

## Title 10. General Welfare Exclusion - Chapter 1003 ONEIDA NATION ASSISTANCE FUND

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### **1003.1. Purpose and Policy**

1003.1-1. *Purpose.* The purpose of this law is to establish the Oneida Nation Assistance Fund to govern how the Nation provides financial assistance to its members, pursuant to the Oneida General Welfare law.

1003.1-2. *Policy.* It is the policy of the Nation to prioritize the general welfare needs of its members. The interests of the Nation are advanced when its members remain confident that their general welfare needs can be met.

### **1003.2. Adoption, Amendment, Repeal**

1003.2-1. This law was adopted by the Oneida Business Committee by resolution BC-06-08-22-A.

1003.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

1003.2-3. 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.

1003.2-4. 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.

1003.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

### **1003.3. Definitions**

1003.3-1. 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) "Approved program" means any program(s) to provide general welfare assistance that is intended to qualify as a General Welfare Exclusion, administered under specific guidelines, and is adopted by the Oneida Business Committee through resolution or law of the Nation in accordance with the Oneida General Welfare law.

(b) "Assistance" means benefits or payments under an approved program, which are paid to or on behalf of a recipient pursuant to this law. Assistance provided under an approved program shall not be considered income of the recipient.

(c) "Lavish" or "Extravagant" shall have the meaning determined by the Oneida Business Committee in its discretion and based on the circumstances, taking into account needs unique to the Nation as well as the social purpose being served by the particular assistance at hand, except as otherwise may be required for compliance with final guidance issued under 26 U.S.C. §139E following consultation between the Nation and the federal government.

(e) "Member" means an individual who is an enrolled member of the Nation.

(f) "Nation" means the Oneida Nation.

(g) "Recipient" means any member entitled to receive assistance in accordance with approved program requirements.

#### **1003.4. Establishment**

1003.4-1. *Establishment.* The Oneida Nation Assistance Fund is hereby established as an approved program of the Nation in accordance with the Oneida General Welfare law. The purpose of the Oneida Nation Assistance Fund is to provide financial assistance to members of the Nation to address the general welfare needs of members.

1003.4-2. *General Welfare Exclusion.* The Oneida Nation Assistance Fund 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; and the requirements of the Tribal General Welfare Exclusion Act of 2014, 26 U.S.C. §139E(b). The assistance provided through the Oneida Nation Assistance Fund is:

- (a) paid on behalf of the Nation;
- (b) pursuant to an approved program of the Nation;
- (c) does not discriminate in favor of members of the governing body of the Nation;
- (d) available to any eligible member of the Nation who meets the guidelines of the approved program;
- (e) provided for the promotion of general welfare;
- (f) not lavish or extravagant;
- (g) not compensation for services; and
- (h) not a per capita payment.

#### **1003.5. Guidelines and Requirements**

1003.5-1. *Eligibility.* The Oneida Nation Assistance Fund shall be open to any individual who meets the following criteria:

- (a) is a member of the Nation;
- (b) is age eighteen (18) or older; and
- (c) submits a completed application during the designated submission timeframe.

1003.5-2. *Distribution Period.* The Oneida Business Committee shall set forth through the adoption of a resolution an application submission period and disbursement timeframe for a distribution of assistance from the Oneida Nation Assistance Fund.

1003.5-3. *Application for Funds.* Any individual seeking assistance from the Oneida Nation Assistance Fund shall submit an application.

- (a) The Trust Enrollment Department shall make available an Oneida Nation Assistance Fund application form and instructions.

(1) The application shall require, at a minimum, the following information:

- (A) first and last name;
- (B) date of birth;
- (C) street address, city, state, zip code;
- (D) phone number;
- (E) e-mail address;
- (F) enrollment number;
- (G) bank account information for direct deposit if necessary;
- (H) declaration from the applicant that their need exists, and all information provided therein is accurate and in accordance with the laws of the Nation and federal law; and
- (I) signature of the applicant, electronic or handwritten, affirming the attestation.

(2) On the application the applicant shall designate the means by which they would like to receive their disbursement of funds from the Oneida Nation Assistance Fund, either through direct deposit or check.

(b) Applicants shall complete and return the Oneida Nation Assistance Fund application form to the Trust Enrollment Department by the deadline set through resolution by the Oneida Business Committee in order to be eligible for assistance from the Oneida Nation Assistance Fund.

(1) The information provided in the Oneida Nation Assistance Fund application form may be provided to any department, division, or personnel that processes the applications.

1003.5-4. *Disbursement of Funds.* Assistance provided through the Oneida Nation Assistance Fund shall be disbursed in accordance with the timeframe set through resolution by the Oneida Business Committee. Funds from the Oneida Nation Assistance Fund may be disbursed through direct deposit, or check, depending on the selection made on the application by the recipient.

1003.5-5. *Qualifying Expenditures.* The following types of expenses shall be considered qualifying expenditures for use of assistance from the Oneida Nation Assistance Fund by the recipient:

- (a) costs relating to housing needs of principal residences such as:
  - (1) mortgage payments, rent payments, and down payments;
  - (2) enhancements for habitability of housing;
  - (3) basic housing repairs or rehabilitation;
  - (4) improvements to adapt housing for special health needs;
- (b) costs for paying utility bills and charges, including, but not limited to, the following:
  - (1) water;
  - (2) electricity;
  - (3) gas;
  - (4) basic communication services such as:
    - (A) phone;
    - (B) internet; and
    - (C) cable;
- (c) costs associated with education including, but not limited to:
  - (1) transportation to and from school;
  - (2) tutors;
  - (3) supplies for use in school activities and extra-curricular activities;
  - (4) providing tuition or room and board payments;
  - (5) providing for childcare for parents seeking employment or pursuing education;
  - (6) job counseling and interviewing expenses.
- (d) costs associated with food security;
- (e) costs associated with home care assistance;
- (f) costs associated with vehicle payments, maintenance, repair, and insurance;
- (g) costs associated with medical care and transportation, room, and board costs for seeking medical care;
- (h) funeral and burial expenses and expenses for attending wakes, funerals, burials, bereavements, and subsequent honoring events; and
- (i) costs related to any other emergency circumstance.

1003.5-6. *Oversight.* The Trust Enrollment Department shall oversee the collection, review, and

permitted distribution of funds from the Oneida Nation Assistance Fund to the qualifying recipients.

1003.5-7. *Records Maintenance.* The Trust Enrollment Department shall be responsible for maintenance of records for the Oneida Nation Assistance Fund. The recipient shall retain receipts for the expenditure of the funds associated with the Oneida Nation Assistance Fund.

**1003.6. Funding**

1003.6-1. *Funding Source.* The Oneida Nation Assistance Fund shall be funded through the Nation's annual budget, and by any other funding source deemed necessary by the Oneida Business Committee.

1003.6-2. *Amount of Available Funding.* The Oneida Business Committee shall determine the amount of assistance available to an eligible recipient from the Oneida Nation Assistance Fund per any permitted distribution.

*End.*

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Adopted – BC-06-08-22-A