



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE APPROVAL OF AMERICAN RESCUE PLAN ACT DISBURSEMENT

RESOLUTION 06-20-22 F

- 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(b) of the Constitution grants the Legislature the power to establish Executive Departments, and to delegate legislative powers to the Executive branch to be administered by such Departments, in accordance with the law; any Department established by the Legislature shall be administered by the Executive; the Legislature reserves the power to review any action taken by virtue of such delegated power; and
- WHEREAS,** Article V, Section 2(d) of the Constitution grants the Legislature the power to authorize expenditures by law and appropriate funds to the various Departments in an annual budget; and
- WHEREAS,** Article V, Section 2(l) of the Constitution grants the Legislature the power to enact laws to manage, lease, permit, or otherwise deal with the Nation's lands, interests in lands or other assets; 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 members of the Ho-Chunk Nation; and
- WHEREAS,** Article V, Section 2(x) of the Constitution grants the Legislature the power to enact any other laws, ordinances, resolutions, and statutes necessary to exercise its legislative powers delegated by the General Council pursuant to Article III including but not limited to the foregoing list of powers; and
- WHEREAS,** the Legislature adopted a General Welfare Exclusion Ordinance by Resolution 4-28-20C, memorializing the procedures to be used by the Nation to determine what services or programs are needed to promote public health, safety and other basic needs/services for the promotion of the general welfare of the Nation and its members, and to ensure compliance with the General Welfare doctrine and U.S. Internal Revenue Code Section 139E; and

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- WHEREAS,** since February and March of 2020, the United States Center for Disease Control and Prevention (“CDC”) has been responding to an outbreak of respiratory disease caused by a novel coronavirus (“COVID-19”) which has now spread throughout the United States and Indian Country as a world-wide pandemic; and
- WHEREAS,** on January 31, 2020, United States Department of Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States in response to the presence of COVID-19 within the United States; and
- WHEREAS,** on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and
- WHEREAS,** on March 13, 2020, the U.S. President issued a proclamation declaring that the COVID-19 outbreak in the United States constitutes a national emergency, and March 12, 2020, Wisconsin Governor Tony Evers declared a public health emergency, and on March 24, 2020, Governor Tony Evers issued Emergency Order #12, titled Safer at Home Order; and
- WHEREAS,** through the adoption of Resolution 3-12-20A and Executive Administrative Order March 13, 2020-1, the Legislature and President of the Nation declared a state of emergency concerning the tribal and national response to the coronavirus (known as COVID-19), and set in place measures to protect the Nation, its Members and employees, including travel restrictions and adherence to certain federal recommendations and guidance to protect against the spread of such virus; and
- WHEREAS,** on March 30, 2020, the Nation’s Health Department issued a Memo on “COVID-19 Update Confirmed Case in the Ho-Chunk Nation,” and has continually updated the Nation’s government and membership as it monitors confirmed cases and ways to protect against COVID-19; and
- WHEREAS,** on March 31, 2020, the Legislature adopted Resolution 3-31-20D along with the President issuing an Administrative Order (Mar. 31, 2020-1), putting in place a Safer At Home requirement and social distancing restrictions in response to COVID-19; and
- WHEREAS,** in light of the continuing pandemic and COVID-19 public health dangers to the Ho-Chunk Nation, its Members and employees, the Legislature adopted Resolution 4-28-20B continuing the Declaration of Emergency based on Resolution 3-12-20A, affirming the importance of critical measures, and putting additional steps in place to protect the Nation and its Members; and
- WHEREAS,** the United States Congress enacted the American Rescue Plan Act (ARPA), which was signed into law on March 11, 2021, in response to the economic crisis that has resulted from the COVID-19 pandemic, which includes funding for tribal governments; and
- WHEREAS,** the Nation received funds from the United States Treasury Department under the American Rescue Plan Act; and

WHEREAS, the United States Treasury Department issued guidance documents outlining the appropriate use of Title V funds received by recipients for expenses associated with the provision of economic support in connection with the COVID-19 public health emergency such as expenditures to tribal members for financial assistance to Households; and

WHEREAS, the Legislature recognizes that tribal members and their families are facing financial challenges during the national public health emergency, where numerous businesses were closed (including the Nation's gaming operations), and that they may require financial assistance due to economic displacement, disruption, and the lasting impact of the pandemic on Households; and

WHEREAS, in response to the current declaration of emergency, the COVID-19 public health crisis and resulting economic displacement, disruption, and impact on Households, the Legislature finds it appropriate to provide a American Rescue Plan Act Disbursement for Ho-Chunk Nation tribal members, based on the Ho-Chunk Nation General Welfare Exclusion Ordinance and the allowances of the federal General Welfare doctrine, utilizing ARPA funding the Nation received from the federal government; and

WHEREAS, the Legislature submitted an application/proposal for the use of the Nation's remaining ARPA funds to the Ho-Chunk Nation Treasury Department, based upon a duly adopted motion of the Legislature, with said proposal including parameters for equal distribution to all tribal member adults, as a Household Assistance program under federal ARPA guidelines;

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its authority under the Constitution and tribal law, hereby establishes the following American Rescue Plan Act Disbursement, as Household Assistance, under the Nation's General Welfare Exclusion Ordinance, utilizing ARPA funding:

Household Assistance: of the ARPA funds remaining with the Ho-Chunk Nation on the date of this Resolution, they shall be distributed equally amongst all enrolled adult (age 18) tribal members, as of the date disbursement is made by the Ho-Chunk Nation Treasury Department.

BE IT FURTHER RESOLVED that, subject to budget availability, the Legislature is authorized to declare program assistance under the Ho-Chunk Nation General Welfare Exclusion Ordinance when, in its discretion, the Nation or its members suffer economic displacement or disruption because of a public health emergency, whether or not there has been such a declaration by state, local, or federal authority; the amount and extent of such program financial assistance shall be determined by resolution of the Legislature when the Ho-Chunk Nation Legislature and President have declared an emergency;

BE IT FURTHER RESOLVED that the American Rescue Plan Act Disbursement described herein shall be funded through the ARPA funding that the Nation has received from the federal government during the COVID-19 pandemic, in a manner that is administratively feasible for the Nation's government, and within its discretion to structure assistance in response to the COVID-19 public health emergency;

BE IT FURTHER RESOLVED that the American Rescue Plan Act described herein complies with the Ho-Chunk Nation General Welfare Exclusion Ordinance, wherein the eligibility and program guidelines are set forth above, and that the Program qualifies under Section 12.b(5) and Section 13 of the General Welfare Exclusion Ordinance.

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **13 members** of whom **11** constituting a quorum were present at a meeting duly called and convened and held that on the **20th day of June, 2022**, adopted the foregoing resolution at said meeting by an affirmative vote of **11 members, 0 opposed, and 0 abstaining**, pursuant to the Article V, Section 2(a) and (x) of the Constitution of the Ho-Chunk Nation, 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

06.20.22
Date