



**POST MARKUP SUMMARY OF TRIBAL SPECIFIC PROVISIONS  
IN THE HOUSE AGRICULTURE COMMITTEE ADOPTED FARM BILL  
H.R. 8467, THE FARM, FOOD, AND NATIONAL SECURITY ACT OF 2024**

*Adapted from research conducted by the  
Indigenous Food and Agriculture Initiative*

**May 24, 2024**

*\*\*\*Disclaimer: This summary highlights Tribal-specific references (e.g., “Tribe”, “Tribal”, “Indian”, “Alaska Native”, “Native Hawaiian”, “1994”, “socially disadvantaged”, etc.). There may be additional provisions of importance to Native Farm Bill Coalition stakeholders that are not included in this summary.\*\*\**

On May 17, House Agriculture Committee Chairman GT Thompson (R-PA) released the discussion draft of [H.R. 8467](#), the Farm, Food, and National Security Act of 2024 (2024 Farm Bill). **The bill includes 46 provisions specifically referencing Indian Country.** These provisions make permanent and expand Tribal self-determination at the U.S. Department of Agriculture (USDA), make important advancements to forest service and conservation programs, provide Tribal parity, and much more.

On May 23-24, 2024, the House Agriculture Committee held a [markup](#) to consider amendments to the 2024 Farm Bill. At the beginning of the markup, Chairman Thompson’s [managers amendment](#) was adopted. Of interest to Indian Country, the managers amendment amends Sec. 4102 Food Distribution Program on Indian Reservations (FDPIR).<sup>1</sup> As initially drafted, Sec. 4102 would extend 638 to the Supplemental Nutrition Assistance Program (SNAP). As amended, the bill makes the 638 FDPIR pilot program authorized by the 2018 Farm Bill permanent—that is, the amendment would authorize the 638 FDPIR program, generally. Of note, Sec. 4102 directly amends the Indian Self-Determination Education and Assistance Act (ISDEAA).<sup>2</sup>

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<sup>1</sup> Agricultural Improvement Act of 2018, P.L. 115-334 (2018) (codified at [7 U.S.C. 2013 note](#)).

<sup>2</sup> 25 U.S.C. §§5301 et seq.

[NativeFarmBill.com](https://NativeFarmBill.com)



Rep. Sharice Davids (D-KS) also introduced two amendments that are of particular interest to Tribes – [Amendment #48](#) to make the Food Distribution Program on Indian Reservations (FDPIR) 638 pilot program permanent; and [Amendment #51](#) which would increase funding for the Farm Service Agency (FSA) with a carve out specifically dedicated to staffing in FSA county offices. Because the managers amendment made the FDPIR pilot program permanent, Rep. Davids did not offer Amendment #48. However, Rep. Davids did offer and withdrew Amendment #51. Chairman Thompson signaled he could not support Amendment #51 because of its price tag.

After considering the majority of the 60 [amendments](#) submitted to the Committee, the House Agriculture Committee voted 33 to 21 to approve the Farm, Food, and National Security Act of 2024 around roughly 12:30 a.m. on May 24, 2024. Four Democrats voted for the bill including Reps. Don Davis (D-NC), Sanford Bishop (D-GA), Eric Sorensen (D-IL) and Yadira Caraveo (D-CO).

Accompanying this report on the markup is a summary of Tribal provisions included in the House Agriculture Committee’s 2024 Farm Bill as approved out of the Committee.

<b>Title I – Commodities</b>
No Tribal provisions found in Title I – Commodities.
<b>Title II – Conservation</b>
<p><b>Subtitle A – Definitions</b>  <b>SEC. 2001. DEFINITIONS.</b></p> <ul style="list-style-type: none"> <li>o Amends the section to explicitly define “Indian Tribe” pursuant to ISDEAA, as amended.<sup>3</sup></li> </ul>
<p><b>Subtitle B – Conservation Reserve Program SEC 2101. DEFINITIONS.</b></p> <ul style="list-style-type: none"> <li>o Makes Tribes eligible partners for the Conservation Reserve Program (CRP).</li> </ul>
<p><b>Subtitle D – Conservation Stewardship Program</b>  <b>SEC. 2303. STATE ASSISTANCE FOR SOIL HEALTH.</b></p> <ul style="list-style-type: none"> <li>o Makes Tribes eligible entities for the soil health program.</li> <li>o Prioritizes applications from Tribes with climate action plans that include soil health provisions.</li> <li>o Grants are capped at \$5 million or 75% of the total cost, whichever is lower.</li> <li>o Provides that Tribes may be incorporated into a State’s application at Tribe’s discretion.</li> </ul>

<sup>3</sup> 25 U.S.C. 5304(e). ISDEAA defines “Indian Tribe” as “any Indian Tribe, band, nation or other organized group or community, including any Alaska Native village or regional village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (ANCS) (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.”

- o Requires annual audits, non-compliance will disqualify from future grants.
- o Administrative costs are capped at 7%.

**Subtitle E – OTHER CONSERVATION PROGRAMS**

**SEC. 2404. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.**

- o Renews funding for public access to lands covered by wetland reserve easements under Voluntary Public Access and Habitat Incentive Program.
- o Tribal eligibility was authorized in a previously authorized Farm Bill and remains unchanged.

**Subtitle E – OTHER CONSERVATION PROGRAMS**

**SEC. 2407. EMERGENCY WATERSHED PROGRAM.**

- o Authorizes the Secretary to enter into contracts with landowners and agreements with Indian Tribes to restore appropriate vegetative cover, hydrological functions, and other functions and values of land subject to a floodplain easement acquired under the emergency watershed program.
- o The Secretary may also monitor, maintain and enhance appropriate vegetative cover, hydrological restoration, and other restoration measures on land subject to a floodplain easement acquired under the program.

**Subtitle F – FUNDING AND ADMINISTRATION**

**SEC. 2503. DELIVERY OF TECHNICAL ASSISTANCE.**

- o Authorizes Tribes to be a non-federal certifying entity for third-party technical assistance certification.
- o Requires the Secretary to make public the number of Tribes that have been certified as a non-federal certifying entity and how many third-party technical service providers (TSPs) Tribes have certified with that authority.
- o Provides authorization to certify TSPs.
- o Does not provide funding authorization.

**Subtitle G – CONSERVATION AGRICULTURAL EASEMENT PROGRAM**

**SEC. 2602. AGRICULTURAL LAND EASEMENTS.**

- o The Secretary shall provide a 90% of the fair market value cost share (over the standard 65% cost share) on agriculture land easements to socially disadvantaged farmers and ranchers<sup>4</sup> which includes American Indians, Alaska Natives, and Native Hawaiian farmers and ranchers, where the farmer or rancher holds a 50% or greater ownership interest.
- o Allows the Secretary to create a separate pool for socially disadvantaged farmers or ranchers for evaluation and ranking.

**Subtitle G – CONSERVATION AGRICULTURAL EASEMENT PROGRAM**  
**SEC. 2603. WETLAND RESERVE EASEMENTS.**

- o Updates statutory language from “tribes” to “Tribes and landowners who are socially disadvantaged farmers or ranchers,” who can enroll land into 30-year contracts for wetlands reserve easements.
- o Authorizes the Secretary to create a separate pool for socially disadvantaged farmers or ranchers for evaluation and ranking.
- o Authorizes the Secretary to enter into contracts or agreements with Tribes.
  - o Previously, the language only authorized the Secretary to enter into contracts with private entities and agreements with all other parties (i.e., Federal state or local agency, Tribes and non-governmental organizations).

**Subtitle I – Forest Conservation Easement Program**  
**“SEC. 1267. ESTABLISHMENT AND PURPOSES.**

- o Establishes a new Forest Conservation Easement Program (FCEP).
- o Eligible lands include Indian lands defined as:
  - o Trust lands;
  - o Restricted lands;
  - o Lands subject to Tribal rights of use;
  - o Tribally owned fee land;
  - o Land held by Section 17 corporations;
  - o Land owned by Alaska Native Corporations (ANCs) pursuant to the Alaska Native Settlement Claims Act (ANSCA), and
  - o Any combo of the above.
- o Authorizes an agency of a Tribe, including a land resource council established under state law, to participate.

<sup>4</sup> See U.S. DEP’T OF AGRIC., Key Terminology (last visited on May 22, 2024), available at <https://www.usda.gov/partner-portal/key-terminology#:~:text=The%20term%20%E2%80%9CSocially%20Disadvantaged%E2%80%9D%20means,held%20by%20socially%20disadvantaged%20individuals> (“Socially disadvantaged farmers and ranchers” is defined by USDA as (emphasis added): “an Individual or entity who is a member of a socially disadvantaged group. A socially disadvantaged group is a group whose members have been subject to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities. *Socially disadvantaged groups consist of the following: American Indians or Alaskan Natives, Asians, Blacks or African Americans, Native Hawaiians or other Pacific Islanders, Hispanics.* For an entity, at least 50 percent ownership in the farm business must be held by socially disadvantaged individuals. Note: Gender alone is not a covered group for the purposes of NRCS conservation program authorities. The term entities reflect a broad interpretation to include partnerships, couples, legal entities, etc.”).

- o Indian lands as defined above are eligible for FCEP so long as it is:
  - o Forest land;
  - o Land being restored to forest designation;
  - o A forest land easement that could protect working forests and conservation efforts;
  - o Further a state/local policy consistent with the program; or
  - o Is a forest reserve easement that will improve the recovery or well-being of certain at-risk species.
- o Clarifies that the term “socially disadvantaged forester” in this subtitle is the same definition in 7 U.S.C. 2279(a).<sup>5</sup>

### Title III – Trade

No Tribal specific provisions.

### Title IV – Nutrition

#### Subtitle A – Supplemental Nutrition Assistance Program

#### SEC. 4102. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.

- o The original text as drafted expands 638 self-determination contracting to the Supplemental Nutrition Assistance Program.
  - o Note: this provision directly amends ISDEAA.
- o Requires the Office of Self-Governance at Bureau of Indian Affairs to provide technical assistance.
- o Authorizes funding through 2029.
- o The managers amendment agreed to by voice vote during the markup:
  - o Strikes “Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.)” and inserts “section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b))”.
    - 7 U.S.C. 2011 et seq. authorizes SNAP.
    - 7 U.S.C. 2013(b) authorizes FDPIR.
  - o Strikes “2013(b)(5)(E)” and inserts “2013(b)(6)(E)”.
    - 7 U.S.C. 2013(b)(6)(E) authorizes funding for FDPIR.
- In effect, the managers amendment makes permanent the 638 FDPIR pilot program authorized by the 2018 Farm Bill.
  - o 638 is not expanded to SNAP.

<sup>5</sup> See 7 U.S.C. 2279(a)(5) (The term “socially disadvantaged farmer or rancher” means a farmer or rancher who is a member of a socially disadvantaged group.); See also 7 U.S.C. 2279(a)(6) (The term “socially disadvantaged group” means a group whose members have been subjected to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities.)

**Subtitle A – Supplemental Nutrition Assistance Program**

**SEC. 4109. PUBLIC AVAILABILITY OF STATE PLANS.**

- o Mandates USDA to publish updated, publicly accessible State SNAP agency operation plans.
- o 7 U.S.C. 2020(d), as currently written, includes language specific to the distribution of SNAP on all or part of Indian reservations.<sup>6</sup>

**Subtitle A – Supplemental Nutrition Assistance Program**

**SEC. 4204. COMMODITY SUPPLEMENTAL FOOD PROGRAM DEMONSTRATION PROJECT FOR TRIBAL ORGANIZATIONS.**

- o Authorizes a 638 self-determination demonstration project for the Commodity Supplemental Food Program (CSFP).
- o Eligible Tribes and Tribal organizations must already administer the food distribution program, have the capacity to purchase agricultural commodities at the scale necessary, and meet any other criteria determined by USDA in consultation with the Secretary of the Interior and Indian Tribes.
- o Directs USDA to consult on how best to determine the process and criteria for Tribal participation in the demonstration projects.
- o Mandates Tribal-purchased commodities under the demonstration project be domestically produced.
- o Prohibits purchases from causing an increase in the amount of food in the existing food package compared to the amount of food that the Secretary authorized under CSFP's Guide Rate.
- o Commodities must be of similar or higher nutritional value of those being supplanted in the existing food package.
- o Allows for the procurement of foods that are of "Tribal significance to that Indian Tribe."
- o Authorizes \$5 million until expended.

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<sup>6</sup> 7 U.S.C. 2020(d) (emphasis added): "...In the case of all or part of an *Indian reservation*, the State agency as defined in section 2012(s)(1) of this title shall be responsible for conducting such program on such *reservation* unless the Secretary determines that the State agency (as defined in section 2012(s)(1) of this title) is failing, subsequent to August 31, 1964, properly to administer such program on such reservation in accordance with the purposes of this chapter and further determines that the State agency as defined in section 2012(s)(2) of this title is capable of effectively and efficiently conducting such program, in light of the distance of the *reservation* from State agency-operated certification and issuance centers, *the previous experience of such tribal organization in the operation of programs authorized under the Indian Self-Determination Act (25 U.S.C. 450) [1] and similar Acts of Congress, the tribal organization's management and fiscal capabilities, and the adequacy of measures taken by the tribal organization to ensure that there shall be no discrimination in the operation of the program* on the basis of race, color, sex, or national origin, in which event such State agency shall be responsible for conducting such program and submitting for approval a plan of operation specifying the manner in which such program will be conducted. *The Secretary, upon the request of a tribal organization, shall provide the designees of such organization with appropriate training and technical assistance to enable them to qualify as expeditiously as possible as a State agency pursuant to section 2012(s)(2) of this title.* A State agency, as defined in section 2012(s)(1) of this title, before it submits its plan of operation to the Secretary for the administration of the supplemental nutrition assistance program on *all or part of an Indian reservation*, shall consult in good faith with the *tribal organization* about that portion of the State's plan of operation pertaining to the implementation of the program for members of the tribe, and shall implement the program in a manner that is responsive to the needs of the *Indians on the reservation as determined by ongoing consultation with the tribal organization.*"

- o Requires the Secretary to submit an annual report to the House and Senate Agriculture Committees describing the demonstration project’s activities, beginning one year after funds appropriated.
- o Requires the Secretary to appoint an existing USDA office to administer Tribal self-determination contracts. This authority includes hiring staff to negotiate and manage the contracts.
- o Authorizes \$1.2 million annually for fiscal years 2025-2029 for contract officers and other administrative costs.

**Subtitle C – Miscellaneous**

**SEC. 4302. FOOD BOX PILOT PROGRAM.**

- o Establishes a food box pilot project housed under the Agricultural Marketing Service (AMS) in partnership with the Food and Nutrition Service (FNS) to procure and distribute staple foods defined in the most recent Dietary Guidelines for Americans.<sup>7</sup>
- o Establishes a ceiling of 20 pilot projects
- o Eligible entities include Tribal organizations that already distribute food or meals.
- o Authorizes \$100 million for each fiscal year to support the pilot projects and administration of the project. Funding derives from the Commodity Credit Corporation (CCC).

**Subtitle C – Miscellaneous**

**SEC. 4306. REAUTHORIZATION OF THE GUS SCHUMACHER NUTRITION INCENTIVE PROGRAM.**

- o Reauthorizes the Gus Schumacher Nutrition Incentive Program (GUSNIP).
- o The 2018 Farm Bill clarified that Tribes can use other federal funds as a matching requirement for this program.
- o Approves waiver authority for persistent poverty counties that in the preceding 30 years had 20% or more of the population living in poverty as measured by the most recent decennial censuses.
- o Directs USDA, in consultation with the U.S. Department of Health and Human Services (HHS), to issue recommendations to Congress about the transition of GUSNIP’s administration to HHS within two years of enactment.
- o Requires the U.S. Comptroller General to submit a report within 18 months to House Committees on Agriculture, and Energy and Commerce, that examines policy options relating to the transition of the produce prescription program established under this subsection to HHS.

**Subtitle C – Miscellaneous**

**SEC. 4309. MICRO-GRANTS FOR FOOD SECURITY.**

- o Increases funding from \$10 million to \$30 million.
- o Funding for the micro-grants flows through States.

<sup>7</sup> U.S. DEP’T of AGRIC., 2020-2025 Dietary Guidelines for Americans, (last visited May 24, 2024), available at [https://www.dietaryguidelines.gov/sites/default/files/2020-12/Dietary\\_Guidelines\\_for\\_Americans\\_2020-2025.pdf](https://www.dietaryguidelines.gov/sites/default/files/2020-12/Dietary_Guidelines_for_Americans_2020-2025.pdf).

- o Subaward eligible entities include, but are not limited to: Indian Tribes, Tribal organizations, and agriculture agencies, commissions, or departments.<sup>8</sup>

## Title V – Credit

### Subtitle A – Farm Ownership Loans

#### SEC. 5107. HEIRS PROPERTY.

- o Defines “underserved heir” as one who is:
  - o A limited resource heir,
  - o A member of a socially disadvantaged group (as defined in section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990);<sup>9</sup> or
  - o A veteran.
- o Creates a program authorizing third-party service providers via cooperative agreement to assist eligible heirs in resolving undivided ownership interests (like fractionation) for transitioning or maintaining land in agricultural production and increasing participation in USDA programs.
- o While the program *may* be accessible by a Tribal producer under the definition of “underserved heir”, the program may not efficiently or effectively translate to instances where the fractionated land at issue is land held in trust for individual Indians or held by Indians and otherwise subject to a restriction on alienation.
- o The program, as drafted, permits the Secretary of Agriculture to terminate an agreement with a service provider that fails to demonstrate success as determined by the Secretary in resolving the property claims of the eligible heir.

### Subtitle E – Miscellaneous

#### SEC. 5506. STATE AGRICULTURAL MEDIATION PROGRAMS.

- o Amends the definition of “State” to include Tribes.
- o Makes Tribes eligible for funding to provide mediation services to persons involved in agricultural loans.

## Title VI - Rural Development

### Subtitle B – Connecting Rural Americans to High Speed Broadband

#### SEC. 6201. RURAL BROADBAND PROGRAM LOANS AND GRANTS.

- o Changes the section heading from “Access to Broadband Telecommunications Services in Rural Areas” to “ReConnect Rural Broadband Program”.

<sup>8</sup> U.S. DEP’T of AGRIC., AGRIC. MKTG. SERV., Micro-Grants for Food Security Program Fiscal Year 2024 Request for Applications (Mar. 19, 2024), available at

[https://www.ams.usda.gov/sites/default/files/media/MGFSP\\_RFA\\_FY24.pdf](https://www.ams.usda.gov/sites/default/files/media/MGFSP_RFA_FY24.pdf).

<sup>9</sup> *Supra* note 5.



- o Provides the highest priority for grants, loans, and loan guarantees to unserved rural communities that do not have residential broadband service of at least 25 Mbps downstream and 3 Mbps upstream.
- o After the highest priority, priority consideration is provided to projects that were developed with the participation of two or more stakeholders which include Tribal governments, community anchor institutions which include 1994 land grant institutions, and others.

**Subtitle B – Connecting Rural Americans to High Speed Broadband**

**6206. PUBLIC NOTICE, ASSESSMENTS, TECHNICAL ASSISTANCE, AND REPORTING REQUIREMENTS.**

- o Establishes a grant program to provide broadband technical assistance and training to expand broadband access in rural areas.
- o Eligible entities include Federally recognized Tribes, Tribal Entities, and 1994 land grant institutions.
- o Technical assistance includes: preparing applications, identifying financial resources, preparing feasibility studies, preparing reports necessary for broadband, and analyzing operations related to management of broadband, among other things.

**Subtitle C – Miscellaneous**

**SEC. 6301. RURAL ENERGY SAVINGS PROGRAM.**

- o Makes Tribes eligible entities for the Rural Energy Savings Program.
- o This program is designed to help rural families and small businesses achieve cost savings by providing loans to qualified consumers to implement durable cost-effective energy efficiency measures including replacement of manufactured housing unit.

**Subtitle C – Miscellaneous**

**SEC. 6305. NEW, MOBILE, AND EXPANDED MEAT PROCESSING AND RENDERING GRANTS.**

- o Establishes a new mobile and expanded meat processing and rendering grant.
- o Tribes are considered eligible entities.
- o Directs the Secretary to award three-year grants up to \$500,000 to eligible entities to:
  - o Identify and analyze business opportunities, including feasibility studies required for credit worthiness;
  - o Bring operation into compliance with applicable Federal, State or local regulations;
  - o Conduct regional, community and local economic development planning and coordination and leadership development;
  - o Incentivize new, innovative or mobile enterprises for increasing or improving local and regional meat or poultry processing and rendering;
  - o Implement humane handling infrastructure, including holding space for livestock prior to slaughter, shade structures and structures and equipment for humane slaughter;
  - o Develop a feasibility study or business plan for, or carry out any other activity associated with, establishing or expanding a small meat or poultry slaughter, processing rendering facility; or

- o Purchase equipment that enables the further use or value-added sale of coproducts or byproducts such as cold storage and related equipment.
- o The grant prioritizes small and very small businesses.
- o Authorizes \$3 million for each fiscal year 2025-2029.

**Subtitle C – Miscellaneous**

**SEC. 6306. EXPANDING CHILDCARE IN RURAL AMERICA INITIATIVE.**

- o Establishes the Expanding Childcare in Rural America Initiative.
- o Tribal childcare providers (e.g., Tribally operated or operated under Tribal law) are eligible entities.
- o Loans and grants under the program can be used to address the availability, quality or cost of childcare.

**Subtitle D – Additional Amendments to the Consolidated Farm and Rural Development Act**

**SEC. 6402. RURAL WATER AND WASTEWATER CIRCUIT RIDER PROGRAM**

- o Mandates that nonprofit entities eligible for assistance under this program must serve areas with limited populations or Tribes with legal authority to own and operate their own water facility, among others.

**Subtitle D – Additional Amendments to the Consolidated Farm and Rural Development Act**

**SEC. 6404. TRIBAL COLLEGE AND UNIVERSITY ESSENTIAL COMMUNITY FACILITIES**

- o Reauthorizes the Tribal College and University (TCU) Essential Community Facilities at \$10 million for fiscal years 2025-2029.

**Subtitle D – Additional Amendments to the Consolidated Farm and Rural Development Act**

**SEC. 6406. WATER SYSTEMS FOR RURAL AND NATIVE VILLAGES IN ALASKA.**

- o Reauthorizes the Secretary to award grants for the development and construction of water and wastewater systems to improve the health and sanitation of rural or Native villages for fiscal years 2025-2029.

**Subtitle D – Additional Amendments to the Consolidated Farm and Rural Development Act**

**SEC. 6409. SOLID WASTE MANAGEMENT GRANTS.**

- o Makes Tribes as eligible entities for Solid Waste Management Grants.
- o Extends funding through fiscal year 2029.

## Title VII – Research

### Subtitle A – National Agricultural Research, Extension, and Teaching Policy Act of 1977

#### SEC. 7107. EDUCATION GRANTS TO ALASKA NATIVE SERVING INSTITUTIONS AND NATIVE HAWAIIAN SERVING INSTITUTIONS.

- o Establishes a floor of more than one year and a ceiling of five years for education grants Native Alaskan and Native Hawaiian serving institutions.
- o Authorizes grant funding through fiscal year 2029.

### Subtitle A – National Agricultural Research, Extension, and Teaching Policy Act of 1977

#### SEC. 7115. NEW BEGINNING FOR TRIBAL STUDENTS.

- o Removes the cap of \$500,000 maximum total award per State.
- o Authorizes the appropriation of funds through fiscal year 2029.

## Title VIII - Forestry

### Subtitle B – Healthy Forests Restoration Act of 2003

#### Sec. 8201 DEFINITION OF AT-RISK COMMUNITY

- o Amends the Healthy Forests Restoration Act of 2003 to give Tribal wildfire risk assessments the ability to recognize a group of homes or other structures with basic infrastructure and services as at risk from wildfire for the purposes of this program.

### Subtitle C – Other Forestry Programs

#### SEC. 8301 NATIONAL AND REGIONAL AGROFORESTRY CENTERS

- o Renames the “*Semi-arid Agroforestry Research Development and Demonstration Center*” as the “*National and Regional Agroforestry Centers.*”
- o Tasks the National and Regional Agroforestry Centers with facilitating agroforestry adoption by disseminating comprehensive information on Tribal programs that provide support for Agroforestry.

### Subtitle C – Other Forestry Programs

#### SEC. 8305 REFORESTATION, NURSERY, AND SEED ORCHARD SUPPORT

- o Directs USDA to partner with Tribes to provide training, technical assistance and research to nursery and tree establishment programs supporting natural regeneration, reforestation, agroforestry and afforestation; promote information sharing; and provide technical and financial assistance to international nursery and tree establishment programs.
- o Includes Tribes as eligible entities.
- o Authorizes \$5 million for each fiscal year through fiscal year 2029.

**Subtitle D – Forest Management**

**SEC. 8412 GOOD NEIGHBOR AUTHORITY**

- o Expressly identifies Tribes as eligible entities for Good Neighbor Authority (GNA) agreements.
- o Authorizes Tribes to retain receipts from the sale of timber under GNA to first, carry out authorized restoration services under the GNA and, if there are remaining funds, to carry out authorized restoration services under other GNAs.

**Subtitle D – Forest Management**

**SEC. 8413 COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM**

- o Authorizes the Secretary to accept new proposals that reduce the risk of wildfire within areas across Tribal lands.

**Subtitle D – Forest Management**

**SEC. 8414 PUBLIC-PRIVATE WILDFIRE TECHNOLOGY DEPLOYMENT AND TESTBED PARTNERSHIP**

- o Establishes a deployment and testbed pilot program for new wildfire prevention, detection, communication and mitigation technologies.
- o The Bureau of Indian Affairs is included as a “covered agency” that will coordinate in establishing and deploying the program.

**Subtitle D – Forest Management**

**SEC. 8418. COOPERATIVE AGREEMENTS AND CONTRACTS FOR PRESCRIBED FIRE.**

- o Amends the Tribal Forest Protection Act (TFPA) to authorize the Secretary to enter into contracts or agreements with eligibility entities providing for prescribed burns on federal lands.
- o Tribes are eligible entities.
- o Agreements specific to Tribes may:
  - o Eliminate the need for individual burn plans by approving broad burn plans that enable forest managers to have the flexibility to conduct prescribed burns when conditions allow; and
  - o Authorize the Secretary to delegate their authority to a Tribe to plan, coordinate and execute prescribed burns.

**Subtitle D – Forest Management**

**SEC. 8421. TRIBAL FOREST MANAGEMENT PROGRAM TECHNICAL CORRECTION**

- o Makes the 638 TFPA demonstration project authorized by the 2018 Farm Bill permanent.
- o Changes the name from the “*Tribal Forest Management Demonstration Project*” to the “*Tribal Forest Management Program*”.

**Subtitle D – Forest Management**

**SEC. 8433. FOREST AND WOOD PRODUCTS DATA TRACKER.**

- o Requires the Secretary, in consultation with federally recognized Tribes, to establish a publicly available platform to provide measurement, monitoring, verification and reporting data regarding the carbon emissions, sequestration, storage and related atmospheric impacts of forest management and wood products.

**Subtitle D – Forest Management**

**Sec. 8434. Biochar Application Demonstration Project**

- o Establishes a new Biochar Application Demonstration Project.
- o Makes Tribes eligible entities.
- o The Secretary must establish one demonstration project in each Forest Service region.
- o To the maximum extent practicable, a biochar application demonstration project must derive such feedstock from forest thinning and management activities conducted for science-based restoration on Tribal forestlands, among others.

**Subtitle E – Save Our Sequoias**

**SEC. 8502 DEFINITIONS**

- o Subtitle E is a new section incorporating [H.R. 2989](#), Save Our Sequoias Act, in its entirety.
- o Defines “Tribe” as the Tule River Indian Tribe for the purposes of the Save Our Sequoias Act .
- o Requires the Secretary to enter into or expand a shared stewardship agreement with the Governor of California and the Tule River Indian Tribe for managing and conserving giant sequoias within 90 days of receiving a request.
- o If no request is received within 90 days after the Act's enactment, the Secretary must still create the agreement and implement it.
- o If a request is received later from the Governor or the Tule River Indian Tribe, the Secretary must include them in the agreement.
- o Recognizes the Giant Sequoias Lands Coalition and outlines the duty of the coalition and the Secretary.
- o Mandates funds obtained by Tribes through the sale of timber under Good Neighbor Authority (GNA) within Kings Canyon, Sequoia, or Yosemite National Park be used by the Tribe to first carry out restoration services under the GNA, then carry out restoration services under another GNA within park boundaries, and if funding remains to transfer it to the park to be used for giant sequoia restoration.

## Title IX - Energy

### Sec. 9007. RURAL ENERGY FOR AMERICA PROGRAM

- o Allows for 50% funding of a project for socially disadvantaged farmers or ranchers,<sup>10</sup> over the 35% cap for all other recipients.

## Title X - Horticulture

### Subtitle A – Horticulture

#### SEC. 10004 OFFICE OF URBAN AGRICULTURE AND INNOVATIVE PRODUCTION

- o Expands the mission of the Office of Urban Agriculture and Innovation to include using the resources of the Department and Tribal agencies to promote conservation techniques unique to urban agriculture and innovative production.
- o Expands grant-making authority by allowing eligible entities, including Tribal organizations, who have received a grant from the Department to then provide sub-grants to urban and innovative producers.
- o Makes Tribal organizations eligible entities for grants and cooperative agreements awarded under the Section.

### Subtitle A – Horticulture

#### SEC. 10006. HEMP PRODUCTION.

- o Requires Tribal Hemp Plans to require producers to designate their hemp crop as industrial hemp, hemp grown for cannabinoid extraction, or both.
- o Requires hemp producers to provide documentation demonstrating clear intent to produce and use in-field practices consistent with production of industrial hemp in instances where a Tribal Hemp Plan calls for reducing or eliminating sampling or testing requirements. Requires producers to conduct testing if documentation is not provided.
- o Preserves Tribe's ability to require other practices or procedures in their hemp plans.
- o Authorizes Tribes to incorporate other methods of sampling plans for industrial hemp producers.
- o Authorizes Tribal Hemp Plans to establish a procedure to eliminate the 10-year period of ineligibility for producers convicted of a felony if they are producing industrial hemp.
- o Requires Tribes to report producers who have violated the Tribal Hemp Plan and producers who produce a crop inconsistent with designation of industrial hemp to the Attorney General and the Tribe's Chief Law Enforcement Office.
- o During the markup, the Committee voted to approve amendments en bloc by a vote of 29-25. En bloc #1 included [Amendment #35](#) to change the definition of hemp in the Agricultural Marketing Act of 1946 to only include naturally occurring, naturally derived, and non-intoxicating cannabinoids of not more than 0.3%.

<sup>10</sup> *Supra* note 4.

**Subtitle C – Regulatory Reform**

**Part II – Other Regulatory Reform Provisions**

**SEC. 10213 SAFE HARBOR FOR CERTAIN DISCHARGES OF WILDLAND FIRE CHEMICALS**

- o Precludes courts from enjoining a covered entity from applying fire retardant and water enhancer for wildfire suppression, control, prevention without 402 permit if in accordance with the requirements of the Federal Facility Compliance Agreement between the Environmental Protection Agency and the U.S. Forest Service, as agreed to on February 16, 2023.
- o Covered entities include Tribal agencies.

**Title XI - Crop Insurance**

No Tribal specific provisions.

**Title XII – Miscellaneous**

**Subtitle B – Department of Agriculture Reorganization Act of 1994**

**SEC. 12207. FUNCTIONS OF THE OFFICE OF TRIBAL RELATIONS.**

- o Directs the Office of Tribal Relations to oversee all self-determination contracts and self-governance compacts between Tribes and USDA.

**Subtitle D – Other Miscellaneous Provisions**

**SEC. 12401. THRIFTY FOOD PLAN**

- o Requires the Secretary to make cost adjustments to the thrifty food plan to reflect cost of food in urban and rural parts of Hawaii and Alaska.
- o The adjustments are limited to the Consumer Price Index rate of increase for All Urban Consumers.

**Subtitle D – Other Miscellaneous Provisions**

**SEC. 12408. REPORTS ON LAND ACCESS AND FARMLAND OWNERSHIP DATA COLLECTION**

- o Pursuant to 7 U.S.C. 2204i, the Secretary is already required to report to Congress on land access and farmland ownership data collection as it relates to beginning farmers and ranchers (as defined in section 2279(a) of this title) and socially disadvantaged farmers and ranchers (as defined in such section).
- o This section requires the Secretary to additionally report on the regulatory, operational or statutory changes that are necessary to improve a catalog of Federal, State and private programs related to a number of efforts, including carrying out Tribal consultations.