to improve their response time and increase shipments of food?

Stakeholder Communications

19. Please provide all communications (i.e., policy guidance, letters, memoranda) issued to state agencies, program participants, impacted ITOs, emergency feeding organizations and any other relevant parties since the start of the delays.
20. We have heard USDA asked the relevant ITOs and state agencies not to order food for FDPIR and CSFP in April so the warehouse transition could occur under the new contract with Paris Brothers, Inc.
 - a. Did all USDA regional offices inform their state agencies to anticipate food delays as a result of the transition?
 - b. Were all state agencies and ITOs informed they should request the maximum amount of food before this transition period occurred? Please share all relevant communications (i.e. letters, guidance).
 - c. What other actions were taken to minimize disruptions during the warehouse transition with Paris Brothers, Inc.?

Thank you for your continued efforts to address this issue. We urge you to continue to work closely with the affected ITOs, state agencies and emergency feeding organizations to resolve this issue as quickly as possible and provide them with frequent and transparent communication, as well as to ensure that the programs are protected from future disruptions. We appreciate your timely response.

Sincerely,



Debbie Stabenow
Chairwoman
Committee on Agriculture,
Nutrition, and Forestry



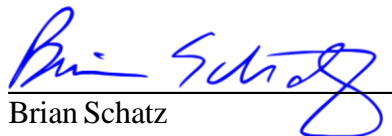
John Boozman
Ranking Member
Committee on Agriculture,
Nutrition, and Forestry



Sherrod Brown
United States Senator



John Cornyn
United States Senator



Brian Schatz
Chairman
Committee on Indian Affairs



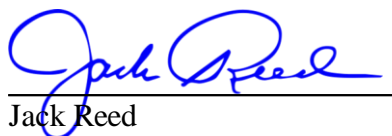
M. Michael Rounds
United States Senator



Jeanne Shaheen
United States Senator



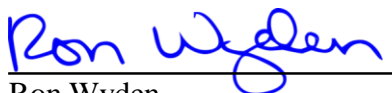
Deb Fischer
United States Senator



Jack Reed
United States Senator



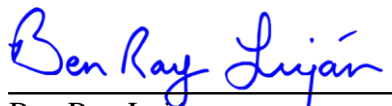
Mike Braun
United States Senator



Ron Wyden
United States Senator



John Hoeven
United States Senator



Ben Ray Lujan
United States Senator



Markwayne Mullin
United States Senator



Tina Smith
United States Senator



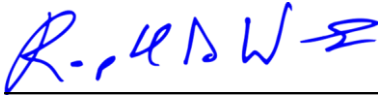
Roger Marshall, M.D.
United States Senator



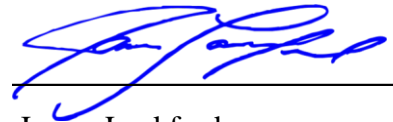
Bernard Sanders
United States Senator



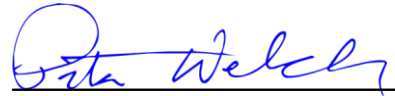
Pete Ricketts
United States Senator



Raphael Warnock
United States Senator



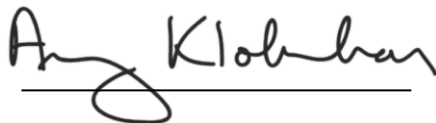
James Lankford
United States Senator



Peter Welch
United States Senator



Joni Ernst
United States Senator



Amy Klobuchar
United States Senator