

MUSCOGEE (CREEK) NATION

Written Testimony of the Muscogee (Creek) Nation
For the U.S. House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
American Indian and Alaska Native Public Witness Days.
May 7th, 2024

On behalf of the Muscogee (Creek) Nation (MCN), thank you for the opportunity to provide testimony at the U.S. House Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies concerning appropriations over the Department of Interior (DOI), Indian Health Service (IHS), and the Environmental Protection Agency (EPA). Affording tribal nations the platform to share feedback and suggestions for improvement over the annual fiscal year appropriations cycle is crucial to improving and reshaping federal budget strategies to best serve tribal nations and uphold treaty rights. As the 4th largest federally recognized tribe in the United States, with a reservation spanning nearly 5,000 square miles and divided into eight districts corresponding with the counties of Creek, McIntosh, Muskogee, Okfuskee, Okmulgee, and portions of Wagoner, Tulsa, Rogers, Hughes, Seminole, and Mayes, MCN represents the interests of over 100,000 enrolled citizens and thousands of other Native Americans who reside within our reservation boundaries.

The funding requests and recommendation provided in this testimony are grounded in our commitment to tribal sovereignty and our government-to-government relationship with the U.S. Federal Government that has deep rooted financial obligations, guaranteed in treaties and agreements entered into with MCN. It is our intention that MCN's testimony can serve as a starting point for improved dialogue and partnership between Congress and tribal nations.

Recently, Congress and the current Administration have made strides towards improving funding avenues, for tribal nations; the FY 2025 Budget Request represents the most forward-thinking presidential budget and policy proposal for tribal programs to date. However, a substantial funding-gap still exists for Native American programs at DOI, IHS and the EPA, and there is ample amount of work to be done to fulfill the federal government's treaty obligations. Accordingly, MCN urges the House Committee on Appropriations to improve how funding levels are determined, delivered to their respected agency, and classified. Actions like these will reaffirm Congress' commitment to Tribal Self-Governance and support strong Tribal governments, economies, and communities by enacting measures that address the structural deficiencies across the Federal system.

I. DEPARTMENT OF INTERIOR – BUREAU OF INDIAN AFFAIRS (BIA)

The BIA is one of the primary agencies responsible for providing services throughout Indian Country, either directly or through compacts or contracts, the operation of these programs and services is essential for the health, safety, and social and economic well-being of MCN and surrounding Native communities. Unfortunately, chronic underfunding of tribal programs has perpetuated systemic issues in Indian Country that could be reduced or eliminated by increasing funding for tribal programs to meet treaty and trust obligations.

The following subsections provide a select number of the recommendations from the Muscogee (Creek) Nation for specific program areas:

A. PUBLIC SAFETY & JUSTICE

After *McGirt* (2020), MCN experienced unprecedented growth in criminal and civil jurisdiction which led to a rapid expansion of our court systems, law enforcement (LHP), and detention services. MCN has received increases in funding to address law enforcement needs; however, the appropriated levels are inadequate and fall short on treaty obligations because for LHP to operate at full capacity the program would need to receive an annual funding allocation of \$12 million. Therefore, MCN would like the committee to consider increasing the yearly amounts appropriated for these services.

Additionally, funding for detention services should be increased because of the sizeable costs associated with building and maintaining the infrastructure and operations of a detainment center. In FY24, MCN received \$7,953,098 for detention services and we would request this figure become the baseline amount funded annually by congress, subject to increases to meet demonstrated need.

B. EDUCATION

Indian Education programs are historically funded at lower levels compared to their local state, and federal counterparts; despite education being a key determinant in fiscal mobility and childhood development. MCN would request that the House Committee on Appropriations increase the baseline funding amount appropriated to educational activities and programming,

Specifically, MCN would like to implore congress to increase the per-student amount of funding Johnson O'Malley (JOM) programs receive. Currently, MCN's JOM program receives a rate of \$60 per student, but for this figure to be representative of the true cost and competitive the amount would need to be raised to \$200 per student—this increased rate would lower the existing gap between JOM and Title VII funding which receive student rates of over \$175.

II. INDIAN HEALTH SERVICE

The Muscogee (Creek) Nation strongly urges Congress to re-classify appropriations made to IHS as mandatory spending and establish a complimentary mechanism to automatically adjust spending to keep pace with population growth, inflation, and healthcare costs. Moving IHS funds to mandatory funding would ensure that the appropriations Congress provides for Indian healthcare can be used efficiently and strategically by MCN to best serve our community.

At MCN our Department of Health has a proven track record of utilizing IHS funding to operate community hospitals, a long-term acute care facility, and physical rehabilitation centers that serve both tribal citizens and the general public. We currently lead the Nation in tribally offered healthcare solutions, uplifting both rural and urban, native and non-native communities alike. However, this work can be advanced by increasing funding to meet treaty obligations and by reclassifying funds as mandatory spending.

Until such time that IHS is provided mandatory direct appropriations, advance appropriations for the IHS are consistent with the trust and treaty obligations reaffirmed by the United States in the Indian Health Care Improvement Act

III. ENVIRONMENTAL PROTECTION AGENCY

As place-based peoples, the Muscogee (Creek) Nation has sacred histories and maintain cultural practices that tie the tribe to their current land bases and ancestral territories. As a result, tribal peoples directly, and often disproportionately, suffer from the impacts of environmental degradation. This is why the MCN recommends the House Committee of Appropriations explore creative ways to increase fiscal and infrastructural support for climate resiliency initiatives and clean energy expansion.

Additionally, MCN would recommends an increase in appropriations to the EPA Tribal General Assistance Program.