



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, DC 20240

MAY 21 2019

Dear Tribal Leader:

On December 20, 2018, the Agriculture Improvement Act of 2018, more commonly called the Farm Bill, became law. This Act contains new provisions that will assist tribes in numerous ways - including funding tribal resource conservation efforts, authorizing the use of locally grown and traditional food products for nutrition programs, providing incentives for rural and tribal broadband internet service, scholarships for native students, and forestry programs. However, one provision garnering particular attention in Indian Country is the legalization of hemp cultivation under state or tribal laws.

In order to grow hemp legally in Indian Country, a tribe must be in full compliance with Section 297A of the Farm Bill. At a minimum, this compliance means having robust systems and laws in place to track where hemp is being grown, procedures for testing the THC content of the crop to ensure that producers are not growing cannabis that has more than 0.3 percent THC, and at least annual inspections of all cultivation sites. The final regulations implementing this section are not expected for at least twelve months.

The authority to implement this section is vested with the Secretary of Agriculture. The Department of the Interior urges any tribes with questions about the self-regulation of hemp, or the future of hemp production to contact the Department of Agriculture.

To the extent the Department of the Interior and the Bureau of Indian Affairs have any involvement with planning for or authorizing industrial hemp it is ancillary to the ultimate question of complying with the Farm Bill. If a tribe intends to grow hemp on trust lands, it must go through the same leasing process as it would for any other use. To the extent that a tribe's constitution or governing documents require the approval of the Assistant Secretary – Indian Affairs for changes to tribal laws, such approvals will be handled in accordance with current practice.

Sincerely,

Director, Bureau of Indian Affairs

cc: All Regional Directors