

S. — Smith — 1st — Degree — 4

AMENDMENT NO. _____ Calendar No. _____

Purpose: To allow self-determination contracts and self-governance funding agreements with Indian entities to administer the food distribution program on Indian reservations.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. _____

To provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2031, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. SMITH

Viz:

1 At the end of subtitle A of title IV, add the following:

2 **SEC. 41. FOOD DISTRIBUTION PROGRAM ON INDIAN**

3 **RESERVATIONS UNDER SELF-DETERMINA-**

4 **TION CONTRACTS AND SELF-GOVERNANCE**

5 **FUNDING AGREEMENTS.**

6 (a) IN GENERAL.—Section 4(b) of the Food and Nu-
7 trition Act of 2008 (7 U.S.C. 2013(b)) (as amended by
8 section 4102) is amended—

1 (1) by redesignating paragraph (9) (as redesign-
2 nated by section 4102(b)(1)(B)) as paragraph (10);
3 and

4 (2) by inserting after paragraph (8) (as added
5 by section 4102(b)(1)(C)) the following:

6 “(9) SELF-DETERMINATION CONTRACTS AND
7 SELF-GOVERNANCE FUNDING AGREEMENTS FOR IN-
8 DIAN ENTITIES.—

9 “(A) DEFINITIONS.—In this paragraph:

10 “(i) INDIAN ENTITY.—The term ‘In-
11 dian entity’ means—

12 “(I) an Indian tribe; and

13 “(II) a Tribal organization.

14 “(ii) SELF-DETERMINATION CON-
15 TRACT.—The term ‘self-determination con-
16 tract’ has the meaning given the term in
17 section 4 of the Indian Self-Determination
18 and Education Assistance Act (25 U.S.C.
19 5304).

20 “(iii) SELF-GOVERNANCE FUNDING
21 AGREEMENT.—The term ‘self-governance
22 funding agreement’ has the meaning given
23 the term ‘funding agreement’ in section
24 401 of the Indian Self-Determination and

1 Education Assistance Act (25 U.S.C.
2 5361).

3 “(B) CONTRACTS AND FUNDING AGREE-
4 MENTS.—At the request of an Indian entity,
5 and subject to the availability of appropriations
6 under subparagraph (H), the Secretary shall
7 negotiate and enter into a self-determination
8 contract or self-governance funding agreement
9 with the Indian entity—

10 “(i) to purchase some or all agricul-
11 tural commodities under the food distribu-
12 tion program under this subsection for the
13 Indian reservation, or designated service
14 area, of that Indian entity; and

15 “(ii) to administer programs, func-
16 tions, services, or activities (or portions
17 thereof) related to the operations of that
18 food distribution program of that Indian
19 entity.

20 “(C) ELIGIBILITY.—

21 “(i) CRITERIA.—An Indian entity
22 shall be eligible to enter into a self-deter-
23 mination contract or self-governance fund-
24 ing agreement under subparagraph (B) if
25 the Indian entity—

1 “(I) meets the eligibility require-
2 ments to enter into such contracts or
3 agreements under title I or IV of the
4 Indian Self-Determination and Edu-
5 cation Assistance Act (25 U.S.C.
6 5321 et seq., 5361 et seq.); and

7 “(II) is administering the food
8 distribution program of the Tribal or-
9 ganization under paragraph (2).

10 “(ii) CONSULTATION.—The Secretary
11 shall consult with Indian tribes to deter-
12 mine the process under which an Indian
13 entity may enter into a self-determination
14 contract or self-governance funding agree-
15 ment under subparagraph (B).

16 “(D) AMOUNT OF FUNDING.—The amount
17 of a self-determination contract or self-govern-
18 ance funding agreement entered into under sub-
19 paragraph (B) shall be determined by the Sec-
20 retary and the Indian entity through negotia-
21 tion, subject to the condition that the amount
22 is approximately equal to the amount of funds
23 that the Secretary would have otherwise used—

24 “(i) to purchase some or all agricul-
25 tural commodities under the food distribu-

1 tion program under this subsection for the
2 Indian reservation, or designated service
3 area, of that Indian entity; and

4 “(ii) to administer programs, func-
5 tions, services, or activities (or portions
6 thereof) related to the operations of that
7 food distribution program of that Indian
8 entity.

9 “(E) PURCHASE OF AGRICULTURAL COM-
10 MODITIES.—Any agricultural commodities pur-
11 chased by an Indian entity under a self-deter-
12 mination contract or self-governance funding
13 agreement entered into under subparagraph
14 (B)—

15 “(i) shall be domestically produced;

16 “(ii) shall not result in a material in-
17 crease or decrease in the total quantity of
18 food in the food package of that Indian en-
19 tity compared to the quantity of food that
20 the Secretary authorizes to be provided
21 through the FDPIR Guide Rate;

22 “(iii) shall supplant, not supplement,
23 the types of agricultural commodities in ex-
24 isting food packages for that Indian entity;
25 and

1 “(iv)(I) shall be of similar or higher
2 nutritional value as the type of agricultural
3 commodities that would be supplanted in
4 the existing food package for that Indian
5 entity; or

6 “(II) shall be an agricultural com-
7 modity with Tribal significance to that In-
8 dian entity.

9 “(F) REPORT.—Not later than 1 year
10 after the date of enactment of the Agricultural
11 Act of 2026, and annually thereafter, the Sec-
12 retary shall submit to the Committee on Agri-
13 culture, Nutrition, and Forestry of the Senate
14 and the Committee on Agriculture of the House
15 of Representatives a report describing the ac-
16 tivities carried out by Indian entities under self-
17 determination contracts and self-governance
18 funding agreements entered into under sub-
19 paragraph (B) during the year covered by the
20 report.

21 “(G) APPLICATION OF GOVERNING LAW.—

22 “(i) IN GENERAL.—Subject to clause
23 (ii), the negotiation, execution, and flexible
24 administration of all self-determination
25 contracts and self-governance agreements

1 entered into under subparagraph (B) shall
2 be governed by the requirements of title I
3 or IV of the Indian Self-Determination and
4 Education Assistance Act (25 U.S.C. 5321
5 et seq., 5361 et seq.), respectively, and the
6 regulations promulgated thereunder by the
7 Secretary of the Interior.

8 “(ii) CONSENT OF INDIAN ENTITY.—
9 The application of the requirements de-
10 scribed in clause (i) shall be adapted by
11 the Secretary of Agriculture only with the
12 negotiated consent of the Indian entity af-
13 fected, on a case-by-case basis.

14 “(iii) FAVOR OF INDIAN ENTITY.—All
15 adaptations under clause (ii) shall be lib-
16 erally construed for the benefit of the ap-
17 plicable Indian entity, and any ambiguity
18 shall be resolved in favor of the Indian en-
19 tity.

20 “(H) FUNDING.—

21 “(i) AUTHORIZATION OF APPROPRIA-
22 TIONS.—There is authorized to be appro-
23 priated to the Secretary \$1,500,000 for
24 each of fiscal years 2027 through 2031, to
25 remain available until expended, for con-

1 tract support costs and administrative ex-
2 penses to carry out this paragraph.

3 “(ii) APPROPRIATIONS IN ADVANCE.—

4 Only funds appropriated under clause (i)
5 in advance specifically for contract support
6 costs and administrative expenses to carry
7 out this paragraph shall be available to
8 carry out this paragraph.”.

9 (b) TRANSITION OF DEMONSTRATION PROJECTS.—

10 (1) DEFINITION OF DEMONSTRATION
11 PROJECT.—In this subsection, the term “demonstra-
12 tion project” means the demonstration project estab-
13 lished under section 4003(b) of the Agriculture Im-
14 provement Act of 2018 (7 U.S.C. 2013 note; Public
15 Law 115–334).

16 (2) TRANSITION.—Subject to negotiation with
17 the Secretary of Agriculture, each Indian entity (as
18 defined in paragraph (9)(A) of section 4(b) of the
19 Food and Nutrition Act of 2008 (7 U.S.C. 2013(b))
20 shall seek to enter into a contract or agreement
21 under paragraph (9) of section 4(b) of the Food and
22 Nutrition Act of 2008 (7 U.S.C. 2013(b)) after the
23 end of the period of performance of a contract held
24 by the Indian entity (as so defined) under the dem-
25 onstration project.

1 (3) TERMINATION OF DEMONSTRATION
2 PROJECT.—The demonstration project shall termi-
3 nate on the date on which all Indian entities (as so
4 defined) have entered into contracts or agreements
5 under paragraph (9) of section 4(b) of the Food and
6 Nutrition Act of 2008 (7 U.S.C. 2013(b)).

7 (4) RULES OF CONSTRUCTION.—Nothing in
8 this section or the amendments made by this section
9 authorizes—

10 (A) a reduction in the amount of funding
11 made available for the demonstration project; or

12 (B) the Secretary of Agriculture to termi-
13 nate any existing contract under the demonstra-
14 tion project before the end date specified in the
15 contract.