



USDA Nutrition Programs Reorganization: Potential Impact on Service to Tribes



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Overview

On April 30, United States Department of Agriculture (USDA) [announced](#) plans to significantly reorganize the Food and Nutrition Service (FNS)¹, which administers food programs critical to Indian Country, including the Food Distribution Program on Indian Reservations (FDPIR), the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and the Commodity Supplemental Food Program (CSFP), among others. FNS also administers the Supplemental Nutrition Assistance Program (SNAP), which serves approximately 1.1 million American Indian/Alaska Native (AI/AN) people annually.²

The plan rebrands the agency as the Food and Nutrition Administration (FNA) and upends the existing FNS structure, separating policy and rulemaking staff from those responsible for the daily operations of the 16 food and nutrition assistance programs administered by the agency. As part of the restructuring, the existing the Regional Office (RO) format will convert into a “hub” model, and RO staff will be asked to relocate. Unfortunately, despite [USDA’s assurances that at least two-thirds of staff](#)³ will move with the hubs and this reorganization will not cause mass staff departures, [federal employee unions have reported that 76% of staff will not be able to relocate](#)⁴ and will likely leave the agency.

Year	Field	D.C.	Total
FY2025	1,386	351	1,737
FY2026	992	251	1,243
Difference	-394	-100	-494

Almost 80% of FNS staff are already located in the field. However, total staffing at FNS has declined by almost 500 staff between FY2025 and FY2026, a 28% decrease. Additional staff departures are likely due to the reorganization, jeopardizing the the agency’s capacity to deliver food and nutrition programs in Indian Country.

Source: 2026 USDA Explanatory Notes – Food and Nutrition Service, Table FNS-4

1 “USDA Announces Actions to Better Serve States, Nutrition Program Recipients, and the American Taxpayer,” USDA, April 2026, <https://www.usda.gov/about-usda/news/press-releases/2026/04/30/usda-announces-actions-better-serve-states-nutrition-program-recipients-and-american-taxpayer>

2 U.S. Census Bureau: American Community Survey, ACS One Year Estimates (2024), Table S2201 (Food Stamps | Supplemental Nutrition Assistance Program-SNAP), [https://data.census.gov/table/ACSST1Y2024.S2201?q=S2201:+Food+Stamps/Supplemental+Nutrition+Assistance+Program+\(SNAP\)](https://data.census.gov/table/ACSST1Y2024.S2201?q=S2201:+Food+Stamps/Supplemental+Nutrition+Assistance+Program+(SNAP)).

3 Rachel Shin & Grace Yarrow, “Democrats criticize USDA’s Vaden over reorganization plan,” POLITICO Pro, May 13, 2026. <https://subscriber.politicopro.com/article/2026/05/usda-vaden-reorganization-roundtable-house-lawmakers-00918872>

4 Ryan Hanrahan, “76% of USDA Researchers Tell Union They Won’t Relocate,” Farm Policy News, May 11, 2026. <https://farmpolicynews.illinois.edu/2026/05/76-of-usda-researchers-tell-union-they-wont-relocate/>



Since the beginning of 2025, FNS has lost an estimated 28% of their staff.⁵ Despite managing more than 70% of total USDA spending, FNS now only has approximately [1,250 staff](#).⁶ The relocation plan will likely lead to additional departures. USDA’s justification for the reorganization is to “[bring USDA closer to its customers](#)”⁷, but with almost [80% of FNS staff already located in regional offices](#)⁸ outside the Washington DC area, it is unclear what may be gained from severing the existing regional staff from their customer base. If additional staff leave the agency, or if they stay but are relocated from their current geographies, Tribes will lose the place-based relationships they rely on in administering programs like FDPIR, WIC, and other critical programs. With federal staff departures also comes knowledge loss, and for Tribes, a lack of unique understanding not only of federal programs, but the specific communities and peoples they serve. In Indian Country, that loss will be deeply felt.

Even if there are limited staff departures, staff will still have to physically move to their new homes and learn to navigate new chains of command. That kind of change cannot practically be accomplished without any disruption in service. For Tribal and State governments, who must work closely with FNS regional staff on a number of important matters, including mandatory reporting that ensures program integrity, the development of their individual program budgets that enable them to pay staff and provide service to their communities, and addressing any issues or emergencies that arise, any disruptions will at best be a frustration and at worst could cause significant financial hardship. Budget approvals must be timely. Required reports if delayed can cause problems in program audits that reflect poorly on State and Tribal programs through no fault of their own.

[USDA, in its “Facts Versus Fiction” section about the reorganization](#)⁹ does posit that there will not be loss of service or staff. However, because the section does not provide details about USDA’s plan to avoid these outcomes, this analysis can only acknowledge USDA’s statement. If more details are released, IFAI will provide updates online at indigenousfoodandag.com.

5 2027 USDA Explanatory Notes – Food and Nutrition Service, Table FNS-3, <https://www.usda.gov/sites/default/files/documents/FY-2027-Chapter-34-FNS.pdf>

6 Id.

7 Secretary Memorandum: SM 1078-015 – Department of Agriculture Reorganization Plan. July 24, 2025, <https://www.usda.gov/sites/default/files/documents/sm-1078-015.pdf>.

8 2026 USDA Explanatory notes – Food and Nutrition Service, Table FNS-4, <https://www.usda.gov/sites/default/files/documents/34-2026-CJ-FNS.pdf>.

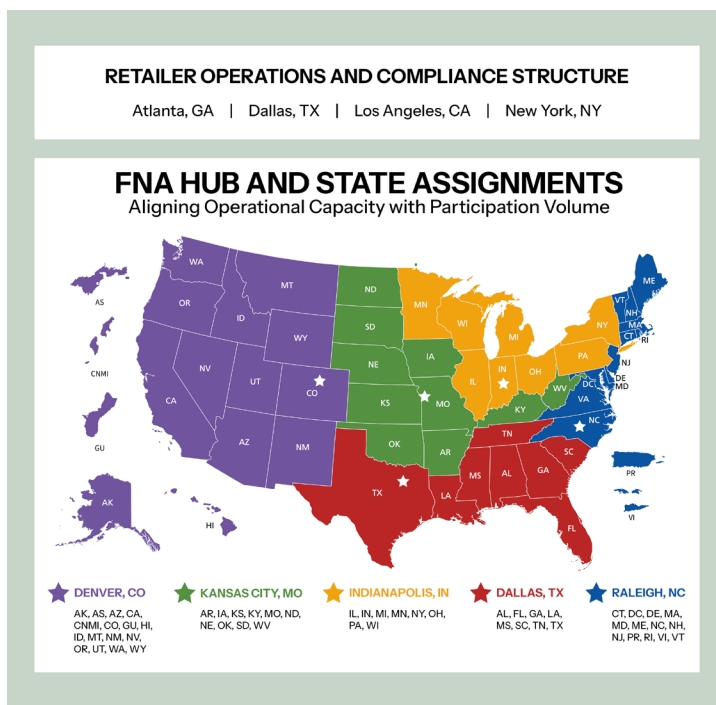
9 USDA Food and Nutrition Reorganization Facts Versus Fiction, <https://www.fns.usda.gov/about/reorganization>.

Nutrition Programs Relocating to New Hubs

Currently, FNS has [seven regional offices](#)¹⁰ throughout the country, in addition to headquarters in Washington DC. Each regional office houses agency leadership and staff specializing in each nutrition program and in disaster assistance. Regional offices, States, and Tribes work closely together to administer nutrition assistance programs and to coordinate disaster responses in the event of a natural disaster, public health emergency, or similar.

Under USDA’s plan, the newly renamed FNA will relocate staff from regional offices and national headquarters. Only the FNA administrator and a limited staff will remain in the National Capital Region (NCR). The existing seven RO structures will end and collapse down into five hub locations. Each hub will focus on different programs:

- SNAP will be administered from Indianapolis, Indiana;
- Child Nutrition Programs, which include the National School Breakfast and Lunch Programs and Summer Electronic Benefits Transfer (EBT), will be in Dallas, Texas;
- Supplemental Nutrition and Safety Programs (SNAS), which include FDPIR, WIC, the CSFP, and The Emergency Food Assistance Program (TEFAP), among others, will be in Kansas City, Missouri.;
- Research programs will be run from Raleigh, North Carolina; and
- Emergency management and continuity operations will be in Denver, Colorado.



Currently, States and Tribes work with a single regional office to administer nutrition programs. Under the new hub model, the seven regional offices reduced to five hubs. Each hub will administer different nutrition programs, so if a Tribe administers multiple programs, they may have to navigate multiple hubs for reporting, budget submission, and technical assistance. The new structure will likely lead to increased administrative burden for Tribes, loss of regional expertise and Tribal knowledge, and disruption of services.

Source: FNA Reorganization, <https://www.fns.usda.gov/about/reorganization>

10 USDA Food and Nutrition Administration Regional Offices, <https://www.fns.usda.gov/fna-regional-offices>.



Curiously, although the USDA plan notes that any hub will be able to assist any Tribe or State on FNS programs, the plan does preserve something of the old RO structure and assigns States and Tribes to one of the new hubs for “support and evaluation.”¹¹

In shifting support contacts to new geographic locations, Tribes and States will likely lose any relationships they have built with their existing program staff. This will be true even if, as USDA hopes, no FNS staff leave the agency rather than relocate. For Tribes, this is not only a matter of familiarity, but also one of *efficiency*. Tribal staff frequently find themselves needing to educate new federal partners about the unique relationship between the Federal government and Tribal Nations and how this relationship may iterate in the program of delivery or design. Building training time for new staff creates inefficiencies, which costs time and money.

FNS has Tribal Affairs staff who might be able to help train new staff. However, it is unclear if any of the hubs will have Tribal Affairs Specialists, or if they do, what their role might look like in the new structure. The existing FNS infrastructure has these specialists placed within each region where there are Tribal Nations operating FNS programs. The TAS positions are designed to be “regional subject matter experts on tribal affairs” for all FNS programs and are responsible for developing and maintaining relationships with Tribal governments and Native organizations on a regional basis.¹² They have played a pivotal role in helping the agency fulfill its trust responsibility to Tribal Nations. Tribal leaders have previously recognized the value of these roles and have specifically requested their presence at the ongoing Tribal consultations on FDPIR.¹³



11 USDA Food and Nutrition Reorganization, <https://www.fna.usda.gov/about/reorganization>.

12 Program Analyst (Tribal Affairs Specialist), USA Jobs, <https://www.usajobs.gov/job/659758100>.

13 USDA Tribal Consultation on Food Distribution Program on Indian Reservations Framing Paper, Dec. 9, 2024, <https://www.usda.gov/sites/default/files/documents/usda-fdpir-framing-paper-snas-dec-09-consultation.pdf>.



New Administration Burdens, Loss of Regional Expertise for Tribes

The existing regional structure allowed for a Tribe administering multiple federal nutrition programs to have access to subject matter experts and a Tribal Affairs Specialist with regional knowledge in a single location. Tribes and States also submit regular reports and set up program budgets with their regional office. This structure supports both program efficiency and integrity. In some cases, Tribal program staff have developed a longstanding relationship and rapport with regional subject matter experts in these offices for decades.

Under the new model, USDA states that each hub will be able to serve anyone who calls in.¹⁴ This seems to indicate that the previous relationship-based, place-based structure will be dismantled and that USDA service delivery will operate in a more piecemeal fashion. A deviation from the single location, relationship-based model will likely not resonate well in Indian Country, where earned trust between partners matters significantly and strength and tenure of relationships are crucial.

However, we acknowledge that this is speculative, because the structure for reporting and technical assistance under the new hub model remains unclear. We know from the plan that each State and Tribe will be assigned to a hub for support and evaluation and that each FNS program division will now be run from separate cities.¹⁵ Beyond that understanding, it is unclear if each hub, in addition to overseeing distinct parts of the FNA, will have programmatic staff and subject matter experts for all nutrition programs, or if each hub city will have only staff related to the program it is running. This could mean in practice that all SNAP's subject matter staff would be in Indianapolis, while all the SNAS staff operating FDPIR, WIC, and other programs would be in Kansas City.

Both options are somewhat confusing, both in design and in any discernible benefit to Tribes and States. If hubs *do* have both programmatic staff for all FNS programs as well as leadership for one program area, then hubs will be responsible for at once (1) administering their program area's programs nationwide, and (2) assisting States and Tribes in their region. This design essentially replicates the existing Regional Office structure, begging the question of why geographic changes are necessary. It also makes policy development and program administration more challenging and inefficient, since program division leadership for the entire country will be separated from the policy arm of its program area.

14 USDA Food and Nutrition Reorganization, <https://www.fns.usda.gov/about/reorganization>.

15 USDA Food and Nutrition Administration Organization Chart, <https://fns-prod.azureedge.us/sites/default/files/resource-files/fna-organization-preliminary-updated.pdf>.



Alternatively, if each new hub only has staff for the program area that it leads, the new structure will create significant chaos in program management and will more than likely lead to service disruptions. A Tribe administering multiple nutrition programs, such as Summer EBT and FDPIR, would need to work closely with staff in two separate hubs, Dallas (for Summer EBT) and Kansas City (for FDPIR), to effectively operate programs, instead of the one regional office with whom they worked previously. In addition, for Tribes who may be interested in taking over administration of nutrition programs or in administering additional programs, it is unclear which hub(s) the Tribes would work with. Currently, these Tribes would work with their Regional Office. Many of staff at the new hub locations, as well as any new hires if there are many staff departures due to relocation, will not have a strong understanding of the Tribe or region's unique needs.

Either approach is likely to result in greater administrative complexity for Tribes as well as an irreplaceable loss of regional expertise and possibly programming expertise. As such, these changes could ultimately undermine the Federal government's trust and treaty responsibilities to Tribes.

Lack of Clarity for Tribal Affairs

The reorganization plan also does not address the capacity of hubs to support the Tribes within their regions. Under the current structure, Regional Offices have maintained a Tribal Affairs Specialist in each region, while headquarters has a Tribal Affairs Technical Advisor.¹⁶ It is unclear how Tribal Affairs will be approached under the new model, which refers to "state support" but has little reference to Tribal governments.

As of the publication of this analysis, we have not been able to verify that ITOs administering FDPIR have received their hub assignments, creating significant uncertainty for Tribal administrators who are unable to begin preparing for changes in reporting, budget development, and technical assistance.

If hub assignments are based on each Tribe's state, the hub in Denver, CO will be responsible for supporting the majority of the 575 federally recognized Tribes in the United States, in addition to 16 States and territories and emergency management. It is unclear what additional staff, if any, the Denver hub will have to support the volume of Tribal governments to be served.

¹⁶ The Tribal Affairs Technical Advisor role is relatively new to the agency and was only created in 2023. The role is currently unfilled but is responsible for leading Tribal Affairs for the agency, serving as a technical authority who can advise the Administrator and agency as a whole on how proposed policy, guidance, and regulation will impact Tribal Nations. A job description is available on USA Jobs at <https://www.usajobs.gov/job/772310300>.

Potential Impacts to FDPIR Supply Chain

If the reorganization does sever existing Tribal-federal staff relationships and results in a loss of USDA staff, like recent prior USDA reorganizations, this move will potentially exacerbate ongoing FDPIR supply chain disruptions. USDA [awarded](#) new warehousing and distribution contracts to two warehouse vendors in September 2025.¹⁷ According to the National Association of Food Distribution Programs in Indian Country (NAFDPIR), several Tribes have reported experiencing ongoing disruptions, including delayed deliveries, missing deliveries, unclear delivery timelines, and errors in deliveries. Relocating FNS staff and dismantling the agency’s existing structure may impact the Department’s ability to address these issues quickly and cost-effectively.

FDPIR food deliveries were severely disrupted in summer 2024 due to a change in warehouse contracts.¹⁸ Another supply chain crisis would be devastating to the Tribal communities that rely on this program. It would also be very challenging for FNS to resolve, given that the agency lost almost 30% of its staff in 2025.¹⁹ Additional staff attrition due to restructuring could crater the agency and worsen existing problems, leaving Tribes without an immediate path to resolution or support for the elders and families who rely on FDPIR.



17 USDA Tribal Consultation on Food Distribution Program on Indian Reservations Framing Paper, Dec. 10, 2025, <https://www.usda.gov/sites/default/files/documents/usda-fdpir-framing-paper-snas-december-2025-consultation.pdf>.

18 Chez Oxendine, “Native food distribution program disrupted amid USDA warehouse consolidation,” Tribal Business News, July 13, 2024, <https://tribalbusinessnews.com/sections/food-agriculture/14767-native-food-distribution-program-disrupted-amid-usda-warehouse-consolidation>.

19 2027 USDA Explanatory Notes – Food and Nutrition Service, Table FNS-3, <https://www.usda.gov/sites/default/files/documents/FY-2027-Chapter-34-FNS.pdf>



Lack of Consultation

The FNS reorganization plan has direct impacts on the FDPIR administration and likely warrants a formal Tribal consultation under USDA's own [consultation policy](#).²⁰ To date, USDA has not scheduled a consultation specifically on FNS reorganization plans, though they have held closed Tribal forums.

In the Tribal forum on U.S. Forest Service reorganization, USDA asserted that consultations requirements were met through [two consultations](#) on the general reorganization plan last October.²¹ However, these consultations did not provide sufficient information or detail on the reorganization to meet the department's own adequate notice requirement for consultation. The consultation [framing paper](#)²² largely copied the [Secretary Memorandum 1078-015](#)²³ announcing the reorganization. The framing paper contained only one reference to food and nutrition programs, noting that FNS would be reorganized along five hubs. USDA did not provide sufficient information to allow for meaningful consultation.

USDA is therefore unlikely to schedule a consultation, though Tribal leaders may always request one.



20 USDA Departmental Regulation DR 1350-002 – Tribal Consultation, Effective April 30, 2024, <https://www.usda.gov/directives/dr-1350-002>.

21 Dear Tribal Leader Letter, “Tribal Consultations on the USDA Department Reorganization Plan,” Sept. 12, 2025, <https://www.usda.gov/sites/default/files/documents/2025-usda-reorganization-consultation.pdf>

22 USDA Framing Paper: Tribal Consultation on the USDA Department Reorganization Plan, Oct. 14 and Oct. 16, 2025, <https://www.usda.gov/sites/default/files/documents/2025-usda-reorganization-framing-paper-consultation.pdf>

23 Secretary Memorandum: SM 1078-015 – Department of Agriculture Reorganization Plan, July 24, 2025, <https://www.usda.gov/sites/default/files/documents/sm-1078-015.pdf>.

Imperiled Emergency Management

The relocation of emergency management and continuity operations to a single location in Denver, CO may also be problematic for Tribes, undercutting the agency’s ability to provide timely disaster assistance. Food and nutrition programs are a critical part of the U.S. emergency management framework. Effective deployment of resources such as [Disaster SNAP](#)²⁴ (D-SNAP) and [Disaster Household Distribution](#)²⁵ (DHD) of USDA foods relies on close coordination between the regional office and State, Tribal, and local governments, and emergency management systems.

Under the new hub system, food emergency management for the entire country, whether a hurricane in Florida or a typhoon in Alaska, would run out of Denver, CO. If the Denver hub does not include subject matter experts familiar with SNAP or current inventories and locations of USDA foods, responding to a hurricane in Florida, for example, would require coordinating staff from four hubs across the country: the staff from Dallas hub, which is Florida’s assigned regional hub; emergency management staff from the Denver hub; D-SNAP staff from the Indianapolis hub; and DHD staff from the Kansas City hub. The complexity of coordinating staff from four hubs, rather than staff within a single regional office who communicate with a single national office, may delay emergency responses and create waste.

Challenges Implementing SNAP Changes

The rapid transition to an unfamiliar hub model with different or reduced federal staff may make it more challenging for States to reduce SNAP payment error rates ahead of [new cost-sharing requirements](#) beginning in Oct. 2027²⁶. Under the One Big Beautiful Bill Act (OBBA), which was signed into law last July, states with SNAP payment error rates greater than 6% will be subject to new cost share requirements ranging from 5-15%. According to the most recent year of data, forty-two states currently have [error rates over 6%](#)²⁷, and have only until Sept. 30 this year to lower them and avoid a cost- share next year.

24 D-SNAP is a USDA program that provides individuals with short-term funds for purchasing food during a presidentially declared disaster area. To be eligible for D-SNAP, individuals must have experienced a loss of income, incurred significant costs, incurred evacuation or relocation expenses, or been injured due to the disaster. Households already receiving SNAP may be eligible for additional benefits.

25 The Disaster Household Distribution (DHD) is a USDA program that distributes USDA foods to households during a presidentially declared disaster or emergency or during a situation of distress.

26 “One Big Beautiful Bill Act – Indian Country Food and Agriculture Implications,” Indigenous Food and Agriculture Initiative, Aug. 27, 2025. <https://indigenousfoodandag.com/news/press-release/ifai-releases-summary-of-big-beautiful-bill-act/>

27 USDA Food and Nutrition Service, Supplemental Nutrition Assistance Program: Payment Error Rates Fiscal Year 2024, <https://fns-prod.azureedge.us/sites/default/files/resource-files/snap-fy24QC-PER.pdf>



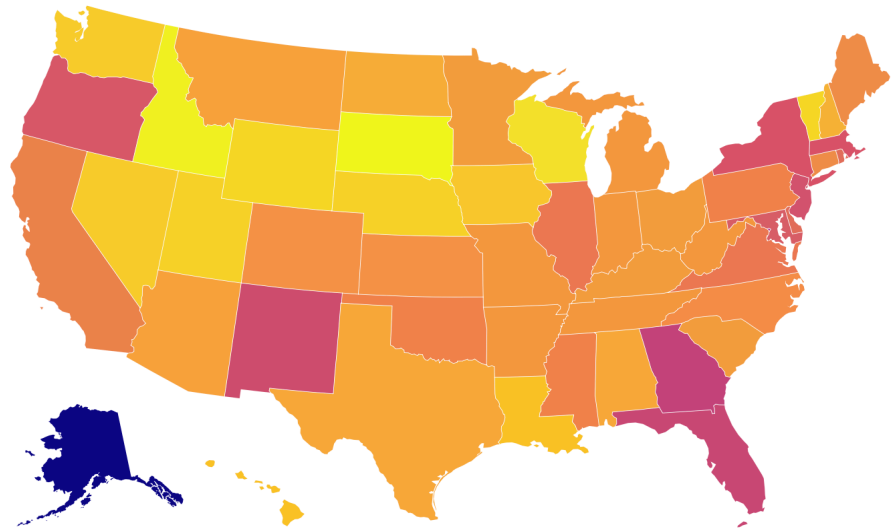
During this crucial period, State agencies will require technical assistance from regional offices and national headquarters to reduce their error rates. FNS may have reduced capacity to provide assistance, as staff will be relocating or departing during this same period of time.

States that are unable to reduce their error rates in time may be on the hook for tens to hundreds of millions of dollars in SNAP payments²⁸. If States do not have sufficient funds for the SNAP to benefit payments, they may need to shift resources from other programs, making it more difficult for households to enroll in SNAP, or take other steps to reduce costs. According to the non-partisan Congressional Budget Office (CBO), some states may leave SNAP entirely. As a result of the cost-share changes, CBO estimates 1.3 million people would see reduced or eliminated benefits²⁹.

These changes may result in loss of SNAP and other benefits to eligible Tribal members. If participating in SNAP becomes more difficult, some Tribal members may elect to enroll in FDPIR instead. A surge in participation would likely stretch Indian Tribal Organizations (ITOs), many of whom are reporting delivery delays and errors with their regular food shipments in a manner reminiscent of the 2024 supply chain crisis that troubled this program as well as CSFP.

SNAP error rates (FY2024)

Starting in 2028, states with error rates higher than 6% will need to cover a bigger share of SNAP benefits.



Beginning Oct. 1, 2027, states with a SNAP payment error rate greater than 6% will be subject to new cost sharing requirements for SNAP benefits. To meet the increased cost of SNAP benefits, states will need to shift resources and/or make it more difficult to enroll in SNAP, which may result in loss of other benefits and services to Tribes. Some Tribal members may switch to FDPIR instead, which could stretch ITO budgets and staff capacity.

Source: The Hill, <https://thehill.com/homenews/5668490-snap-error-rates-which-states-overpay-underpay-people-most-often/>

28 “Table: Economic Strain and New SNAP Cost-Shifts Under H.R. 1 Across All States,” Food Research & Action Center, March 2026, <https://frac.org/wp-content/uploads/SNAP-Cost-Shift-Table.pdf>.

29 Congressional Budget Office Letter to Sen. Amy Klobuchar and Rep. Angie Craig, May 22, 2025, https://www.cbo.gov/system/files/2025-05/Klobuchar-Craig-Letter-SNAP_5-22-25.pdf



New Barriers to Effective Policy Making

Further complicating matters is the separation of each program's policy expertise from its operational expertise. USDA's new [organization chart](#)³⁰ places policy and regulatory staff in the National Capital Region under a new Deputy Administrator of Nutrition Research and Regulations³¹, while the program administration is not only physically moved outside of the NCR to a new city but also to an entirely different reporting chain in the agency, under a new Deputy Administrator of State Support and Evaluations³², located in presumably each of the new hubs.

This reorganization plan seems to indicate that policy and regulations will now solely be the responsibility of a few individuals who report to one manager in one part of the country, while the actual work of program operation will be in an entirely separate location in the country, under a different reporting structure and manager. It will likely be challenging for FNA staff to develop and implement good policy while so disconnected from the operational side of the program at issue, due to limitations of first-hand exposure and proximity to the practical administration of the same programs.

This is very different from the current structure, where subject matter experts can inform the development of effective program strategies exist at all levels of the agency, both in the field and in the NCR, with a permeable membrane of Regional Operations staff to ensure good communication flow between them.

The proposed hub model seems to create an additional layer of bureaucracy. This may prevent the agency from effectively making coherent policy and regulatory changes to any of its sixteen programs and appears to misalign with the Department's stated goals of efficiency in management. For Tribes seeking flexibility and commonsense solutions in USDA policy, such a change may pose a barrier to continued success in seeking practical, impactful regulatory solutions.

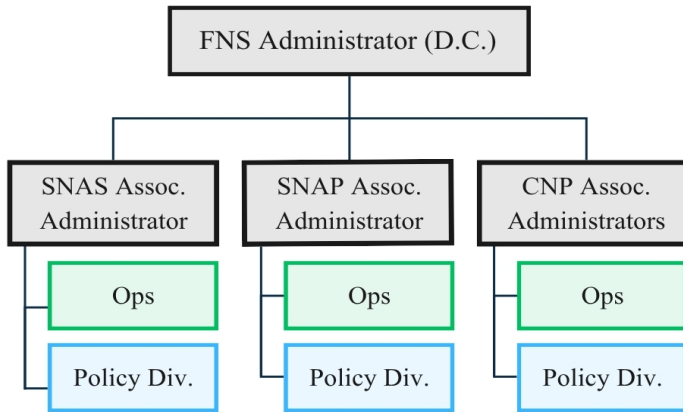
30 USDA Food and Nutrition Administration Organization Chart, <https://fns-prod.azureedge.us/sites/default/files/resource-files/fna-organization-preliminary-updated.pdf>.

31 USDA has not provided information on the role and responsibilities of this position. According to USDA's preliminary [organizational chart](#), the Deputy Administrator of Nutrition Research and Regulations will be a career service employee who will oversee policy and regulatory staff. Policy and regulatory staff for programs, except for research, will be based in Washington D.C.

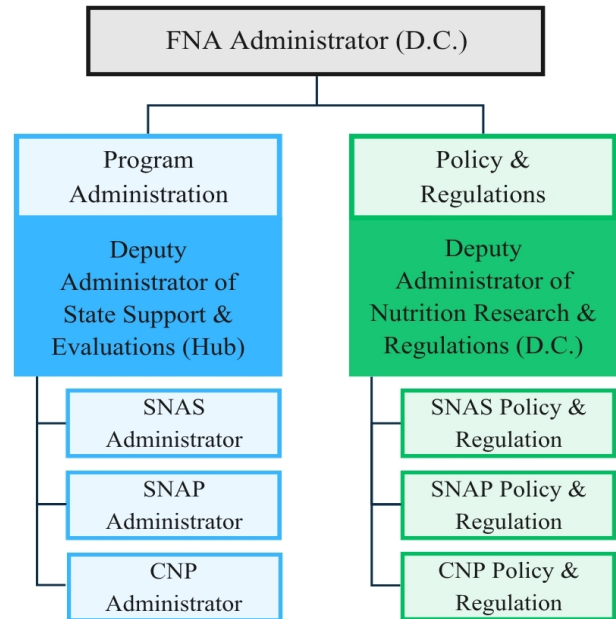
32 USDA has not provided information on the role and responsibilities of this position. According to USDA's preliminary [organizational chart](#), the Deputy Administrator of State Support and Evaluation will be a career service employee based in a hub and will oversee program administrators. It is unclear if this is a single role overseeing all hubs or if every hub will have a Deputy Administrator of State Support and Evaluation.



Current* Program Administration and Policy Development



Reorganized Program Administration and Policy Development



*The FNS organizational chart has been greatly simplified to clarify the changes in policy and operation staff. Staff titles, team names, and program organization vary among divisions.

Left: Currently, each program division co-locates operations and policy staff in Washington D.C. Operations and policy staff report for each division report to the same Associate Administrator, allowing subject matter experts to inform the development of effective program policies.

Right: Under the reorganization, program administration will be physically and operationally separated from policy development. It may be challenging for FNA policy staff to develop and implement effective policy while so disconnected from operations.

Source: Adapted from USDA Food and Nutrition Administration Organizational Chart, <https://fns-prod.azureedge.us/sites/default/files/resource-files/fna-organization-preliminary-updated.pdf>



Unclear USDA Authority for Reorganization

Last year, Congress passed legislation limiting USDA’s authority to reorganize agencies without Congress’s approval. The Agriculture, Rural Development, Food and Drug Administration, and Related Agency Appropriations Act of 2026 ([Division B of P.L. 119-37](#)) required the Secretary of USDA to notify and receive approval from the House and Senate Appropriations Committee at least 30 days before using appropriated funds for reorganization plans. It also prohibited USDA from using appropriated funds to move staff offices or agencies within USDA without Congress passing a law authorizing the change³³.

Similar language was included in the FY19 Agriculture Appropriations law ([P.L. 115-141](#))³⁴ and did not dissuade USDA from relocating research agencies in 2019. USDA’s current Deputy Secretary was serving as USDA’s General Counsel in 2019 when he argued that USDA has no obligation to comply with unconstitutional laws that prohibited USDA from conducting a reorganization or relocation plan without approval of the House and Senate Appropriations Committees³⁵. The Office of the Inspector General disagreed and recommended that USDA obtain Congressional approval prior to using appropriated funds for relocation³⁶. USDA proceeded with the move, and the National Institute of Food and Agriculture (NIFA) and Economic Research Service (ERS) lost over half of its staff in the process³⁷. Although USDA has not issued a statement about compliance with the FY26 appropriations language requiring committee approval, USDA is likely to use the same legal argument now that it used in 2019.

It is unclear if this reorganization would withstand a legal challenge based on this language in appropriations or otherwise. To have standing to bring a suit, a plaintiff would generally need to show that they have been harmed, that their harm was caused by this specific action, and that a court has the power to resolve the harm. Courts are reluctant to determine that the basic constitutional requirements of standing have been met in cases where injuries have not yet occurred, as here. The likelihood of immediate and irreparable harm, with proof, would need to be strong.

33 Sec. 716 of Division B of Public Law 119-37. <https://www.congress.gov/119/plaws/publ37/PLAW-119publ37.pdf>

34 Sec. 717 of Division B of Public Law 115-141. <https://www.congress.gov/115/plaws/publ141/PLAW-115publ141.pdf>

35 “USDA’s Proposal to Reorganize and Relocate the Economic Research Service and National Institute of Food and Agriculture Inspection Report 91801-0001-23,” USDA Office of Inspector General, Aug. 2019. <https://www.oversight.gov/sites/default/files/documents/reports/2020-05/91801-0001-23.pdf>.

36 Id.

37 “Agency Relocations - Following Leading Practices Will Better Position USDA to Mitigate the Ongoing Impacts on Its Workforce (GAO 23-104709),” Government Accountability Office, Dec. 2022, <https://www.gao.gov/assets/gao-23-104709.pdf>



Key Questions Remain for USDA

Tribal and State governments alike will doubtless be seeking answers to several questions in the coming months as FNS transitions to its new model, including:

- How will regional hubs be staffed? Will each hub have programmatic staff for nutrition programs, emergency response, and other functions?
- Will each hub have at least one Tribal Affairs Specialist?
- When will Tribes be notified of their hub assignments?
- Will Tribes administering multiple nutrition programs (for example, both FDPIR and Summer-EBT) need to work with multiple hubs or just their assigned regional hub?
- Will Tribes submit regular reporting to their assigned regional hub or the hub responsible for overseeing the applicable nutrition program?
- Will Tribes submit FDPIR budgets to their assigned regional hub or the Kansas City hub, which oversees FDPIR?
- The Denver hub will be responsible for western United States, Alaska, Hawaii, and Pacific territories. More than 300 Tribes are in Alaska and California alone. How does USDA plan to ensure the Denver hub has sufficient capacity to serve the majority of Tribal Nations in the country, in addition to 16 States and territories and emergency management for the entire nation? Will the hub have multiple Tribal Affairs Specialists?
- With FDPIR transitioning to two new warehouse and delivery contractors, how will USDA ensure the relocation does not disrupt services for Tribes? Several Tribes are already experiencing supply chain issues and delays.
- A recent survey showed that 75% of ERS and NIFA staff do not plan to relocate. Does USDA anticipate a similar rate of departures at FNA? If so, what is USDA's plan to fill vacant positions and to ensure no disruption in services?





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- Congress passed legislation to require USDA to seek approval from the House and Senate Appropriations committees prior to relocating staff or agencies. To date, the USDA has not sought approval. Does the USDA intend to seek approval?
 - USDA said that the transition will occur on a rolling basis as regional office leases expire. When do the regional office leases expire and how does USDA plan on providing advanced notice to impacted Tribes?

IFAI will monitor agency communications for any new information about the reorganization and will share updates online at indigenousfoodandag.com

For additional information on Tribal implications of USDA's reorganization plan, see IFAI's analysis of the overall reorganization plan here and analysis of the Forest Service reorganization plan specifically [here](#).



Glossary of Terms

CBO	Congressional Budget Office
CSFP	Commodity Supplemental Food Program
DHD	Disaster Household Distribution
D-SNAP	Disaster Supplemental Nutritional Aid Program
EBT	Electronic Benefits Transfer
ERS	Economic Research Services
FDPIR	Food Distribution Program on Indian Reservation
FNA	Food and Nutrition Administration
FNS	Food and Nutrition Service
GAO	Government Accountability Office
ITO	Indian Tribal Organization
NCR	National Capital Region
NIFA	National Institute of Food and Agriculture
OBBA	One Big Beautiful Bill
RO	Regional Office
SNAP	Supplemental Nutritional Assistance Program
SNAS	Supplemental Nutrition and Safety Program
TEFAP	The Emergency Food Assistance Program
USDA	United State Department of Agriculture
WIC	Special Supplemental Nutrition Program Women, Infants and Children