

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

February 12, 2020

Good Afternoon Chairwoman McCollum, Ranking Member Joyce, and Subcommittee Members. It is my pleasure, during my first trip to Washington, DC as Principal Chief, to testify on behalf of the Muscogee (Creek) Nation. This Committee and its members play a crucial role in upholding the United States' Trust Responsibility and holding Executive agencies accountable in the government-to-government relationship.

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 with nearly 90,000 tribal citizens across the Nation. Building on Mvskoke cultural and traditional lifeways, our modern government assumes responsibility to provide essential services such as health, public safety, social services, and natural resources management. Collectively, these efforts support and protect our citizens, bolster our historic institutions, and protect Mvskoke traditions.

First, I want to thank the hard work and leadership of this committee to honor our historical relationship with the United States through continued support for Advance Appropriations. Without your commitment to this initiative, tribal governments will continue to face difficult decisions between filling short-term lapses in government funding and long-term investments for ongoing, critically needed services across our communities. I hope that both Chambers can come to agreement and pass Advance Appropriations soon to prevent future instability in federal funding owed to tribal nations.

DEPARTMENT OF THE INTERIOR

Second, I want to raise issues and opportunities related to the funding provided under the Department of the Interior, including the Bureau of Indian Affairs and the National Park Service.

The Nation takes seriously our responsibility to provide stability within the reservation for all citizens. That is why Muscogee (Creek) Nation invests more than 5 million dollars annually to support policing and patrol activities and fund investigative and special operations divisions. The MCN Lighthorse Police Department offers resources and technical capacity that are leveraged by local, county, state, and federal law enforcement agencies to support regional drug enforcement anti-trafficking, patrolling, and inter-agency investigations alike. Our investment is seven times the funding available on a recurring basis from the BIA and our police officers work tirelessly to maximize the little funding we do receive. I hope this Committee will consider making additional recurring investments in tribal policing and investigation funding.

Inter-agency cooperation will remain critically important as we work under your leadership to encourage the Senate to pass the Violence Against Women's Reauthorization Act that had bipartisan support in this Chamber. This legislation and ongoing efforts to support Missing and

Murdered Indigenous Women initiatives are crucial to protecting our most important resource – our citizens.

The Nation makes every effort to support and assist citizens during their most difficult times. MCN provides tribal funding to citizens who experience natural disasters, high energy costs, and loss of employment. We also leverage funds from the BIA Welfare Assistance Program to support citizens and their families during the loss of loved ones. However, funding available for burial services remains wholly inadequate. The BIA funds do not cover a third of the amount needed for a proper burial and, to make matters worse, the BIA funds do not last the entire fiscal year. This leaves the Nation with no choice but to further subsidize federal funding. I ask that the Committee fully fund the Welfare Assistance Program and encourage the agency to update the 1990s regulation to reflect tribal operations in the 21st century.

MCN provides resources for citizens at all points in their lives, including those whose families are not well positioned to appropriately support children. In Fiscal Year 2020, MCN is investing more than \$2 million dollars to provide ICWA services to MCN families and state and county governments. In FY19, our ICWA program provided services to more than 500 families and nearly 2000 Indian Children. 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.

Not only does the Nation support youth at home, we work collaboratively with local public school districts to encourage Native youth at school. The MCN JOM Program provides educational and cultural support to American Indians and Alaska Natives across the Nation's eleven-county jurisdiction. In FY18, MCN provided services to more than 17,000 students in 45 school districts. However, the need for support services 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.

Though citizens' needs are a top priority for me, I am equally committed to protecting our natural resources, existing lands, and sacred sites. MCN leverages funding provided through the National Park Service to protect sacred sites across the Nation. We appreciate the increase that this Committee supported in Fiscal Year 2020 and hope future investments are possible to continue this important work. Further, I hope this committee will consider the critical role Tribal Historic Preservation Offices play and encourage the agency to suspend or conclude funding to those Offices that fail to adequately protect sacred tribal sites.

Protecting existing property and ownership for citizens is paramount for families and cultural activities. Though MCN realty services continue to thrive, the need for funding continues to be a barrier, particularly for probate wills. In Eastern Oklahoma, probate courts maintain supervision over the distribution of a decedent's estate throughout the entire probate process. Due to this requirement, The Nation is required to pay the court fees associated with all probate decrees. The implementation of the Tribal Asset and Accounting Management System has been helpful for

both Tribes and the BIA. In order to maintain the present level of management additional one time funding is required to continue the support of this system. We ask that you consider the budgetary cost of these procedural processes and the need for system maintenance in developing the next fiscal budget.

INDIAN HEALTH SERVICE

MCN supports the FY2021 Budget Request developed by the Indian Health Service (IHS) Tribal Federal Budget Formulation Workgroup. In addition to their testimony, MCN would like to include the following priorities for the Nation.

Our health care facilities provide a significant service in rural Oklahoma, as they are often the only outpatient facilities for tribal citizens for miles and other rural health care facilities have limited services or are closing all together. MCN is working to systematically replace old, outdated facilities to meet the modern health care needs. We recently invested more than \$70 million to replace decades old IHS facilities in Eufaula and Okemah, Oklahoma – two of the most impoverished counties within our reservation. It is essential that this Subcommittee continue supporting Tribal investments in health care delivery and respect our partnership by encouraging IHS to regularly advertise the Joint Venture Construction Program Applications. While IHS opened up the program for applications in 2019, only five of the 43 applications are expected to be awarded, due to expected Appropriations caps. As it stands, the program is small and highly competitive; MCN requests that the Committee urge IHS to reopen the solicitation on a regular and frequent basis so that Tribes can address higher priority projects.

The other source of funding for physical asset support is 105(l) leases and Tribes are quickly learning to leverage the opportunity. Courts have determined that these are mandatory payments and IHS has obliged Tribes through lease negotiations and payments using unspent and unallocated funds in Fiscal Years 2018 and 2019. However, this is not a sustainable method for the Agency to meet its obligations, because it erodes investments this Committee has made to better fund health care operations overall. The lack of a specific funding source or separate appropriation for this requirement is problematic when considering expected future needs and competition among other funding priorities. Therefore, the Muscogee (Creek) Nation asks that the Committee to consider this dilemma when drafting the FY 2021 budget by identifying additional funding and providing it to Tribes through a separate permanent line item specifically for 105(l) lease costs.

Another area the MCN expects to see significant growth and need, is in the Electronic Health Records Modernization Project. Muscogee (Creek) Nation appreciates the \$8 million investment for the Project, but anticipates the full cost of the project to grow significantly by FY2021. We support this effort and ask that the Committee consider the requested developed by IHS and the Department of Health and Human Services in the final version of the FY21 appropriations.

There are two other funding items that MCN wants to highlight which specifically impact the direct and indirect delivery of care to MCN patients – the Indian Health Care Improvement Fund (IHCIF) and funding for the Purchased/Referred Care (PRC) Program. 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 Committee an opportunity to make the largest impact for the most underfunded programs in the IHS System. The Nation asks that this Committee also make significant investments in the Fund to better align funding levels across the United States.

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 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.

ENVIRONMENTAL PROTECTION AGENCY

Supporting the health of MCN citizens goes beyond the work we do in clinics and hospitals. It includes improving the environment and cleaning up those areas where unintentional injuries and disease transmission are curable. Funding distributed to Tribes through the Indian General Assistance Program (IGAP) remains severely limited. EPA set \$110,000 as the average cost for a Tribe to sustain a basic environmental program in 1999. 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.

Additional funding is also needed to improve access to safe drinking water. The lack of access to basic sanitation facilities poses a serious risk to the public health of Tribal communities. Therefore, MCN asks that the Committee increase the Tribal set-aside for the Safe Drinking Water State Revolving Fund (SRF) to provide additional opportunities to build necessary infrastructure to support safe drinking water and to require all agencies with similar funding to coordinate to ensure that citizens have access safe water. MCN Further recommends that the Committee encourage IHS to complete Tribal consultation on the distribution of these funds, because recent agency action is redirecting funds away from 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 Muscogee (Creek) Nation's funding priorities for FY 2021. I look forward to working with this Committee as the appropriations process moves forward.