

For: State and County Offices

**American Indian Livestock Feed Program (AILFP)**

Approved by: Deputy Administrator, Farm Programs



**1 Overview**

**A Background**

AILFP was:

- last implemented from November 27, 1998, through September 30, 2002
- discontinued because funding was exhausted.

On October 13, 2004, the President signed the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act of 2005 (2005 Act). The 2005 Act provides funds to re-establish AILFP for 2003 and 2004.

**B Purpose**

This notice provides information about:

- changes to AILFP
- actions that Field Offices, tribal governments, and livestock owners can take before signup for AILFP
- anticipated questions and applicable answers.

Signup deadlines, software releases, and more detailed information will be released at a future date when AILFP specifics have been finalized.

**Note:** Once published, regulations regarding AILFP will be set forth in 7 CFR Part 1439.

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1-6-05	<b>Page 1</b>

## 2 General Rules

### A Qualifying Region

As was done in the past, tribal governments will request to enter into a government-to-government contract for areas meeting the loss criteria. Contracts will be approved by DAFP based on weather service data and other documented accounts of natural disasters and their effects on the availability of livestock feed on tribal-governed land. The 2005 Act requires that in addition to meeting loss criteria, the region must be located in those primary counties included in a Presidential declaration or Secretarial disaster designation issued on or after January 1, 2003, for losses occurring through December 31, 2004.

### B Reported Number of Animals

Livestock owners are provided benefits for the actual number of animals that were present on tribal-governed land during the feeding period in which supplemental feed was provided. The 2005 Act provides that producers who reduced the number of livestock because of the disaster shall not be penalized for the reductions. Therefore, if a livestock owner reduced the number of eligible livestock on tribal-governed land on or after January 1, 2003, because of a natural disaster, that livestock owner shall receive benefits for the number of livestock on the tribal-governed land at the beginning of the production year for which he or she is applying for benefits. The production year is January through December of each year 2003 and 2004.

### C Eligible Livestock

Eligible livestock include the following:

- beef and dairy cattle
- buffalo and beefalo maintained on the same basis as beef cattle
- equine animals used for food or used directly in the production of food
- sheep
- goats
- swine
- elk
- reindeer.

**Note:** The 2005 Act added elk and reindeer to the definition of eligible livestock.

### D Eligible Years

The 2005 Act specifies that producers who are eligible for both years 2003 and 2004 must select 1 of the years to receive payments. Producers can earn both Livestock Assistance Program (LAP) and AILFP benefits. However, the same year must be selected for both programs.

### 3 Tribal-Governed Land

#### A Definition of Tribal-Governed Land

The definition of tribal-governed land was not changed by the 2005 Act. Regulations at 7 CFR 1439.903 define tribal-governed land as the following:

- all land within the limits of any Indian reservation
- dependent Indian communities
- any lands to which title is either of the following:
  - held in trust by the United States for the benefits of an Indian tribe or Indian
  - held by an Indian tribe or Indian subject to a restriction by the United States on alienation
- land held by an Alaska Native, Alaska Native Village, or village or regional corporation under the provisions of the Alaska Native Claim Settlement Act or other Act relating to Alaska Natives.

Dependent Indian communities are defined as a limited category of Indian lands that are neither reservations nor allotments and are both of the following:

- land set aside by the Federal Government for the use of Indians as Indian land
- under Federal superintendence.

Tribal-governed land does **not** include land that is both of the following:

- privately owned by an American Indian or American Indian tribal government
- taxed by a city (township, etc.), county, State, or Federal government.

### 4 Tribal Government Preparation

#### A General Responsibilities

Tribal government organizations met with employees at the National Office in early December and were provided preliminary information about AILFP, which was to have been passed on to tribal governments.

Tribal governments and FSA will have the same responsibilities as under the previous AILFP. See paragraph 6 for additional options that will be provided by FSA to assist producers with filing their applications.

## Notice DAP-213

### 4 Tribal Government Preparation (Continued)

#### B Surveys

As in the previous AIFLP, surveys are required even though disaster conditions may no longer be evident. If the natural disaster on tribal-governed land:

- was recent enough that visual evidence of the extent of loss is available, visual surveys shall be required
- was not recent enough that visual evidence still exists, the following data may be obtained from the applicable State Office instead of a visual survey:
  - documentation used to support Damage Assessment Reports that qualified the county for the Secretarial disaster designation
  - documentation used to support CCC-654 to qualify the county for LAP.

**Note:** National Weather Service (NWS) data, maps, and other documentation are required as before.

#### C Recommended Tribal Government Action

Tribal governments whose tribal-governed land has suffered diminished livestock feed availability because of natural disaster during the period January 1, 2003, through December 31, 2004, may:

- contact the appropriate State Office to determine what counties have been named in a Presidential declaration or Secretarial disaster designation issued on or after January 1, 2003
- begin the survey process as outlined in subparagraph B, and prepare CCC-453 and CCC-648 for tribal-governed land located in eligible counties

**Note:** CCC-453 and CCC-648 are obsolete, but are being reinstated.

- inform livestock owners in the region that the tribal government intends to invite participation in AILFP, and suggest to them that they may begin gathering receipts for purchases of livestock feed for the applicable feeding period.

## Notice DAP-213

### 5 State Office Action

#### A Compiling Disaster Counties

State Offices for States that contain tribal-governed land shall compile a list of counties in the State that are named in a Presidential declaration or Secretarial disaster designation on or after January 1, 2003.

Upon inquiry from a tribal government, NWS data and any other documentation that was used for approval of the county as a disaster county or for LAP eligibility shall be copied and provided to the tribal government.

State Offices shall also provide any other assistance that was offered in the previous AILFP.

### 6 County Office Information

#### A Payment Applications

The AILFP payment application process is being automated and is being designed to enable FSA to assist tribal governments with accepting applications. Livestock owners may apply for AILFP benefits by submitting applications:

- to the applicable tribal government
- over the internet if the producer has obtained Level 2 e-authentication
- at any Service Center.

Tribal governments are still responsible for approving all applications, with the exception of applications filed for tribal-owned livestock. Applications for tribal-owned livestock shall be approved by DAFP. A procedure is being developed that will provide how the applications and receipts filed:

- in the Service Center or over the internet shall be collected and tribal governments notified that applications are ready for review
- with the tribal government will be submitted to FSA for payment.

The payment process is still under development. A subsequent notice will address the payment application process in detail.

### 7 Frequently Asked Questions (FAQ's)

#### A List of Questions and Answers

Exhibit 1 provides several FAQ's about applications for payment under AILFP. The FAQ list shall be made available to all tribal governments and producers.

## Frequently Asked Questions

A list has been made of the questions that were asked most often about AILFP. If there are questions about AILFP that are not answered in this exhibit, contact the tribal government, County Office, or State Office.

### Q. What are the eligibility requirements for AILFP?

A. To receive payments under AILFP:

- you must own livestock or have leased livestock for at least 60 calendar days

**Note:** If you lease the livestock, the lease must require you to feed the livestock and you must have an interest in the livestock, such as the right to sell the livestock or market a share of the increase in weight of the livestock.

- you must have the legal right to use tribal-governed land for your livestock

**Note:** This means you must be a tribal member with rights to use the tribal-governed land, or have a written document giving you the right to use the land for your livestock, such as a lease.

- your eligible livestock must have been located on tribal-governed land in a county named as a primary county because of a disaster declared by the President of the United States or the United States Secretary of Agriculture
- the tribal government must be approved by DAFP for participation in AILFP
- you must submit CCC-644, American Indian Livestock Feed Program Payment Application, and it must be approved by the tribal government.

### Q. Am I eligible for this program?

A. If you had eligible livestock on tribal-governed land that has been approved for AILFP, and you bought feed to maintain them during a natural disaster, you **may** be eligible for AILFP assistance.

### Q. Who decides if I'm eligible?

A. The tribal government that administers the land will determine whether you meet the eligibility criteria.

### Q. Do I have to be a member of an American Indian tribe to be eligible?

A. No, as mentioned above, if you are not a tribal member with rights to use the tribal-governed land, but you have a lease with the tribe that entitles you to graze your livestock on tribal-governed land, you may be eligible for AILFP assistance.

**Frequently Asked Questions (Continued)****Q. Am I eligible if I lease land outside a reservation that is not tribal governed but owned by the tribe?**

A. No, land must be tribal governed to be eligible for AILFP. Although a tribe may own land outside a reservation, if taxes are paid to the local, State, or Federal government, the land is not tribal governed, making it ineligible for AILFP.

**Q. How can I find out if I'm eligible for this program?**

A. You must submit AILFP payment application and receipts for livestock feed purchases made during the approved feeding period to the tribal government or Service Center. The tribal government will make copies of your receipts and review them along with your AILFP payment application and determine whether you are eligible.

**Q. What kinds of livestock are eligible for this program?**

A. **Eligible** livestock include the following:

- beef and dairy cattle
- buffalo and beefalo raised for human consumption
- sheep
- goats
- swine (pigs, hogs, etc.)
- equine, including horses, mules, and donkeys used for food for human consumption, or for the production of food for human consumption

**Examples:** Examples are working horses (draft horses, cow ponies) and breeding stock for work horses and horses raised for meat for human consumption.

- elk
- reindeer.

**Ineligible** livestock include the following:

- poultry (chickens, turkeys, game hens, etc.)
- fish (salmon, trout, etc.)
- animals used for show or ceremonial purposes (rodeos, racing, etc.)
- llamas and alpacas
- reptiles (snakes, lizards, etc.)
- all other livestock not named as eligible livestock.

**Frequently Asked Questions (Continued)****Q. I purchased feed for my livestock during the disaster. What do I need to report?**

A. You will:

- need to complete the AILFP payment application
- need to provide receipts, which will be photocopied and returned to you, that provide the name of the person or business you bought the feed from along with the following:
  - their address and telephone number
  - the date the feed was bought
  - the type and quantity of the feed you bought
  - how much you paid for it
- have to report all livestock feed you sold during the disaster period.

**Q. Can I claim all livestock feeds I purchased during the disaster?**

A. No. Livestock feeds you cannot claim are feeds that might not be typically fed to the types of livestock you own.

**Example:** If you own beef cattle, you cannot request benefits for purchases of poultry food.

**Q. Will money be limited and some livestock owners be unable to receive payments?**

A. No, the legislation authorized funding as needed to issue payments to producers for either production year 2003 or 2004. All eligible producers will be paid.

**Q. I provided mineral supplements for my livestock during the disaster. Do I count that as livestock feed?**

A. No. Some livestock feeds contain minerals and these can be counted as livestock feed. But minerals only, such as salt licks, cannot be counted.

**Q. I reduced my herd to be able to maintain their weight when I had to start buying extra feed for my livestock. Can I count the animals I sold as eligible livestock?**

A. Yes. Current legislation allows you to report the average number of livestock you owned as of January 1 of the production year (2003 or 2004) for which you are applying for benefits. If you include livestock you sold, you will be eligible for those animals you sold because of the natural disaster, and you will not be eligible for more animals than the carrying capacity of the land they were on.

**Frequently Asked Questions (Continued)****Q. How do I know how much I might receive in payments?**

- A. The amount you receive will be the smaller of 30 percent of the feed needs, stated as animal unit days for your eligible livestock, or the actual total amount on receipts showing how much you spent for livestock feed during the disaster feeding period.

**Q. What happens after I give my AILFP payment application and receipts to the tribal government?**

- A. First, the tribal government is required to make copies of your receipts and return the originals to you. Your AILFP payment application must then be either approved or disapproved by the tribal government. The tribal government then delivers approved applications to the local County Office, where the payment is processed.

**Q. When will I receive my payment?**

- A. FSA and the tribal governments will work together to ensure that livestock owners receive payments as soon as possible after the application is filed. Electronic fund transfers into your bank account occur very quickly. It will take a little longer if you request to be paid by check.

**Q. Can I receive payments under both AILFP and the Livestock Assistance Program (LAP)?**

- A. Yes. Current legislation allows you to receive payments for both AILFP and LAP, but if you do receive assistance under both programs, it must be for the same production year.

**Example:** You cannot receive an AILFP payment for 2003 and a LAP payment for 2004.

**Q. AILFP and LAP both provide benefits for disasters that happened in 2003 and 2004. Can I receive payments for losses in both of those years?**

- A. No. The law signed by the President says that you can receive a payment for only 1 of these years. See the answer to the previous question.

**Q. If the tribal government determines that I am not eligible for payments, will I be notified?**

- A. Yes, the tribal governments will provide you a letter telling you why your AILFP payment application was denied.

**Q. What documentation do I need to report horses sold for human consumption?**

- A. For purposes of human consumption of equine products, equine must be slaughtered and processed in an official establishment in which inspection is maintained under 9 CFR Part 300, and as authorized in the Federal Meat Inspection Act.

There are very few plants in the United States that are certified to process horse meat for human consumption. Those plants should provide receipts to owners of horses that are purchased to be processed for their meat.