

[DISCUSSION DRAFT]118TH CONGRESS
1ST SESSION**H. R.** _____

To amend the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 to establish a budgetary Tribal consultation process at the Department of Agriculture, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. KILMER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 to establish a budgetary Tribal consultation process at the Department of Agriculture, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rural and Tribal Eco-
5 nomic Development Improvement Act of 2023”.

1 **SEC. 2. ESTABLISHING A BUDGETARY TRIBAL CONSULTA-**
2 **TION PROCESS AT THE DEPARTMENT OF AG-**
3 **RICULTURE.**

4 (a) IN GENERAL.—Section 309 of the Federal Crop
5 Insurance Reform and Department of Agriculture Reorga-
6 nization Act of 1994 (7 U.S.C. 6921) is amended by add-
7 ing at the end the following:

8 “(c) BUDGETARY TRIBAL CONSULTATION PROC-
9 ESS.—

10 “(1) IN GENERAL.—Not later than 1 year after
11 the date of the enactment of the Rural and Tribal
12 Economic Development Improvement Act of 2023,
13 the Secretary, in consultation with the Office of
14 Tribal Relations and the Office of Budget and Pro-
15 gram Analysis of the Department of Agriculture,
16 shall establish, finalize, and implement a formal
17 process for consultation with Tribal Governments on
18 at least an annual basis, on—

19 “(A) annual budget requests; and

20 “(B) bills proposing the reauthorization of
21 certain Department of Agriculture programs
22 over a period of multiple years with budgetary
23 impacts, including bills providing for the reau-
24 thorization of Department of Agriculture pro-
25 grams (commonly known as farm bills).

1 “(2) NOTICE.—The consultation process under
2 paragraph (1) shall require the Secretary to provide
3 notice to Tribal Governments of a consultation not
4 later than 30 days before the date on which such
5 consultation is to occur.

6 “(3) REPORTING.—The Secretary, in consulta-
7 tion with Tribal Governments, shall develop and im-
8 plement a mechanism for reporting on any consulta-
9 tion that occurs pursuant to paragraph (1). Such a
10 report shall include—

11 “(A) a summary of issues consulted on;

12 “(B) comments received during that con-
13 sultation from Tribal Governments; and

14 “(C) if applicable, steps taken, or to be
15 taken, by the Secretary in response to such con-
16 sultation.

17 “(4) SCOPE.—The consultation process under
18 paragraph (1) shall not be limited only to programs
19 that are specific to Tribes.

20 “(5) RULE OF CONSTRUCTION.—Nothing in
21 this subsection shall be construed as limiting the
22 Secretary from—

23 “(A) conducting other consultations with
24 Tribal Governments or other entities, as speci-
25 fied under another provision of Federal law; or

1 “(B) advancing other practices to conduct
2 such consultations.

3 “(6) TRIBAL GOVERNMENT DEFINED.—In this
4 subsection, the term ‘Tribal Government’ means the
5 governing body of any Indian or Alaska Native
6 Tribe, band, nation, pueblo, village, community,
7 component band or component reservation, individ-
8 ually identified (including parenthetically) in the list
9 published most recently as of the date of enactment
10 of this Act pursuant to section 104 of the Federally
11 Recognized Indian Tribe List Act of 1994 (25
12 U.S.C. 5131).”.

13 (b) REPORT.—Not later than 12 months after the
14 date of the enactment of this Act, the Secretary of Agri-
15 culture shall submit to the Committee on Agriculture of
16 the House of Representatives and the Committee on Agri-
17 culture, Nutrition, and Forestry of the Senate a report
18 on—

19 (1) how the Secretary developed the Tribal con-
20 sultation process under subsection (c) of section 309
21 of the Federal Crop Insurance Reform and Depart-
22 ment of Agriculture Reorganization Act of 1994 (7
23 U.S.C. 6921), as added by subsection (a) of this sec-
24 tion; and

1 (2) a detailed description of the consultation
2 process so developed.

3 **SEC. 3. REQUIRING DEPARTMENT OF AGRICULTURE TO RE-**
4 **PORT PROGRAM FUNDING TO TRIBAL ENTI-**
5 **TIES.**

6 Section 309 of the Federal Crop Insurance Reform
7 and Department of Agriculture Reorganization Act of
8 1994 (7 U.S.C. 6921), as amended by section 2, is further
9 amended by adding at the end the following:

10 “(d) PROGRAM FUNDING REPORTING.—

11 “(1) IN GENERAL.—The Secretary and the Of-
12 fice of Tribal Relations shall, in consultation with
13 Tribes, establish a plan for analyzing and publicly
14 reporting to Tribal entities (as defined in subsection
15 (c))on funding provided through programs adminis-
16 tered by the Secretary for which such entities are el-
17 igible to apply. In conducting such analysis, the Sec-
18 retary shall identify ways to improve assistance pro-
19 vided through such programs to Tribal entities, in-
20 cluding through conducting additional outreach to
21 provide technical assistance for such programs that
22 are underutilized by Tribal entities.

23 “(2) DEFINITIONS.—In this subsection:

24 “(A) The term ‘Tribal entity’ means a
25 Tribal Government, Tribal organization, Urban

1 Tribal organization, tribally-owned business or
2 non-profit organization, or a business owned by
3 members of an Indian Tribe.

4 “(B) The term ‘Urban Tribal organization’
5 has the meaning given such term in section 4
6 of the Indian Health Care Improvement Act
7 (25 U.S.C. 1603).

8 “(C) The term ‘Tribal Government’ has
9 the meaning given such term in subsection (e).

10 “(D) The term ‘Tribal organization’ has
11 the meaning given such term in section 4 of the
12 Indian Self-Determination and Educational As-
13 sistance Act (25 U.S.C. 5304).”.

14 **SEC. 4. INTERAGENCY TASK FORCE ON ECONOMIC DEVEL-**
15 **OPMENT PROGRAMS.**

16 (a) IN GENERAL.—The Secretary of Agriculture, in
17 consultation with the Secretary for Housing and Urban
18 Development and the Assistant Secretary of Commerce for
19 Economic Development, shall establish an interagency
20 task force—

21 (1) to review guidance and application require-
22 ments for economic development programs adminis-
23 tered by the Secretary of Agriculture; and

24 (2) to develop interagency agreements to reduce
25 administrative and planning burdens for applicants

1 to such programs and the Federal agencies admin-
2 istering such programs.

3 (b) COMPOSITION.—The interagency task force es-
4 tablished under subsection (a) shall be composed of the
5 following:

6 (1) The Deputy Under Secretary for Rural De-
7 velopment of the Department of Agriculture (or
8 their designee).

9 (2) The Assistant Secretary of Commerce for
10 Economic Development (or their designee).

11 (3) The Principal Deputy Assistant Secretary
12 for Community Planning and Development of the
13 Department of Housing and Urban Development (or
14 their designee).

15 (4) Such other individuals or officials as deter-
16 mined appropriate by the Secretary of Agriculture,
17 in consultation with the Secretary for Housing and
18 Urban Development and the Assistant Secretary of
19 Commerce for Economic Development.

20 (c) DUTIES.—The task force established under sub-
21 section (a) shall—

22 (1) in developing the agreements under sub-
23 section (a), identify opportunities for the Secretary
24 of Agriculture, the Secretary for Housing and Urban

1 Development, and the Assistant Secretary of Com-
2 merce for Economic Development—

3 (A) to align strategic planning require-
4 ments, stakeholder engagement requirements,
5 and other application requirements; and

6 (B) to issue joint guidance across pro-
7 grams of each such agency; and

8 (2) establish a plan for regularly reviewing and
9 updating interagency agreements entered into pursu-
10 ant to subsection (a) to ensure that such agree-
11 ments—

12 (A) advance shared economic development
13 objectives;

14 (B) reduce applicant administrative and
15 planning burdens;

16 (C) reduce technical assistance needs;

17 (D) reduce duplication in agency efforts;

18 (E) improve collaboration across Federal,
19 State, and local agencies; and

20 (F) encourage and improve stakeholder
21 and community engagement.

1 **SEC. 5. ESTABLISHING A COMPREHENSIVE REPOSITORY OF**
2 **FEDERAL TRIBAL ECONOMIC DEVELOPMENT**
3 **PROGRAMS.**

4 (a) IN GENERAL.—The Secretary of Commerce, in
5 consultation with the Office of Native American Business
6 Development, shall establish and implement a working
7 group to develop, and regularly update, a comprehensive
8 and public repository of Federal economic development
9 programs available to Tribal entities (as defined in sub-
10 section (d) of section 309 of the Federal Crop Insurance
11 Reform and Department of Agriculture Reorganization
12 Act of 1994 (7 U.S.C. 6921), as added by section 3) to—

13 (1) reduce agency and applicant administrative
14 burden in identifying Tribal economic development
15 programs;

16 (2) improve awareness and utilization of Tribal
17 economic development programs; and

18 (3) improve the ability of the Office of Native
19 American Business Development to assist Tribal en-
20 tities.

21 (b) COMPOSITION.—The working group established
22 under subsection (a) shall be composed of representatives
23 of—

24 (1) the Office of Native American Business De-
25 velopment;

26 (2) the Economic Development Administration;

- 1 (3) the Small Business Administration;
- 2 (4) the Department of Agriculture;
- 3 (5) the Department of Education;
- 4 (6) the Department of Health and Human
5 Services,
- 6 (7) the Department for Housing and Rural De-
7 velopment;
- 8 (8) the Department of the Interior; and
- 9 (9) such other Federal offices or agencies, as
10 determined appropriate by the Secretary of Com-
11 merce.

12 (c) DUTIES.—The working group established under
13 subsection (a) shall—

- 14 (1) identify economic development programs
15 across Federal agencies for which Tribal entities are
16 eligible to participate or receive assistance;
- 17 (2) establish a comprehensive publicly accessible
18 repository of information on such programs;
- 19 (3) develop and execute a plan for sharing such
20 repository with Federal, State, and local agencies
21 and Tribal entities; and
- 22 (4) develop and execute a plan for regularly re-
23 viewing and updating such repository once at least
24 every 2 years.