

Update #63

The views, opinions and commentary in this update are those of Congressman Red Corn. They are his alone, and do not necessarily represent the views and opinions of the Osage Nation Congress.

Initial Capital Contribution passes at \$1 million

The initial capital contribution to diversify the Nation's enterprises passed 8-4 today. I sponsored the bill, but voted against it due the severe reduction in capital.

This measure will force the Board of Osage, LLC to come back to the Congress for further funding. In my opinion, this puts the Congress in the position to veto or pass on individual projects, therefore managing the enterprise's choices via the budget process.

We've heard time and time again that Congress is exercising "oversight". The word "oversight" does not exist in the Constitution, but the word "oversee" appears once, in Section 14 of Article VII. In that section the Constitution clearly states that "the Principal Chief shall appoint qualified professionals to oversee operations of Osage Nation Enterprises, by and with the advice and consent of the Osage Nation Congress."

In this context, advice and consent refers to the appointment process.

Article V, Section 2 states that "no person or collection of persons, charged with official duties under one of these branches shall exercise any power properly vested in either of the others except as expressly provided in the Osage Nation Constitution.

In other words, "oversight" of business entities is clearly outside of Congress' job description. That may not be a popular position, but it is exactly what the Constitution says. I have always felt that the prohibition against members of Congress sitting on Enterprise Boards was another clear indication that the Reform Commission believed there should be an arm's length distance between tribal government and tribal business.

This debate will continue until the court settles it, in my opinion. Until then, I respectfully put the following question to my colleagues and Osage constituents; would you surrender your own personal or business investment plans to the decision-making process of the Osage Nation Congress?

If the answer is no, then why should we subject the Nation's business assets to that process?

In my view, we've gone to great lengths to get a high-quality professional board (and subsequently a high-quality CEO) to make important decisions and get positive results. Let's let them do their job, and let's stick to ours.

Session ends; no Health benefit funding

The Special Session ended with no action on funding for the Health Benefit bill. A majority voted for a procedural amendment to end the session today, assuring that the Health benefit funding would not pass out of the Appropriations Committee. Voting against ending the session were Congresspersons Red Eagle, Red Corn, Atterberry and Edwards.

The Appropriations Committee had scheduled a meeting for tomorrow, 8 days into a 10 day session, to consider the funding bill. The Committee cannot take action on the funding bill when Congress is not in session, and the meeting may be cancelled. The next possible consideration will be in the spring of 2009 unless the Chief calls Congress back in for that purpose or eight members of Congress sign a petition to call a session.

As always, please share your opinions and thoughts with me at your convenience.

With respect,

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