

119TH CONGRESS
1ST SESSION

S. 3236

To amend the Food and Nutrition Act of 2008 to ensure Tribal consultation and representation under the food distribution program on Indian reservations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2025

Mrs. FISCHER (for herself, Ms. SMITH, Mr. SCHIFF, Mr. HOEVEN, Ms. CORTEZ MASTO, and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Food and Nutrition Act of 2008 to ensure Tribal consultation and representation under the food distribution program on Indian reservations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Increasing Tribal
5 Input on Nutrition Act of 2025”.

1 **SEC. 2. TRIBAL CONSULTATION AND REPRESENTATION;**
 2 **SUPPLY CHAIN DISRUPTIONS.**

3 (a) FOOD DISTRIBUTION PROGRAM ON INDIAN RES-
 4 ERVATIONS.—Section 4(b) of the Food and Nutrition Act
 5 of 2008 (7 U.S.C. 2013(b)) is amended—

6 (1) by striking “tribal organization” each place
 7 it appears and inserting “Tribal organization”;

8 (2) by redesignating paragraph (7) as para-
 9 graph (9); and

10 (3) by inserting after paragraph (6) the fol-
 11 lowing:

12 “(7) TRIBAL INCLUSION IN CONTRACTING
 13 PROCESS.—Prior to conducting evaluation of con-
 14 tracts under the food distribution program on Indian
 15 reservations under this subsection, the Secretary
 16 shall—

17 “(A) consult with Indian Tribes and Tribal
 18 organizations and ensure their feedback is inte-
 19 grated into the evaluation; and

20 “(B) consider feedback from Indian Tribes
 21 and Tribal organizations throughout the evalua-
 22 tion process.

23 “(8) SUPPLY CHAIN DISRUPTIONS.—

24 “(A) DEFINITION OF SUPPLY CHAIN DIS-
 25 RUPTION.—

1 “(i) IN GENERAL.—In this paragraph,
 2 the term ‘supply chain disruption’ means a
 3 shortage of foods that impedes the dis-
 4 tribution of commodities, as determined by
 5 the Secretary.

6 “(ii) INCLUSION.—The term ‘supply
 7 chain disruption’ includes a supplemental
 8 food shortage due to a multifoed ware-
 9 house issue that affects contracting, pro-
 10 duction, manufacture, sourcing, procure-
 11 ment, transportation, or storage of food
 12 and impedes the function of the food dis-
 13 tribution program on Indian reservations
 14 under this subsection, as determined by
 15 the Secretary.

16 “(B) EMERGENCY ASSISTANCE.—If the
 17 Secretary determines that there is a supply
 18 chain disruption, the Secretary—

19 “(i) shall, not later than 45 days after
 20 the date on which the Secretary makes
 21 that determination, designate an emer-
 22 gency warehouse contractor to provide the
 23 required food capacity in a timely manner;
 24 and

1 “(ii) may provide direct payments or
2 reimbursements to an Indian Tribe or
3 Tribal organization administering the food
4 distribution program on Indian reserva-
5 tions under this subsection to purchase
6 food in accordance with subparagraph (D).

7 “(C) PAYMENTS.—The total amount of
8 payments provided under subparagraph (B)(ii)
9 to an Indian Tribe or Tribal organization shall
10 not exceed the amount of funding that the Sec-
11 retary would otherwise expend for that Indian
12 Tribe or Tribal organization during the same
13 time period under the food distribution program
14 on Indian reservations under this subsection.

15 “(D) PROCUREMENT OF AGRICULTURAL
16 COMMODITIES.—

17 “(i) IN GENERAL.—Any agricultural
18 commodities purchased by an Indian Tribe
19 or Tribal organization using payments
20 under subparagraph (B)(ii) shall satisfy
21 the conditions described in clause (ii), un-
22 less waived by the Secretary.

23 “(ii) CONDITIONS DESCRIBED.—The
24 conditions referred to in clause (i) for agri-
25 cultural commodities are the following:

1 “(I) The agricultural commod-
2 ities are domestically produced.

3 “(II) The agricultural commod-
4 ities supplant, not supplement, the
5 type of agricultural commodities in ex-
6 isting food packages for that Indian
7 Tribe or Tribal organization.

8 “(III) The agricultural commod-
9 ities are of similar or higher nutri-
10 tional value as the type of agricultural
11 commodities that would be supplanted
12 in the existing food package for that
13 Indian Tribe or Tribal organization.

14 “(IV) The agricultural commod-
15 ities meet any other criteria deter-
16 mined by the Secretary.

17 “(E) NOTIFICATION; PUBLICATION.—If the
18 Secretary designates an emergency warehouse
19 contractor under subparagraph (B)(i), the Sec-
20 retary shall—

21 “(i) notify each affected Tribal orga-
22 nization or State agency of the designa-
23 tion, including an explanation of the deter-
24 mination of the Secretary of a supply chain
25 disruption; and

1 “(ii) make that designation, and ex-
 2 planation of the determination, publicly
 3 available on the website of the Department
 4 of Agriculture.”.

5 (b) COMMODITY SUPPLEMENTAL FOOD PROGRAM.—
 6 Section 5 of the Agriculture and Consumer Protection Act
 7 of 1973 (7 U.S.C. 612c note; Public Law 93–86) is
 8 amended by adding at the end the following:

9 “(n) CONSULTATION WITH INDIAN TRIBES.—

10 “(1) IN GENERAL.—The Secretary shall imple-
 11 ment the commodity supplemental food program in
 12 a manner that is responsive to the needs of the
 13 members of Indian Tribes and Tribal organizations
 14 by conducting annual consultations with Indian
 15 Tribes and Tribal organizations.

16 “(2) AMENDMENTS TO STATE PLANS.—

17 “(A) IN GENERAL.—With respect to sub-
 18 mitting any amendment to a State plan pursu-
 19 ant to section 247.6 of title 7, Code of Federal
 20 Regulations (or a successor regulation), a State
 21 agency is encouraged—

22 “(i) prior to that submission, to con-
 23 sult in good faith with applicable Indian
 24 Tribes or Tribal organizations on the con-
 25 tent of the amendment; and

1 “(ii) to include in the submission doc-
2 umentation evidencing that consultation.

3 “(B) TECHNICAL ASSISTANCE.—The Sec-
4 retary shall provide technical assistance to
5 State agencies, including by entering into coop-
6 erative agreements, on how to properly conduct
7 consultations pursuant to subparagraph (A), in-
8 cluding relating to—

9 “(i) providing proper notice as to
10 when a consultation will take place;

11 “(ii) ensuring consultations are with
12 Tribal officials; and

13 “(iii) releasing a collaborative agenda
14 in advance of the consultation.

15 “(o) SUPPLY CHAIN DISRUPTIONS.—

16 “(1) DEFINITION OF SUPPLY CHAIN DISRUP-
17 TION.—

18 “(A) IN GENERAL.—In this paragraph, the
19 term ‘supply chain disruption’ means a shortage
20 of foods that impedes the distribution of com-
21 modities, as determined by the Secretary.

22 “(B) INCLUSION.—The term ‘supply chain
23 disruption’ includes a supplemental food short-
24 age due to a multifood warehouse issue that af-
25 fects contracting, production, manufacture,

sourcing, procurement, transportation, or storage of food and impedes the function of the commodity supplemental food program, as determined by the Secretary.

“(2) EMERGENCY WAREHOUSE CONTRACTOR.—

If the Secretary determines that there is a supply chain disruption, the Secretary shall, not later than 45 days after the date on which the Secretary makes that determination, designate an emergency warehouse contractor to provide the required food capacity in a timely manner.

“(3) NOTIFICATION; PUBLICATION.—If the Sec-

retary designates an emergency warehouse contractor under paragraph (2), the Secretary shall—

“(A) notify each affected Tribal organization or State agency of the designation, including an explanation of the determination of the Secretary of a supply chain disruption; and

“(B) make that designation, and explanation of the determination, publicly available on the website of the Department of Agriculture.”.

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