



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE BIA ROADS TPA FUNDING RESOLUTION 9-09-09 N

- 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, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") grants 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 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(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,** long-standing Federal Indian policies including the Indian Reorganization Act of 1934 and the Indian Self-Determination Act call for tribal government participation in the development of Bureau of Indian Affairs (BIA) annual budget; and
- WHEREAS,** tribal governments operate the majority of the BIA budget through self-determination contracts and self-governance compacts are provided through the Tribal Priority Allocations (TPA) portion of the BIA budget; and
- WHEREAS,** the majority of the funds for self-determination contracts and self-governance compacts are provided through the Tribal Priority Allocations (TPA) portion of the BIA budget; and
- WHEREAS,** Contract Support funds provide dollars to tribal governments to pay for necessary administrative costs including financial management, personnel management, facilities management and federally-required costs such as annual single agency audits; and

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- WHEREAS,** the planning process for the BIA annual budget includes the calculation of fixed costs including Federal Pay Act costs, tribal '638 pay cost adjustments, teacher pay costs for BIA-funded schools and non-pay inflation costs; and
- WHEREAS,** the TPA portion of the budget has failed to keep pace with tribal population growth and the increasingly complex responsibilities of tribal governments; and
- WHEREAS,** the failure to fully fund Contract Support costs results in tribes either diverting program dollars to support administrative costs or else tribes using their general fund dollars to subsidize BIA programs and thereby reduces the amounts of tribal general fund dollars that could be used by tribes for economic development; and
- WHEREAS,** the Bush Administration failed to request tribal pay cost adjustments for programs such as Johnson O'Malley, the Housing Improvement Program and other programs which were slated for elimination, resulting in tribes absorbing all of the inflation costs for those programs; and
- WHEREAS,** the Obama Administration allowed the BIA to request a significant increase in its budget for FY 2010, but very little of the dollars were directed to TPA;

NOW THEREFORE BE IT RESOLVED, that the Ho-Chunk Nation calls upon the BIA/Tribal Budget Advisory Council (TBAC) to propose a Tribally-Centered BIA Budget Initiative for FY 2011 which would include three elements: 1) a general increase for all TPA programs of at least ten percent; 2) full funding for Contract Support and 3) full funding for tribal fixed costs;

BE IT FURTHER RESOLVED, that the Ho-Chunk Nation calls upon the BIA/Tribal Budget Advisory Council to request that the BIA Central Office to provide to the TBAC and directly to tribal governments a detailed FY 2010 comprehensive funding table and a detailed Contract Support cost shortfall report so that full funding for Contract Support and for tribal fixed costs for FY 2011 can be accurately determined.

CERTIFICATION

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of 13 members, of whom 12 constituting a quorum were present at a meeting duly called and convened and held on the 9th day of , 2009, that the foregoing resolution was adopted at said meeting by an affirmative vote of 12 members, 0 opposed, and 0 abstaining, pursuant to the authority of 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 said 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
 Hope B. Smith, Tribal Secretary

9-09-09
 Date