



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE RESCISSION OF RESOLUTION 05-09-17 D AUTHORIZING THE APPROPRIATION OF INTEREST REALIZED ON THE DEPARTMENT OF INDIAN HEALTH SERVICE AND THIRD PARTY INVESTMENT FUNDS

RESOLUTION 02-23-22 C

WHEREAS, on November 1, 1994, the United States Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and

WHEREAS, the Ho-Chunk Nation (“Nation”) is a federally recognized Indian Tribe, pursuant to the Indian Reorganization Act of 1934; and

WHEREAS, Article V, Section 2(a) of the Ho-Chunk Nation Constitution (“Constitution”) gives the Ho-Chunk Nation Legislature (“Legislature”) the power to make laws, including codes, ordinances, resolutions, and statutes; and

WHEREAS, Article V, Section 2(d) of the Constitution grants the Legislature to authorize expenditures by law and appropriate funds to the various Departments in an annual budget; and

WHEREAS, Article V, Section 2(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and

WHEREAS, Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the member of the Ho-Chunk Nation; and

WHEREAS, the Nation’s Appropriations and Budget Process Act permits the creation and establishment of special restricted use accounts in the Nation’s Treasury Department; and

WHEREAS, the Indian Health Service (“IHS”) funds and other third party realized revenue which includes interest earned on investment accounts must be expended on health programs for advancing the health, health delivery, and other explicit health related activities in accordance to the specific purpose outlined in the IHS agreement and cannot be reallocated to other programs; and

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WHEREAS, the IHS funds must be deposited or invested in obligations of the United States of America or in obligations or securities that are guaranteed or insured by the United States of America, or mutual funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States of America, or securities that are guaranteed by the United States of America; or deposited only into accounts that are insured by an agency or instrumentality of the United States of America or a fully collateralized account to ensure protection of the funds, even in the event of a bank failure as mentioned in Section 106(j) and (m) of Title I of the ISDEAA, 25 U.S.C. §5325 and Title 25 Chapter 18, Subchapter II – Health Services §1621(e) and §1621(f); and

WHEREAS, the cost report reimbursements and third party revenue along with the IHS funds for the Department of Health are placed in separate investment accounts which earn interest; and

WHEREAS, the interest realized is accounted for in a separate fund to be utilized for explicit health related activities in accordance to the specific purpose outlined in the April 21, 2017 Compact and Funding Agreement between Ho-Chunk Nation and the United States of America and cannot be reallocated to other programs;

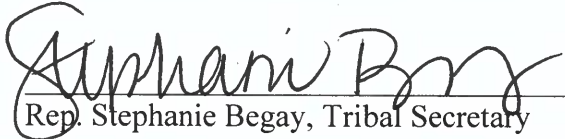
WHEREAS, the Legislature adopted Resolution 05-09-17 D Authorizing the Appropriation of Interest Realized on the Department of Indian Health Service and Third Party Investment Funds in which the Department of Health was given authority to utilize interest earned on the Department’s Indian Health Service and Third Party Revenue investment accounts; and

WHEREAS, due the ongoing COVID-19 pandemic and the economic hardships that have resulted, the Legislature wishes to rescind Resolution 05-09-17 D which gave authority to the Health Department to utilize the interest earned on the Indian Health Service and Third Party Revenue investment Funds;

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, hereby rescinds Resolution 05-09-17 D Authorizing the Appropriation of Interest Realized on the Department of Indian Health Service and Third Party Investment Funds.

CERTIFICATION

I, the undersigned, as Secretary of the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **13** members, of whom **12** constituted a quorum were present at a meeting duly called and convened this **23rd day of February, 2022**, adopted the foregoing resolution at said meeting by an affirmative vote of **8 members, 1 opposed, and 3 abstaining**, pursuant to Article V, Section 2(a) and (x) of the Ho-Chunk Nation Constitution approved by the Secretary of the Interior on November 1, 1994, and that the foregoing resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.



Rep. Stephanie Begay, Tribal Secretary

02.23.22
Date