



NCA 23-054

CLASSIFICATION: #35. SOCIAL SERVICES/PUBLIC ASSISTANCE/DONATIONS

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 35 CHAPTER 13 ENTITLED “TRIBAL BURIAL ASSISTANCE AND FOOD FOR FUNERAL ASSISTANCE PROGRAM” AND AUTHORIZING THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS RECEIVED FROM THE UNITED STATES DEPARTMENT OF THE TREASURY FOR THE FISCAL RELIEF FUNDING FOR BURIAL ASSISTANCE

Be it enacted by the National Council of the Muscogee (Creek) Nation:

SECTION ONE. FINDINGS. The National Council finds that:

A. The Muscogee (Creek) Nation has received federal funds in the amount of Four Hundred Twenty-Four Million, Three Hundred Fifty-One Thousand, Sixty-Eight and 50/100 Dollars (\$424,351,068.50) from the American Rescue Plan Act (“ARPA”) to assist with the myriad of issues regarding the COVID-19 pandemic and its negative health and economic impacts.

B. The Final Rule outlines several enumerated eligible uses to provide assistance to households or populations due to COVID-19, including emergency assistance for burials.

C. The negative health and economic hardships of COVID-19 pandemic have resulted in need to increase the amount of funding citizens are eligible to receive from the Burial Assistance and Food for Funeral Assistance Program due to the following:

1. Rising costs/Inflation – All citizens are eligible for assistance, regardless of where they reside and prices vary from state to state;
2. Cremation – Citizens are opting for cremation to ensure their family members do not incur debt. Cremation is not considered traditional for Muscogee people;
3. Desire to maintain four-day traditional burial – Some funeral homes will not work with our citizens regarding payment and delay services, which prevents families from burying their loved ones on the fourth day; and
4. All citizens have the right to a proper burial where the healing of the family is more important than the enormous cost of a funeral.

SECTION TWO. AMENDMENT. This amendment shall be codified in Title 35, Chapter 13, of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said amendment and its inclusion in pocket parts of the Code

of Laws of the Muscogee (Creek) Nation, the Attorney General is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

SECTION THREE. AMENDMENT. MCNCA Title 35 § 13-103 is hereby amended to read as follows:

§ 13-103. Policy. It shall be the policy of the Muscogee (Creek) Nation to assist all eligible applicants with the Tribal Burial and Food for Funeral Assistance Program. Assistance provided shall alleviate some of the funeral costs and/or vaults or burial plots up to ~~Four Thousand, Five Hundred and No/100 Dollars (\$4,500.00)~~ **Seven Thousand and No/100 Dollars (\$7,000.00)**. Applicants that receive funding from BIA Burial Assistance Program, first, shall be eligible to receive funding from the Tribal Burial Assistance Program as long as the total from both programs doesn't exceed ~~Four Thousand, Five Hundred and No/Dollars~~ **Seven Thousand and No/100 Dollars (\$7,000.00)**. In the event the funeral cost is less than ~~Four Thousand, Five Hundred and No/Dollars~~ **Seven Thousand and No/100 Dollars (\$7,000.00)**, the funeral home shall receive the actual cost. Food for Funeral shall also be provided to the family of the deceased with ~~Five Hundred and No/100 Dollars (\$500.00)~~ **Seven Hundred Fifty and No/100 Dollars (\$750.00)** to be used towards food for wake service and/or other related dinners associated with a funeral.

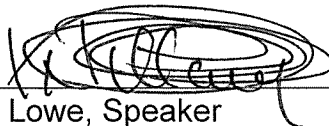
SECTION FOUR. FUNDING. To ensure all citizens receive Seven Thousand and No/100 Dollars (\$7,000.00) for burial assistance and Seven Hundred Fifty and No/100 Dollars (\$750.00) for food for funeral assistance. One Million, Two Hundred Seventy-Five Thousand and No/100 Dollars (\$1,275,000.00) from the American Rescue Plan Act ("ARPA") funding shall be added as a funding source for fiscal years 2024, 2025 and 2026.

SECTION FIVE. AUTHORIZATION. The National Council hereby authorizes the Principal Chief or his designee to expend Three Million, Eight Hundred Twenty-Five Thousand and No/100 Dollars (\$3,825,000.00), being disbursed for fiscal years 2024, 2025 and 2026 for the Burial Assistance Program, consistent with the approved American Rescue Plan Act (ARPA) Fiscal Recovery Funding terms and conditions, regulations and guidance.

SECTION SIX. EFFECTIVE DATE. This Act shall become effective October 1, 2023 upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

ENACTED by the Muscogee (Creek) National Council on this 29th day of July, 2023.

IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



William Lowe, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

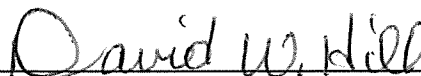
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Fifteen** members attending this meeting on the **29th** day of **July, 2023** and that the above is in conformity with the provisions therein adopted by a vote of **14** in favor, **0** against and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



Alicia Stroble, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 1st day of August, **2023** to the above Law, **NCA 23-054** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



David W. Hill, Principal Chief
Muscogee (Creek) Nation

