

Written Testimony of Frank Star Comes Out, President of the Oglala Sioux Tribe
“Public Witness Testimony: Fiscal Year 2024 Appropriations”
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
March 17, 2023

Recommendations:

1. Address our Public Safety/Law Enforcement Crisis.
2. Increase funding for BIA-based Welfare Assistance and Social Services.
3. At least \$30 million to BIA for ICWA implementation and child protection services.
4. Adequate funding and resources for the establishment of addiction recovery services.
5. Full advance appropriations for the IHS, annually, and increase funding for IHS Facilities Planning and Construction.
6. Provide BIA with not less than \$45 million to establish a roads improvement program.
7. Provide funding for Native language and culture revitalization activities.
8. Increase ISEP funding and increase teacher pay at BIE-funded schools.
9. Expand Impact Aid to include tribal schools.
10. Adequate funding and resources for a Truth & Healing Commission.
11. Provide BIA with \$30 million for the Housing Improvement Program.
12. \$5 million for replacing aging BIA tower infrastructure
13. Provide \$25 million to complete the Mni Wiconi Project for regional clean drinking water through the EPA or the IHS Sanitation Facilities Construction fund.
14. Provide BIA with \$12.5 million for the Water Management, Planning and Pre-Development Program.
15. Increase funding for the Water Resources Program.
16. At least \$8 million for the BIA Endangered Species Program.
17. Provide funding and resources to support tribal co-management of public lands.
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. Unfortunately, the President’s FY2024 Budget Request was not available prior to preparing our FY 2024 testimony. Regardless, we look forward to working with this Subcommittee to ensure full and adequate funding for programs that service Tribal Nations and Native people. Any cuts to such programs would be devastating given the historic severe underfunding of such programs. Below, we speak to our public safety crisis first and then set forth our other needs.

Public Safety Crisis. Our Tribe is in the midst of a dire public safety and law enforcement crisis, which is severely negatively affecting our people’s daily lives. We have been for some time, and failure to address our situation has resulted in an untenable situation: only 5-7 police officers per shift for 52 communities in an area just under the size of the State of Connecticut. We need to stop the crime, prosecute the perpetrators, and protect our communities,

our visitors, and our police officers. *The Tribe wholeheartedly supports and incorporates by reference the testimony and public safety recommendations submitted by our Tribe's Chief of Police.* We implore this Subcommittee to appropriate the resources necessary to adequately combat the tide of crime, violence, drug trafficking, gang activity, and human trafficking currently plaguing our Reservation. We need resources for full staffing of our police force. We also need full funding to maintain and replace our aging public safety equipment, to modernize and fully staff our courts and criminal justice facilities. We need housing quarters for officers and substations in each of our districts for police and ambulance services. We also need resources for social services necessary to aid families dealing with the results of crime and violence, homelessness, domestic abuse, substance abuse, and food insecurity.

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 and integral to improving public safety. Our Child Protection Services and Indian Child Welfare Act 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.

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. Our community is grappling simultaneously with methamphetamine and opioid problems. 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 one.

Health Care: IHS Funding. The health care of our members is of paramount importance and we were thrilled that for FY 2023 Congress provided advance appropriations for the Indian Health Service. This is substantial but incomplete progress. First, the FY 2023 and 2024 IHS budget amounts are less than is needed. Last year, the IHS Tribal Budget Formulation Workgroup calculated the need at almost \$50 billion to attain full funding of IHS in FY 23; the FY 2023 budget provides only \$7 billion. The Workgroup has estimated the need for FY 2024 at more than \$51 billion. Congress should ensure that IHS is funded at this level for 2024. Second, the passage of advance appropriations must happen annually. We urge this Subcommittee to renew its commitment to advance appropriations for IHS and to fully fund Indian Country's health care needs by simultaneously fully funding FY 2024 and FY 2025 and supporting mandatory funding for the IHS. Advance appropriations for IHS insulate tribal patients from the volatile politics of the Federal Government, provides job and program security, and contributes 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. We also need additional dialysis places on our Reservation. We need one in each of our districts. The need for these resources in the Great Plains Region is particularly severe and we urge this Subcommittee to consider targeted appropriations to address these issues.

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 FY 2023, Congress only appropriated \$39 million for this program even though the Bipartisan Infrastructure Law authorized up to \$52 million. In addition, targeted action must be taken to address the now 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 also urge the Subcommittee to work to ensure that Indian Head Start programs meet the needs of all Indian children in their service areas, regardless of family income. We ask Congress to increase Indian School Equalization Program 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. *We support and incorporate by reference the submitted testimony of the Oglala Lakota Nation Education Consortium on these and other matters.* Relatedly, we urge this Subcommittee to rectify the problem of dual taxation which permits state and local governments to tax non-Indian activities within Indian lands. This infringes on our sovereignty, impermissibly siphons tribal resources to state and local coffers, and contributes to educational disparities for our children.

Truth & Healing Commission. We support the funding of a Commission to investigate the United States' Federal Indian Boarding School legacy and to provide resources for healing our communities as an initiative consistent with improving the whole health of our members.

Tribal Co-Management of Lands. Tribes must be a 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.

Housing. Housing is a necessary pillar of our citizens' health and welfare, and we need resources to address our acute housing crisis. Our current unmet need is for over 4,000 new housing units and 1,000 housing repairs. Meanwhile, our existing homes are overcrowded, in disrepair, and are unsafe. We have no temporary housing. 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 to 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 residences for them.

BIA Towers. We need \$5 million for replacing aging BIA tower infrastructure and constructing 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. 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.

Clean Water: Other Needs. Our Department of Water Maintenance and Conservation has significant funding needs for water system upgrades, pipe construction and repairs, well maintenance, water tank installation, and maintenance of equipment. Likewise, we need funding to rehabilitate and, in certain instances, replace our aging and overstressed lagoon system. 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 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. We also request funding for the BIA Endangered Species Program which is the only program that provides Tribes with support to protect wildlife on Tribal lands through natural resources restoration and management.

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 we cannot 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 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.