



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE AUTHORIZATION TO JOIN TRIBAL AMICUS BRIEF IN U.S. SUPREME COURT CASE CHALLENGING THE AFFORDABLE CARE ACT

#### RESOLUTION 01-03-12E

- 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 the power to authorize expenditures by law and appropriate funds; 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(j) of the Constitution grants the Legislature the power to authorize and appropriate funds to employ legal counsel in accordance with applicable law; 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 Nation has been notified that tribal advocates supporting the federal Indian Health Care Improvement Act (IHCA) intend to file a tribal amicus brief in a case pending before the U.S. Supreme Court that challenges the federal Affordable Care Act (ACA); and

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**WHEREAS,** the National Indian Health Board, and several tribes across the United States, are leading the effort to contribute to the tribal amicus brief, support the efforts of retained appellate counsel, and further the argument that the provisions of the IHCIA, contained within the ACA, should be preserved and remain in place, even if the Supreme Court invalidates portions of the ACA; and

**WHEREAS,** there remains an opportunity to sign-on to the tribal amicus brief before the Supreme Court and add the Nation as a supporter of the cause, such opportunity expiring as of January 16, 2012; and

**WHEREAS,** the Ho-Chunk Nation finds that the IHCIA is critically important legislation that helps address chronic health disparities in Indian Country and that many tribes have implemented new authorities for their own tribes pursuant to the new provisions of the IHCIA; and

**WHEREAS,** the Nation's own health care programs and services are impacted by any changes to the IHCIA;

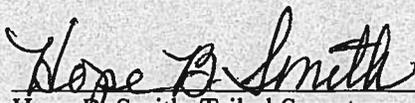
**NOW THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority, and based on the best interests of the Nation, authorizes the addition of the Ho-Chunk Nation's name to the tribal amicus brief currently being drafted by the National Indian Health Board (NIHB) and other supporting tribes; and

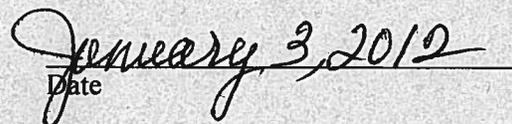
**BE IT FURTHER RESOLVED** that the Nation's Attorney General and/or Legislative Counsel shall notify the appropriate staff at the NIHB or tribal amicus counsel of record that they may add the Ho-Chunk Nation as an interested member of the amicus parties; and

**BE IT FURTHER RESOLVED,** that the Nation's Attorney General and/or Legislative Counsel are authorized to provide any information necessary for inclusion of the Ho-Chunk Nation to the tribal amicus brief, including information about the tribe and its programs.

#### 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 13 constituting a quorum were present at a meeting duly called and convened and held on the **3<sup>rd</sup> day of January, 2012**, adopted the foregoing resolution at said meeting by an affirmative vote of **12 members, 0 opposed, and 1 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.

  
\_\_\_\_\_  
Hope B. Smith, Tribal Secretary

  
\_\_\_\_\_  
Date