

Written Testimony of Frank Star Comes Out, President of the Oglala Sioux Tribe
“American Indian and Alaska Native Public Witness Days”
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
May 7, 2024

Recommendations:

1. Reset our base funding for Law Enforcement and fully fund our Law Enforcement.
2. Provide \$124.3 million for Welfare Assistance and \$148 million for Social Services (both through Bureau of Indian Affairs (BIA) accounts).
3. Provide \$46.2 million to BIA for ICWA implementation and child protection services.
4. Provide BIA with not less than \$45 million for a new roads improvement program.
5. Provide \$1.1 billion for the BIA Housing Improvement Program.
6. Provide BIA with \$5 million to establish a program for replacing tower infrastructure.
7. Provide \$53.9 billion to the Indian Health Service (IHS) for FY 2025 and provide advance appropriations for FY 2026.
Including: \$4.86 billion for the IHS Alcohol & Substance Abuse Disorder account
Including: \$2.54 billion for the Healthcare Facilities Construction account
8. Provide \$8.5 million for the Native Language Immersion Program within the Bureau of Indian Education (BIE).
9. Provide \$951.1 million for Indian Student Equalization Program (ISEP) funding and increase teacher pay at BIE-funded schools.
10. Expand Impact Aid to include tribal schools.
11. Provide \$25 million to complete the Mni Wiconi Project for regional clean drinking water.
12. Provide \$14.5 million for the Water Management, Planning and Pre-Development Program.
13. Establish a 5% tribal set-aside within the National Safe Drinking Water and Clean Water Act Revolving Funds.
14. Provide at least \$8 million for the BIA Endangered Species Program.
15. Provide \$8 million for the BIA Environmental Quality Program.
16. Review and revise existing legal authorities and direct \$12 million funding and resources from the Land and Water Conservation Fund to support tribal co-management of public lands and establish an office in BIA.
17. Provide \$205.2 million for the BIA Human Services account to support Tiwahe Initiative.
18. Change approach to funding Indian Country to provide continuous funding of programs.
19. Fully fund all accounts identified as Tribal Priority Allocations.
20. Provide funding directly to our Tribe across all accounts.
21. Prioritize the allocation of funding based on demonstrated need.
22. Provide funding for tribal consultation services.

Introduction. The Oglala Sioux Tribe is a member of the Oceti Sakowin (Seven Council Fires, known as the Great Sioux Nation). The chronic underfunding of Indian Country programs has taken an enormous toll on our Tribe and our citizens. The Fort Laramie Treaties of 1851 and 1868 cemented the United States’ obligations to the Oglala Sioux Tribe, and we look to you to fulfill those obligations through the federal budget process. We look forward to working with this Subcommittee to ensure full and adequate funding for programs that serve Tribal Nations and Native people. Any cuts to such programs would be devastating given the historic severe underfunding of such programs.

Public Safety Crisis. Our Tribe is in the midst of a dire public safety and law enforcement crisis. *The Tribe wholeheartedly supports and incorporates by reference the testimony and public safety recommendations submitted by our Tribe's Acting Chief of Police.* We implore this Subcommittee to reset our base funding for law enforcement and fully fund our law enforcement so we have the resources necessary to adequately combat the high tide of crime, violence, and drug trafficking currently plaguing our Reservation. We need a surge of equipped police officers immediately. Our public safety situation is untenable, and it is affecting the daily life of our Reservation residents.

Health Care: IHS Funding. The health care of our members is of paramount importance. We were thrilled that for FY 2024 and FY 2025 Congress provided advance appropriations for the IHS. This is substantial but incomplete progress. The IHS Tribal Budget Workgroup estimated the FY 2024 need for full funding of IHS at more than \$51 billion; the FY 2024 enacted budget provided \$7 billion. We ask Congress to ensure that the IHS is fully funded. Further, the passage of advance appropriations must happen annually and appropriators must hold harmless all Indian Country accounts, not use them to offset the following year's advance appropriations. We urge this Subcommittee to commit to true advance appropriations for IHS; fully fund Indian Country's health care needs by simultaneously fully funding FY 2025 and FY 2026; holding future years' IHS accounts harmless; and supporting mandatory funding for the IHS. Advance appropriations for IHS insulate tribal patients from the volatile politics of the Federal Government, provide job and program security, and contribute to greater continuity of care. IHS appropriations should also include funding to improve and construct IHS facilities and to provide staff quarters for qualified staff to combat our chronic issues of recruitment and retention of talented health care personnel.

Roads. Federal funding for tribal roads is absolutely essential, but funding for the BIA Road Maintenance program has been chronically below the level of demonstrated need. In FY 2021, for example, the BIA received funding at *only 12%* of documented need. This would not even cover roads needs in the Great Plains Region alone. In addition, targeted action must be taken to address the dire need for roads and bridge maintenance projects in the Great Plains Region. Congress should create a new BIA roads maintenance account that targets backlogged road and bridge projects and prioritize them by taking each Tribal Nation's mile inventory, geographic size, and location (for weather conditions) into account. We also need adequate funding for heavy equipment needs, especially in light of our harsh winter conditions.

Education. We urge this Subcommittee to continue its investment in Native language and culture revitalization. Congress must provide adequate funding to BIE-funded schools so teachers and school staff can be compensated at competitive salaries. We ask Congress to increase ISEP funding to provide funding parity between BIE-funded schools and public schools. In addition, we need Congress to expand Impact Aid to include BIE-funded schools to provide much-needed revenue for these schools. Significantly, we ask this Subcommittee for adequate funding for school resource officers in all of our BIE-funded schools, particularly in light of our public safety crisis. We need to focus on school safety issues. *The Tribe wholeheartedly supports and incorporates by reference the testimony of the Oglala Lakota Nation Education Consortium on these and other matters.*

Housing. Housing is a necessary pillar of our citizens' health and welfare, and we need resources to address our acute housing crisis. Our unmet need is at levels of 4,000 new housing units and 1,000 housing repairs. Our existing homes are overcrowded, in disrepair, and are unsafe. These conditions are an affront to human dignity that must be alleviated. The Housing Improvement Program should be expanded to reach more families who live in substandard housing

and help those families become homeowners. We also need adequate funding to accompany our ability to build apartments for professional living quarters. One reason we cannot attract health, law enforcement, and other professionals to work for us for extended periods is because there are no available local residences for them.

Social Services and Child Protection Services. The average Oglala Tribal citizen must contend with high rates of infant mortality, chronic illness, intergenerational trauma, appalling high-school drop-out rates, limited to nonexistent economic development, high unemployment, and limited recreational outlets, among other challenges. BIA social services programs are, therefore, essential to meeting our citizens' well-being needs and integral to improving public safety. We need social services resources necessary to aid families dealing with the results of crime and violence, homelessness, domestic abuse, substance abuse, and food insecurity. Our Child Protection Services and ICWA programs need increased resources to provide child and family services on our Reservation, and our Emergency Youth Shelter Program is operating with just a fraction of the resources it needs. We urge this Subcommittee to appropriate funding to meet the President Biden's requests for the Tiwahe initiative (Human Services-BIA). Particularly, we support the President's additional requested funding so that the four new sites (of which we are one) can gain funding parity with the other Tiwahe sites.

Addiction Services. Our community members experience increased vulnerability to certain adverse life experiences, which can result in susceptibility to drug use. The Great Plains Region has been devastated by an epidemic of drug addiction. We have been the unwitting victims of a drug trafficking effort that originates outside of our reservations, but which specifically targets our citizens. We desperately need resources to treat our people in our communities. We need funding that guarantees detox and inpatient rehabilitation beds for every single individual who needs these services.

Tribal Co-Management of Lands. Tribes must be part of the management of public spaces and resources, such as lands under federal control in our sacred Ĥe Sápa Black Hills. We urge this Subcommittee to provide funding to support tribal co-management of these lands. Just as federal land management agencies need funding to support the management of these spaces, so too do we. We also request funding for the BIA Endangered Species Program which provides Tribes resources to protect wildlife on Tribal lands through natural resources restoration and management, and the President's funding request for the Indian Land Consolidation Program.

BIA Towers. We need funding to replace aging BIA tower infrastructure and to construct new towers as necessary to service schools, law enforcement, and other communication needs across the Pine Ridge Reservation.

Clean Water: Mni Wiconi Project. We need funding to finally complete the congressionally authorized Mni Wiconi Project. (Pub. L. 100-516). The Project provides potable water from the Missouri River to three reservations and the West River/Lyman-Jones Water District. Yet, we still need approximately \$25 million to upgrade 19 existing systems on our Reservation and transfer them into the Mni Wiconi Project. Once transferred, they will be operated and maintained pursuant to statutorily authorized funding. In the near term, we are focused on six community upgrade projects with a total cost of approximately \$10.39 million. We ask Congress to provide increases in EPA's Revolving Funds and IHS's Sanitation Facilities Construction accounts for this purpose. Congress should also establish 5% tribal set-asides for the National Safe Drinking Water Revolving Fund and for the National Clean Water Act Revolving Fund.

Waste Water Needs. We need funding to rehabilitate and, in certain instances, replace our aging and overstressed lagoon system. We are focused on six lagoons at present with a total cost

of more than \$62 million. A prioritized project among them is Sharps Corner with costs of approximately \$7.6 million. We ask the Subcommittee to fund the BIA Environmental Quality Program and EPA's Solid Waste Program at adequate levels to ensure funding is available and directed to meet our waste water needs. We also need to undertake further investigation of the health of our local ground and surface water sources and secure funding for their restoration.

Repatriation Activities. Our Tribe appreciates the new NAGPRA regulations and the increased activity on repatriation efforts. Repatriating our items of cultural patrimony is very important to our Tribe and we try in earnest to make sure our items and relatives are rightfully brought home. However, we lack adequate resources for these activities and the necessary associated travel. We ask Congress to adequately fund accounts for grants, such through the National Park Service's National NAGPRA Office or a new grant program, for under-resourced Tribes like ours to use to carry out repatriation activities.

General Recommendations: Reform Indian Country Funding Model. Rather than providing long-range funding for our programs, Congress funds Indian Country year to year. Under this funding model it is difficult to provide continuity of government, employment, social services, education, law enforcement, or any other service. Our employees leave and our programs have to plan for status quo or worse, triaging against the fear of program cuts and funding gaps caused by delayed, inconsistent, and piecemeal funding. We need continual, long-range planned funding.

Fully Fund All Tribal Priority Allocations. We urge this Subcommittee to fully fund all Tribal Priority Allocations (TPAs) identified by the Department of the Interior. These should not be the only items that receive full funding, but funding these priority needs is a strong place to start addressing generations of unmet needs.

Provide Direct Funding to our Tribe. We also ask that this Subcommittee provide funding directly to our Tribe across all accounts under its jurisdiction. When allocations must pass through State or Federal entities before ever reaching Tribes, this funding is carved up as each office along the way takes its cut. These may seem like small amounts in the grand scheme of Federal Government spending, but these carve-outs mean less resources on the ground for our Tribe. This undercuts Congress's intent in appropriating money for these programs, and prevents funds from reaching our Tribal members in need. Providing federal funding to us directly is a more efficient use of federal dollars and honors the advancement of Tribal sovereignty.

Adopt Needs-Based Funding Methodologies. We urge this Subcommittee to require the Department of the Interior to adopt needs-based funding methodologies. Needs-based funding makes better use of federal resources and respects the diverse needs of Tribal Nations.

Compensate Us for Consultation Work. Finally, we ask Congress to provide funding for tribal consultation activities. At present, Tribes, like ours, are typically confronted with a choice between consulting without compensation or not consulting at all. The consultation input of Tribal Leaders is work that merits compensation. Inevitably, Tribes provide valuable input to the Federal Government to improve their programs and regulations. Still, the Federal Government asks us to work for free to ensure that our sacred sites and resources are protected and that our interests in health care, criminal justice, education, and other issues are properly represented. Of course, we will continue to consult to safeguard our people and way of life, but for Tribes like ours it imposes a heavy financial burden. We ask you to create a pot of monies dedicated to Tribes of a certain financial profile for travel expenses to participate in consultation sessions.