

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
February 25, 2025

Recommendations:

1. Reset our base funding for Law Enforcement and fully fund our Law Enforcement at the level of need identified in the Tribal Law and Order Act reports.
2. Provide \$63 billion to the Indian Health Service (IHS) for FY 2026 and provide advance appropriations for FY 2027.
Including: \$3.96 billion for the IHS Alcohol & Substance Abuse Disorder account
Including: \$1.57 billion for the Healthcare Facilities Construction account
3. Consistent with the United States’ treaty and trust responsibilities, exempt all Tribal programs and funding designated for serving Indian Country from funding and staffing cuts, including programs offered by BIA, BIE, IHS, and all tribal offices for all agencies.
4. Change approach to funding Indian Country to provide continuous funding of programs.
5. Fully fund all accounts identified as Tribal Priority Allocations.
6. Provide funding directly to our Tribe across all accounts.
7. Prioritize the allocation of funding based on demonstrated need.

Introduction. The Oglala Sioux Tribe is a member of the Oceti Sakowin (Seven Council Fires, known as the Great Sioux Nation). Our Reservation is roughly the size of Connecticut and very remote. It takes almost 2 hours to drive from Pine Ridge to Wanblee in the NE corner of our Reservation. We have more than 54,000 tribal members. 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, including cuts to staff, would be devastating given the historic severe underfunding of such programs.

Our Public Safety Crisis. As we have been advising you for some time, our Tribe is in the midst of a public safety and law enforcement crisis. This crisis stems, in large part, from the improper law enforcement base funding the BIA has provided to us and other large land-based Tribes and from its unwillingness to assign us an accurate service population. *We implore this Subcommittee to reset that base and that service population and start fully funding this essential governmental service at the level which the BIA already admits is necessary.* Our people should not have to wait over an hour for an emergency 911 call to be answered, or not have it answered at all. Additionally, our schools need to be made safe again. In fact, it has stayed so bad that non-Indian schools continue to be scared of Pine Ridge, and some remain unwilling to even come to our Reservation for sports tournaments for fear of violence and a lack of law enforcement. The number of weapons taken from our schools each year is terrifying.

As we have also advised in past testimony, the least expensive part of our law enforcement budget is salaries. The largest percentage has to be expended for replacing or repairing federally mandated equipment, and for mandatory operating costs like gas, tires, employee tax contributions

and insurance. It is that annual inflation that kills our budget and has left us with fewer officers, even when the dollar amount of our contract has increased. We need a surge in law enforcement funding, and that surge needs to be larger than the annual inflation we have no control over. BIA admits that we are currently funded at 15% of actual need. That is 15% of need before inflation! That has to stop, it has been going on for over ten years. We itemized the inflationary costs we actually incur in our last two testimonies to this Subcommittee. Every item on that list has to be purchased from the private sector at whatever the private sector chooses to charge all its buyers. Finally, on the service population numbers, I want to emphasize again that it is the phone company and FCC who determine which police calls go to our Oglala law enforcement, not the Congress or the Tribe. Thus, our service population includes everyone on our reservation on a given day.

Public Safety Corollary Needs: Tribal Courts, Detention Centers, Domestic Violence

The increase in our on-Reservation crime has had, and is still having, a direct and very negative impact on our tribal courts, our tribal detention programs, and on our victims' services, all of which need to work in tandem. Thus, they need a comparable increase if we are going to make a dent in this crisis. For our Tribal courts, we request an additional \$2,000,000 to compensate staff and fund our tribal court in Kyle, SD. In FY2024, our tribal court had a backlog over 6,000 cases. Additionally, because appeals are mandated by law, we are also asking for a minimum increase of \$2 million for our Supreme Court and its related costs. Finally, we request an additional increase of \$1.7 million for the additional staff and a case-management systems needed by our Attorney General's Office (our prosecutors) and an additional \$2,000,000 for the additional staff, equipment, and beds for the three federal detention facilities we operate and the over 2,700 inmates we house today. Lastly, we need an increase of \$500,000 for our Domestic Violence Initiative to be able to provide the additional staff, safe houses, and costs we incur.

Health Care: IHS Funding. The health care of our members is of paramount importance. The National Tribal Budget Formulation Workgroup's Request for the Indian Health Service (IHS) for FY2026 is \$63.04 billion; the FY 2023 enacted budget provided \$7.105 billion. We ask Congress to ensure that the IHS is fully funded. The IHS needs adequate funding to recruit and retain healthcare providers and administrators to serve our Reservation, including the need to re-establish specialty care services for our people, rather than forcing them to travel off our Reservation to Rapid City or elsewhere for treatment that should be available closer to home. We also need a surge of resources for mental and behavioral health services on our Reservation, including residential treatment. Due to the exceptionally high rates of suicide among our youth, for example, our Tribe has had to declare multiple states of emergency concerning suicides on the Pine Ridge Reservation.

We also thank you for the advance appropriations for IHS. These advance appropriations, however, 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 fully funding FY 2026; hold future years' IHS accounts harmless; and support mandatory funding for the IHS, all of which will contribute to greater continuity of care. We also need to make sure that payment for the IHS's legal obligations, such as contract support costs, are not paid for at the expense of other tribal programs. 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. Finally, we stress that federal caselaw demonstrates the United States owes a treaty-based duty to our Tribe, as one of the signatory tribes to the 1868 Fort Laramie Treaty, to provide our members with competent healthcare services. *See Rosebud Sioux Tribe v. United States*, 450 F. Supp. 3d 986, 1005 (D.S.D. 2020) (The United States owes a “duty to the Tribe under the 1868 Treaty of Fort Laramie expressed in treaty language as furnishing ‘to the Indians the physician[,]’ [which] requires [the United States] to provide competent physician-led health care to the Tribe’s members.”).

Social Services, Child Protective Services (CPS), ICWA Programs, Emergency Youth Centers. The average Oglala Tribal citizen must contend with high rates of infant mortality, chronic illness, intergenerational trauma, appalling high-school drop-out rates, limited 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. To meet these needs, we urge this Subcommittee to increase funding for our CPS and ICWA programs. We need an additional \$1 million in funding to meet the growing demand for our ICWA programs’ services. Our ICWA programs have received 5,360 inquiries of possible Oglala Lakota native ancestry from child welfare departments across the United States. Currently, we have four caseworkers to handle approximately 1,500 cases, which simply is not feasible to handle this caseload. We also need this funding to assist with kinship, paid placements and foster care placements. Moreover, we need \$5 million in additional funding for our CPS programs to cover the costs of hiring additional caseworkers, payments to emergency placements with a culturally appropriate residential treatment facility, and parent training. We need \$500,000 in additional funding for our Emergency Youth Shelter, which serves over 76 youth each year.

We also urge this Subcommittee to increase funding for our General Assistance (GA) program, which provides funding to qualified individuals within our Tribal membership to assist with meeting their most essential needs—food, shelter, clothing, and utilities. This program is generally the last line of defense for those with the greatest need in our community. We also urge this Subcommittee to appropriate funding to expand services for the Tiwahe initiative (Human Services-BIA) for current Tiwahe sites, such as our Tribe’s site. Finally, we urge this Subcommittee to appropriate an additional \$500,000 for BIA’s Burial Assistance Program. This program provides up to \$3,500 for each funeral we have on our Reservation. In FY 2024, however, we had 199 deaths on Pine Ridge Reservation and the program provided only enough funding to cover 34 funerals. For the first quarter of FY 2025 we have already had 30 deaths, and expect another significant shortfall in funds.

Transportation: The chronic underfunding of BIA road maintenance programs seriously affects our citizens’ educational and economic prospects. This also hinders our access to healthcare, emergency services, economic opportunities, and religious and cultural ceremonies. Currently, federal funding amounts to only \$750 in road maintenance funding per mile of roads and bridges per year for the Tribe’s 529 miles of BIA roads and 26 bridges. We are requesting \$20 million in additional funding for our road maintenance programs to cover critical costs for these programs, including expenses to meet our needs for staffing, equipment, and data collection systems. We also

need federal funding to address the road maintenance backlog of approximately \$72 million on our Reservation. Also, we have no funding for maintenance required after flooding.

Economic Development: We strive to strengthen our economic infrastructure and well-being by pursuing economic development initiatives. We request an additional \$500,000 in funding to support our Tribe's Credit and Finance Department, which we contracted from the BIA via P.L. 93-638. This funding will help us build on the program's success and support additional staffing needed to increase outreach efforts and training, establish a data statistical reporting system, develop tourism codes, empower the next generation of entrepreneurs, and implement the program's "Hub and Spoke Concept" to accomplish the "OGLALA Sovereignty Plan." Additionally, investments in our job placement and training programs are crucial to investing in the future of our Nation's economy. We also need an additional \$500,000 for our students to attend vocational schools and cover associated costs for education, such as tools, supplies, and relocation.

Natural Resources Programs, Water Resources Program: We request \$5 million in additional funding to cover our natural resource programs' needs for additional staff, equipment, outreach services (on and off reservation), identification cards, and a new building. We also request \$500,000 in additional funding to cover our water resource program's need for additional staff, developing our tribal code governing this program, and to cover other project costs.

Housing Improvement Program (HIP): We request \$2 million in additional funding for the increased application of the four (4) categories of service for our HIP program.

Higher Education, Early Intervention Program: We need an additional \$1 million to help cover our increased requests for higher educational grant assistance. In FY 2024, we were not able to serve 225 persons due to lack of funding. Tuition costs are increasing yearly as are the number of our students applying for four-year college and graduate school programs. We also request an additional \$1 million in funding to help cover costs of our Early Intervention Program for special needs students. This program services 700 children and their families. This additional funding would help cover expenses to hire outreach workers, social workers, other special needs services, and a new building for the program.

New Tribal Government Facility: We urge Congress to appropriate funds to assist the Tribe with constructing a new tribal government facility, which we desperately need to house our Tribal Council chambers, our government offices, and to provide essential services to our community. We envision our new facility as an answer to the BIA's facility problem, including its dilapidated BIA building in Pine Ridge. We intend to lease out a portion of this facility to the U.S. Postal Service and the BIA. At the present, we need monies for design, engineering and planning. We will need construction dollars in the next phase.

Data Centers: Currently, our Tribe needs \$200,000 for a feasibility study to construct two data centers, one located in Pine Ridge and one Kyle, so that our Tribe's data can remain on our Reservation with redundancy instead of in a mix of cloud storage services, including those located in China, which poses risks to efficiency, data sovereignty, and national security. These data centers will support government operations, education, healthcare, and law enforcement, including enhanced 911 services. These centers will also create local jobs and open pathways for our Tribal members to engage in the technology sector.