

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.

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## 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

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## 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 multifoed warehouse issue that af-  
25 fects contracting, production, manufacture,

1 sourcing, procurement, transportation, or stor-  
2 age of food and impedes the function of the  
3 commodity supplemental food program, as de-  
4 termined by the Secretary.

5 “(2) EMERGENCY WAREHOUSE CONTRACTOR.—  
6 If the Secretary determines that there is a supply  
7 chain disruption, the Secretary shall, not later than  
8 45 days after the date on which the Secretary makes  
9 that determination, designate an emergency ware-  
10 house contractor to provide the required food capac-  
11 ity in a timely manner.

12 “(3) NOTIFICATION; PUBLICATION.—If the Sec-  
13 retary designates an emergency warehouse con-  
14 tractor under paragraph (2), the Secretary shall—

15 “(A) notify each affected Tribal organiza-  
16 tion or State agency of the designation, includ-  
17 ing an explanation of the determination of the  
18 Secretary of a supply chain disruption; and

19 “(B) make that designation, and expla-  
20 nation of the determination, publicly available  
21 on the website of the Department of Agri-  
22 culture.”.

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