

118TH CONGRESS
1ST SESSION

H. R. 5113

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

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2023

Mr. KILMER (for himself, Mr. LANGWORTHY, and Mr. LAMALFA) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Transportation and Infrastructure, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 to establish a budgetary Tribal Government 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Rural Economic-devel-
3 opment Assistance and Consultation to Help Our Tribes
4 Act” or the “REACH Our Tribes Act”.

5 **SEC. 2. ESTABLISHING A BUDGETARY TRIBAL GOVERN-**
6 **MENT CONSULTATION PROCESS AT THE DE-**
7 **PARTMENT OF AGRICULTURE.**

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

12 “(c) BUDGETARY TRIBAL GOVERNMENT CONSULTA-
13 TION PROCESS.—

14 “(1) IN GENERAL.—Not later than 1 year after
15 the date of the enactment of the Rural Economic-de-
16 velopment Assistance and Consultation to Help Our
17 Tribes Act, the Secretary, in consultation with the
18 Office of Tribal Relations and the Office of Budget
19 and Program Analysis of the Department of Agri-
20 culture, shall establish, finalize, and implement a
21 formal process for consultation with Tribal Govern-
22 ments on at least an annual basis, on—

23 “(A) annual budget requests; and

24 “(B) bills proposing the reauthorization of
25 certain Department of Agriculture programs
26 over a period of multiple years with budgetary

1 impacts, including bills providing for the reau-
2 thorization of Department of Agriculture pro-
3 grams (commonly known as farm bills).

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

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

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

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

17 “(C) if applicable, steps taken, or to be
18 taken, by the Secretary in response to such con-
19 sultation.

20 “(4) SCOPE.—The consultation process under
21 paragraph (1) shall not be limited only to programs
22 that are specific to Indian Tribes, but may include
23 programs that may impact Indian Tribes and Tribal
24 entities.

1 “(5) RULE OF CONSTRUCTION.—Nothing in
2 this subsection shall be construed as limiting the
3 Secretary from—

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

7 “(B) advancing other practices to conduct
8 such consultations.”.

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

15 (1) how the Secretary developed the Tribal Gov-
16 ernment consultation process under subsection (c) of
17 section 309 of the Federal Crop Insurance Reform
18 and Department of Agriculture Reorganization Act
19 of 1994 (7 U.S.C. 6921), as added by subsection (a)
20 of this section; and

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

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

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

8 “(d) PROGRAM FUNDING REPORTING.—The Sec-
9 retary and the Office of Tribal Relations shall, in consulta-
10 tion with Tribal Governments, establish a plan for ana-
11 lyzing and publicly reporting to Tribal entities on funding
12 provided through programs administered by the Secretary
13 for which such entities are eligible to apply. In conducting
14 such analysis, the Secretary shall identify ways to improve
15 assistance provided through such programs to Tribal enti-
16 ties, including through conducting additional outreach to
17 provide technical assistance for such programs that are
18 underutilized by Tribal entities.”.

19 **SEC. 4. DEFINITIONS RELATING TO TRIBES.**

20 Section 309 of the Federal Crop Insurance Reform
21 and Department of Agriculture Reorganization Act of
22 1994 (7 U.S.C. 6921), as amended by section 2, is further
23 amended by adding at the end the following:

24 “(e) DEFINITIONS.—

25 “(1) IN GENERAL.—In this section:

1 “(A) The term ‘1994 Institution’ has the
2 meaning given such term in section 532 of the
3 Equity in Educational Land-Grant Status Act
4 (7 U.S.C. 301 note).

5 “(B) The term ‘Tribal entity’ means an
6 Indian Tribe, Tribal organization, Tribal Gov-
7 ernment, 1994 Institution, Urban Indian orga-
8 nization, tribally-owned or tribally-controlled
9 business or non-profit organization, an arm or
10 instrumentality of one or more Indian Tribes,
11 or a business or nonprofit organization owned
12 or controlled by one or more members of an In-
13 dian Tribe.

14 “(C) The term ‘Urban Indian organization’
15 has the meaning given such term in section 4
16 of the Indian Health Care Improvement Act
17 (25 U.S.C. 1603).

18 “(D) The term ‘Tribal Government’ means
19 the governing body of any Indian or Alaska Na-
20 tive Tribe, band, nation, pueblo, village, com-
21 munity, component band or component reserva-
22 tion, individually identified (including par-
23 enthetically) in the list published most recently
24 as of the date of enactment of this Act pursu-
25 ant to section 104 of the Federally Recognized

1 Indian Tribe List Act of 1994 (25 U.S.C.
2 5131).

3 “(E) The term ‘Tribal organization’ has
4 the meaning given such term in section 4 of the
5 Indian Self-Determination and Educational As-
6 sistance Act (25 U.S.C. 5304).

7 “(2) INDIAN TRIBE.—For purposes of sub-
8 sections (c) and (d), the term ‘Indian Tribe’ has the
9 meaning given such term in section 102 of the Fed-
10 erally Recognized Indian Tribe List Act of 1994 (25
11 U.S.C. 5130).”.

12 **SEC. 5. INTERAGENCY TASK FORCE ON ECONOMIC DEVEL-**
13 **OPMENT PROGRAMS.**

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

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

22 (2) to develop interagency agreements to reduce
23 administrative and planning burdens for applicants
24 to such programs and the Federal agencies admin-
25 istering such programs.

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

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

7 (2) The Assistant Secretary of Commerce for
8 Economic Development (or their designee).

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

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

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

20 (1) in developing the agreements under sub-
21 section (a), identify opportunities for the Secretary
22 of Agriculture, the Secretary for Housing and Urban
23 Development, and the Assistant Secretary of Com-
24 merce for Economic Development—

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

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

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

10 (A) advance shared economic development
11 objectives;

12 (B) reduce applicant administrative and
13 planning burdens;

14 (C) reduce technical assistance needs;

15 (D) reduce duplication in agency efforts;

16 (E) improve collaboration across Federal,
17 State, and local agencies; and

18 (F) encourage and improve stakeholder
19 and community engagement.

20 **SEC. 6. ESTABLISHING A COMPREHENSIVE REPOSITORY OF**
21 **FEDERAL TRIBAL ECONOMIC DEVELOPMENT**
22 **PROGRAMS.**

23 (a) IN GENERAL.—The Secretary of Commerce, in
24 consultation with the Office of Native American Business
25 Development, shall establish and implement a working

1 group to develop, and regularly update, a comprehensive
2 and public repository of Federal economic development
3 programs available to Tribal entities (as defined in sub-
4 section (e) of section 309 of the Federal Crop Insurance
5 Reform and Department of Agriculture Reorganization
6 Act of 1994 (7 U.S.C. 6921), as added by section 4) to—

7 (1) reduce agency and applicant administrative
8 burden in identifying Tribal economic development
9 programs;

10 (2) improve awareness and utilization of Tribal
11 economic development programs; and

12 (3) improve the ability of the Office of Native
13 American Business Development to assist Tribal en-
14 tities.

15 (b) COMPOSITION.—The working group established
16 under subsection (a) shall be composed of representatives
17 of—

18 (1) the Office of Native American Business De-
19 velopment;

20 (2) the Economic Development Administration;

21 (3) the Small Business Administration;

22 (4) the Department of Agriculture;

23 (5) the Department of Education;

24 (6) the Department of Health and Human
25 Services;

1 (7) the Department for Housing and Rural De-
2 velopment;

3 (8) the Department of the Interior; and

4 (9) such other Federal offices or agencies, as
5 determined appropriate by the Secretary of Com-
6 merce.

7 (c) DUTIES.—The working group established under
8 subsection (a) shall—

9 (1) identify economic development programs
10 across Federal agencies for which Tribal entities are
11 eligible to participate or receive assistance;

12 (2) establish a comprehensive publicly accessible
13 repository of information on such programs;

14 (3) develop and execute a plan for sharing such
15 repository with Federal, State, and local agencies
16 and Tribal entities; and

17 (4) develop and execute a plan for regularly re-
18 viewing and updating such repository once at least
19 every 2 years.

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