

**Council for Native American
Farming and Ranching, Meeting: August 14-15, 2012
CD1 8-15 Track01 to Track08**

[CD1 8-15 Track 1]

Joanna Stancil: Yes. Good morning, everyone, and welcome back. If we could take our places, we've got a lot to accomplish, wonderful things. And it just dawned on me, for those of you who've never been in this building, none of your -- unless we really work hard and get our work done, we'll have a chance to walk around this lovely building. So, let's see if that can be a goal today.

All right. As you get settled, we do, as you have -- and I think you can actually smell the coffee -- I decided we probably needed a pick-me-up so our 9:30 break is occurring now, so hopefully the coffee and juices, there'll still be some over there at our break time and you can refresh yourself. I'm going to go ahead for the record to do our roll call so that the record can note which council members are present. Gilbert Harrison.

Gilbert Harrison: Here.

Joanna Stancil: Has acknowledged a yes. Porter Holder.

Porter Holder: Here.

Joanna Stancil: He is here. The chairman will be coming, Chairman Jandreau. Gerald Lunak. He is here indeed. Jerry McPeak is on his way. Lance is probably still sitting in the

same chair giving testimony. Angela Sandstol.

Angela Sandstol: Here.

Joanna Stancil: She is indeed here this morning. Good morning. Edward, we'll have to check on him when he comes in. Mary Thompson.

Mary Thompson: Here.

Joanna Stancil: Sarah Vogel.

Sarah Vogel: Here.

Joanna Stancil: Has acknowledgement. Mark Wadsworth is here. Janie Hipp is here.

Janie Hipp: Here.

Joanna Stancil: Chris Beyerhelm is here.

Chris Beyerhelm: Here.

Joanna Stancil: And Lisa Pino for Dr. Joe Leonard is here. And Juan Garcia is here. So, our record will note the attendance, and when the others arrive, we'll acknowledge them.

Female Voice: Is Rick here?

Joanna Stancil: Oh, excellent. There you are.

Rick Gibson: [Indiscernible].

Joanna Stancil: Let me just -- I didn't put it on here, but just let me go over today's agenda before we invite Rick Gibson up to speak, is that we have on our agenda, we're going to learn more about the Keepseagle versus Vilsack settlement, Rick Gibson. We will break at 9:30 and come back. We will have

Lawrence Shorty come and visit with us and talk about the 1994 program. Then I will go into brief comments about how we're going to conduct the public comment period. We already have acknowledgements from six people that they would like to make comments during that time. They've asked for more than our three to five minutes that we sectioned off, so we'll see how that works by taking a look at the room and seeing how many people we have.

We also talked about it on Monday using any remaining time from the 10-to-12 period to hold elections for chair and vice chair; if Jasmine or Dory [sounds like] can find the ballot sheets and make sure we have those in a timely manner.

Review of Advice Agency is Seeking and Discussion, that will be Janie. And then there will be an update on the Food, Farm and Jobs Bill. Actually, we have scheduled time on the agenda for Future Farmers of America, so I may take Kent off of the public comment period.

And then we'll go into -- before the end of the day, we would also talk about the Committee's Strategies for Documenting Recommendations, and that is why it's so important to have your chair and vice chair in place at that point. Then we'll discuss about any subcommittees and plan for your next meeting.

And then wrap up, if possible, and get you out of here so you have a little free time before the end of the day if we've

met all our goals and objectives. So, at this point, I'd like to invite Rick Gibson.

Rick Gibson: Good morning, everyone.

All: Good morning.

Rick Gibson: It's a joy to be with you all again, and at the top of the morning. I think I have to be more exciting than most. Unfortunately, the topic I was given, the status of the Keepseagle settlement, we went over a lot of that on Monday, and I was far over my allotted time there. So, I think, today what I want to do is tell you where we are today with the Keepseagle settlement, both with the claims processing, payment processing, and where debt relief is going to be. And then, I think, I want to move to an element of the settlement agreement. One aspect of the settlement agreement was that class counsel met with FSA and OTR and OGC twice after the settlement agreement was signed to talk about their recommendations for improvements to the farm loan program. So, I would like to invite Sarah Vogel to discuss those meetings along with me, and the content of those meetings and the recommendations that they had that came out of it.

And then, I'd like to discuss with Chris and Juan some initiatives and new rule-makings that FSA has undertaken in the past three months that we think provide tremendous opportunities, both for county committee participation by minority and socially disadvantaged producers and the micro-loan

program which will provide more access to beginning and farmers with lower levels of need and less paperwork.

Keepseagle settlement. As of August 9th, 5047 claims are done out of 5185. So, 97 percent of the claims have been completely adjudicated. For those people who are claimants in the process, they should be receiving notification during the week of August 23rd to August 29th. Payments for successful claimants should be received no later than August 29th. So, if you are claimant or if you know of any claimants who did not receive payments or notification that the claim was denied by August 29th, please notify Janie Hipp, Sarah Vogel, myself, because --

Sarah Vogel: That's Track A.

Rick Gibson: That's Track A. That's right. The 5047 claims are Track A claims. So, if you don't receive your Track A notification by that date, please tell us, because we made a great effort to expedite those payments to account for the drought disaster that we were discussing yesterday that continues to get worse and worse and worse. So, we need to get the money in producer's hands as quickly as possible.

Track B. There are 138 Track B claims. The adjudicator is still working through all of those claims. The date that USDA has received for the completion of those claims is October 30th. So, expect all the claims to be closed at by the neutral by

October 30th. FSA is going to calculate debt relief for both prevailing Track A and prevailing Track B claimants to that date, and so, debt relief should be issued along with payments shortly thereafter. So, basically, we expect a notification for Track B in probably early November, debt relief following around the same time.

So, like I said, yesterday we had the starts of some interesting conversations about farm loans and farm programs that were interrupted by the fire alarm and by senior staffs' need to go to lunch.

[CD1 Track 2]

Rick Gibson: So, right now, I'd like to invite Sarah Vogel to talk briefly about our meetings with class counsel, what was discussed at those meetings, and I'll chime in as well.

Sarah Vogel: Okay. Thank you. We did a memo after the two meetings, and that is being copied and is on its way over, so I won't try to hit all of the different points. But I do recommend that when you get a chance, too, you should read the memo and then also -- then, that's -- some of the things -- I'm not privy to some of the things that USDA has been working on since then, and I know they have been, so, Rick will fill that in.

But when we were negotiating the settlement, and a very, very, very key part of it was the programmatic reforms that we

wanted to have, and so did USDA. I mean, that was part of the settlement agreement, is that the secretary said none of us wanted there to be a repeat of the circumstances that led up to the need to file the Keepseagle case in 1999. So, the goal was to change the ways, change the culture. And as we were going through some of the changes that we would like, we realized that -- and concurred with the USDA -- that some of these changes were necessary to change regulations. And if you want to change a regulation, there's a process you have to follow, Administrative Procedure Act, you have to have notice, public comment, and so forth. And so, there are a lot of different issues that were incapable of being put into a settlement agreement and adopted right off the bat.

So, yesterday -- was it only yesterday, Rick? -- When he talked about the programmatic relief, and one of them was the plain language guide, that doesn't require publishing in the federal register. And some of these things could be done right away; the counsel could be set up, certain reforms could be made, ombudsman appointed and things like that, but the changes to regulations that we felt were the weak spots in the FMHA process would take more time. So, the settlement agreement said that we were going to have at least two meetings, which we had in, I think, December and January.

Rick Gibson: That's correct.

Sarah Vogel: Yes. And a lot of lawyers. There were a lot of lawyers and a lot of staff folks from USDA. Chris was there. Who else was there from USDA?

Chris Beyerhelm: [Indiscernible] was there, I spoke with him yesterday and Mike [indiscernible].

Sarah Vogel: Yes.

Rick Gibson: And several of our program attorneys.

Chris Beyerhelm: Right.

Sarah Vogel: Yes. Yes.

Rick Gibson: And civil rights attorneys.

Sarah Vogel: Yes.

Rick Gibson: And then we had DOJ in the room as well.

Sarah Vogel: DOJ was there as well. And then we had pretty much a full complement of the Keepseagle lawyers. So, it was a very big room. And we talked about things that we had observed over visiting with our clients for many, many, many, many years. One of the issues was the first one that's in the memo is managerial ability. And managerial ability was so subject to internal biases, it was our concern. And so, we asked the USDA to take into account some of the special structures that Native Americans might have.

For example, like in the upper Great Plains, if anybody has a relative that owns a farmer ranch, they worked on that farmer ranch. So, it isn't always that, "my father was a farmer, and I

worked with him." It might be "my uncle was a rancher, and we worked with him." So, recognizing those differences in managerial ability.

Standard farming practices in the area. There are differences. I mean, we heard, for example, that the very small size of some of the farms and ranches in the Southwest. So, what is normal in the area? That may vary on a reservation, partly because of the lack of credit, maybe because it's family structure.

Credit worthiness. That was a big thing, and I know that that's also covered in depth in the IAC memo. But little unique things pop up for Native Americans because of the credit desert, because of the fact that they are preyed on by unscrupulous predatory lenders, because of the Indian health service that reneges on payment for medical bills. Those are all unique issues.

Family farm definition is another one. And I guess, maybe I'll just hit the topics and then we can read the memo later. The feasibility of the plan, you know, is it feasible for someone to have a farm and home operating plan, and that's a judgment call by the FSA official. Well, a person should be cognizant that certain folks are willing to live on less to get going. You know, that they don't need to have a middle class life. I think, Porter kind of demonstrated that he didn't need

the middle class life to get started in farming and ranching. So, I mean, people are willing to scrape together to get started.

Loan servicing, eligibility, good faith. So, wherever there are things that were written -- so, vaguely written, we didn't want to have opportunity for conscious around conscious discrimination to enter in. So, we had a proposed solution for most of these. A big area was attention between the BIA and the farmers' home. And I think that even though the BIA couldn't come yesterday, I think the council hopes very much that the BIA will participate. And I know that Janie and her folks have been meeting on a regular basis with the BIA. Jodi Gillette who was here yesterday was that point of contact for a long time. So, that's exciting. And I guess we'll hear later what's the fruit of that.

But there's a lot of duplication, a lot of extra paperwork, and it's -- and we need to get it together to reduce those barriers. And this is a frustration, by the way, that we learn, was shared by FSA. Chris is nodding away.

Chris Beyerhelm: [Indiscernible] model.

Sarah Vogel: Yes. Things like the BIA leases are due [sounds like] can be a big, big problem. But there are ways of getting around and working with some of those issues, and we've

made a lot suggestion. The lack of private lenders is a big problem.

And then, we were very optimistic that this new -- that the receptivity that FSA had toward our suggestions -- and by the way, these are all credit related because that was the core of our case -- the receptivity that FSA had toward these suggestions made us believe that we had a pretty optimistic view toward making changes, recognizing that -- it's not an easy thing necessarily to make those changes, but we felt that FSA was willing.

And by the way, we had some other bright ideas that FSA dissuaded us of during those negotiations, but at the end those were the ones that we cover in this memo were the key ones that we felt, we thought that FSA should take a look at.

So, thank you for that opportunity, Rick.

[CD1 Track 3]

Rick Gibson: Yes. From our perspective, from the OGC-USDA perspective, we found about four themes in what class counsel brought forth and what we ourselves saw in the case, because we were out in the field doing discovery and preparing for 80 to 90 depositions just like they were.

But the four things we saw were customer service, the credit desert issue, communication -- and by communication, I mean, both outreach and extension services to Indian country --

and collaboration and coordination. And that's wrapping all the BIA issues. And we have substantial BIA issues on the credit side. There are things that FSA cannot do without BIA's authorities. And we discussed -- I think our whole second meeting was pretty much devoted to two to two-and-a-half hours of those issues.

Joanna Stancil: I remember that well.

Rick Gibson: DOJ was squirming but, I mean, it is the key issue to resolve, to coordinate USDA activities and BIA activities to enable producers to avoid duplication, to avoid having to carry their application to three to four different offices, through two or four different bureaucratic processes. Anything that the council can do to make recommendations to spur along that process is needed to fix the credit problem.

On the customer service side, we have the new *Your Guide to FSA Farm Loans*. Typically FSA has relied on their handbooks in the past to refer customers to program guidelines and other rules associated with the program. Now, if you have actually read one of those handbooks, it's slow going. It provides the information and it's good for employees, but for new and beginning farmers, it's not terribly plain language. I mean, we view this as a great step forward, a great start for producers, a great source of information. And we also have very important referrals to IAC, the IAC tech help, and other sources of

information that producers could go to so that they can get help with their loans. Obviously the agency and the department itself is in an era of budget cutting, so we don't anticipate that there'll be more employees on the ground. So, it's very important to build out this network. It's crucial to have more eyes and ears and voices on the ground helping producers. And the guide is a start.

Sarah Vogel: And the guide has things like little clarification on what is a good credit history.

Rick Gibson: That's right.

Sarah Vogel: For example, you can have a good credit history if you can demonstrate that a delinquency was not due to your fault or is unlikely to be repeated. So, it won't -- the requirement to have a good credit history, hopefully with this clarification, isn't going to have somebody just tossed out at the doorway, but they can proceed further and get their application considered on the merits. We're so happy about this.

Rick Gibson: Ms. Thompson?

Mary Thompson: So, how are you going to distribute these? How far and wide [indiscernible]?

Rick Gibson: Chris and [indiscernible] can answer that, but right now we have it on the website, and I know we've sent a letter out to tribal leaders. All county officers have them.

Chris Beyerhelm: We provided -- this is Chris Beyerhelm. We provided hard copies for county offices, first of all. We sent letters to all tribal leaders advising that it was on the website, and if they wanted hard copies, we can provide it. We are going to send 100 copies each to IAC, and I can't remember, there are at least four other organizations.

Mary Thompson: ILTF?

Chris Beyerhelm: Yes.

Mary Thompson: Indian Land Tenure Foundation.

Chris Beyerhelm: And then --

Mary Thompson: INCA [phonetic]?

Chris Beyerhelm: INCA. Yes. There are four other organizations we sent hard copies, and then plus it's on the website, on our website, USDA's website.

Female Voice: [Indiscernible] some places [indiscernible] if they're anywhere near where I am or in such rural area that sometimes whenever it's real cloudy, we don't have [indiscernible] Internet. And if I don't at the of IAC conference or [indiscernible], then there's still a chance that people are not going to get through [indiscernible].

Chris Beyerhelm: Well, we can -- oh, go ahead, Jerry, you've got a recommendation.

Jerry McPeak: No, not recommendation. I've got an observation. We've passed the law in Oklahoma, our tribe had

passed a law a few years ago about we couldn't vote if we didn't have a physical address. Well, for those folks in the city, that's wonderful, but for some of us who live out in the country, there are thousands -- You all keep talking about this website like you think everybody's got one, like everyone has a computer at their house. Maybe we're just poor where we're from or maybe we just don't know, but if you think that every household has a computer, God, you're out of your gourd. What percentage of people have -- do all of your people on the reservation have computers? I mean, you all keep talking about this website like, oh my God, everybody has access to it. I'm here to tell you folks, wake up to the world out there. We don't have. There's probably -- there's not 50 percent of the people where I'm from, and we don't live in a remote area, that have a computer at home. If they're going to go use a computer, they're going to have to go to the library or they have to go to school, and that isn't going to happen. So, kind of like the gentleman we upset yesterday, someone's got to tell somebody. And I'm sorry, but smoke signals are way more helpful than the computer is on a still day because --

Chris Beyerhelm: Well, I think, in addition to what I mentioned earlier, our plan would be that as we do outreach, we could certainly carry these with us as we go to the reservations, and I think, just thinking out loud now, I think

we need to include the tribal colleges and have that material resource material available there, too. But whatever else you can recommend, we'll sure to take a look at it.

Mary Thompson: I want to make a suggestion. You know, just get them to a local publication, the papers.

Female Voice: It's available [indiscernible].

Chris Beyerhelm: Okay.

Mary Thompson: And do some PR and let people know it's out there. Thank you. Mary Thompson, for the record.

Joanna Stancil: Thank you. This is Joanna. And that's one of the things that the Office of Tribal Relations is going to be working on, whereas we're not necessarily going to have our own outreach strategy. Each of the mission areas within USDA are required to have an outreach plan. And one of the things when I said on that committee is that I've told them that if they rely too heavily -- it has to be a multimedia approach in working with Indians in these rural communities. So, I will work a little bit more closely with them because their mindset is getting away from paper products and getting more into the online. Well, that's going to miss a large segment of Indian country and rural America. So, we're working on it.

Juan Garcia: Rick, if I can mention something -- this is Juan Garcia, for the record. We talk a lot about outreach. It's a great word to use, and you may not like what I'm going to

say, okay, but I'm just being realistic. We talk -- I think, everyone -- I wasn't here for part of the afternoon and I apologize, but some of the agencies that were here including ourselves, we talked about outreach. It's a great thing. We try to do our best. We only have so many resources. We don't have the amount of employees that we used to anymore. Last year within our agency, because of budget cuts, we lost over 1000 employees throughout the country, and the large majority of the employees were out in the field. Now, that hurts. It hurts when the majority of the employees are out in the field, but it's something that we have to deal with with our budget situation.

We'll do our best with outreach, but we need folks like you all. We need a good partnership to get the word out. We don't have as much funding as we used to send out newsletter, yes, and we rely on this darn Internet thing that you're talking about Jerry. I understand, a lot of people out there do not have computers, do not have access, but some of the community organizations, some key people do have computers, you all have computers, I know you all have e-mail. So, we need a partnership from folks like yourselves to help us get the word out. We can't do it on our own. We can't do it on our own anymore. So, we need to develop more partnerships to get

information like this out. Not just on farm loan programs but in all the programs that we administer.

So, I just want to make that statement, that we need help. Because as Rick mentioned, we're in a budget crunch every year - - we're already working on 2014 budget right now. In fact, that's what I was doing yesterday for my agency all afternoon, working on 2014 budget. So, it's important. Mary, you bring up a good point. I mean, we've got to get the word out. A lot of people don't go to town. So, we've got to get newspapers. We have to figure out -- so, I think that's an important thing of the council here to make suggestions, to see where we can get contacts out so we can get this to them, and they can help us distribute to other people. We'll do our best. That's all I want to say.

Joanna Stancil: Thank you, Juan, and I think --

[CD1 Track 4]

Joanna Stancil: We have Janie and then Sarah.

Janie Hipp: Again, I probably -- this is Janie. I can't say it probably any stronger than Juan or Chris did, but the Office of Tribal Relations had a cleared document throughout the entire department that was a brand new guide for all USDA programs and services. In one week's time, we were taken to a zero budget by the House, and within another week after that, we had half of our budget restored. So, within two weeks' time we

were functioning at half staff strength. And right before we lost our budget to zero, we were preparing -- I was preparing to sign a document that was going to take that cleared content and put it in -- I was signing the documents to make hard copies, thousands and thousands of hard copies. So, what I'm saying is to bring a bright light to -- this council can make recommendations that can be carried far and wide, but the reality here is that that took us to our knees in short order and it took our entire printing budget and our entire outreach budget. All we are left now with is staff and travel. That's it.

And so, Mary, I know what you're saying, I know what you all are -- Jerry what you're saying. At the end of the day, FSA is getting hit the same way. We had our reality. We've got -- we are not going to sit here and wring our hands and cry about it. We are going to figure out creative ways with that we can work with you all, that we can work with IAC, that we can work with ILTF, that we can work with NCAI, because we know how important this information is. We all know. But we've got to figure out a new way of getting in and out.

Mary Thompson: And I think with those partners out there, I just keep going back to PR and news media. Because your farmers [indiscernible] yes, I can take this back to my contacts in North Carolina, but I don't know the other Indian tribes

throughout our world, you know, so, I don't have those media contacts either. But we'll get it worked out.

Rick Gibson: We'll get it worked. We'll work our darnedest to get it worked out.

Sarah Vogel: This is Sarah. My thought for this booklet is that, if there were a supply. And I think you said that most counties do have supplies.

Chris Beyerhelm: Yes.

Sarah Vogel: And we already know that counties where the higher population of Native American farmers and ranchers are or are likely to. And so, if people walked in and said, "You know, I'm interested in an [indiscernible]," if that was the -- if there was a copy dedicated to them, I mean, that's a simple thing. Or if people call on the phone say, "I'm interested in this," and then offer to send them a copy. And I don't know that -- I think that would be just a real good common sense start. And then also the people that are told, they're recommended that they go to those trainings or the education classes, having a copy of those books at those training classes -- because I think you've probably got thousands of folks enrolled in those classes, if they all got one. And then maybe NCAI and places like that would do a reprint. I mean, there are so many ways of getting it out there.

Chris Beyerhelm: Yes.

Janie Hipp: Well, and Sarah, I've actually done extension programming.

Sarah Vogel: Oh, that's true. Yes. Excuse me, queen of outreach.

Janie Hipp: I know. But my pet peeve is to have a whole lot of copies -- this is like gold to FSA and OTR. I mean, every single one of these copies mean something to us and to Rick. And the thought of walking out of a room and having 30 of these sitting on a table and somebody scrapes them off into a trash bin, I would rather go door to door and find Indian people and hand it to them than to do this kind of scattered to the wind. So, that's kind of the conversations that we have been having is how do you go like a laser to exactly who needs these.

Sarah Vogel: Great. Yes. A lot of people would, you're right, I mean, just does not realize the goal in that document.

Joanna Stancil: Anyway, I think Jerry?

Jerry McPeak: Yes, [indiscernible] today too. This is a question -- which is where [indiscernible] -- question for you folks here at the table. Our ag people, we have our tribes, do they -- how well do they function about getting that information out? I'm still going back to one person. I think our tribe does a good job of getting information out that they know of, but I don't know -- and I'm -- listening to you, I'm thinking you're all over it like white on rice, but is that not a -- how

do our tribes do this for getting information? I mean, I'm not all in blaming somebody else for my plight. That's bull. But, how do we do it?

Gerald Lunak: [Indiscernible] majority of farmers and ranchers in the reservation [indiscernible] FSA.

Jerry McPeak: They contact them individually?

Gerald Lunak: Yes. The natives, they have [indiscernible].

Jerry McPeak: My question was, what if they tell us -- I'm sure they must be telling our farm managers -- I mean, our people who are agriculture people.

Gerald Lunak: I guess I would say -- this is Gerald Lunak of Blackfeet. Blackfeet is -- and this may upset some people with Keepseagle. It's not a credit desert. It's not. We have people that have active loans on Blackfeet. In fact, generations of people. We do have people that are struggling to get credit, don't get me wrong.

So, to me, when you talk of communication to producers on our reservation, we're really talking here about those people that haven't come to that office or for whatever reasons, refuse to go to that office. There's a general population of producers of all colors on that reservation that are getting good information from this agency, but we have to focus [indiscernible]. Our books need not go to them because they

know how to play the game. We're really talking about extension is a good opportunity.

Our IAC people, they are the ones that are charged with mainly dealing with those kind off-center potential producers, young producers that don't have the confidence to go in that office and demand this book and pursue it to its end. Go ahead.

Chris Beyerhelm: I just wanted -- this brings up a good point, what Jerry was talking about. I mean, one of the struggles we have as an agency is that officially we're supposed to be government to government, so we're supposed to deal with tribal councils. And kind of to your point, Jerry, is some of those tribal councils do a great job of getting it to the people, some do a horrible job. And then, worse, we struggle with, okay, do we go directly to the people. And if we go directly to the people, we run the risk of alienating the tribal council. And so, it's a real dilemma for us.

Jerry McPeak: And within the council, you have allocation committees. On our reservation, I basically deal with every producer that has BIA lease on that reservation has a contact with this allocation board which is set up by the tribe. And generally, you're right, the tribal council, a small portion of their time, and some of them, none of their time, is dedicated to this type of work. They're into many, many other -- so, there are -- underneath the council, there are groups and

entities that are charged with managing the grazing and farming for that reservation, and those are the groups that have to be brought into this. And to me, they're the ones that are going to carry that message.

Chris Beyerhelm: And I think we understand that. We get concerned that if we kind of target laser to those folks, that we're going to run the risk of alienating somebody else. And maybe one of the recommendations this council could make -- and I know this is a big lift, a big ask, is, you know, how do we somehow get some sort of universally accepted method with all -- not all tribes, but a majority of the tribes so that we can have some sort of strategy to communicate this stuff.

Jerry McPeak: You know, I don't know if we can do it individually because tribes are individual governments and you can't make that assumption. Even as Indian people, we don't make that assumption when we go to some other Indian nation that this is how we're going to do it. But there is some common thread through Indian country in farming and ranching, and IAC is one. And they have contacts. They have contacts with leadership, they have contacts with the ag people within that reservation. And maybe it's their charge to basically say, "Hey, who is your contact with Indian nation? Because that's who we need to talk to."

[End of CD1 Track04]

[CD1 Track 5]

Jerry McPeak: That's where -- excuse me, that's where my question was. My question was, don't all of us tribes have a person that's over at the agriculture? No. Really?

Male Voice: No.

Female Voice: Not necessarily, no.

Jerry McPeak: Oh my God.

Janie Hipp: I want to speak to that, Jerry. Before Joanna -- this is Janie. Before Joanna came on, we had -- when we were at full strength -- and we still do at every year, we update our tribal headquarters list. From the beginning, I charged our folks with I don't want to know just who the tribal chairman is. I want to know who the ag department is and who the nutrition department is, because I really wanted to drill in. And very, very few tribes have ag departments. It might fall under land management or allocation, but they do not identify ag departments.

Sarah Vogel: Could I -- this is Sarah --

Janie Hipp: But that is kind of -- that encapsulates, I think, the ultimate challenge. We can beat this some more if we want to, but that is the reality.

Mark Wadsworth: If I may, I guess as I was looking through this book, I can see where this book is quite kind of effective if you're looking at an operating loan scenario. And then, I

was looking at the farm ownership's loans, and within the, I guess, the operating loan, if we're just working with chattel of basically the actual -- in case of cattle being the chattel, maybe their vehicles being put up as a part of the actual lien, that's fine. But if we start trying to attach tribal lands or tribal ownership lands, then we're opening up a huge difficulty in getting these loans out to tribal people.

So, -- and I guess, to go to the farm ownership portion, just for knowledge base -- and I think this is mainly for the USDA people, is that there is kind of two major classes of lands out in Indian country. In our tribe, we have T-tracks [phonetic], which is called tribal tracks. These tribal tracks have to be 100 percent owned by the tribe to be considered T-tracks. Now, when Jerry was talking about the allocation committee, that's where the T-tracks come in to my world when I'm dealing with doing allocation for Indian producers. Because a tribe has the ability to charge whatever rate it wants to as an AUM rate, under the T-tracks scenario.

Now, when you get into the A-tracks or the allotted tracts, this is where you're getting into individual tribal members and maybe in some cases, not tribal members but just tribal descendancy and what may have you. Then we're into the portion of where we get into -- does that individual own 100 percent of that land? Has that land been divided? There's the word

"divided" and "divided interests." So, you know, in a divided interest, we would have, for instance, 120-acre tract that the person is undivided, that means that they own it with any other joint heirs. So, if they had three separate people, you would have -- every bit of every shovel that you take out of that land, one-third of it is owned by all.

And then, it so happens within our reservation as a part of our corporate charter under the Indian Reorganization Act, under our charter it states that the tribe cannot sell any of its land. So, if that person happens to be an allotted owner with the tribe, they really cannot put that land up for any sort of collateral because they're basically going against the tribe's constitution and by-laws as being incorporated under that act.

So, I guess what I'm talking about too is that you just have to realize that that if we're going into the farm ownership scenario, we're opening up a whole separate situation in trying to service that loan and getting that loan through. Because then when you go into something into that effect, -- and I've actually been through this myself when I purchased land from a separate tribal member who was a non-relation, and I had to go through the process of purchasing that land through that individual.

In that process, now we start getting into what they call the required appraisal rates through the Bureau of Indian

Affairs -- and if you ever deal within the Bureau of Indian Affairs, they have very few to none appraisal people out there in the country. And so, I think the appraisal that we were working with was taking up to a year and a half before that appraisal was accomplished, you know, before we could even venture to buy the land.

And I think this is another hindrance, too, is that, you know, I've bought non-Indian land, our house, and I was able to get an appraisal done within 30 days, 20 days, and that appraisal cost me \$350 to \$500. Well, that appraisal done on that Indian land costs me \$1400. So, it's -- there's another hurdle there that I think that we have to realize.

So, what I'm getting at, I guess, to make a long story short, is that I think we can treat operating loans possibly different in this scenario as opposed to farm ownership loans, and realize too that if we're getting into the farmer situation or permit, we can allocate the tribal lands. So that if that Native American says, "Okay. I want to run 100 head of cattle on range unit one," on range unit one there is 16,000 acres and the half is owned by allotted, half is owned by tribe. Then we can allocate up to half of that land to the tribal member. And this was a huge fight. Because the accountants within OST, they're bean counters, and they're saying, "Well, how can you tell me that that cow isn't eating an allotted person's land or

a tribal person's land?" But we stuck to our guns, so we just said, "Well, we just have to treat every range unit separately."

So, once we have exceeded that allocation and then we start getting into allotted lands, under code of federal regulations, then we have to go give that allottee the fair market value or whatever the current bid rate would be. So, we could grant to our Indian producer a one-third rate of what is over the appraised value. But once we've exceeded our allocation and they want to stay within that range unit, then they're subject to the regular bid that a non-Indian would do to get a fair market value to that individual.

So, I guess, the ownership scenario and the operating scenarios, maybe we should do some more thinking on that. And we talked about BIA here, but I think we ought to start talking about the office, the special trustee, too, because they also have a major play in this scenario.

Joanna Stancil: Thank you. Thank you, Mark.

[CD1 Track 6]

Joanna Stancil: Gerald?

Gerald Lunak: I just want to follow up on this whole issue of getting this out. [Indiscernible].

Jerry McPeak: Hey, Gerald. Could you speak up on the mic?

Gerald Lunak: Oh, sorry. Gerald Lunak, Blackfeet. I just wanted to offer a list of potential resources that would

basically carry the message of the FSA lending booklet and its contents: The tribal extension, the county extension, the Intertribal Agriculture Council, the Indian Nation Conservation Alliance, our tribal allocation board, our county committee which consists of two tribal members, our tribal farm manager, our tribal council, and our tribal college. They're all potential --

Male Voice: [Indiscernible]

Gerald Lunak: Pardon?

Female Voice: May we have a list?

Gerald Lunak: Sure.

Joanna Stancil: We will put it in the record.

Jerry McPeak: Thank you. That's good.

Joanna Stancil: I'm sorry. Angela.

Angela Sandstol: Hi. My name is Angela Sandstol from Alaska. I know for the 229 tribes in Alaska, we have contacts for them. I mean, as a representative of Alaska, I can get a hold of all 229. We can forward a copy of that and leave the burden or what have you, on the tribes. The tribal contact should be able to either put that in their newsletter, copy it if given the authority to do that. So, that's for Alaska. I'm not sure how the rest of the states, if they have list of all the tribes on the Internet, but that's how I would handle it. Thank you.

Joanna Stancil: All right. Do we have Porter?

Porter Holder: Porter Holder, Choctaw Nation, Oklahoma.

Joanna Stancil: Can you speak -- I'm sorry, we're having a hard time hearing. Maybe we can get the mics to --

Porter Holder: My tribe has a monthly newspaper that comes out. I don't know about other tribes, but you can take their Internet and their telephone but don't you take their newspaper. That would be, I think, an excellent source for the Choctaw Nation. I said, I'm not aware of any other newsletters like that for other tribes, but for the Choctaw Nation, I think, that would be an excellent source to get the word out.

Male Voice: Chocs, chicks, Cherokee [indiscernible].

Joanna Stancil: All right. Rick?

Rick Gibson: On the other side of communication issue is how to build out communications for emergency program. As Representative McPeak was saying, [indiscernible] didn't know anything about this pasture insurance program, that could probably be gratefully useful in this area. So, we need to think of ways to utilize an emergency network for those kinds of issues so producers know that these programs are out there. I want to pick up what --

Joanna Stancil: Yes.

Rick Gibson: -- Mark said about appraisals, and Janie, if you could talk about the BIA, USDA working group.

Janie Hipp: Okay. Now?

Rick Gibson: Yes.

Janie Hipp: Okay. But before I do that, I wanted to let you know that we have been working with BIA, Small Business Administration, HUD, well, in all of our field agencies -- FSA, NRCS, RD, and Forest Service -- and we have been doing every seven-to-ten day calls, so I'm going to loosely call them, weekly calls, with tribal headquarters and anyone else who wants to get on the line.

IAC has been helping us get the word out on the drought. We've been doing regular drought update calls with -- all tribal headquarters are invited to attend, and we are assuming that they are pushing that to their land folks or the folks that they know within their tribes that are dealing with agricultural issues, because those folks are on the line. And so, every week that we've done these, we've had at least 100 people on these phone calls. And so, we're just -- we're doing one again next week, so it's -- our intention is to continue doing these throughout this whole drought scenario.

The BIA has been working -- and OST have been working with us on an ongoing basis for over a year and a half now, and at some points when we're deep in the issues that are pretty gnarly, we meet almost weekly. But the scope of our conversations have been to try to peel the onion back on some of

these very complex issues and figure out how we can work together better. We have, in circulation right now, new MOUs between USDA RD and BIA-OST. We also have as a separate MOU an MOU between farm service agency, NRCS, and BIA-OST. And so, Del Laverdure has been helping us in his acting role as assistant secretary to really press those and move them around BIA and get the proper signatures, get the clearances from the solicitor's office over there and we've been doing the same thing on our side of the house, but these have been pretty complex to try to work through. We did have a previous MOU but it did not include RD, and we felt that we needed to include RD, particularly when you think about the whole broadband necessity.

And then, it was too broad. It didn't get deep into the weeds. And we found one particular issue that we still can't get deep into the weeds until we get all of our IT people in the same room. And so, we left a provision in the new MOUs about data sharing. And I say that as just kind of a catch-all for we've got to have our IT systems talking to their IT systems talking to the tribe's IT systems, because there's a lot of tribes who are GIS'ing everything that moves, and it really had better GIS records than the BIA itself. But when Congress passed these acts pertaining to farm service agency or any of our agencies and deals with the confidentiality of those records, they don't necessarily think in BIA terms.

And so, [indiscernible] in IAC, Zach and all of the team in the network have been very helpful to help our agency folks understand that when you're producers in some locations -- and it could, I think, differ location by location -- you not only have a dual appraisal issue that you have to deal with. You've also got physical land records that are ranging and based over here and farm track based over here, and the borders don't meet when you place them one over the other. So, go in and try to get a loan of any kind on that scenario. And so, without getting our IT folks talking to each other, that -- everybody just gets to glaze over.

And in fact, before you all got here on Monday morning -- actually, no, Monday evening, after we saw each other, I had a meeting with Cheryl Cook who is our new office of -- she's our chief information officer. She used to be the deputy undersecretary for RD, and she totally got exactly what we're getting at. And there're a whole lot of initiatives all over federal government about priority investments and information technology, et cetera, et cetera. And so, she and I were discussing, and -- and Chris don't even know this yet, -- but, how can we get the right people in her shop to meet with BIA and OST and FSA and NRCS to really get into the narrow weeds about how this land data is shared from the standpoint -- we've got to share it in order to make it easier on the tribal producer. And

if we don't get it together, then they always struggle. And so, it's that simple.

And so, I think we've made great headway. After we leave today, I'm actually taking MOUs in my hand and walking and sitting in people's offices until I get their signatures, because that's going to be a challenge. But I think we've got to just keep this up. I think we've got to have a standing group of people, standing working group from BIA, OST, and anybody else that wants to get in on it that really sit on a constant basis with our big field agencies that are trying to push conservation, lending, all of those -- farming and ranching, everything that we've been talking about. We're committed to doing that. It can make people's eyes glaze over because it is extremely complicated. But we have to do it. And if we can't figure that out and if we can't explain it to our field of people, then they're not going to feel comfortable.

The other part of that story is we then have to put together a training program that can bring all of our few people along so that their comfort level around these issues rises at a higher level. And that's our commitment, and what we have is our goal. We're not going to get there tomorrow but we're going to keep working on it. I think it's a critical component of what we can do working together as an outgrowth of the Keepseagle settlement. It's got to be done.

[CD1 Track 7]

Joanna Stancil: I think Chris has a comment.

Chris Beyerhelm: Thanks. And Rick, I don't want to steal your thunder, I'm not sure where you were going. But before we run out of time, I wanted to make sure that this memo from class counsel has been handed out. And to Sarah's point, as we had the conversations with class counsel about this, we realized we'd actually been doing a lot of work on some of those issues already and some of them were done, and I just kind of want to give you an update so as you read through that, you kind of know where we're at on that, if I could, is that okay?

Rick Gibson: Go ahead, please.

Chris Beyerhelm: Okay. The first thing is, we had to recognize, some of these things are regulatory and some are statutory. And as you work with your tribes and your councils, it's important to understand the difference. Because a lot of people come to us and say, "You need to change this, you need to change this." Well, some of it is the law, and it's important to understand the difference. But some of the things we have been able to change and are just changing our handbooks and our regulations.

To the experience piece, we did send out a handbook change, Sarah, about six months ago where we made it very clear to people that experience can be in many forms. It used to be that

we're looking for a schedule F that showed that they had farm income on their tax records, and we've said, "No, that's not required." If you have any kind of apprenticeship or mentorship, or if you've attended any of these training sessions that some of the community-based organizations put on that are funded by NIFA grants, that that would qualify for operating experience. So, we've greatly provided more flexibility on providing that kind of experience.

A lot more flexibility in servicing. Our servicing regulations were written after the 1980s when we had serious, serious losses in our portfolio. So, they were very stringent, very strict. The average customer in our direct portfolio in the early 1990s was about \$90,000. Today, it's about \$275,000. So, as a consequence, our servicing regulations were outdated. They were too conservative for the progress that our average customers made in our portfolio. I mean, even to the point that in some cases we'd have 3:1 collateral, and somebody would want to release off an acre of land to build a house for junior that just got married. And we weren't able to do that under our regulations, so we made those changes.

Rick would mention the MicroLoan Program. We've recognized that a lot of people don't need these big loans. They need smaller loans. So, we put out a proposed rule on micro-loans. The loans are less than \$35,000, the paperwork went from 17

forms to eight forms, and it's going to take about 50 percent of the time that it would take you before, both the customer and FSA employees to process those loans, with much less stringent credit underwriting standards. You know, we're going to still get a credit report but we're not going to really look at the past. We're going to look more at the future and what we can project for the future rather than trying to look for historical yields or how we've done in the past. Particularly recognizing that some of these cases are these farmers market kind of cases and organics, and some of that non-traditional stuff that -- just to be frank, those folks don't keep the best records. It's a cash transaction. So, we've made those changes.

We've also internally -- in the past, we've treated a loan as a loan as a loan, and we service it the same way. Now it doesn't matter whether you've gotten three loans from us in the past and you've paid them back like clockwork and everything is going the way it's supposed to. When you come in for a new loan, you've got to supply the same stuff. And we said that's crazy. We need to streamline applications for people that are repeat customers. And if you've got a loan from us and you'd paid it back and you're complying with all the requirements, when you submit a new loan application, all we should really need is a cash flow, an updated financial statement, and we should be able to rely on the other information we have in the

file to say we're good to go. It's like a line of credit almost, where we just re-advance against past experience we've had with folks. So, we're going to implement that.

We had problems with appeal decisions. People would go to appeal and the agency would lose, and we would drag our feet about implementing that appeal decision. And we've made it perfectly clear to folks that if we lose in an appeal, whatever the appeal officer said, if he said the agency was wrong, then we're going to implement that decision and we're going to do it in a timely fashion. And we've got somebody assigned in each state to track those, so that's not going to happen.

Sarah Vogel: Awesome.

Joanna Stancil: That's the Sarah Vogel Rule.

Chris Beyerhelm: That's the Sarah Vogel Rule. I told Sarah earlier, our motto at FSA is, "If Sarah's happy, we're happy." And now it's going to be, "If the council's happy, we're happy."

On bad faith, we're dramatically changing our rules about bad faith. Just to give you some -- bad faith is something in our vernacular that to get a loan, you have to have -- you've been determined to act it in good faith as opposed to bad faith. And the same with servicing. And that traditionally means you -- if you converted collateral or you lied to the agency on your application, that would be considered bad faith. But in the

past, people had been calling other things bad faith, things that I would consider not germane, like I forgot to tell you about \$200 credit card bill they have or something. That's not the truth but it not rises to the level of bad faith that it materially impacts the credit decision you're going to make. So, we're going to change that whole thing.

On the statutory side, a couple of issues that came up with, when we make loans to youth, \$5000 and under, and there's a provision right now called the Debt Collection Act, that if you get delinquent on a federal loan or you don't pay back a federal loan, you are forever barred from getting another FSA loan, plus it will start off that you are not eligible for student loans, you are not eligible for any kind of other government loans -- HUD loans, housing loans, anything. Plus, you're going to get your social security offset, plus you're going to get your IRS tax return offset. So, we have been trying to decouple youth loans from those really hard provisions.

And in the Farm Bill, the House version has some language that would do that; the Senate version does not. We're hoping that in the conference, we'll be able to fix that. So, basically, say, you've got a \$3000 loan to buy some cattle and they got killed in the flood, do your best to try to pay it back. Offer \$100 or \$200 based on your ability to pay.

Janie Hipp: Or if your family divorced, it wasn't your fault, somebody sold all the cattle, it wasn't your fault, you're 16. The more we started talking about it, the more [indiscernible] unconscionable. We're not going to have any new beginning farmers if we don't try to deal with it.

Chris Beyerhelm: Yes, get them up.

The other big thing is that 2008 Farm Bill authorized a fractionated land program, and I think you kind of mentioned that a little bit, Mark, about where you have this -- you mentioned three, but most likely it's 300 in a lot of cases where you've got -- so there was a loan program that was specifically designed in 2008 Farm Bill to help consolidate those fractionated interest. The problem was when they wrote the statute, they tied it to BIA rules. I know. So, when we did our consultation, we heard loud and clear that this program is not going to work if it's tied to BIA rules and it relies on BIA administration of that.

So, both the House and the Senate have language in their versions of the Farm Bill that would just have a program for USDA without BIA, then also allow us to do what we call the re-lending program where we could actually lend money to the tribe and they could lend it to individual tribe members to do that, which we thought was a more effective way to do that. So, we're hoping that's going to be successful.

And then, just two other things, quick, and I'll shut up, for a little while anyway. Janie mentioned about the appraisal issue in the BIA memo. The other two things -- and I think both of these are on your list, Sarah. One is that when we have a loan on cattle, for instance, we're required to go out periodically and look at the cattle and see that they're there. What we found out was we would ask the rancher to coral all of their cattle in August or whatever and then BIA would come out a month later and want to do the same thing and make them coral them twice. So, we're working with BIA to say, If BIA does it first, we're going to accept their count and call it good; if we do it first, BIA's going to accept our count and call it good. Yes, duh. Duh, right.

Mary Thompson: I thought it was just [indiscernible].

Chris Beyerhelm: No, no.

Rick Gibson: Mary Thompson did not say that.

Chris Beyerhelm: And these aren't the only changes we made but these are the big ones, and this gets to something Zach brought up yesterday about graduation. Right now we're required -- our loans are temporary. If your finances allow, you can get a loan somewhere else; we expect you to do that. We don't compete with private lenders. Because there is not credit available in some places, the credit desert, we talked about a little bit, sometimes we're the only game in town.

But once you get a loan from us, it's expected at some point when your finances improve, that you would pay us off, we'd take your money, lend it to somebody else, they work their way up the chain. That determination in the past had been made on your financial condition. In other words, if somebody came in and has a net worth of \$750,000, it's logical to assume they could probably go somewhere else and get a loan. And that's what triggers a request for you to graduate. But we're going to add to that determination now, in Indian country, is there other lenders out there.

So, it could be that regardless of what your financial condition is, if there're no other lenders out there, we're going to add that as a criteria to determine whether you have to graduate. So, those are kind of the highlights. So, we've been doing a little something since we've met, Sarah.

Sarah Vogel: And I want to say that we recognize the difficulty of some of these things, and they weren't capable of getting in place despite the willingness of the USDA by the time the settlement agreement was inked and signed and sent to the judge. But the fact that USDA was willing to commit to working on these subjects, I think, is a real testament to good faith. And so, we really do appreciate it, and we appreciate the fact that you had to go butt heads with BIA, not us. And by the way, Mary, this is also not on the record, but I heard a lot of

crabby people when we were meeting, when they were talking about the BIA, right? Well, --

[CD1 Track 8]

Rick Gibson: Our biggest challenge from an agency standpoint is how to build in these changes without -- it's what Zach Ducheneaux have talked about yesterday, how to build in some discretion without running afoul of the law. And providing that from a managerial standpoint, providing employees with a clear idea of what they're supposed to be doing particularly new or your older employees who are set in their ways. So, in many of these proposals says build a discretion if discretion is good. But when you do build in discretion, I think you have to take the bad -- you often do take the bad with it. So, I think as an agency we have to be very careful about how we do that.

Sarah Vogel: Yes, yes. Well, thank you. I'd like to circle back to just one comment that Chris made about 20 minutes ago, probably, and that was that you said we have a government-to-government relationship with -- and I agree that there is a government-to-government relationship, but there is also -- I mean, these loans are individual loans, and a farmer, whether or not they have the support of their tribe, have a right to go in and apply.

And so, I think sometimes the -- if there's over much focus on tribal communication, it can just languish and sort of die on

the vine, whereas all of these loans that we're concerned with, in this case at least, were individuals. So, I just wanted to add that. And I know you didn't mean that you don't also have a relationship directly with the borrowers. I just circled back to that because --

Rick Gibson: And I want to mention one more programmatic change that was outside the settlement agreement, but I think we're all really excited about involving the county committees. In the 2002 Farm Bill, the secretary was granted the ability to appoint one additional voting member of the USDA county committee. If he determined that the committee wasn't fairly representative. At that time, we drew up regulations implementing that law.

In 2005, it didn't take the step of the secretary actually exercising that power. At that time, a decision was made to use outreach methods to reach more potential voters, more potential committee members, and hopefully through outreach, get higher levels of minority participation. It worked. The outreach had a great effect, and the numbers increased. But what the secretary found coming in was that there were still some pockets in counties that were not representative. It did not include female members, not include African American members, not include Native American members in counties that had high populations of those producers.

So, Secretary Vilsack determined that he would exercise that power, find a way to exercise that power that was granted to him in 2002 bill. So, the agency has drafted a rule. The rule has completed its review period; I think it's going final next month. That gives the secretary the ability to appoint one additional voting member of the county committee. Every year, FSA will, through its economic policy and analysis staff, undertake a review of the producer populations in every county, committee jurisdiction across the country, using producer population numbers from either NASS or our county committee voting rolls depending on which proportion is higher. And by setting a benchmark of the number of county committee members plus one which would account for the socially disadvantaged member appointment that previously existed that was non-voting, weigh that benchmark level against the population level and determine whether an appointment was needed.

So, I think if we had done it this last cycle which we would run a test on it, we would have over 150 newly appointed voting county committee members who are female and minority. So, we see this as a way to increase minority participation, and more importantly, to make sure that the county committees are reflective of the communities they represent since we still consider and will always consider the county committees to be a very important player in our programs.

Joanna Stancil: Mary?

Mary Thompson: Mary Thompson. [Indiscernible] some of the statutory changes [indiscernible]. So, at some point out, can somebody send me the changes that your records [indiscernible]?

Chris Beyerhelm: Yes. When will the record be available, Joanna?

Joanna Stancil: We due it back to the chair in 30 days, so we have some time. So, it might be best if you want to give that [indiscernible] to all the council members.

Chris Beyerhelm: Okay.

Sarah Vogel: I think we'd all be interested in that.

Joanna Stancil: This is Joanna. We'll get it from Chris, and then we'll disseminate it to the council.

Mary Thompson: Is it hard to do?

Female Voice: No.

Chris Beyerhelm: No.

Joanna Stancil: No.

Chris Beyerhelm: Just so you know what it would look like, it's going to be called "a side by side," and we'll have the Senate version of the Farm Bill and the House version of the Farm Bill, and it'll just show you all of the things, not just the things I talked about. They'll have everything in there related to credit.

Mary Thompson: Okay.

Chris Beyerhelm: And then what I can do is highlight in yellow the things specifically related to Indian country [indiscernible].

Mary Thompson: Good. Thank you.

Janie Hipp: And this is Janie. The two things that Tony handed out that we made copies of last night, one is the memo that Sarah walked everybody through. I think --

Sarah Vogel: It's written about a year ago.

Janie Hipp: Yes. And that's the memo related to the programmatic relief discussions between Office of General Counsel and the Keepseagle lawyers. And then the other document is a two-page letter from Joe Sellers, and you're welcome to explain that, Sarah.

Sarah Vogel: Sure. We keep on eating up poor Rick's time. But I guess it's kind of --

Rick Gibson: I would be happy to read it [indiscernible] if you'd like me to.

Sarah Vogel: Do you? Yes, sure. That would be great. That would be perfect.

Rick Gibson: Yes, let's do that. Because I have five minutes. Yes, this is a letter from --

Male Voice: [Indiscernible] read out loud, right?

Sarah Vogel: Well, I think it's symbolic to us, at least, after 12 years of working on those case.

Rick Gibson: Yes. Because I think it's right. The attorneys have been kind of at the front of this case this whole time, and now it's time for us to move to the side and still help. It's kind of a valedictory.

And this is from Joseph Sellers who is lead class counsel, Cohen, Millstein, Sellers, & Toll.

"Dear members of the Council for Native American Farming and Ranching, on behalf of the thousands of Native American farmers and ranchers who participated in the Keepseagle versus Vilsack class action, the name plaintiffs who led this litigation for more than a decade and the lawyers who have represented them, I write to welcome you to this first meeting of the Council for Native American Farming and Ranching. You're participating in a forum that provides an unprecedented opportunity to improve communications between the United States Department of Agriculture and Native Americans, and to provide Secretary of Agriculture Tom Vilsack with the best possible advice about how to improve service to this important community.

"The creation of the Council for Native American Farming and Ranching was a critical feature of the settlement agreement entered in the Keepseagle litigation. The parties recognized the council offers an opportunity, unprecedented in the history of the Department of Agriculture to involve leaders from Indian country in a comprehensive and systematic review of the USDA

programs designed to serve Native Americans, and to ensure this review is informed by the personal perspectives of Native American farmers and ranchers.

"We're counting on you to recommend to the secretary ways in which the USDA programs can be more responsive to the particular needs of Native Americans, and we are counting on you to encourage USDA to undertake necessary reforms to its programs and policies for the benefits of Indian Country.

We are thrilled that with the commencement of this meeting, Council for Native American Farming and Ranching has become operational. We have high hopes for this council and for the important ways in which it will improve relations between the United States and Native American nations.

For many years, Native American farmers and ranchers were adversaries in litigation against the United States. Today, we begin the hard and important work of healing those relations and working to ensure that as the first farmers and ranchers, Native Americans are in a vital and economically viable force in agriculture for many years to come. We hope that in the coming years, class counsel will have many opportunities to collaborate and work with this council. We remain ready and able to assist you in any way. Like you, we viewed this work as an opportunity to improve the lives of current and future generations of Native Americans who wish to live and work on the land. We look

forward to working with you on this journey to a better future for all of Indian country.”

Sarah Vogel: I'm tearing up.

Rick Gibson: Does anyone have any questions about the settlement in particular that I didn't address on Monday or that occurred to you after Monday? All right. I left us with five minutes to spare for a break.

Joanna Stancil: Excellent. And he just gave me the perfect segue. We'll take a break now and please come back at 9:40. And after that, we hope to have Lawrence Shorty who will come and share with us about the 1994 program.

[End of transcript]