

Oneida Tribe of Indians of Wisconsin

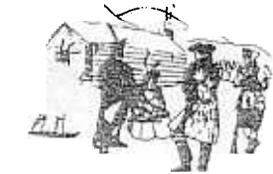
Post Office Box 365

Phone: (414) 869-2214

Oneida, Wi 54155



UGWA DEMOLUM YATEHE
Because of the help of
this Oneida Chief in
cementing a friendship
between the six nations
and the colony of
Pennsylvania, a new
nation, the United States
was made possible.



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

RESOLUTION # 11-20-96-A

- WHEREAS, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States, and
- WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin, and
- WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1 of the Oneida Tribal Constitution by the Oneida General Tribal Council, and
- WHEREAS, The Oneida Tribe of Indians of Wisconsin implemented a profit-sharing plan assigned Identification Number 002 that became effective for the calendar year ending December 31, 1992, and
- WHEREAS, Public Law 104-188, signed by the President on August 20, 1996, authorizes the treatment of Indian tribal governments, their subdivisions, agencies and instrumentalities as employers eligible to maintain a qualified cash or deferred arrangement under Section 401 (k) of the Internal Revenue Code, as amended, and
- WHEREAS, Public Law 104-188 also provided that Indian tribal governments, their subdivisions, agencies and instrumentalities, shall be treated as employers as that term is defined in 501(c)(3) of the Internal Revenue Code for purposes of establishing the eligibility of any plan purchased in a plan year prior to January 1, 1995 for treatment as a plan under Section 403(b) of the Internal Revenue Code, and
- WHEREAS, Public Law 104-188 allows any plans so treated to be rolled over into a qualified cash or deferred arrangement under Section 401(k) of the Internal Revenue Code, and
- WHEREAS, the Oneida Tribe of Indians of Wisconsin has determined that it is in the best interest of its employees to establish an investment program for its employees under Section 401(k) of the Internal Revenue Code, and is beneficial for its employees to participate in a 401(k) pre-tax retirement program,

NOW THEREFORE BE IT RESOLVED, that the Oneida Tribe of Indians of Wisconsin hereby amends its Profit Sharing Plan, Adoption Agreement, and 403(b) plans as follows:

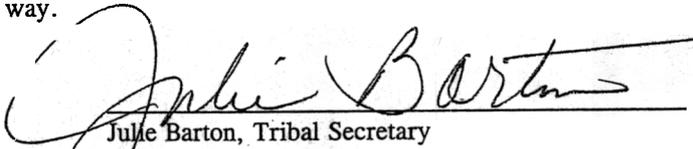
1. Eligibility shall be amended to include all employees who meet the eligibility requirements stated in the Plan, with years of service computed from their last hire date.
2. The vesting schedule shall be amended to incorporate a seven year graded vesting schedule.
3. The Plan shall exclude 1) Leased employees, and 2) employees of a member of the Employer's related group who do not participate in the program.

1-20-96-A

4. The Plan will pay plan expenses from forfeitures, then allocate the remaining balance of the forfeiture as if the forfeiture were Employer contributions for the plan year in which the forfeiture occurs.
5. The Administrator of the Plan is authorized to implement any and all procedures necessary to create a 401(k) tax-deferred retirement program.
6. The officers of the Tribe, or any of them, are hereby authorized and directed to take all appropriate action(s) necessary to carry out the intent of this resolution, and shall execute such documents as may, from time to time, be necessary to accomplish the purpose(s) of this Resolution.
7. The Tribe expects to maintain this program indefinitely, but retains the right to amend or discontinue the plan at any time. The plan year shall be January 1-December 31.
8. Employee contributions to the Plan shall not exceed fifteen percent (15%) Of the employee(s) pre-tax wages provided that such employee has completed one (1) year of service. The Tribe's contribution under the Plan will match, dollar for dollar, a maximum of three percent (3%) of pre-tax wages per employee per year.
9. The Oneida Tribe will suspend matching contributions to the existing 403(b) and after-tax profit sharing plans effective as soon as possible after December 31, 1996. The Oneida Tribe will indefinitely suspend the existing 403(b) upon the suspension of matching contributions, with the intent of terminating it in accordance with Oneida Business Committee Resolution 1-13-87- A-A(8).
10. The plan year for the 401(k) program shall commence on the first day after December 31, 1996, and will provide for the rollover of contributions made to the Tribe's previous 403(b) retirement plan.

C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum, 7 members were present at a meeting duly called, noticed and held on the 20th day of November, 1996; that the foregoing resolution was duly adopted at such meeting by a vote of 6 members for; 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.


Julie Barton, Tribal Secretary
Oneida Business Committee