

Statement of the Honorable James R. Floyd
Principal Chief, Muscogee (Creek) Nation,
To the
U.S. House of Representatives, Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
May 16, 2017

Chairman Calvert, Ranking Member McCullom, and members of the Subcommittee, I am pleased to appear before you today on behalf of the 82,000 members of the Muscogee (Creek) Nation. We have reviewed the President's budget blueprint, and provide our written statements for the record and for your consideration regarding appropriations of the IHS, the DOI, the BIA, the BIE, and tribal-related programs at HHS.

The Need for a Regular Order Budget Process

To begin, I want to offer a general observation that I am sure that the Members of this Subcommittee will agree with – the need for the appropriations process to be conducted in regular order, with the passage and signing of individual appropriations bills into law. The continuing resolutions under which agencies have had to operate during the past three years have resulted in uncertainty and fiscal difficulties for federal agencies and the tribes. This subcommittee has demonstrated a bipartisan commitment to regular order in the appropriations process, and I sincerely hope that for FY 18, an Interior Appropriations Act becomes law.

Indian Health Service and the Department of Health and Human Services

Within the blueprint, it states The President supports direct care services such as Indian Health Service (IHS). Although we are not a safety net provider, we are fulfilling the government's trust obligation and appreciate the President's support to continue to provide care to American Indians, specifically the Muscogee people. The Muscogee Nation respectfully asks that:

Funding for IHS be made "Mandatory" and categorized as "Entitlement" instead of discretionary beginning with the 2018 Budget. Spending on Indian health care is a treaty and trust obligation of the United States, which warrants the "Mandatory" spending designation. Indian Health is often hit with discretionary cuts and to provide care, it is essential Indian Health funding be maintained. During sequestration and CRs, Indian Health funding is delayed which impedes the needs of the Muscogee people as well as other beneficiaries utilizing our health system. Our citizens should have a sense of security regarding healthcare funding.

We request Increased funding to expand the Joint Venture Construction Program. Muscogee Nation has 3 hospitals and 6 clinics. More than half are in rural areas and have buildings averaging 40 years. Demand has outgrown space and it's nearly impossible to fulfill the need. Muscogee Nation has engaged in 2 joint venture projects that have been successful allowing us to see more patients, recruit and retain professionals in a Health Professional Shortage Area, and expand services. However, the Muscogee Nation is self-funding a new facility in Okemah,

OK, which will replace a facility built in 1948. Additional funding to support Joint Venture projects will ensure we continue to have facilities to meet growing patient needs.

The Muscogee Nation requests an increase in funding to provide adequate delivery of patient care. Only 46% of our total healthcare budget is received through an IHS compact. Funding per-capita for our patients is \$2,800 compared to \$5,500 Medicaid per capita. The demand far exceeds the resources. Most recently we had to experience mass layoffs and decrease services just to maintain the most essential health care services such as primary care. Most of our patients are 22-55 years old and have no insurance. Referrals for specialty and priority care such as cancer are unmet due to lack of funding and other health care needs of our people.

Cost sharing exemptions should be maintained for American Indians under the marketplace. As a federal trust responsibility, many American Indians are eligible for Qualified Health Plans and should be afforded the opportunity to enroll without cost sharing. Cost sharing in a population where the income base is minimal is a deterrent to enroll, and negates the trust responsibility to American Indians. I also request ACA Medicaid Expansion continue. While Oklahoma did not expand it, repealing it would totally diminish the opportunity to ever expand it for our citizens.

Diabetes is plaguing our nation; we need permanent authorization for the Special Diabetes Program for Indians (SDPI). Current authorization ends in September 2017 and has not seen an increase since 2002. The Muscogee Nation Diabetes Program supports 3,547 patients and has seen an improvement in diabetes control from 19% in 1999 to 40% in 2016. The loss of this program would be detrimental to the health status of the Muscogee people.

We support Increased funding for Public Health services. Funding is very limited for primary care services, and for preventative care it is almost totally lacking. Funding for services such as health screenings is a wise investment in prevention, as opposed to expensive disease treatment later. Funding shortages prevent IHS from effective disease prevention programs.

Continue to fully fund Community Health Representatives (CHR). CHRs are an integral part in identifying the needs of the community and are hands-on with patients in their homes. Many of our Muscogee Elderly and disabled live in rural areas and make traveling difficult; CHRs provide transportation for our elders and disabled to and from health services and thus save lives.

The Tribal Self-Governance program must be expanded to enter into self-governance compacts with the Department of Health and Human Services agencies outside of the IHS, such as the Center for Disease Control (CDC). Partnering with agencies will further efforts for disease prevention instead of placing the tribes in a competitive arena with states. It would be beneficial for the Muscogee Nation to have legislative authority to conduct Self-Governance with other Department of Health and Human Services agencies so additional funding and resources could be made available for disease prevention and management.

Provide adequate funding for workforce recruitment and retention. The Muscogee Nation is challenged with fulfilling professional vacancies to serve our people. One rural facility in

Eufaula, OK has been without a full-time physician since last July and full-time dentist for approximately 6 months. Lack of funding has caused recruitment and retention to suffer.

Department of the Interior

Bureau of Indian Education (BIE) - The Muscogee (Creek) Nation opposes the proposed BIE reorganization plan that does not establish the Oklahoma Area Education Office as an Education Resource Center and reduces the education services currently provided by the OAEO to Indian students and tribal citizens residing in Oklahoma, Kansas and Texas.

We also adamantly oppose the BIA's reduction or elimination of funding to the Eastern Oklahoma Tribal Schools Facilities Management Program that significantly reduces the Facilities Management Services provided to the four BIE programs and their respective tribes.

The Muscogee (Creek) Nation receives \$1,158,475 in federal BIE funds annually that are used for Higher Education Scholarships and Adult Education. This spring the Nation awarded 2,309 scholarships to students that will help offset rising tuition costs. The goal is to not only educate our students, but also to allow them to flourish without the burden of extreme student loan debt.

Trust Real-Estate Services - The Muscogee (Creek) Nation compacts Real Estate services for restricted and trust landowners from the Bureau of Indian Affairs. The Nation takes its Trust responsibility very seriously and any budget reduction would have a detrimental effect on our ability to provide essential services in the areas of appraisals and land operations. Any reduction in the appraisal budget will decrease the amount of appraisals being performed on for landowners for Rights-of-Way, conveyances, surface leasing, purchase, and probates. Furthermore, a reduction in the land operations budget would prevent the Realty office from conducting surveys that are used in partition suits, boundary line disputes, housing legal, and other legal proceedings.

Johnson O'Malley

The Muscogee (Creek) Nation supports Senate Bill 943 introduced on April 26, 2017, by Senators Heitkamp, Senator Lankford and Senator Daines. The Bill directs the Secretary of the Interior to conduct an accurate comprehensive student count for the purposes of calculating formula allocations for programs under the Johnson-O'Malley Act, and for other purposes.

Self-Governance Funds (DOI) – The Muscogee (Creek) Nation is currently operating at FY 2015 levels (\$6,824,284) due to the use of “continuing resolutions” by Congress rather than a regular budget. If adjusting for the inflationary rate over the course of three years, the appropriation for FY 2018 would need to be \$7,029,012.52 Based on this calculation, the Muscogee (Creek) Nation is suffering a \$204,728.52 operational loss. Frankly put, this is unsustainable. Self-Governance funds support jobs, infrastructure, economic development, education, and the utilization of our Natural Resources for the betterment of our communities. Budget cuts will have a debilitating impact on economic growth and infrastructure development for the Muscogee (Creek) Nation and the 11 counties that comprise our territorial boundaries.

Natural Resources Management – The Muscogee (Creek) Nation Ag Youth Development program relies on Self-Governance monies to fully fund our youth programmatic operations. A loss of Self-Governance funds would result in an inability to fully offer livestock and project scholarship funding to native youth further increasing the barriers to access and entry to the agriculture industry. Additionally, the federal funds received support our summer programmatic events including sending Muscogee (Creek) Youth to leadership development camps, FFA alumni camp, and 4H Round-Up. Participation in agricultural activities often requires official uniform dress, which is another barrier to rural youth. In order to offset that need, the MCN Ag Youth Development program also accesses Self-Governance funds to provide 4H and FFA jackets to youth members. By easing access to agricultural programs and services with supplemental support, native youth in rural and socioeconomically depressed areas can be exposed to practical business and employment opportunities through agricultural experience and education.

Public Safety and Justice - The Muscogee Creek Nation has a fully operational law enforcement program that includes the Lighthorse Administration, Department of Justice, and a fully functioning Judicial System that are partially funded via Self-Governance funds. Our Lighthorsemen have become an integral part of law enforcement throughout our jurisdiction via a host of cross-deputization agreements with local municipalities and county governments. With an ever-shrinking state budget, non-tribal law enforcement agencies greatly rely on the support of the Nation to assist in maintaining order and peace.

* The MCN District Court is also funded through Self-Governance funds and would be greatly affected by budget cuts, leading to reductions in essential services to its already distressed clients. The Court handles a variety of cases from child support to adoption to deprived children and would be forced to send some of these cases to an already backlogged state court system.

Federal Transit Administration – The Muscogee Creek Nation has received an average of \$905,000 per year over the last three years in federal FTA funding, which places us among the six largest tribal transit programs in the Nation.

* The rural portions of the Muscogee (Creek) Nation are in an economically depressed region. Of the 10 poorest towns in Oklahoma with a population over 2,000 people, 3 of the towns are in the Muscogee (Creek) Nation. Okmulgee, the tribal capital, ranks number 9 of the 10 poorest towns in Oklahoma. McIntosh County is ranked the 5th poorest county in Oklahoma. Many citizens cannot afford the costs of vehicle ownership. There is a great need among this population for rides to work, rides to medical facilities, and rides to stores for food and clothing. The level of need also fluctuates greatly by the time of month and weather conditions.

* The Nation's Transit Department has grown into one of the largest in the United States over the past four years. The Department prides itself on having provided rides for 65,813 passengers during FY2016 for a total of 440,817 passenger miles. Of the 65,813 trips, 7,783 were rides to work, 639 were transporting Veterans to the VA Hospital in Muskogee, and 6,324 were non-Veteran trips to other area medical facilities. Also of note, 43% of the passengers were elderly.