

Amendment offered by Rep. Sharice Davids (KS-03)

Amendment description

The amendment would codify self-determination authority for the Food Distribution Program on Indian Reservations.

AMENDMENT TO H.R. 7567
OFFERED BY MS. DAVIDS OF KANSAS

At the end of subtitle A of title IV, add the following
(and make such technical and conforming changes as
may be appropriate):

1 **SEC. 4114. FOOD DISTRIBUTION PROGRAM ON INDIAN RES-**
2 **ERVATIONS UNDER SELF-DETERMINATION**
3 **CONTRACTS AND SELF-GOVERNANCE AGREE-**
4 **MENTS.**

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 AGREEMENTS FOR INDIAN ENTI-
13 TIES.—

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

15 “(i) INDIAN ENTITY.—The term ‘In-
16 dian entity’ means an Indian Tribe, or a
17 Tribal Organization, as defined in section
18 4 of the Indian Self-Determination and

1 Education Assistance Act (25 U.S.C.
2 5304).

3 “(ii) SELF-DETERMINATION CON-
4 TRACT AND SELF-GOVERNANCE AGREE-
5 MENT.—The terms ‘self-determination con-
6 tract’ and ‘self-governance funding agree-
7 ment’ have the meanings given such terms
8 in section 4 and section 401, respectively,
9 of the Indian Self-Determination and Edu-
10 cation Assistance Act (25 U.S.C. 5304,
11 5361).

12 “(B) ESTABLISHMENT.—At the request of
13 an Indian entity, the Secretary shall negotiate
14 and enter into a self-determination contract or
15 self-governance agreement—

16 “(i) to purchase agricultural commod-
17 ities under the food distribution program
18 under this subsection for the Indian res-
19 ervation, or designated service area, of
20 such Indian entity; and

21 “(ii) to administer programs, func-
22 tions, services, or activities (or portions
23 thereof) related to the operations of such
24 food distribution program of such, Indian
25 entity.

1 “(C) ELIGIBILITY.—

2 “(i) CRITERIA.—The Secretary shall
3 presume an Indian entity is eligible to pur-
4 chase agricultural commodities, and to as-
5 sume the administration of a food distribu-
6 tion program on the Indian reservation of
7 such Indian entity under this paragraph if
8 such Indian entity meets the eligibility re-
9 quirements in title I or IV of the Indian
10 Self-Determination and Education Assist-
11 ance Act of 1975 (25 U.S.C. 5301 et seq.)
12 and is currently administering the food
13 distribution program of the tribal organiza-
14 tion under paragraph (2).

15 “(ii) CONSULTATION.—The Secretary
16 shall consult with Indian Tribes to deter-
17 mine the process under which a Tribal or-
18 ganization may participate

19 “(D) PURCHASE OF AGRICULTURAL COM-
20 MODITIES.—Any agricultural commodities pur-
21 chased by a Indian entity under this subsection
22 shall—

23 “(i) be domestically produced;

24 “(ii) not result in a material increase
25 or decrease in the total amount of food in

1 the food package of such Indian entity
2 compared to the amount of food the Sec-
3 retary authorizes to be provided through
4 the FDPIR Guide Rate; and

5 “(iii) be of similar or higher nutri-
6 tional value than the type of agricultural
7 commodities that

8 “(iv) would be supplanted in the exist-
9 ing food package for such Indian entity or
10 be an agricultural commodity with Tribal
11 significance to such Indian entity.

12 “(E) REPORT.—Not later than 1 year
13 after the effective date of this paragraph and
14 annually thereafter, the Secretary shall submit,
15 to the Committee on Agriculture of the House
16 of Representatives and the Committee on Agri-
17 culture, Nutrition, and Forestry of the Senate,
18 a report describing the activities carried out by
19 Indian entities under self-determination con-
20 tracts and self-governance agreements during
21 the preceding year.

22 “(F) APPLICATION OF GOVERNING LAW.—
23 The negotiation, execution, and flexible admin-
24 istration of all self-determination or self-govern-
25 ance agreements authorized under this para-

1 graph shall be subject to requirements of the
2 kinds described in title I of the Indian Self-De-
3 termination and Education Assistance Act of
4 1975 with respect to self-determination agree-
5 ments, and in title IV with respect to self-gov-
6 ernance agreements under such Act, and in reg-
7 ulations relating to such titles duly promulgated
8 by Secretary of the Interior, as the application
9 of such titles and regulations are adapted by
10 the Secretary of Agriculture with the negotiated
11 consent of the Indian entity affected and on a
12 case by case basis. All such adaptations shall be
13 liberally construed for the benefit of such In-
14 dian entity, and any ambiguity shall be resolved
15 in favor of such Indian entity.”.

16 (b) TERMINATION OF DEMONSTRATION PROGRAM.—
17 Demonstration projects under section 4003(b) of the Agri-
18 culture Improvement Act of 2018 (7 U.S.C. 2013 note)
19 shall cease to be effective beginning on the day after the
20 end of the period of performance for all Tribes holding
21 contracts under such section.

