Economic Development Opportunities in the 2018 Farm Bill

From better broadband access to new funding streams supporting the sale and marketing of Native foods, the 2018 Farm Bill contains many opportunities to promote economic development in Indian Country. The provisions outlined here are just some of the programs in this legislation that can strengthen business and commerce for Tribes and Tribal producers across the country.

Broadband Programs

There are two provisions in Rural Development title (VI) regarding the expansion of broadband to rural regions. The Strategic Community Investment Plans (2) require the Secretary to coordinate with Tribes and other governments and gives priority to plans that improve broadband across a multi-jurisdictional basis and include investment from strategic partners (such as Tribal governments). Another Provision establishes priority for Tribes and other underserved communities for broadband grants and loans (3). E-connectivity is imperative in today’s global economy and will increase productivity for farms, factories, forests, mining, and small businesses.

Local Agriculture Management Program (LAMP)

A provision in the Horticulture Title (X), establishes Tribal eligibility in local food programs to grow, process, and market Native foods. With eligibility, Tribes will be able to cultivate, process and sell traditional foods at a variety of alternative merchandising models such as farmers markets and community-supported agriculture programs. For SNAP participants, this would be an opportunity to spend funds on locally produced traditional foods.
FDPIR 638 Demonstration Project

Through this new provision in the Nutrition title (IV), Congress has authorized $5 million for demonstration projects for one or more Tribal organizations to enter into 638 self-determination and oversee FDPIR programs themselves. If this demonstration is funded, more Tribes may have the opportunity to have more control over how their Tribal members are served by this critical program through food procurement, potentially allowing more choices for Tribes in directly selecting suppliers and food products for the program. This could result in increased economic activity among Tribal producers and local/regional food businesses.

Council on Rural Community Innovation and Economic Development

This provision in the Rural Development title (VI) 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. This will allow Tribal leaders a seat at the table to bring awareness to the needs of their communities regarding community and economic development.

Rural Innovation Stronger Economy Program

This provision in the Rural Development title (VI) introduces a grant program to create job accelerators and programs in low-income rural areas, prioritizing applications with a Tribal government as the lead applicant. Grants will provide funds to individuals or groups looking to establish programs in their communities to enhance economic growth.

Sources
1. FCC 2017
2. H.R. 2 Sec. 6401
3. H.R. 2 Sec. 6201
4. H.R.2: Sec. 10102
5. H.R.2: Sec. 4003(b)
6. H.R. 2 Sec. 6306
7. H.R. 2 Sec. 6424

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2018 Farm Bill
Title I: Commodities

Many Tribes and individual Indian producers rely on commodity food production - more than half of all income from agriculture in Indian Country comes from livestock production. The Commodities Title makes changes to the price support and safety net programs that impact Native producers and their Tribes.

The 2018 Farm Bill specifically adds language to preexisting sections that is inclusive of Tribes.

Supplemental Agricultural Disaster Assistance

1. Adds Tribes and Tribal organizations as eligible producers for the federal assistance program.  
2. Requires the Secretary to provide a reimbursement of 75 percent of the losses for beginning and veteran farmers and ranchers under the Tree Assistance Program.

Sources
1. USDA NASS, 2012 Census of Agriculture
2. H.R. 2: Sec.1501 (a)
3. H.R. 2: Sec.1501 (c)
Conservation is both important for land protection and product development, and an integral part of enrollment in USDA programs. Changes in the Farm Bill will make it easier to implement NRCS programs on Bureau of Indian Affairs (BIA)-managed trust lands. The process of getting approvals for practices or entering into conservation cost-sharing agreements will be simplified for Tribal producers.

The 2018 Farm Bill includes expansion of existing conservation programs, a new pilot program, administrative changes, and maintains current access to funding by socially disadvantaged farmers, which includes Native producers. Listed below are specific changes to this title.

Alternative Funding Requirement

*Requires* USDA to enter into alternative funding arrangements (AFAs) with Tribal governments for conservation programs under CSP and EQIP. This had previously had been up to the discretion of the Secretary. 1

These charts show the number of USDA conservation program contracts awarded to farms with American Indian/Alaska Native (AIAN) operators over time. 2
## Changes to Existing Programs

1. **Environmental Quality Incentive Program (EQIP)** - Replaces the “opt-out” language with an assurance of notification of producers.

2. **Conservation Reserve Enhancement Program (CREP)** - Secretary is allowed to enter into cost-share agreements with Tribes to carry out the program.

3. **Conservation Reserve Easement (CRE) Pilot Program** - A new project to create 30 year conservation easements called Clean Lakes Estuaries & Rivers (CLEAR30). At least one agreement under this new program must be with Tribes.

4. **Conservation Stewardship Program (CSP)** - Increases funding for the Transition Incentives Program to $50 million, including up to $5 million for outreach and technical assistance, for the transfer of retiring agriculture land to new and beginning or socially disadvantaged producers.

## Regional Conservation Partnership Program (RCPP)

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

## Maintains Funding Levels for Assistance to Certain Farmers or Ranchers for Conservation Access

Set-asides for ‘beginning’ and ‘socially disadvantaged’ farmers or ranchers are reauthorized at 5 percent.

### Sources

1. H.R. 2 Sec. 2503(c)  
2. USDA-NRCS, ProTracts Program Contracts System  
3. H.R. 2 Sec. 2304  
4. H.R. 2 Sec. 2202  
5. H.R. 2 Sec. 2204  
6. H.R. 2 Sec 2501(a)  
7. H.R. 2 Sec. 2701  
8. H.R. 2 Sec. 25019d)
2018 Farm Bill

Title III: Trade

There is a large market for Tribal foods overseas and the new Farm Bill encourages more Tribal producers to participate. Changes to the Trade Title can support economic development and provide new markets, while also protecting producers. Listed below are specific changes to this title that strengthen Native access to foreign markets.

1. Foreign Trade Missions - Requires the Secretary to seek to support greater inclusion and participation of Native farmers, ranchers, and producers on international trade missions.

2. Congressional Report - Requires a report to Congress within 2 years regarding the efforts of the agencies to increase Tribal inclusion on international trade missions.

Native American Food Products Around the World

Numerous food products from Tribes across the country have already participated in international trade with countries such as Australia, Canada, Mexico, Japan, China, Singapore, Taiwan, France and the UK.

Many Tribal nations including the Red Lake Band of Chippewa Indians, Lummi Nation and Coquille Tribe have been involved in international trade shows and expos. Their participation resulted in large sales and has brought Native American foods into the spotlight.

Some of the products sold include: Native wild rice, sea foods, bison jerky, Native teas, bread mixes and assorted jams and jellies.

Between 2014 and 2016, the American Indian Foods International Export Program generated nearly $62 million in sales of Native products in overseas markets.

Sources
1. H.R.2: Sec. 3312
2. H.R.2: Sec. 3312
3. americanindianfoods.com
4. Intertribal Agriculture Council (2014-2016)
2018 Farm Bill
Title IV: Nutrition

The Nutrition Title provides support for multiple federal food assistance programs administered by USDA, including the Supplemental Nutrition Assistance Program (SNAP) and the Food Distribution Program on Indian Reservations (FDPIR).

The 2018 Farm Bill includes opportunities for Tribes to take more control of the FDPIR programs, increased access to funding opportunities, and expansion of traditional foods donations. Listed below are specific changes to the nutrition title.

A map of FDPIR sites and number of program participants at each site. In 2017, there were 93,854 FDPIR participants total. Source: National Data Bank, FNS 2017
**Farm Bill Improvements for FDPIR:**

1. Authorizes 2-year carryover funding. This will help FDPIR sites with daily administrative expenses of running the program.
2. Requires USDA to pay 80 percent of administrative costs FDPIR, with a 20 percent Tribal match. This is a slight reduction in the previous 25% match required in prior Farm Bills. Further, the 2018 legislation requires the match be waived without any corresponding limitation on administrative funding for that site where a tribe is financially unable or substantially burdened by the match requirement.
3. Provides that Tribes may use other federal funding sources to meet the match requirement.
4. Expands local food procurement to include “regionally-grown” foods and requires purchase of cost-effective traditional foods where practical.

**FDPIR 638 Demonstration**

Public Law 93-638, often referred to as 638 authority, gives Tribes the ability to manage certain programs that are typically administered through federal departments.

The new Farm Bill has authorized $5 million for demonstration projects for Tribal organizations to enter into 638 self-determination and oversee FDPIR programs themselves. The demonstration will be used to determine the feasibility and effectiveness of transferring control as well as troubleshoot for any issues that may arise.

If this test run is successful, more Tribes may have the opportunity to have increased control over the way that their FDPIR program is administered. This could allow for increased additions of traditional foods in the FDPIR package and more Tribally produced foods. This provision opens the doors to expanding Tribal self-governance and food sovereignty.

**Traditional Foods in Public Facilities**

State, county, and local education programs are now eligible for the donation of traditional foods.

Who can benefit from this provision?

Native Gardens Project of the Standing Rock Sioux Tribe is an example of an educational organization working on expanding Farm-to-School policies in local school districts to encourage consumption of traditional, healthy foods in youth.
Food Insecurity Nutrition Incentives (FINI) Grants

Other federal funds can be used to meet the matching requirement. This allows Tribes more flexibility in the process of obtaining this grant, hopefully expanding the reach of available funding.  

From 2015-2018 only 3 Tribal entities were awarded this grant. One of these 2018 Grant to Tribes in North and South Dakota: "During 2018-2019, NDSU and SDSU Extension will work together to implement and promote the Double Up Dakota Bucks incentive program with partners on the Standing Rock, Yankton Sioux, and Turtle Mountain Reservations, building momentum, expertise, and best practices, and providing healthier foods for SNAP consumers."  

Sources
1. H.R.2: Sec. 4003(a)
2. H.R.2: Sec. 4003(b)
3. H.R.2: Sec. 4203
4. CDC. (2013). Part II— Good Food Is Power
5. H.R.2: Sec. 4206
6. H.R.2: Sec. 4205
7. FINI Pilot Projects, National Institute of Food and Agriculture 2018

For more information, please contact: Colby D. Duren, Executive Director, at cduren@uark.edu. This document is strictly for educational purposes only and does not constitute legal advice nor create an attorney/client relationship.
The 2018 Farm Bill requires Congress to take a deeper look into the credit problems that face Native producers.

**GAO Credit Report** - Requires the GAO to study the availability of agriculture credit to Tribes and Tribal producers within the Farm Credit System.  

"In general...reservation residents of all races have lower credit scores than residents of nearby off-reservation lands. Among the 19 states for which researchers have calculated score differences, Arizona and North Dakota showed the largest gaps; in these two states, on-reservation average scores were more than 70 points lower than off-reservation averages (on a scale that ranges from 300-850)."

**Sources**
1. H.R.2: Sec. 5415
2. Native Nations Institute, “Access to Capital and Credit in Native Communities: A Data Review”
3. USDA FSA Loan Data, 2016
2018 Farm Bill
Title VI: Rural Development

Programs in this title help support Tribal communities and Native producers across Indian Country and rural America. Rural Development programs support critical infrastructure projects, including broadband, housing, and water/sewer systems.

The 2018 Farm Bill includes opportunities to expand broadband into Indian Country, clarifies Tribal eligibility for many existing infrastructure programs, and expands technical assistance to Tribes and Tribal producers.

Map of US counties with 2 or more broadband provides with an overlay of Indian Country and Alaska.  

Broadband Programs

1. Strategic Community Investment Plans - Requires Secretary to coordinate with Tribes and other governments and gives priority to plans that improve broadband across a multijurisdictional basis and include investment from strategic partners (such as Tribal governments).  

2. Priority for Tribes and other underserved communities for broadband grants and loans.  

New Additions

1. **Rural Development Tribal Technical Assistance Office** - Permanently established 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.

2. **Council on Rural Community Innovation and Economic Development** - 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.

3. **Rural Innovation Stronger Economy Program** - 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.

Programs Reauthorized at Current Funding Levels

1. **Tribal College and University Essential Community Facilities** - Maintained at $10 million.

2. **Water Systems for Rural and Native Villages in Alaska** - Also includes eligibility for Tribal consortia (with a 2 percent set-aside for the consortia) and Alaska Native villages.

Programs that Clarify Tribal Eligibility

1. **Farm and Ranch Stress Assistance Network** - Adds Tribes as eligible for competitive USDA/HHS grants to support work with non-profit organizations.

2. **Consolidated Farm and Rural Development Act** - Clarifies the eligibility of Tribes.

3. **Rural Business-Cooperative Service Programs** - Expressly authorizes Tribal governments as eligible grantees.

4. **Community Connect Grant Program** - Codifies Tribes and Tribal organizations eligible for grants.

Refinancing Authority for Infrastructure Loans

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.

Sources

1. FCC 2017
2. H.R. 2 Sec. 6401
3. H.R. 2 Sec. 6201
4. H.R. 2 Sec. 6302
5. H.R. 2 Sec. 6306
6. H.R. 2 Sec. 6424
7. H.R. 2 Sec. 6406
8. H.R. 2 Sec. 6408
9. H.R. 2 Sec. 7412
10. H.R. 2 Sec. 6701(a)(1)
11. H.R. 2 Sec. 6419
12. H.R. 2 Sec. 6207
13. H.R. 2 Secs. 6205, 6209, 6211, 6501, 6505

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2018 Farm Bill
Title VII: Research

The Research Title provides for accessing research, building Tribal research systems within TCUs, and supporting educational institutions. These are necessary programs and services to stabilize Tribal agriculture and food systems, food production, and Tribal communities.

The 2018 Farm Bill includes many provisions that impact Tribal Colleges and Universities programs and their access to funding, expand education grant opportunities, and increase Tribal representation on a national committee.

Education Grants to Native Institutions

Grants to both Alaskan Native serving institutions and Native Hawaiian Institutions reauthorized at current funding levels.¹

New Beginning for Tribal Students

New Native American student scholarship fund for Tribal students attending land-grant universities and colleges.²

National Genetics Resources Advisory Committee

Adds Tribal college representation to provide recommendations on the commercialization of public cultivars and collection of seeds and germplasm for the National Seed Bank.³
1. Adds **Nueta Hidatsa Sahnish College** and **Red Lake Nation College**.  
2. Reauthorizes endowment, capacity funds, and research grants for Tribal colleges.  
3. Tribal Colleges eligible for program to build the capacity and improve the performance activities substantially similar to agricultural research, extension, and teaching activities.  
4. **McIntire-Stennis Forestry Program** - Tribal colleges eligible for funding.  
5. **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).

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**Sources**

1. H.R.2: Sec. 7109  
2. H.R.2: Sec. 7120  
3. H.R.2: Sec. 7206  
4. H.R.2: Sec. 7502  
5. H.R.2: Sec. 7502  
6. H.R.2: Sec. 7123  
7. H.R.2: Sec. 7604  
8. H.R.2: Sec. 7609  
9. USDA NIFA

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**Tribal Land Grant Colleges and Universities**

The two yellow stars on the map denote Nueta Hidatsa Sahnish College (ND) and Red Lake Nation College (MN) which are now NIFA 1994 Land Grant Colleges.

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2018 Farm Bill
Title VIII: Forestry

Forests represent a principle renewable resource as well as a large component of government revenues and jobs, sources of food, and wildlife habitats. Many Tribes have long-standing and deeply spiritual relationships with the forests where they have lived for centuries.

The 2018 Farm Bill includes authorization for 638 demonstration contracts for Tribal Forest Management by Tribes. It also expands Tribal eligibility for existing programs, funding for new programs which Tribes are eligible, and more flexibility in plans for Tribes under the Healthy Forests Restoration Act.

638 Demonstration Project for Tribal Forest Management

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). This allows Tribes to enter into flexible contracts, that operate more like block grants in their high discretion and limited oversight, to control different programs, services, functions and authorities that otherwise would be the responsibility of USDA Forest Service.

Forests comprise one third of Indian land held in trust by the federal government, and more than 300 Tribes have forests.

The brown areas represent major timber operations, and the green areas represent minor timber operations.

Intertribal Timber Council (2017)
Expanding Tribal Eligibility

1. **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.

2. **Good Neighbor Authority** - Adds Tribes as eligible for Good Neighbor Authority agreements, includes land owned by an Indian Tribe.

Changes for Healthy Forests Restoration Act

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.

New Additions

1. **Water Source Protection Program** - Carry out watershed restoration projects on National Forest System land and coordinate/partner with Tribes to develop water source management plans.

2. **Watershed Condition Framework** - Framework for National Forest System land in coordination with Tribes and other governments within watershed areas.

3. **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.

4. **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.

Sources

1. H.R. 2 Sec. 8703
2. Intertribal Timber Council 2017
3. H.R. 2 Sec. 8407
4. H.R. 2 Sec. 8624
5. H.R. 2 Sec. 8404
6. H.R. 2 Sec. 8405
7. H.R. 2 Sec. 8401
8. H.R. 2 Sec. 8643
9. H.R. 2 Sec. 8643

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The 2018 Farm Bill legalizes hemp production and prohibits state and Tribes from regulating transportation through its territory. Further, it establishes Tribal eligibility in local food programs and requires USDA/EPA to produce a joint study on emergency use of methyl bromide.

Local Agriculture Management Program (LAMP)

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

This map shows farms on Indian reservations producing and selling traditional varieties of corn. Traditional corn is one example of a Native-grown food that could be eligible for LAMP with the 2018 Farm Bill changes.
Legalizing Hemp Production

1. The 2018 Farm Bill decriminalizes industrial hemp farming for commercial purposes across the country and authorizes new state and Tribal plans to develop and expand hemp production.
2. This provision does not preempt state and Tribal laws on hemp production as long as they are consistent with federal law.
3. USDA can provide technical assistance to Tribes and states in the development of plans.
4. Any person with a controlled-substance felony conviction must wait 10 years following their date of conviction to participate in an industrial hemp operation.
5. The Farm Bill also addresses transportation issues for industrial hemp. Under the law, no state or Tribe can prohibit the transportation or shipment through its territory of hemp or hemp products if those products were produced in accordance with an approved Tribal or State Plan.

![Hemp Cultivation Legality by State](image)

This map shows states that had prohibited growing hemp before the 2018 Farm Bill.

Methyl Bromide Study

Requires USDA and EPA to complete a study on the use of methyl bromide in response to an emergency, including a risk-benefit analysis of authorizing use by state, local, or Tribal authorities.

Sources

1. H.R.2: Sec. 10102
2. USDA, Census of Agriculture, 2012
3. H.R.2: Sec. 10113; Interstate commerce - Sec. 10114
4. National Conference of State Legislatures, 2018
5. H.R.2: Sec. 10116
6. For more information on growing industrial hemp or developing Tribal plans to regulate it, see the IFAI Resource Library at: [www.indigenousfoodandag.com/resources](http://www.indigenousfoodandag.com/resources).
Crop insurance is an important tool of risk management and disaster mitigation. This title can be used to help ensure that USDA crop insurance products are suitable for Tribal food production systems.

The 2018 Farm Bill ensures inclusion of Tribal producers in assessments of coverage.

Underserved Producers - Includes Tribal producers in definition of underserved producers for review and report of whether crop insurance is providing adequate coverage. 1

This map shows number of federal crop insurance policies by country - Tribal lands are overlaid on the map to demonstrate the general trend of usage in Indian Country.

Sources
1. H.R.2: Sec. 11108  
2. Federal Crop Insurance Corporation, 2018
The issues covered within the Miscellaneous Title cover a wide variety of areas. This overarching title can be used to coordinate work across all titles and all federal agencies, create new programs and authorities, and address issues that do not fit neatly elsewhere in the bill.

The 2018 Farm Bill includes a whole host of new programs, committees, and positions to target things from domestic violence to urban agriculture to rural health. Additionally, some existing programs have clarified Tribal eligibility or expanded to better serve Tribes, a Tribal Advisory Council was created, and managers in the USDA reaffirmed the importance of the Office of Tribal Relations (OTR).

New Additions

1. **Animal Disease Preparedness and Response** - Tribes are eligible entities for a new National Animal Disease Preparedness and Response Program.

2. **Farming Opportunities Training Outreach program** - Creates permanent, mandatory baseline funding for outreach, education, and training for beginning and socially disadvantaged farmers and ranchers. Specifies that Tribal government and Tribal producer eligibility for grants under the programs.

3. **Office of Urban Agriculture and Innovative Production and Advisory Committee** - Tribal governments are eligible for urban agriculture grants provided under the new Office.

4. **Rural Health Liaison position** - Works to integrate USDA and HHS programs to support rural health, including outreach to Tribal governments on the availability of grants, information, and programs.

5. **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.

6. **Precision Agriculture Connectivity** - New task force with a position for an agriculture producer representing Tribal agriculture to look at gaps in broadband connectivity for precision agriculture.
Programs that Clarify Tribal Eligibility

1. **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.

2. **Office of Partnerships and Public Engagement** (previously the Office of Advocacy and Outreach) - Specific reference to Tribal producers, as socially disadvantaged definition includes Tribal producers.

3. **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.

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**Tribal Promise Zones**

Codifies the existence and access to federal agency resources and technical assistance for Tribal Promise Zones.

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*This map shows urban, rural, and Tribal promise zones. The Tribal promise zones are marked by blue shapes.*
Establishment of a Tribal Advisory Council

New Council that provides advice to the Secretary on Tribal related issues and policies throughout the Department.

Religious Ceremony Exemption

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

Agriculture and Food Defense Response Plans

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

Recognition of the 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."

Sources

1. H.R. 2 Sec. 12101(b) 5. H.R. 2 Sec. 12502 9. H.R. 2 Sec. 12608 13. H.R. 2 Sec. 12515
3. H.R. 2 Sec. 12302 7. H.R. 2 Sec. 12101(c) 11. H.R. 2 Sec. 12510 15. H.R. 2 Note #17, Title XII
4. H.R. 2 Sec. 12409 8. H.R. 2 Sec. 12406 12 H.R. 2 Sec. 12303