

To the office of U.S. Senator Tina Smith

Re: S 4785 (119th Congress), FDPIR Tribal Food Sovereignty Act of 2026 • Latest action (2026-06-15): Read twice and referred to the Committee on Indian Affairs.

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Tribal Food Distribution Self-Determination Act of 2025

The measure, as described from the official record: Enable the Secretary of Agriculture to enter into self-determination contracts with tribal organizations to administer the food distribution program on Indian reservations, similar to existing authority already held by the Secretary of the Interior under the Indian Self-Determination and Education Assistance Act.

THE PROPOSAL

Section 1. Short Title. This Act may be cited as the 'Tribal Food Distribution Self-Determination Act of 2025'.

Section 2. Authority to Contract. The Secretary of Agriculture is authorized, upon request from a Tribal organization recognized by the Bureau of Indian Affairs as eligible for self-determination contracts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), to enter into a contract for the design, administration, and operation of the Food Distribution Program on Indian Reservations authorized under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

Section 3. Terms and Conditions. Such contracts shall include terms requiring that the Tribal organization adhere to all federal nutrition standards, reporting requirements, and fiscal accountability measures applicable to the program. The Secretary shall provide technical assistance to ensure compliance. The contract may include a reasonable overhead rate not to exceed 15 percent of direct program costs, subject to annual audit.

Section 4. Non-Diminishment. Nothing in this Act shall diminish or interfere with existing self-determination contracts held with the Secretary of the Interior. Tribal organizations may choose to contract with either Secretary, but not both for the same program year.

Section 5. Funding. Funding for contracts authorized under this Act shall be taken from the existing appropriation for the Food Distribution Program on Indian Reservations under the Food and Nutrition Act, subject to an annual cap of \$5,000,000 for administrative costs associated with transitioning contract management from the Department of Agriculture to tribal organizations.

Section 6. Sunset. This authority shall expire 10 years after the date of enactment unless reauthorized by Congress.

Section 7. Oversight. The Office of Inspector General of the Department of Agriculture shall conduct biennial audits of contracts awarded under this Act and report to Congress on program integrity, cost savings, and tribal satisfaction.

Section 8. Enforcement. Any Tribal organization that fails to comply with reporting or fiscal requirements may have its contract terminated after notice and an opportunity for a hearing. The Secretary may assume direct administration if termination occurs.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	Existing appropriation for the Food Distribution Program on Indian Reservations under the Food and Nutrition Act of 2008.
Funding Amount	\$5,000,000 annual cap on administrative costs for transition.
Sunset Years	10 years
Oversight Body	Office of Inspector General of the Department of Agriculture.
Enforcement Mechanism	Contract termination after notice and hearing; Secretary assumes direct administration if necessary.
Effective Date	Upon enactment.

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 3 (Indian Commerce Clause)
 - Article I, Section 8, Clause 18 (Necessary and Proper Clause)
 - Fifth Amendment Due Process Clause (notice and hearing requirement)
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WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Democratic priority: Honoring tribal sovereignty and self-determination by expanding contract authority to include the Department of Agriculture. Republican priority: Fiscal accountability through annual audit requirements, biennial OIG oversight, a sunset provision, a 15% overhead cap, and non-duplication of contracts.

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