

## The Native Children’s Commission Implementation Act of 2025

### IFAI Analysis

**Summary:** Senate Indian Affairs Co-Chair Lisa Murkowski (R-AK) is [requesting comments from the public by September 12, 2025 on a discussion draft for “The Native Children’s Commission Implementation Act of 2025.”](#) As noted in Senator Murkowski’s section-by-section breakdown, the draft legislation is in large part based on the February 2024 policy recommendations made in [“The Way Forward Report.”](#)

### Discussion Draft Link

The draft also incorporates several pieces of other legislative vehicles from past and current Congressional sessions. While its language covers various issues affecting Native children and families, the Indigenous Food and Agriculture Initiative provides this analysis of the agriculture and nutrition facets of the draft legislation to assist Tribal leaders, producers and nutrition staff in assessing their impact.

**Comment Deadline:** Comments must be submitted in writing to Senator Murkowski’s [Murkowski\\_Outreach@Indian.Senate.Gov](mailto:Murkowski_Outreach@Indian.Senate.Gov) by September 12, 2025.

The Native Children’s Commission Implementation Act - Discussion Draft		
TITLE III—IMPROVING RESEARCH AND DATA		
Bill Section	Summary of Bill Text	Indian Country Impact
<b>Sec. 302. Interagency Committee on Indigenous Data Sovereignty and Traditional Ecological Practices.</b>	Directs the Secretary of the U.S. Department of Interior (DOI) and Director of the White House Office of Management and Budget (OMB) to establish a committee on American Indian, Alaska Native, and Native Hawaiian Indigenous Data Sovereignty and Traditional Ecological Practices. Committee members would be the Secretaries of: Interior, Health and Human Services, Education, and	Improving federal practices governing Tribal data sovereignty has been a focal point for many Tribes, producers and nutrition program experts.  The traditional farming practices and ecological knowledge held by Tribal farmers and other knowledge keepers has the potential to improve the diversity, resiliency, environmental and economic sustainability, and productivity of our food systems. Research regarding this knowledge should be handled respectfully

	<p>Agriculture, and the Administrator of the Environmental Protection Agency.</p> <p>Among other things, the committee would be charged with facilitating data-sharing among Tribes, promoting Tribal inclusion in longitudinal studies, assessing federal programs' methodologies and perspectives, and evaluating federal programs and policies serving Native communities, among other things.</p> <p>The committee would also consider the feasibility of establishing an Office on American Indian, Alaska Native, and Native Hawaiian Data Sovereignty within the Department of the Interior.</p>	<p>and in good relationship with the communities and individuals from which it originates. This research requires full consultation with Tribal governments and full compliance with modern cultural practices. It may require data sovereignty and opacity considerations.<sup>1</sup> The bill draft does not require Tribal consultation, though it does incorporate an advisory committee of representatives from Indian Country in Sec. 303.</p> <p>The bill draft also requires the committee to report on Traditional Ecological Practices, but places the responsibility for establishing the committee only with Interior and OMB, not USDA. This may make it more challenging for USDA's Natural Resources Conservation Service leadership (NRCS) to participate in the committee's work and findings, and to propose interagency agreements with the Bureau of Indian Affairs (BIA) that remove administrative barriers to Tribes and Tribal producers seeking to work with NRCS to implement conservation programs from a traditional ecological lens. Involving USDA at this level would also facilitate more involvement between the USDA's Tribal Advisory Committee (USDA TAC) and the work of its predecessor committee, the Council on Native American Farming and Ranching (CNAFR), which have both examined this issue and suggested removal of relevant administrative barriers, particularly at BIA.</p> <p>Having an established, funded and staffed committee that can work with cross-agency federal stakeholders could lead to progress. However, the draft does not require existing federal advisory committee work, like the USDA TAC, to be considered in this committee's</p>
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<sup>1</sup> Erin Parker et al., Gaining Ground: A Report on the 2018 Farm Bill Successes for Indian Country and Opportunities for 2023 (Fayetteville, AR: Indigenous Food and Agriculture Initiative, 2022), 78. <https://www.indigenousfoodandag.com/wp-content/uploads/2024/02/Gaining-Ground.pdf>.

		<p>work. The draft also does not require that any staff representing a Secretary in the process of carrying out the committee’s work have expertise in Tribal Affairs, federal Indian law, or working in Indian Country. In this way, the bill draft does not necessarily address some of the concerns that Tribes have raised about data sovereignty in federal programming in the past.</p>
<p><b>Sec. 303. Tribal advisory committee on Indigenous Data Sovereignty and Traditional Ecological Practices</b></p>	<p>Establishes a Tribal Advisory Committee (TAC) under the Bureau of Indian Affairs (BIA) to advise the interagency committee on indigenous data sovereignty and traditional ecological practices established in Sec. 302.</p> <p>Sets TAC membership guidelines to include researchers, scholars, and Tribal leaders with data sovereignty, community research, and/or traditional knowledge from each of the 12 BIA regions and Hawai’i.</p>	<p>Tribal leaders and intertribal organizations have long recognized that the BIA must be involved in discussions on land management activities and how to best remove administrative barriers for Tribal producers seeking to access federal funds to carry out those activities, including those shaped by traditional ecological knowledge.</p> <p>However, the authorities that would provide support to Tribal producers for these activities are largely appropriated to USDA and housed within its <a href="#">Farm Production and Conservation Business Center</a> (FPAC) mission area. The USDA TAC, which BIA is required to participate in by law, would have these considerations within its purview. Without drawing a clear line between the purposes of these committees, the bill may make it challenging for both sets of committees to do their work and recommend improvements.</p> <p>The bill also gives no charge to the committee to consider how provisions of existing federal law like the American Indian Agricultural Resources Management Act (AIARMA) is currently utilized—or not utilized—by BIA in service of Tribes implementing traditional ecological activities on their lands as part of their own goal-setting under the AIARMA framework. Absent a specific charge to do so, it is unclear if the committee</p>

		will consider this existing opportunity to support Tribal sovereignty over Tribal agricultural lands.
<b>TITLE VI—IMPROVING NUTRITION PROGRAMS FOR NATIVE CHILDREN, YOUTH, AND FAMILIES</b>		
<b>Bill Section</b>	<b>Summary of Bill Text</b>	<b>Indian Country Impact</b>
<b>Sec. 601. Food distribution program on Indian reservations under self-determination contracts and self-governance funding agreements.</b>	Amends the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)) and authorizes Indian Tribes or Tribal organizations to enter a self-determination contract or self-governance agreements for the Food Distribution Program on Indian Reservations (FDPIR).	<p>This may support Tribes and ITOs interested in expanding 638 authority to manage certain aspects or whole sections of their FDPIR programs. That scope will be determined in an agreement with USDA.</p> <p>However, it does not contemplate the impact of recent changes and future proposals that may impact USDA services required for 638 authority. For instance, recent reductions in force at USDA may impact the ability for timely agreements and negotiations. Additionally, the bill contains no mention of establishing an Office of Self-Determination at USDA. Currently the <a href="#">15 FDPIR 638 pilots</a> are managed through the DOI's Office of Self Governance on behalf of USDA. The bill also does not provide a formula by which USDA can apportion food purchasing funding to a Tribe without impacting the department's purchasing power for all non-638 Tribes.</p> <p>Requires a report to Congress one year after becoming law and each year after on 638 authority agreements under this section.</p>
<b>Sec. 602. Self-determination for SNAP.</b>	Directs the U.S. Department of Agriculture (USDA) to enter into self-determination contracts, self-governance compacts, and funding agreements with Indian Tribes and Tribal Organizations, upon the request of a Tribe, to carry out the Supplemental Nutrition Assistance Program (SNAP).	Tribes have previously been statutorily unable to fully administer SNAP. The bill changes this by opening up a self-governance pathway for Tribes. However, the bill does not indicate how USDA or Tribes should address the significant administrative and benefit cost-sharing changes that Congress made <a href="#">to SNAP in the One Big Beautiful Bill Act</a> earlier this year. During the

		<p>reconciliation process, Congress significantly increased the State Agency administrative cost share for operating this program and put in place future measures that would require States to pay for some benefit costs as well, depending on their annual error rates. Tribes would be operating these programs as a case of first impression and would have no error rates, nor would they necessarily have the income tax base to draw from that State governments do in operating this program and paying for administrative costs. The bill does not make any provision for onboarding Tribes to the program with respect to these recent changes, so it is likely that they would also apply to Tribal Nations as they will apply to State agencies. The bill also does not exempt Tribes from any of the recent data-sharing requests that USDA has made of State agencies regarding this program, and a Tribe wishing to utilize this provision if enacted should be aware that there may be data sovereignty concerns with doing so.</p> <p>Finally, this provision does not remove the longstanding statutory bar on simultaneous participation in FDPIR and SNAP. Any Tribe wishing to operate SNAP via a 638 contract or compact would necessarily need to communicate with both relevant State agencies and Indian Tribal Organizations (ITOs) to ensure there was no dual enrollment occurring. This would be of particular concern after the benefit cost-sharing provisions of the OBBB are activated, which could result in Tribes being asked to pay additional benefit costs not initially contemplated due to error rates.</p>
<b>Sec. 603. Alaska pilot program for SNAP administration.</b>	Establishes a pilot demonstration program for the Tribal administration of SNAP for the 12 Alaska Native regional nonprofit corporations and the Metlakatla Indian Community.	This provision would authorize specific Alaska Native regional nonprofits and one Indian Community with the ability to manage SNAP.

		<p>In recent years, State SNAP administration in Alaska has suffered from high error rates, though it has been reduced from 60% in FY2023 to 24% in FY2024.<sup>2</sup> While is still the highest error rate nationally, Alaska Native operations might be a viable option for some communities by increasing local control.</p> <p>However, as above, the bill does not make a provision for exempting the entities operating this pilot from the changes made to SNAP administrative costs by Congress in the OBBB. Once the error rate calculation provisions of that bill are operational in FY28, it is unclear if the State's error rates would be attributed to the Indian entity operating the pilot, making them accountable for making an as-yet unknown match for benefit payment costs. It is also unclear if the pilot entity would be responsible for 50% or 75% of administrative costs after FY27, when the administrative costs to States will increase.</p>
<b>Sec. 604. Child nutrition programs Tribal pilot projects.</b>	Authorizes and expands the existing Child Nutrition Programs Tribal Pilot Projects from the <a href="#">FY2024 Consolidated Appropriations Act (Sec. 758)</a> .	<p>Continues programs authorized under PL 118-42 for up to 10 pilot projects using grants between \$10-100k per school year in:</p> <ul style="list-style-type: none"> <li>• Bureau of Indian Education-funded schools;</li> <li>• schools on or near Indian reservations;</li> <li>• or in early child care and education facilities.</li> </ul> <p>Eligible Tribal entities are able to administer one or more of:</p> <ul style="list-style-type: none"> <li>• National School Lunch Program (NSLP) – 42 USC 1769</li> </ul>

<sup>2</sup> U.S. Department of Agriculture, Food and Nutrition Service, SNAP Payment Error Rates: Fiscal Year 2024, last updated June 30, 2025, <https://www.fns.usda.gov/snap/qc/per>.

		<ul style="list-style-type: none"> <li>• School Breakfast Program (SBP) – 42 USC 1773</li> <li>• Child and Adult Care Food Program (CACFP) – 42 USC 1766</li> <li>• Summer Food Service Program (SFSP) – 42 USC 1761.</li> </ul>
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