



Muscogee (CREEK) Nation

Executive Office

**Testimony of the Principal Chief James R. Floyd for the House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
American Indian and Alaska Native Public Witness Hearing**

May 9, 2018

Good Afternoon Chairman Calvert, Ranking Member McCollum, and Subcommittee Members. I want to thank each of you for your continued commitment to Indian Country and Tribal programs. The Fiscal Year (FY) 2018 Omnibus provided important increases for the Bureau of Indian Affairs and the Indian Health Service – none of which would have been possible without your leadership. Your continued partnership will be critical to meeting the needs of Tribal governments and communities moving forward.

It is my pleasure to testify before you today regarding the Muscogee (Creek) Nation's appropriations priorities and requests. The Muscogee (Creek) Nation and the United States Congress have a relationship more than 200 years old resulting from the exchange of millions of acres and removal from our southeastern homelands. Today, the Muscogee (Creek) Nation is the fourth largest federally recognized Tribe in the United States with a total population of 85,501 tribal citizens across the United States. As a government, Muscogee (Creek) Nation (MCN) has a responsibility to provide essential government services such as health, public safety, social services, and natural resources management. My testimony today will focus on those programs that are central to the Nation's operation as a local government.

DEPARTMENT OF THE INTERIOR

Prioritize funding increases for public safety. MCN appreciates the additional \$9.5 million that Congress provided for law enforcement and tribal courts in the FY18 Omnibus. However, these funds do not adequately represent the vast lands tribes must police and govern. The National Congress of American Indians (NCAI) estimates that an additional \$636 million is necessary for law enforcement, detention facilities, and tribal courts. Significant investments are necessary, because MCN receives less than one million dollars annually to patrol, police, and protect an area larger than New Jersey. Congress should continue to prioritize investments in law enforcement as tribes work to assert their sovereign authority throughout their jurisdiction.

Continue to invest in Tribal government support programs through base funding. In the FY 18 Omnibus, Congress provided a slight increase to base tribal government program. MCN uses these funds to support a number of central tribal programs, including our administration, self-governance office, and realty department. MCN requests that Congress continue to provide increases and urges

those increases are made through tribal base funding instead of grants. Permitting the Administration to distribute increases through grants erodes Self-Governance and allows the Department of the Interior to set priorities for Tribal governments. Grants also create additional administrative burden and costs that result in less services or citizens.

Provide \$80 million for the Bureau of Indian Affairs (BIA) Welfare Assistance Program. MCN primarily uses BIA Welfare Assistance funds to provide financial assistance for burial services. The funds provided by the BIA do not cover even a third of the amount needed to provide proper burial arrangements for tribal citizens and are limited to the most under resourced in our communities. Even with the small pool of those eligible for services, the federal resources are typically exhausted by the third quarter, so families who lose loved ones after July are left with a greater financial burden than others. Additional funds are needed to properly support and operate these programs.

Increase funding for the Indian Child Welfare Act (ICWA) Program by \$25 million. MCN invests more than \$2 million dollars to provide ICWA services to MCN families and state and county governments. In FY16, MCN's ICWA program provided services to nearly 500 families, worked hard to keep 67% of children removed in Indian homes, and facilitated 38 family reunifications. The work these social workers do on a day-to-day basis is critical to ensuring the safety and well-being of MCN youth and families. Additional, resources are critically needed to increase the number of Indian foster families and homes and to focus on risk prevention earlier in the case process.

Fully invest in the Johnson O'Malley (JOM) Program. The MCN JOM Program provides educational and cultural support to American Indians and Alaska Natives across the Nation's eleven-county jurisdiction. In FY17, MCN provided services to nearly 18,000 students and the need continues to grow due to budget constraints in Oklahoma. The funding has become so limited that MCN provides nearly one-third of the total funding necessary to operate the program. As such, the Nation asks that Congress continue to invest in this program as it provides a critical source of funds to allow students to pursue educational and cultural opportunities within the public school setting.

Support Higher Education Scholarships. MCN has operated the higher education scholarship program on behalf of the federal government for more than twenty years. These funds support MCN tribal citizens attend technical, trade, and traditional post-secondary institutions and provide and educated, experienced workforce from which the Nation can recruit the next generation of employees.

Instruct the Administration to properly support the Office of Self-Governance. The Office of Self Governance is responsible for distributing \$450 million annually to the 271 Tribes participating in Self-Governance and negotiating annual funding agreements among other time intensive statutory requirements. Despite this workload, Indian Affairs currently provides just \$1.5 million on a recurring basis for an office that requires at least \$1.9 million to support a full staff and to meet the needs of new and expanding Tribal programs. We request that the Subcommittee increase the budget line item for OSG staffing or include language that instructs Indian Affairs to internally transfer recurring funding to OSG.

INDIAN HEALTH SERVICE

MCN supports the FY19 Budget Request developed by the Indian Health Service (IHS) Tribal Federal Budget Formulation Workgroup and would like to note the following priorities for MCN as well.

Support additional Joint Venture Program applications and fully fund Staffing Packages. The Muscogee (Creek) Nation has invested more than \$20 million to replace an old IHS facility in Eufaula, OK. This facility is one of the only outpatient facilities for American Indians and Alaska Native patients within 30 miles and is desperately needed as rural health care facilities limit services or close all together. Despite the commitment from the Nation, the President did not request funds to fully support many facilities set to open in just a few months. It is essential that this Subcommittee, just as it did for FY18, continue support Tribal investments in health care delivery and respect our partnership by providing the funding to support staffing packages associated with the Joint Venture Program.

The success of the Joint Venture Program depends on the Service's decision to open a solicitation and approve applications. However, IHS has not reopened the solicitation since 2014 and is now treating applications similar to the failed facilities construction waiting lists. MCN request that the Committee urge IHS to reopen the solicitation regularly so that Tribes can anticipate the solicitation and leverage the opportunity more routinely.

Maintain Contract Support Costs indefinite appropriation. MCN appreciates the hard work and commitment this Subcommittee put forth to fully fund Contract Support Costs (CSC) and to create an indefinite appropriation. Proper funding of CSC allows tribal governments to fully devote the funded appropriated by this Committee to direct medical services while utilizing CSC funds to support administrative and overhead costs. Your continued prioritization of CSC is necessary to protect the underlying funds provided to support services.

MCN also asks that this Committee encourage the IHS to follow the law in its interpretation of the Indian Self-Determination and Education Assistance Act (ISDEAA). This Committee has made it very clear that it is committed to full payment of CSC. However, Tribes have noticed a growing agency trend to interpret ISDEAA so narrowly that it negatively impacts Tribes – flouting their fiduciary responsibility and your partnership with Tribes to resolve a longstanding issue for Tribes.

Continue to provide funding for the Indian Health Care Improvement Fund (IHCIF). The IHS Oklahoma City Area Tribes continue to rank among the lowest level of need funded tribes across the country. Funds provided to through the Indian Health Care Improvement Fund are distributed to those programs and service units that need it the most and, perhaps more importantly, provide recurring and stable funds for all programs. These funds can be used to make systematic changes that benefit program and service unit patients. In an era of limited funding IHCIF provides this Subcommittee to make the largest impact for the most underfunded programs in the IHS System.

Increase funding for Purchased/Referred Care Program. The Purchased/Referred Care (PRC) Program pays for urgent, emergent, and other critical services that are not directly available through IHS and Tribally-operated health programs. MCN uses these funds to secure critical care needed to treat serious injuries, cardiovascular and heart disease, and cancer, among other medical needs. MCN limits referral services to the highest priority cases and contributes significant tribal funding to meet the needs of our citizens. The current strain on PRC programs is not likely lighten as the industry trend

to construct smaller, outpatient ambulatory care centers grows. MCN urges this Committee to continue to support increases to the PRC program.

ENVIRONMENT PROTECTION AGENCY

Increase funding for the Indian General Assistance Program (IGAP). The IGAP provides flexibility for Tribes to leverage environmental programs to best serve their communities. However, funding distributed to Tribes through this program is limited. In 1999, \$110,000 was set as the average cost for a Tribe to sustain a basic environmental program. However, this amount has not kept up with inflation, leaving Tribes with just sixty-seven percent (67%) of the buying power today. An additional \$98 million is needed to close the inflationary gap so that these funds can provide meaningful assistance Tribal communities.

Increase the Tribal set-aside for the Safe Drinking Water State Revolving Fund (SRF) to five percent of the national Drinking Water SRF. Access to basic modern amenities such as running water, sewage, or electricity, are an afterthought for many American citizens, however many AI/ANs do not have the same luxury. According to the U.S. Census Bureau, approximately 12% of Tribal homes do not have safe or basic sanitation facilities, which is twenty times as high as non-Native homes. The lack of access to basic sanitation facilities poses a serious risk to the public health of Tribal communities. The 2008 IHS Sanitary Deficiency Service Database estimated the Tribal water and sewer infrastructure needs at almost \$2.4 billion, while the Tribal set-aside under the Safe Drinking Water SRF was funded at \$27 million nationally in 2010. Therefore, MCN asks that the Subcommittee increase the Tribal set-aside to provide additional opportunities to build necessary infrastructure to support safe drinking water and to require all agencies with similar funding to coordinate, with IHS as the lead agency, to ensure that AI/ANs have access safe water. MCN Further recommends that the Committee encourage IHS to initiate and complete Tribal consultation on the distribution of these funds, because recent agency action is redirecting funds away from areas like Oklahoma.

In its history, this Committee has consistently supported Tribal sovereignty and respected the unique government-to-government relationship Tribes have with Congress. Thank you for the opportunity to provide the Nation's funding priorities for FY19. I look forward to working with Committee as the appropriations process progresses.