



OSAGE NATION CONGRESS
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MEMBER OF CONGRESS
ELI POTTS
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Members of Congress;

I wish to inform you that I will not seek, nor will I accept, the chairmanship of the Congressional Appropriations Committee to initiate the 7th Osage Nation Congress.

My commitment to fiscal conservatism remains unwavering. However, it is clear that some in our government intend a more limited congressional role in providing transparency and accountability regarding the Nation's fiscal future.

This decision is not one I take lightly as I have dedicated my career with the Osage Nation to a more sustainable budget and fiscal responsibility. I have been urged by constituents to cite my reasoning in hopes of inspiring more accountability and to invite attention to the active deprivation of deliberation in Congress.

My hope is that the next Congress is able to exceed expectations as I remain willing to aide in the pursuit of a remedy to our current failings. To that end, I will provide a few of the experiences that have resulted in this decision;

1. The Congress has been made aware of probable violations of Osage law regarding line item shifting into and out of categories prohibited by Osage law, and the improper spending of direct assistance funds.
 - a. These line item shifts and expenditures were stated in reports generated by the Osage Nation Treasury, outside partners, or the Nation's Third-Party Administrators.
 - b. The Osage Nation Congress requested a legal opinion to determine the validity of any potential claim and the measure the strength of the law crafted by and adopted unanimously by Congress in response to Standing Bear v. Pratt.
 - c. To date, the 6th Osage Nation Congress has failed to act on this report instead seeking a "diplomatic solution" that has failed to remedy the potential violations of Osage law in the nearly 11 months since this information became public.
 - d. I do not currently see the desire to pursue any solution to this situation and expect this issue will dissolve in the 7th Osage Nation Congress.
2. During the 2020 Hun-Kah legislative session, the Congress repeatedly failed attempts to establish reasonable and mutually agreed upon revenue projections for fiscal year 2021.
 - a. I believe these actions were intentional and have left the Nation to operate with no guidance in a financial crisis as we form the budget for fiscal year 2021.
 - b. Historically the Annual Projected Revenue Resolution is non-controversial and receives the backing of the Appropriation Committee and the full Congress once approved by the committee.
 - i. No reasonable objections were presented in committee, or to the Congress, to justify three failed attempts by the Chair of Appropriations to establish the Annual Projected Revenue Resolution that had previously been approved by the Appropriations Committee.

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COMMITTEE ASSIGNMENTS
APPROPRIATIONS- CHAIRMAN
EDUCATION- CHAIRMAN
CONGRESSIONAL AFFAIRS
GOVERNMENT OPERATIONS



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3. The Treasury of the Nation has failed to adequately respond to inquiries from Members of the Appropriations Committee regarding potential shortfalls in the budgetary process that were identified on the final day of the Tzi-Sho Session in 2019.
 - a. Instead, outside consultants have been engaged by the Treasurer's Office to communicate with Congressional leaders instead of a more open line of communication with the appropriate officials.
 - b. A self-imposed and unnecessary "legal wall" has been utilized by the Treasury to justify non-communication with elected officials. No legal action has been initiated by the Congress, yet the Appropriations Committee is repeatedly met with obfuscation. This occurs while other select Members of Congress are freely given information to combat concerns raised by those who had information intentionally withheld by the executive branch.
 - c. Repeated attempts to better communicate with the Treasurer by the Chair of the Appropriations Committee have been thwarted by the current Vice-Chair of the Appropriations Committee who instead chose to negotiate in private with the Treasurer on matters that should have risen to the level of Committee consideration.

4. The Budget Control Act was recently gutted by the 6th Osage Nation Congress on the final day of the 2020 Hun-Kah legislative session.
 - a. ONCA 20-40 was introduced and rules suspended to bypass the committee process effectively ensuring all deliberation would be avoided.
 - b. ONCA 20-40 erased significant portions of the Budget Control Act that were specifically crafted to allow input from the Executive Branch of Government and facilitate better communication between the branches.
 - c. ONCA 20-40 changed significant portions of a signature piece of legislation, even going as far as to erase the name of the legislation. The Congress was assured it was not done in spite; however, it did occur on the birthday of the author of the formerly titled Budget Control Act and contained provisions that had previously been voted down by the Congress.
 - d. ONCA 20-40 attempted to erase the legacy of how the Budget Control Act was enacted.
 - i. ONCA 20-40 was introduced, bypassed the committee process, and passed by Congress with less than 5 hours of deliberation.
 - ii. The Budget Control Act was passed after two legislative sessions of discussion, an interim study that included 11 public meetings, hours of deliberation, and compromise with the Executive Branch that garnered the unanimous vote of the Congress before being signed by the Chief of the Nation.
 - e. The passage of ONCA 20-40 ensures less accountability and will make it more difficult for the public to be aware of the financial standing of the Nation because it removed requirements for meetings to be held in public regarding the revenue of the Nation, and in the middle of a revenue failure, removed definitions from Osage law that were designed to help address "revenue failures" and aide in the uncertain financial climate resulting from the COVID-19 financial crisis.

Simply put, the passage of ONCA 20-40 has made me question the sincerity of Congress members who claim to seek transparency and has damaged my ability to faithfully serve as the Chair of a Committee charged with ensuring transparency to the Osage people.



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5. Repeated attempts to communicate with Treasury officials by the Chair of Appropriations and former Congressional staff have been met with hostility, preoccupation, diversion, or demeaning elaboration during Committee meetings and in private communication.
 - a. When called to the attention of Congressional Leadership, no remedy was presented. When presented to colleagues, some even suggested it was an encouraged or somehow deserved behavior.
6. The Congress has repeatedly abdicated its authority and responsibility to deliberate the budget of the Nation. The budget is a moral document. Decisions regarding the future of the Nation are the subject of the budget, whether explicitly stated or inferred. I believe that some in Congress may have succumb to the idea that this responsibility belongs to the Chief alone without Congressional input despite a constitutional mandate granting the Congress this expressed power and responsibility.
I can no longer serve as the Chair of a Committee that will inevitably be responsible for a carte blanche approval of the Chief's proposed budget.
7. During the 2020 Hun-Kah Session, legislation historically visited by the Appropriations Committee was intentionally diverted by Congress to avoid deliberation in the Appropriations Committee. I can only hope that these actions were not intended to be a personal affront on my character, but regrettably resign myself to the acceptability that the action were potentially aimed at other fellow Members of Congress who were not retained in the most recent election.
8. Select Members of Congress are frequently granted information and individual meetings with members of the executive branch. However, some Members associated with the Appropriations Committee were barred from communication with and were prevented from obtaining necessary information pertinent to writing legislation and conducting the business of Congress.

The above stated reasons and others have compelled me to believe that my thoughts are no longer welcome by my current colleagues with regard to the Chairmanship of the Appropriations Committee. Yet my determination and resolve remain undaunted as I know that the Osage People and the Constitution demand a more open, transparent, and deliberative legislative body.

I remain optimistic. However, the reverence I once had for this institution has been damaged by recent conduct and some of the aforementioned actions. I believe we can do better and I remain hopeful that the 7th Osage Nation Congress can forge a new path forward that allows us to serve the People who elected each of us.

I wish the best for the Congress and I pray for the future of our Nation.

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Eli Potts
Osage Nation Congress

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