

**Amendment No.**

**Offered by Representative Sharice Davids (KS-03)**

Amendment Description:

This amendment would codify the Food Distribution Program on Indian Reservations.

**AMENDMENT TO H.R. 8467**  
**OFFERED BY MS. DAVIDS OF KANSAS**

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

1 **SEC. \_\_\_\_ . FOOD DISTRIBUTION PROGRAM ON INDIAN RES-**  
2 **ERVATIONS UNDER SELF-DETERMINATION**  
3 **CONTRACTS AND SELF-GOVERNANCE FUND-**  
4 **ING AGREEMENTS.**

5 (a) **AMENDMENTS.**—Section 4(b) of the Food and  
6 Nutrition Act of 2008 (7 U.S.C. 2013(b)) is amended—

7 (1) by redesignating paragraph (7) as para-  
8 graph (8); and

9 (2) by inserting after paragraph (6) the fol-  
10 lowing:

11 “(7) **SELF DETERMINATION CONTRACTS AND**  
12 **SELF-GOVERNANCE FUNDING AGREEMENTS FOR IN-**  
13 **DIAN ENTITIES.**—

14 “(A) **DEFINITIONS.**—In this paragraph:

15 “(i) **INDIAN ENTITY.**—The term ‘In-  
16 dian entity’ includes Tribal Governments  
17 as defined by as defined in the Federally  
18 Recognized Indian Tribe List Act of 1994  
19 and Alaska Native Corporations and Tribal

1 Organizations as described in section 4 of  
2 the Indian Self-Determination and Edu-  
3 cation Assistance Act.

4 “(ii) SELF-DETERMINATION CON-  
5 TRACT AND SELF-GOVERNANCE AGREE-  
6 MENT.—The terms ‘self-determination con-  
7 tract’ and ‘self-governance funding agree-  
8 ment’ has the meaning given the term in  
9 section 4 and section 401 of the Indian  
10 Self-Determination and Education Assist-  
11 ance Act.

12 “(B) ESTABLISHMENT.—At the request of  
13 an Indian entity, the Secretary shall negotiate  
14 and enter into self-determination contracts or  
15 self-governance funding agreements to purchase  
16 agricultural commodities under the food dis-  
17 tribution program under this subsection for the  
18 Indian reservation of that Indian entity and to  
19 administer programs, functions, services, or ac-  
20 tivities (or portions thereof) related to the oper-  
21 ations of the food distribution program of that  
22 Indian entity.

23 “(C) ELIGIBILITY.—

24 “(i) CRITERIA.—The Secretary shall  
25 presume an Indian entity is eligible to pur-

1           chase agricultural commodities and assume  
2           the administration of a food distribution  
3           program on the Indian reservation of that  
4           Indian entity under this paragraph if the  
5           Indian entity meets the eligibility require-  
6           ments in titles I and IV of the Indian Self-  
7           Determination and Education Assistance  
8           Act of 1975.

9           “(D) PURCHASE OF AGRICULTURAL COM-  
10          MODITIES.—Any agricultural commodity pur-  
11          chased by a Indian entity under the subsection  
12          shall—

13                   “(i) be domestically produced;

14                   “(ii) not result in a material increase  
15                   in the total amount of food in the food  
16                   package of that Indian entity compared to  
17                   the amount of food the Secretary author-  
18                   izes to be provided through the FDPIR  
19                   Guide Rate; and

20                   “(iii) be of similar or higher nutri-  
21                   tional value as the type of an agricultural  
22                   commodity that would be supplanted in the  
23                   existing food package for that Indian enti-  
24                   ty.

1           “(E) REPORT.—Not later than 1 year  
2 after the effective date of this paragraph and  
3 annually thereafter, the Secretary shall submit,  
4 to the Committee on Agriculture of the House  
5 of Representatives and the Committee on Agri-  
6 culture, Nutrition, and Forestry of the Senate,  
7 a report describing the activities carried out by  
8 Indian entities under self-determination con-  
9 tracts and self-governance funding agreements  
10 during the preceding year.

11           “(F) AUTHORIZATION OF APPROPRIA-  
12 TIONS.—There is authorized to be appropriated  
13 to carry out this paragraph such sums are nec-  
14 essary for each of fiscal years 2025 through  
15 2028. Funds made available to carry out this  
16 paragraph shall remain available for obligation  
17 for a period of 2 fiscal years.

18           “(G) FEDERAL ADMINISTRATION OF IN-  
19 DIAN SELF-DETERMINATION CONTRACTS AND  
20 SELF-GOVERNANCE FUNDING AGREEMENT.—

21           “(i) ADMINISTRATION.—The Sec-  
22 retary shall designate an existing office of  
23 the Department of Agriculture to admin-  
24 ister this paragraph, to include but not  
25 limited to—

1 “(I) entering into self-determina-  
2 tion contracts and self-governance  
3 funding agreements with selected In-  
4 dian entities; and

5 “(II) hiring contract officers and  
6 staff in order to negotiate, enter into,  
7 and transfer funding for self-deter-  
8 mination contracts and self-govern-  
9 ance funding agreements.

10 “(ii) FUNDING.—There is authorized  
11 to be appropriated \$1,200,000 for each of  
12 fiscal years 2025 through 2028 for the  
13 payment of the salaries and benefits of  
14 such contract officers and staff.”.

15 (b) APPLICATION OF GOVERNING LAW.—The nego-  
16 tiation, execution, and flexible administration of all self-  
17 determination contracts or self-governance funding agree-  
18 ments authorized under this paragraph (7) shall be gov-  
19 erned by the requirements of title I with respect to self-  
20 determination contracts, and title IV with respect to self-  
21 governance funding agreements, of the Indian Self-Deter-  
22 mination and Education Assistance Act of 1975 and the  
23 regulations duly promulgated thereunder by the Depart-  
24 ment of the Interior. The application of such statutory and  
25 regulatory provisions shall be adapted to the Department

1 of Agriculture programs, functions, services, and activities  
2 only with the negotiated consent of the Indian entity af-  
3 fected, on a case by case basis. All such adaptations shall  
4 adhere to the rule of construction in subsection (g) of such  
5 section (25 U.S.C. 5321(g)) and subsection (i) of such sec-  
6 tion (25 U.S.C. 5366(i)) that each provision shall be lib-  
7 erally construed for the benefit of the Indian entity and  
8 any ambiguity shall be resolved in favor of the Indian  
9 entity.

10 (c) TERMINATION OF DEMONSTRATION PROGRAM.—  
11 Section 4003(b) of the Agriculture Improvement Act of  
12 2018 shall cease to be effective beginning on the date  
13 when the last Indian entity participating under such sec-  
14 tion has chosen to cease participation under such section.

