


**TRIBAL SUMMARY IMPACT STATEMENT  
FOR THE PROPOSED RULE:  
Supplemental Nutrition Assistance Program:  
Standardization of State Heating and Cooling Standard Utility Allowances**

Agency: U.S. Department of Agriculture  
Food and Nutrition Service (FNS)

Subject: Tribal Consultation Impact Analysis  
Supplemental Nutrition Assistance Program: Standardization of State Heating and Cooling  
Standard Utility Allowances



A review of the Food and Nutrition Service (FNS) Supplemental Nutrition Assistance Program: Standardization of State Heating and Cooling Standard Utility Allowances proposed rule has been conducted by the Office of Tribal Relations (OTR), USDA, specifically to determine whether the requirements of Tribal consultation and coordination have been met or is required. This review focuses on compliance with consultation and coordination with Indian Tribal Governments, and whether the proposed Directive is in compliance with USDA Departmental Regulation (DR) 1350-002, "Tribal Consultation, Coordination, and Collaboration," and Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments."

**TRIBAL IMPLICATIONS**

According to the previously mentioned DR and EO, each agency must first examine whether their proposed regulations or agency action has tribal implications. "Tribal implications" refers to regulations that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

The Office of Tribal Relations has reviewed this regulation and we determined that consultation is required.

**CONSULTATION AND COORDINATION ANALYSIS as required by EO 13175 and DR 1350-002:**

**A. Conclusion**

Our review of the regulation discloses that there are possible Tribal implications and that consultation is required. FNS has stated that it will have a consultation in late June regarding this rule. If further consultation is requested, OTR will work with the Food and Nutrition Service to ensure quality consultation is provided.

In accordance with Departmental Regulation 1350-002, the Office of Tribal Relations suggests the below language replace the current *Executive Order 13175* section on pages 19-20:

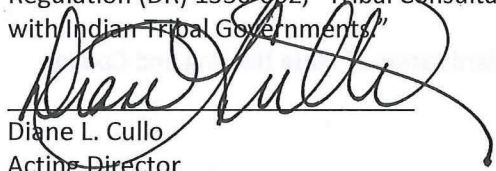
**Executive Order 13175: Consultation and Coordination with Indian Tribal Governments**

Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments, or proposed legislation. Additionally, other policy statements or actions that have substantial direct effects on

one or more Indian Tribes, the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes also require consultation. This regulation has possible Tribal implications, so consultation is required. FNS will have a consultation on this rule prior to it entering the rulemaking process. If further consultation is requested, OTR will work with FNS to ensure quality consultation is provided.

**B. Certification**

I certify that the following review and analysis has been conducted in accordance with Departmental Regulation (DR) 1350-002, "Tribal Consultation" and Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments."

  
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Diane L. Cullo  
Acting Director  
Office of Tribal Relations

Date 6-7-19