

# Sac and Fox Nation

920963 S. Hwy. 99 • Stroud, OK 74079

*Principal Chief* RANDLE CARTER  
*Second Chief* AUDREY ROSE LEE  
*Secretary* LANA J. BUTLER  
*Treasurer* CARLA J. WALLACE  
*Committee Member* ROBERT E. WILLIAMSON



**WRITTEN TESTIMONY OF THE HONORABLE AUDREY ROSE LEE, SECOND CHIEF  
SAC AND FOX NATION SUBMITTED TO THE HOUSE APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES  
ON THE FY 2026 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE,  
BUREAU OF INDIAN EDUCATION, AND THE ENVIRONMENTAL PROTECTION AGENCY  
February 25, 2025**

On behalf of Principal Chief Randle Carter and the Citizens of the Sac and Fox Nation (Nation), home of Jim Thorpe, Olympic Gold Medalist for the 1912 Pentathlon and Decathlon medals, it is a privilege to stand before you today and submit our Tribal priorities for the Bureau of Indian Affairs (BIA), Indian Health Service (IHS), Bureau of Indian Education (BIE), and Environmental Protection Agency (EPA) budgets. The unique political status between the United States (U.S.) and sovereign Tribal Nations is solidly based on the contribution of the Iroquois Confederacy of Nations in the development of the U.S. Constitution and to reaffirm the continuing government-to-government relationship between Indian Tribes and the U.S. as established in the Constitution.

### **TRIBAL SPECIFIC REQUESTS**

- 1. + \$.6.52 Million Dollars to Fully Fund Operations and Maintenance of the Sac and Fox Nation Juvenile Detention Center (SFNJDC) - Public Safety and Justice - Office of Justice Services – Detention/Corrections Facility Operations and Maintenance Account – BIA, Office of Justice Services, DOI**
- 2. + \$3 Million Dollars to Fund Tribal General Assistance Program (GAP), EPA**
- 3. Increase funding for the National Environmental Performance Partnership System (NEPPS), EPA to support Tribal Solid Waste and Recycling Programs**

### **NATIONAL BUDGET REQUESTS**

- 1. Reclassify Discretionary Spending for Section 105(l) Leases and Contract Support Costs (CSC) to Mandatory - BIA and IHS**
- 2. Advance Appropriations for Tribal Programs and Services (BIA, IHS, BIE)**
- 3. Support Increase for Special Diabetes Program for Indians but not moving from Mandatory Spending to Discretionary Account - IHS**

In 2025, we celebrate the 50<sup>th</sup> Anniversary of the Indian Self-Determination and Education Assistance Act (P.L. 93-638, ISDEAA) of 1975, signed by President Richard Nixon, the first

acknowledgement by the United States government that Tribes were capable of managing Federal funds and programs. In 1983, President Ronald Reagan issued an "Indian Policy Statement" which reaffirmed the government-to-government relationship between the U.S. and Federally recognized Tribes. The Policy emphasized Tribal Self-Governance and local control over reservation affairs, while pledging to assist Tribes in strengthening their governments by removing Federal impediments to Tribal Self-Determination; essentially promoting a policy of Self-Governance for Tribes without the threat of termination. In 1988, President George H.W. Bush, signed P.L. 100-472 which broadened the scope of the ISDEAA allowing Tribes more flexibility to determine our own priorities and allocated Federal resources where they were needed the most – at the Tribal level.

The Sac and Fox Nation has pioneered the Self-Determination and Self-Governance agenda for the past 50 years, but current Administration actions threaten our collective progress and warrant immediate intervention by Congress. The Nation reminds Congress of the statutory language requiring consultation with Tribes prior to any Executive action that will impact Tribal programs and Tribal funding. We seek your assurances that Federal funding for Tribal programs is not paused, reallocated, reclassified, or de-prioritized when implementing any Executive Order or other Administration priority. Congress needs a remedy that will rescind across-the-board personnel cuts, dissolution of Federal agencies which severely impact the U.S. government fulfilling the trust responsibilities and treaty obligations to Tribes and Native citizens. Tribal programs, services, functions and activities must be exempt from rescissions, sequestrations and government operation shutdowns. The Sac and Fox Nation strongly request that you protect the policies that have strengthened the Tribal-Federal relationship and support Tribal Self-Determination and Self-Governance.

**TRIBAL SPECIFIC REQUESTS:**

**+\$6.52 Million Dollars - BIA/OJS Detention/Corrections Facility O&M Account, Sac and Fox Nation Juvenile Detention Center (SFNJDC)**

In 1996, the Sac and Fox Nation Juvenile Detention Center (SFNJDC) was opened as the first regional juvenile facility designed for American Indians/Alaska Natives (AI/AN), as well as the first juvenile facility developed under P.L. 100-472, the Self-Governance Demonstration Project Act. SFNJDC is a 50,000+ square foot, full service, 24-hour, 60 bed (expandable to 120 beds) juvenile detention facility provides basic detention services to all residents utilizing a classification system based on behavioral needs to include special management, medium and minimal security. Prior to opening, the BIA committed to the Nation to fully fund the SFNJDC O&M. Unfortunately, that commitment was never fulfilled and decreases in the base funding (currently \$510,000 which is included in the Nation's Compact of Self-Governance with the U.S. DOI), over the past 30 years has resulted in underutilization and erosion of the programs the SFNJDC was built to offer.

The Nation currently has contracts with (15) Oklahoma Tribes, the U.S. Marshalls Service and a Memorandum of Agreement (MOA) with the BIA. The BIA MOA was signed in 2000 and reserved

six beds for \$160,000 for which the BIA did not prepay. The U.S. Marshalls Service contract requires (8) beds that are also not prepaid. Even though the Nation continues to receive and use Federal dollars to address the issue of juvenile delinquency and detention for Tribes in the Southern Plains Region and Eastern Oklahoma Region, it has never received sufficient funds to operate the facility at its fullest potential.

**+ \$3 Million Dollars Tribal General Assistance Program (GAP), EPA**

The Nation is requesting that GAP is less restrictive, competitive and provides more funding for staffing. GAP lacks flexibility and fails to meet the needs of Tribes including adequate funding, sufficient technical assistance to assist Tribes and to fulfill the trust responsibility. Specifically for the Nation, EPA does not provide adequate oversight as our Federal trustee for oil spills or any environmental incident that impacts our reservation and citizens. For decades we have been impacted by industrial negligence and lack of abatement for the removal and decommission of abandoned wells, mines, pipes, cables and other remnants related to oil spills and industry contamination footprints across the Nation's jurisdictional lands which span three counties. The Nation needs funding to conduct planning and develop our infrastructure to prepare for oil spills, contamination, and environmental emergencies that continue to damage our community and citizens. In the past we have been severely disregarded and remain vulnerable to the industry aftermath across our 21,000 acres of allotments and 800 acres of Tribal lands. In 2022, the most recent and possibly the worst oil spill at Skull Creek, released about 300,000 gallons of oil into the creek and compromised thousands of animals, fish, trees, and many other natural resources. The dam was breached, and the embankments of Skull Creek today continue to slough because of the undercutting that has occurred. As our Federal trustee, EPA is still over seeing an emergency response, however remediation has not begun – nor has there been receipt of any of the \$7.4 million awarded in civil penalties.

As a Self-Governance Tribe, the Nation has repeatedly requested that EPA develop a demonstration project that will allow funding to be used by the Tribe to address the local needs to mitigate environmental impacts and pollution. The SFN should be better prepared in the future and promptly involved in the remediation plan to address damages with the industry and our Federal trustee. We are requesting \$3 million to initiate a preassessment of need for the Nation as we work to prevent future damages to our citizens, our cultural sites and the environment.

**Increase EPA – General Assistance Program and the Clean Water Act Section 106 Program -**

The Nation is requesting increased funding for the National Environmental Performance Partnership System (NEPPS), EPA, to support Tribal Solid Waste and Recycling Programs. Funding for this program is critical to developing our capacity to develop environmental programs that assist Tribal members (i.e., mold, water quality, illegal dump clean up) and environmental quality for cultural activities (i.e., primary body contact with water, fishing). In addition, it supports Tribal response to environmental events as necessary (spills/contamination) and air quality (air emissions and health).

### **NATIONAL BUDGET REQUESTS**

**Reclassify Discretionary Spending for Section 105(I) Leases and Contract Support Costs (CSC) to Mandatory** –Separate, indefinite accounts support Section 105(I) leases and CSC but have resulted in the unintended reduction of funding for critical Tribal programs. Funding for 105(I) leases and CSC should be reclassified as mandatory funding to prevent programmatic decreases. In addition, we urge Congress to take legislative action to clarify its intent that space used to provide services within the scope of the ISDEAA to any patient is compensable under 105(I). Many Tribes are the only healthcare providers in their rural communities and the only ones who will accept Medicare and Medicaid patients. Tribes generate third party revenue by serving these individuals as authorized under Section 813 of the IHCA and this money in turn is used to provide healthcare to their own citizens. The IHS, however, has adopted a policy that denies compensation to Tribes for the portion of their healthcare facility that the agency decides to serve non-beneficiaries even though Congress authorized such services under Section 813 of the IHCA.

**Advance Appropriations for Tribal Programs and Services** – We are grateful that Congress enacted Advance Appropriations for the Indian Health Service for FY2024; however, we now urge Congress to make Advance Appropriations for the Indian Health Service permanent and to extend advance appropriations to the Bureau of Indian Affairs and the Bureau of Indian Education. Providing appropriations one year in advance for the BIA, BIE and IHS will mitigate the adverse financial effects of Federal budgetary uncertainties and allow Tribes to engage in more effective strategic planning, spend funds more efficiently, grow our Tribal economies and businesses and increase the quality of care and well-being of our Tribal citizens and communities.

**Support Increase for Special Diabetes Program for Indians (SDPI)** - Congress extended the 2024 SDPI Reauthorization and it remains a part of the Continuing Resolution at an increase from \$150 million to \$160 million. The Nation joins Indian country in expressing gratitude for this increase, but the need is more like \$200 million a year. Congress established the Special Diabetes Program for Indians (SDPI) in 1997 as part of the Balanced Budget Act to address the growing epidemic of diabetes in American Indian and Alaska Native (AI/AN) communities.

### **IN CLOSING**

Tribal Nations are and always have been inherently sovereign governments that have strong political relationships with their Tribal citizens and community members. Tribal Nations also have political, government-to-government relationships with the United States, and they prepaid with their lands and resources for the trust and treaty obligations that the United States owes them. The U.S. Constitution singles out Tribal Nations and Native people as unique, and the U.S. Supreme Court has time and again affirmed the principle that United States actions that deliver on trust and treaty obligations to Tribal Nations, Tribal citizens, and Tribal communities do not run afoul of the U.S. Constitution's equal protection requirements.

Thank you for this opportunity to provide oral testimony.