

Title 10. General Welfare Exclusion - Chapter 1004

PANDEMIC RELIEF ASSISTANCE LAW

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1004.1. Purpose and Policy

1004.1-1. *Purpose.* The purpose of this law is to create the Pandemic Relief Assistance Program to assist eligible members with payments for limited and specific needs created by the COVID-19 Public Health Emergency. The Pandemic Relief Assistance Program shall assist eligible members in addressing the needs created by the Public Health Emergency which caused shrinking wages, job losses, medical emergencies, shortages of household goods and food, and demand for greater access to telecommunications for work, education, and to remain in contact with socially distant family.

1004.1-2. *Policy.* It is the policy of the Nation to prioritize the welfare of its members. The Nation has provided assistance to its members during this pandemic through emergency food provisions, rent and mortgage relief, small business grants, and education assistance. The Nation seeks to provide additional assistance to its membership through a distribution of funds to those that have demonstrated a need for financial assistance in the wake of the Public Health Emergency.

1004.1-3. The Oneida Nation community has been severely impacted by the Public Health Emergency and has exhibited the need for assistance with housing, utilities, basic communication service, food relief, job seeking and job training, and medical bills.

1004.1-4. The Pandemic Relief Assistance Program shall be funded only through monies allocated to the Nation pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds (CRF), codified at Section 601(d) of the Social Security Act, for the purpose of addressing adult member needs created by the Public Health Emergency.

1004.1-5. The Oneida Business Committee intends for the Pandemic Relief Assistance Program to adhere to the mandates of the Oneida General Welfare Law, the Tribal General Welfare Exclusion Act codified at 26 U.S.C. §139E, and I.R.S Rev. Proc. 2014-35.

1004.2. Adoption, Amendment, Repeal

1004.2-1. This law was adopted by the Oneida Business Committee on an emergency basis by resolution BC-11-24-20-D.

1004.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

1004.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

1004.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

1004.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

1004.3. Definitions

1004.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Adult" means a member who is at least eighteen (18) years of age on or before the

closure of the application process for a Pandemic Relief Assistance Program distribution.
(b) “General Test” means the criteria used to determine if any assistance or benefits provided through an approved program to a recipient shall be treated as a General Welfare Exclusion. The criteria of the General Test include the following:

- (1) Paid on behalf of the Nation;
- (2) Pursuant to an approved program;
- (3) Does not discriminate in favor of members of the governing body of the Nation;
- (4) Are available to any Tribal member who meets the guidelines of the approved program;
- (5) Are for the promotion of general welfare;
- (6) Are not lavish or extravagant;
- (7) Are not compensation for services; and
- (8) Are not per capita payments.

(c) “Member” means an individual who is an enrolled member of the Oneida Nation.

(d) “Nation” means the Oneida Nation.

(e) “Pandemic Relief Assistance Program” or means the program developed by the Nation for the purpose of providing emergency financial assistance to members economically impacted by the Public Health Emergency for expenses that may be deemed a qualifying expenditure of the CRF by the Nation.

(f) "Permitted distribution" means a disbursement of CRF funds through the Pandemic Relief Assistance Program approved by the Oneida Business Committee through a resolution that specifies the timeline for adult members to apply for the qualified expenditure and the amount of the distribution.

(g) “Public Health Emergency” means the economic, governmental, and medical crises caused by the COVID-19 and the novel coronavirus pandemic.

(h) "Qualifying expenditure" means good or services that fits within the categories listed herein for which funds distributed to the members pursuant to the Pandemic Relief Assistance Program may be used to pay for the goods or services:

- (1) mortgage and rental assistance;
- (2) utility payment assistance;
- (3) telecommunications and technology costs related to education, health care, or employment;
- (4) medical bills;
- (5) food security;
- (6) job seeking and job training assistance,
- (7) child care costs; and
- (8) transportation costs associated with the above items.

1004.4. Guidelines and Requirements

1004.4-1. The Pandemic Relief Assistance Program is established to meet the needs of members during the Public Health Emergency. The Pandemic Relief Assistance Program shall provide assistance to adult members who have exhibited a need for specific qualifying expenditures.

1004.4-2. *Eligibility.* The Pandemic Relief Assistance Program shall be open to a limited group of people that meet the following criteria:

- (a) Adult member;
- (b) Submitted a completed application described in section 1004.4-4 below;

- (c) Signed an attestation or affidavit identifying the impacts on the member from the Public Health Emergency, and
- (d) Has applied within the time frame determined by the Oneida Business Committee through resolution.

1004.4-3. *Pandemic Relief Assistance Program Funds.* The Pandemic Relief Assistance Program shall be funded only through monies allocated to the Nation pursuant to the CARES Act CRF.

- (a) The Oneida Business Committee shall set a cap on the amount of funds available from the Pandemic Relief Assistance Program per applicant for any permitted distribution.

1004.4-4. *Application for Pandemic Relief Assistance Program Funds.*

- (a) An adult member of the Nation may apply for Pandemic Relief Assistance Program funds for specific and identified qualified expenditures.
- (b) Pandemic Relief Assistance Program applications may be submitted within the time frame determined by the Oneida Business Committee through the resolution for the permitted distribution.
- (c) The Nation shall process the applications expeditiously and deposit the funds directly to a recipient's checking account or a check shall be sent to the home address of the recipient as provided by the member in the application.
- (d) The application shall require the following information from the adult member:

- (1) First and last name;
- (2) Date of birth;
- (3) Street address, city, state, zip code;
- (4) Phone number;
- (5) Social Security number;
- (6) Enrollment Number
- (7) Attestation paragraph that reads as follows: "By signing this document, I attest/swear that I/my household have been affected by COVID-19 in the following way(s). I further attest/swear to the fact that I am accepting Oneida Nation COVID-19 Relief Funding to assist with my needs."
- (8) List of qualifying expenditures that may be selected by the applicant shall follow the aforementioned attestation; and
- (9) Spaces allocated for printed name, signature, and date.

1004.4-5. *Qualifying Expenditures.* The following types of expenses shall be considered qualifying expenditures:

- (a) mortgage and rental assistance;
- (b) utility assistance;
- (c) telecommunications or technology assistance;
- (d) medical bills;
- (e) food security;
- (f) job seeking or job training assistance;
- (g) childcare; and
- (h) transportation costs associated with the above items.

1004.4-6. *Oversight.* The Oneida Economic Support Services Department shall oversee the collection, review, and permitted distribution of the Pandemic Relief Assistance Program funds to the qualifying adult members.

1004.4-7. *Records Maintenance.* The Oneida Economic Support Services Department and the Oneida Central Accounting Department shall be responsible for maintenance of records for the

Pandemic Relief Assistance Program. The member should retain receipts for the expenditure of the funds associated with the Pandemic Relief Assistance Program.

1004.5. Presumption of Need; General Test for General Welfare Exclusion

1004.5-1. The Pandemic Relief Assistance Program meets the requirements of the General Test as defined in the Oneida General Welfare Law; General Criteria as defined in I.R.S. Rev. Proc. 2014-35, section 5.01(1); and the requirements of the Tribal General Welfare Exclusion Act of 2014, 26 U.S.C. §139E(b).

- (a) The Pandemic Relief Assistance Program permitted distributions are provided to the members pursuant to this law, as approved by the Oneida Business Committee, and in accordance with Oneida General Welfare law.
- (b) The Pandemic Relief Assistance Program has guidelines specifying how adult members qualify for the benefits herein in this law.
- (c) The program is available to any adult member that attests to specific need(s) in the application as defined and regulated in this law.
- (d) The distribution of benefits does not discriminate in favor of members of the governing body of the Nation, are not compensation, and are not lavish or extravagant under the facts and circumstances of the Public Health Emergency.

1004.6. Budget

1004.6-1. The Nation shall allocate funds to the Pandemic Relief Assistance Program only from monies it received pursuant to the CARES Act CRF. This program is dependent on availability of funding from the CARES Act CRF.

End.

Emergency Adopted - BC-11-24-20-D