



Indian Country Priorities and Opportunities for the 2018 Farm Bill

Title I: Commodities

Key Points and Recommendations

- Indian Country is heavily invested in commodity food production, especially livestock, which makes up nearly \$2 billion of agriculture income for tribal producers.
- Ensure tribal producers' eligibility for all disaster assistance programs in Title I, and increase payments to 90 percent of value to acknowledge their unique land and market issues.
- Create parity for tribal producers in Farm Service Agency Committees and decision-making.

Background Information and Context

Many tribes and individual Indian producers are deeply invested in commodity food production under Title I on their lands, either through leases to non-Natives or their own production systems. More than half of all income from agriculture in Indian Country – \$1.9 billion annually – comes from livestock production. Tribes and individual Indian producers need continued and improved access to price support and safety net programs, which meet the unique needs of tribal producers. This will ensure the continued growth and vitality of agriculture businesses during volatile market fluctuations and unpredictable environmental conditions.

Opportunities for Indian Country in the Commodities Title

Amend Definitions for the Supplemental Agricultural Disaster Assistance Programs

- Section 1501(a)(1)(B)(iv) must be amended to read: “a corporation, limited liability corporation, or other farm organizational structure organized under *Federal, State law and Tribal law.*” This addition creates parity for tribal governments and acknowledges the authority of entities organized under tribal law or under federal law such as Section 17 corporations.
- Update the livestock definition in Section 1501(a)(3) to include other commonly raised livestock like “reindeer,” “caribou,” “elk,” “horses,” or other animals raised or harvested in tribal communities. All of these animals must be further recognized as a livestock and eligible for full protection and program participation Department-wide.

Increase Livestock Indemnity Payments for Tribal Producers to 90 Percent

- The current 75 percent Livestock Indemnity Payment under Section 1501(b) to eligible producers who have incurred livestock death losses above the normal mortality rate, does not address the lack of land equity that exists for tribal producers on trust lands, and the unique challenges tribal livestock producers have in obtaining secure markets for their animals, which generally causes a lower rate of market return. To put tribal producers on equal footing, indemnity payments for tribally owned livestock should be increased to 90 percent.



Ensure Tribal Eligibility in the Livestock Forage Disaster Program

- A new provision under Section 1501(c) must be added to protect tribal producers' eligibility in the Livestock Forage Disaster Program through issues of federal government preclusion outside of their control. For example, instances relating to "normal carrying capacity" may inadvertently exclude some tribal producers if the Bureau of Indian Affairs does not negotiate or recognize the specific environmental or other variances that impact production.
- Due to the unique challenges facing tribal livestock and forage producers, all other provisions of the program shall ensure that payment rates are set at 90 percent levels (as opposed to any lower rates identified in the law for non-tribal producers).
- Explicitly exempt tribal producers from any limitations on receiving payments on any losses due to fire on "public managed land." Tribal lands are not "public" lands.

Farm Service Agency County Committee

- Amend the FSA County Committee determinations on normal grazing periods and drought monitor intensity to be established at the national FSA office to ensure that separate carrying capacities and normal grazing periods for each type of grazing land or pastureland are set at different rates for tribal lands and individual Indian-owned land after tribal consultation.
- Require FSA to do an assessment based on Census data and Agricultural Census data to determine the population makeup of the county and conduct tribal consultation with tribal governments to guarantee that tribal citizens are effectively and efficiently notified of the opportunity to be nominated and considered for county committee membership. All FSA county committees in predominantly tribal population areas and/or tribal land base areas should have predominantly Native membership and should reference the local administrative areas, which are the voting districts mapped by FSA county committees.

Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish

- Explicitly include tribes and individual Indian producers as eligible for Commodity Credit Corporation emergency relief funds for livestock, bees, and farm-raised fish under Section 1501(d).

Trees

- Make tribal producers eligible for 80-90 percent of the cost of replacement, salvage, pruning, removal, or preparing the land or replanting under Section 1501(e). This ensures that the higher cost of providing these remediation activities on tribal lands and individual Indian-owned land is accommodated within the limitations of the program and tribal governments.
- Recognize tribal business entities organized under tribal law and individual tribal producers as "legal entities" and "persons" allowed to participate in the program.

Rulemaking Related to Significant Contribution for Active Personal Management

- Amend Section 1604 regulations related to "active personal management" or "active engagement in farming/ranching" to recognize that tribal producers, tribal business entities, and tribal governments should not be excluded from any determination of "active personal management/engagement" simply by the existence of an active lease relating to their lands.
- Require the Secretary of Agriculture to engage in tribal consultation concerning the application of this requirement to tribal producers.

Geographically Disadvantaged Farmers and Ranchers

- Amend Section 1606 on "Geographically Disadvantaged Farmers and Ranchers" to ensure that tribal governments, tribal entities, and tribal producers are explicitly recognized as farmers or ranchers eligible to participate in the program, as they are often left out even in the "insular areas" provision.



Base Acres

- Require the Secretary to consult with tribal governments regarding the determination and election of “base acres” applicable to all programs under the Commodity Title.

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