



UNIVERSITY OF  
ARKANSAS

# All the Tribal-Specific Provisions in the Final 2018 Farm Bill

Public Law No. 115-334



*January 31, 2019*

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# The 2018 Farm Bill Tribal-Specific Provisions

## H.R. 2 – Agriculture Improvement Act of 2018

Passed by Senate 87-13; Passed by House 369-47 Signed into law December 20, 2018

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## TITLE I: COMMODITIES

### Sec. 1501 – Supplemental Agricultural Disaster Assistance

- Adds tribes and tribal organizations to definition of an eligible producer for the program.
  - Sec.1501 (a) amends section 1501(a)(1)(B) of the Agricultural Act of 2014 to add an Indian tribe or tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304) as an eligible producer.
  - Sec.1501 (c) amends section 1501(e) of the Agricultural Act of 2014 to require the Secretary to provide a reimbursement of 75 percent of the losses for beginning and veteran farmers and ranchers under the Tree Assistance Program.

## TITLE II: CONSERVATION

### Sec. 2202 – Conservation Reserve Enhancement Program

- Allows the Secretary to enter into cost-share agreements with tribes, and other partners, to carry out the conservation reserve enhancement program

### Sec. 2204 – Pilot Programs [Conservation Reserve Easements]

- Creates pilot project for 30 year conservation easements called Clean Lakes Estuaries and Rivers (CLEAR 30) practices
- Requires Secretary to enter into one or more agreements with tribes under CLEAR 30.





## TITLE II: CONSERVATION (continued)

### Sec. 2304 – Establishment and Administration of Environmental Quality Incentive Program

- Moved to section 2304(d) and replaces the “opt-out” language with an assurance of notification of producers, per Note #16 in Title II - Conservation, Joint Explanatory Statement.

### Sec. 2501(a) – Funding of Conservation Reserve Program – Transition Incentives Program

- Increases funding to \$50 million, including up to \$5 million for outreach and technical assistance, for the transfer of lands from existing CRP contract holders to new and beginning or socially disadvantaged producers.

### Sec. 2501(d) – Assistance to Certain Farmers or Ranchers for Conservation Access

- Set-asides for ‘beginning’ and ‘socially disadvantaged’ farmers or ranchers are reauthorized at 5 percent (not the 15 percent level in the Senate bill).

### Sec. 2503(c) – Administrative requirements for conservation programs

- Requires USDA to enter into alternative funding arrangements for conservation programs under the Conservation Stewardship Program and Environmental Quality Incentives Program.

### Sec. 2701 – Regional Conservation Partnership Program

- Expressly includes tribes who own or operate eligible land as eligible producers for the Regional Conservation Partnership Program.



## TITLE III: TRADE

### Sec. 3312 – Foreign Trade Missions

- Requires the Secretary to seek to support greater inclusion and participation of Native farmers, ranchers, and producers on international trade missions.
- Requires a report to Congress within 2 years regarding the efforts of the agencies to increase tribal inclusion on international trade missions.

## TITLE IV: NUTRITION

### Sec. 4003(a) – Food Distribution Program on Indian Reservations

- Authorizes 2-year carryover funding.
- Requires USDA to pay 80 percent of administrative costs FDPIR, with a 20 percent tribal match.
  - USDA must waive the match requirement if a tribe is financially unable or substantially burdened by the match requirement.
  - A tribe may use other federal funding sources to meet the match requirement.
  - USDA may not limit the administrative costs for a tribe that receives a waiver.
- Adds “regionally-grown” to the traditional foods provision purchase provision for FDPIR.
- Requires the Secretary to purchase traditional foods that can be procured “cost-effectively.”

### Sec. 4003(b) – Food Distribution Program on Indian Reservations – Demonstration Project for Tribal Organizations

- Authorizes \$5 million for demonstration projects for tribal organizations to enter into 638 self-determination contracts to procure foods for FDPIR packages.
- Only funds specifically appropriated in advance for this purpose may be used to carry out this demonstration project.



## TITLE IV: NUTRITION (continued)

### Sec. 4203 - Service of Traditional Foods in Public Facilities

- Adds state, county, and local education programs as eligible for the donation of traditional foods provision into public and nonprofit facilities.

### Sec. 4205 – Gus Schumacher Food Insecurity Incentives

- Tribal agencies can use other federal resources and funds (including IHS funding) to meet the Food Insecurity Nutrition Incentive program matching requirement.

### Sec. 4206 – Micro-Grants for Food Security

- Provides money to states to award grants of up to \$5,000 to individuals and up to \$10,000 to eligible entities, including tribes and tribal organizations, for small-scale gardening, herding, and livestock operations directed to food insecure communities.

## TITLE V: CREDIT

### Sec. 5415 – GAO Report on Availability of the Farm Credit System to Meet the Agriculture Credit Needs of Indian Tribes and their Members

- Requires the GAO to study the availability of agriculture credit to tribes and tribal producers within the Farm Credit System.



# Tribal-Specific Provisions in the 2018 Farm Bill

## Indigenous Food and Agriculture Initiative

January 31, 2019

## TITLE VI: RURAL DEVELOPMENT

### Sec. 6201 – Access to Broadband Telecommunications Services in Rural Areas

- Adds tribes as eligible for competitive USDA/HHS grants to support work with non-profit organizations under the Farm and Ranch Stress Assistance Network program.

### Sec. 6204 – Community Connect Grant Program

- Codifies the Community Connect program with tribes and tribal organizations eligible for grants, as well as other underserved communities.

### Secs. 6205, 6209, 6211, 6501, 6505 [Refinancing Authority for Rural Development Infrastructure Loans]

- Per Note # 26, Title VI Joint Explanatory Statement, the Managers intend that an existing loan may be refinanced using the Substantially Underserved Trust Area program, and the USDA must publish a notice detailing its implementation of this refinancing authority (See Conference Bill at Sec. 6211).

### Sec. 6302 – Establishment of Technical Assistance Program

- Establishes a permanent Rural Development Tribal Technical Assistance Office to provide technical assistance across all areas of rural development funding for tribal governments, tribal producers, tribal businesses, tribal business entities, and tribally designated housing entities.

### Sec. 6306 – Council on Rural Community Innovation and Economic Development

- Creates a Council with representatives from 26 Executive Branch agencies to streamline and leverage federal investments in rural areas, and coordinate with all stakeholders, including tribal governments.
- Rural Broadband Integration Working Group not included.

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# Tribal-Specific Provisions in the 2018 Farm Bill

## Indigenous Food and Agriculture Initiative

January 31, 2019

## TITLE VI: RURAL DEVELOPMENT (continued)

### Sec. 6401 – Strategic Economic and Community Development

- Requires the Secretary to coordinate with tribes and other governments and provide priority, under any Rural Development program, to Strategic Community Investment Plans that improve broadband across a multijurisdictional basis, as well as include investment from strategic partners such as tribal governments.

### Sec. 6406 – Tribal College and University Essential Community Facilities

- Reauthorized at current \$10 million funding level.

### Sec. 6408 – Water Systems for Rural and Native Villages in Alaska

- Reauthorized at current funding level and includes eligibility for tribal consortia (with a 2 percent set-aside for the consortia) and Alaska Native villages.

### Sec. 6419 – Rural Business-Cooperative Service Programs Technical Assistance and Training

- Expressly authorizes tribal governments as eligible grantees for technical assistance/training programs under the Rural Business-Cooperative Service.

### Sec. 6424 – Rural Innovation Stronger Economy Program

- Establishes a grant program to create job accelerators and programs in low-income rural areas, prioritizing entities/applications with a tribal government as the lead applicant.

### Sec. 6701(a)(1) – Corrections Relating to the Consolidated Farm and Rural Development Act

- Technical amendment clarifying the eligibility of tribes as defined under Section 4(e) of the Indian Self-Determination and Education Assistance Act.

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# Tribal-Specific Provisions in the 2018 Farm Bill

## Indigenous Food and Agriculture Initiative

January 31, 2019

## TITLE VII: RESEARCH, EXTENSION, AND RELATED MATTERS

### Sec. 7109 – Education grants to Alaska Native serving institutions and Native Hawaiian serving institutions

- Both reauthorized at current levels.

### Sec. 7120 – New Beginning for Tribal Students

- Creates a new Native American student scholarship fund for tribal students attending land-grant universities and colleges.

### Sec. 7123 – Partnerships to build capacity in international agricultural research, extension, and teaching

- Includes 1994 Tribal Colleges as eligible for program to build the capacity and improve the performance activities substantially similar to agricultural research, extension, and teaching activities.

### Sec. 7206 – National Genetics Resources Program

- Adds 1994 Tribal College representation on National Genetics Resources Advisory Committee to provide recommendations on the commercialization of public cultivars and collection of seeds and germplasm for the National Seed Bank.

### Sec. 7412 - Farm and Ranch Stress Assistance Network

- Adds tribes as eligible for competitive USDA/HHS grants to support work with non-profit organizations under the Farm and Ranch Stress Assistance Network program.

### Sec. 7502 – Equity in Educational Land-Grant Status Act of 1994

- Adds Nueta Hidatsa Sahnish College and Red Lake Nation College to the 1994 Institutions list.
- Reauthorizes endowment, capacity funds, and research grants for tribal colleges.

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# Tribal-Specific Provisions in the 2018 Farm Bill

## Indigenous Food and Agriculture Initiative

January 31, 2019

## TITLE VII: RESEARCH, EXTENSION, AND RELATED MATTERS (continued)

### Sec. 7604 – Assistance for forestry research under the McIntire-Stennis Cooperative Forestry Act

- Makes 1994 Tribal Colleges eligible for McIntire-Stennis Forestry program capacity funding.

### Sec. 7609 – Smith-Lever Community Extension Program

- Adds TCUs as eligible for funding for the Children, Youth and Families at Risk (CYFAR) Program and the Federally Recognized Tribes Extension Program (FRTEP).

## TITLE VIII: FORESTRY

### Sec. 8102 – State and Private Forest Landscape-scale Restoration Program

- Includes forest land owned by an Indian tribe within the definition of “nonindustrial private forest land” as eligible for a competitive grant awarded by the USDA in coordination with a state agency.

### Sec. 8401 – Promoting Cross-Boundary Wildfire Mitigation

- Authorizes \$20 million in grants for cross-boundary hazardous fuels reduction projects and includes tribal land within the definition of non-Federal land as eligible.

### Sec. 8404 – Water Source Protection Program

- Requires the Secretary to create a Water Source Protection Program to carry out watershed restoration projects on National Forest System land and coordinate/partner with tribes to develop water source management plans.

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## TITLE VIII: FORESTRY (continued)

### Sec. 8405 – Watershed Condition Framework

- Requires the Secretary to create a Watershed Condition Framework for National Forest System land in coordination with tribes and other governments within watershed areas.

### Sec. 8407 – Healthy Forests Restoration Act of 2003 Amendments

- Allows use of any combination of a 30-year contract, a 10-year cost-share agreement, or permanent easement to enroll tribal acreage into the plan.

### Sec. 8624 – Good Neighbor Authority

- Adds tribes as eligible for Good Neighbor Authority agreements, includes land owned by an Indian tribe.
- Tribes are defined under Section 4(e) of the Indian Self-Determination and Education Assistance Act.

### Sec. 8643 – Wood Innovation Grant Program

- New program available to tribal, state, and local governments for advancing the innovative use of wood products, with a priority for the use of existing milling capacity.

### Sec. 8703 – Tribal Forest Management Demonstration Project

- Permits the Secretaries of Interior and Agriculture to enter into 638 self-determination demonstration project agreements with Tribes to take over the management and functions of the federal government under the Tribal Forest Protection Act (TFPA), provided that the Secretaries make any decisions required to be made by NEPA and TFPA, and provided further, that the 638 contract be subject to negotiation under 25 U.S.C. 5363(b)(2).



## TITLE X: HORTICULTURE

### Sec. 10102 – Local Agriculture Market Program

- Establishes tribal eligibility in local food programs to grow, process, and market Native foods.

### Sec. 10113 – Hemp Production

- Makes hemp farming legal and authorizes new State and Tribal plans and regulations to develop and expand hemp production.
- Does not preempt state and tribal laws on hemp production as long as they are consistent with federal law.
- USDA can provide technical assistance to tribes and states in the development of plans.
- Any person with a controlled-substance felony conviction must wait 10 years following their date of conviction to participate.

### Sec. 10114 – Interstate Commerce [Hemp]

- No State (or Tribe) can prohibit the transportation or shipment through its territory of hemp or hemp products produced in accordance with an approved Tribal or State Plan.

## TITLE XI: CROP INSURANCE

### Sec. 11108 – Underserved Producers

- Includes tribal producers in definition of underserved producers for review and report of whether crop insurance is providing adequate coverage.





# Tribal-Specific Provisions in the 2018 Farm Bill

## Indigenous Food and Agriculture Initiative

January 31, 2019

## TITLE XII: MISCELLANEOUS

### Sec. 12101(b) – Animal Disease Preparedness and Response

- Includes tribes as eligible entities for a new National Animal Disease Preparedness and Response Program.

### Sec. 12101(c) – National Animal Vaccine and Veterinary Countermeasures Bank

- The Secretary can enter into cooperative agreements with tribes regarding the prevention, detection, and rapid response to animal pests and diseases.

### Sec. 12203 – Agriculture and Food Defense

- State and regional strategic response plans must include the appropriate roles and interactions with tribal governments.

### Sec. 12301 – Farming Opportunities Training and Outreach

- Creates permanent, mandatory baseline funding for outreach, education, and training for beginning and socially disadvantaged farmers and ranchers, including tribal farmers and ranchers in the new Farming Opportunities Training Outreach program, and specifies tribal government and tribal producer eligibility for grants under the programs.

### Sec. 12302 – Urban Agriculture

- Establishes a new Office of Urban Agriculture and Innovative Production and Advisory Committee; tribal governments are eligible for urban agriculture grants provided under the new Office.

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## Indigenous Food and Agriculture Initiative

January 31, 2019

## TITLE XII: MISCELLANEOUS (continued)

### Sec. 12303 – Tribal Advisory Committee

- Creates a new Tribal Advisory Council to provide advice to the Secretary on tribal related issues and policies throughout the Department.

### Sec. 12406 – Office of Partnerships and Public Engagement

- Changes the name of the Office of Advocacy and Outreach to the Office of Partnerships and Public Engagement; specific reference to tribal producers, as socially disadvantaged definition includes tribal producers.

### Sec. 12409 – Rural Health Liaison

- Establishes a new Rural Health Liaison position to work in consultation with HHS regarding the integration of USDA and HHS programs to support rural health, including outreach to tribal governments on the availability of grants, information, and programs.

### Sec. 12502 – [Emergency Housing for Domestic Violence Victims with Support Animals & Pets]

- In coordination with DOJ, HUD, and HHS, provides funding and grants to tribes and other eligible entities to provide emergency and transitional shelter and housing assistance to domestic violence victims with support animals and pets.

### Sec. 12510 – Tribal Promise Zones

- Codifies the existence and access to federal agency resources and technical assistance for Tribal Promise Zones. *Not Included:* competitive enhancement provisions.

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## TITLE XII: MISCELLANEOUS (continued)

### Sec. 12511 – Precision Agriculture Connectivity

- Creates a new task force with a position for an agriculture producer representing tribal agriculture to look at gaps in broadband connectivity for precision agriculture.

### Sec. 12515 – Prohibition on Slaughter of Dogs and Cats for Human Consumption

- Prohibits the slaughter and transportation of dogs and cats for the purpose of human consumption, with a religious ceremony exception provided for Indians.

### Sec. 12608 – Reauthorization of Rural Emergency Medical Services Training and Equipment Assistance Program

- Includes tribal government-operated emergency medical services (fire and non-fire based) as eligible for grants for rural emergency medical equipment and training.

## Joint Explanatory Statement of the Committee of Conference (“Managers Language”):

### Note #17, Title XII Joint Explanatory Statement of the Managers Recognizing Importance of the Office of Tribal Relations

- “The Managers recognize that the Office of Tribal Relations (OTR) is an important function of USDA and should be within the Office of the Secretary. The Director of OTR serves as USDA’s primary point of contact for consultation and coordination with Tribal Governments and should continue to directly advise the Secretary on tribal issues and policies. The Managers agree that OTR should coordinate with OPPE to provide outreach and assistance to tribes and tribal farmers and ranchers to improve access to USDA programs and resources.”

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