

ONEIDA NATION PUBLIC MEETING NOTICE

FRIDAY, SEPTEMBER 2, 2022, 12:15 pm

Norbert Hill Center-Business Committee Conference Room
N7210 Seminary Rd., Oneida, Wisconsin

Find Public Meeting Materials at

[Oneida-nsn.gov/government/register/public meetings](http://Oneida-nsn.gov/government/register/public%20meetings)

Send Public Comments to

LOC@oneidation.org

Ask Questions here

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920-869-4417



ONEIDA NATION ASSISTANCE FUND LAW

The purpose of the Oneida Nation Assistance Fund 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.

The Oneida Nation Assistance Fund law will:

- ◆ Establish the Oneida Nation Assistance Fund as an approved program of the Nation in accordance with the Oneida General Welfare law;
- ◆ Provide how this program qualifies for general welfare exclusion;
- ◆ Provide the eligibility requirements for accessing assistance from the Oneida Nation Assistance Fund – which is that a person is a member of the Nation; age eighteen (18) or older; and submits a completed application during the designated submission timeframe;
- ◆ Provide the minimum requirements for the information that must be included on the application;
- ◆ Provide how and when funds from the Oneida Nation Assistance Fund are disbursed;
- ◆ Provide for the types of expenses that shall be considered qualifying expenditures for use of assistance from Oneida Nation Assistance Fund by the recipient;
- ◆ Provide information on the funding source and who determines that amount of available funding to an eligible participant; and
- ◆ Provide that the Trust Enrollment Department is the department that has the responsibilities to administer the Oneida Nation Assistance Fund.

Individuals may attend the public meeting for the proposed Oneida Nation Assistance Fund law in person at the Norbert Hill Center, or virtually through Microsoft Teams. If you wish to attend the public meeting through Microsoft Teams please contact LOC@oneidation.org

PUBLIC COMMENT PERIOD CLOSSES MONDAY, SEPTEMBER 12, 2022

During the public comment period, anyone may submit written comments, questions or input. Comments may be submitted to the Oneida Nation Secretary's Office or the Legislative Reference Office in person, by U.S. mail, interoffice mail, or e-mail.



For more information on the proposed Oneida Nation Assistance Fund law please review the public meeting packet at [oneida-nsn.gov/government/register/public meetings](http://oneida-nsn.gov/government/register/public%20meetings).



ONEIDA NATION ASSISTANCE FUND LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Law	<ul style="list-style-type: none"> ▪ Establish the Oneida Nation Assistance Fund as an approved program of the Nation in accordance with the Oneida General Welfare law. [10 O.C. 1003.4-1]. ▪ Provide how this program qualifies for general welfare exclusion. [10 O.C. 1003.4-2]. ▪ Provide the eligibility requirements for accessing assistance from the Oneida Nation Assistance Fund – which is that a person is a member of the Nation; age eighteen (18) or older; and submits a completed application during the designated submission timeframe. [10 O.C. 1003.5-1]. ▪ Provide the minimum requirements for the information that must be included on the application. [10 O.C. 1003.5-3]. ▪ Provide how and when funds from the Oneida Nation Assistance Fund are disbursed. [10 O.C. 1003.5-2, 1003.5-4]. ▪ Provide for the types of expenses that shall be considered qualifying expenditures for use of assistance from Oneida Nation Assistance Fund by the recipient. [10 O.C. 1003.5-5]. ▪ Provide information on the funding source and who determines that amount of available funding to an eligible participant. [10 O.C. 1003.6-1, 1003.6-2]. ▪ Provide that the Trust Enrollment Department is the department that has the responsibilities to administer the Oneida Nation Assistance Fund. [10 O.C. 1003.5-6, 1003.5-7].
Purpose	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. [10 O.C. 1003.1-1].
Affected Entities	Oneida Business Committee, Trust Enrollment Department
Public Meeting	A public meeting has not yet been held.
Fiscal Impact	A fiscal impact statement has not yet been requested.
Expiration of Emergency Legislation	The Oneida Nation Assistance Fund law was adopted on an emergency basis on June 8, 2022, through resolution BC-06-08-22-A. The emergency adoption of the Oneida Nation Assistance Fund law will expire on December 8, 2022.

SECTION 2. LEGISLATIVE DEVELOPMENT

A. **Background.** The Oneida Nation Assistance Fund law (“the Law”) was adopted by the Nation on an emergency basis on June 8, 2022, through resolution BC-06-08-22-A for the purpose of establishing the Oneida Nation Assistance Fund to govern how the Nation provides financial assistance to its members, pursuant to the Oneida General Welfare law. [10 O.C. 1003.1-1]. The emergency adoption of the Law will expire on December 8, 2022.

- 7 B. The adoption of the Law on a permanent basis is now being sought by the Legislative Operating
8 Committee.
9

10 SECTION 3. CONSULTATION AND OUTREACH

- 11 A. Representatives from the following departments or entities participated in the development of this Law
12 and legislative analysis:
13 ▪ Oneida Law Office;
14 ▪ Government Administration Office;
15 ▪ Finance Administration;
16 ▪ Trust Enrollments Department; and
17 ▪ Intergovernmental Affairs and Communications.
18

19 SECTION 4. PROCESS

- 20 A. The development of this Law has followed the process set forth in the Legislative Procedures Act
21 (LPA).
22 ▪ On June 1, 2022, the Legislative Operating Committee added the Law to is Active Files List.
23 ▪ On June 1, 2022, the Legislative Operating Committee approved the Oneida Nation Assistance
24 Fund law emergency adoption packet and forward to the Oneida Business Committee for
25 consideration.
26 ▪ On June 8, 2022, the Oneida Business Committee adopted the Law on an emergency basis
27 through the adoption of resolution BC-06-08-22-A entitled, *Emergency Adoption of the Oneida*
28 *Nation Assistance Fund Law*. The emergency adoption of the Law will expire on December 8,
29 2022.
30 ▪ On July 20, 2022, the Legislative Operating Committee approved the draft and legislative
31 analysis for the Oneida Nation Assistance Fund law.
32 B. At the time this legislative analysis was developed the following work meetings had been held
33 regarding the development of this Law:
34 ▪ May 12, 2022: LOC work meeting.
35 ▪ May 18, 2022: LOC work meeting with the Oneida Law Office, Finance Administration,
36 Budget Analyst, Trust Enrollment Department, and Government Administration Office.
37 ▪ July 1, 2022: LOC work meeting with the Finance Administration, Trust Enrollment
38 Department, Intergovernmental Affairs and Communications, and Government Administration
39 Office.
40 ▪ July 28, 2022: LOC work meeting.
41

42 SECTION 5. CONTENTS OF THE LEGISLATION

- 43 A. *Purpose and Policy*. The purpose of this law is to establish the Oneida Nation Assistance Fund to
44 govern how the Nation provides financial assistance to members, pursuant to the Oneida General
45 Welfare law. [10 O.C. 1003.1-1]. It is the policy of the Nation to prioritize the general welfare needs
46 of its members. [10 O.C. 1003.1-2]. The interests of the Nation are advanced when its members remain
47 confident that their general welfare needs can be met. [10 O.C. 1003.1-2].

- 48 ▪ **Effect.** The overall purpose of this Law is to codify the Nation’s sovereign right to provide
49 assistance to Tribal members on a non-taxable basis through an approved program.
- 50 **B. Establishment.** This Law establishes the Oneida Nation Assistance Fund as an approved program of
51 the Nation in accordance with the Oneida General Welfare Law. [10 O.C. 1003.4-1]. The Oneida
52 Nation Assistance Fund meets the requirements of the General Test as defined in the Oneida General
53 Welfare law; General Criteria as defined in I.R.S. Rev. Proc. 2014-35, section 5; and the requirements
54 of the Tribal General Welfare Exclusion Act of 2014 26 U.S.C. §139E(b). [10 O.C. 1003.4-1].
- 55 **C. Guidelines and Requirements.** The Law provides guidelines and requirements for the Oneida Nation
56 Assistance Fund. The Oneida Nation Assistance Fund shall be open to any individuals who meet the
57 following criteria: is a member of the Nation; is age eighteen (18) or older; and submits a completed
58 application during the designated submission timeframe [10 O.C. 1003.5-1]. The Oneida Business
59 Committee shall set forth, through the adoption of a resolution, an application submission period and
60 disbursement timeframe for a distribution of assistance from the Oneida Nation Assistance Fund. [10
61 O.C. 1003.5-2]. Any individual seeking assistance from the Oneida Nation Assistance Fund shall
62 submit an application. [10 O.C. 1003.5-3]. The Trust Enrollment Department shall make available an
63 Oneida Nation Assistance Fund application form and instructions. [10 O.C. 1003.5-3(a)]. The Law
64 provides the minimum information that is required to be provided on the application. [10 O.C. 1003.5-
65 3(a)(1)(A)-(I)]. Assistance provided through the Oneida Nation Assistance Fund shall be disbursed in
66 accordance with the timeframe set through resolution by the Oneida Business Committee. [10 O.C.
67 1003.5-4]. Funds from the Oneida Nation Assistance Fund may be disbursed through direct deposit, or
68 check, depending on the selection made on the application by the recipient. [10 O.C. 1003.5-4].
- 69 **D. Qualifying Expenditures.** The Law provides that the following types of expenses shall be considered
70 qualifying expenditures for use of assistance from the Oneida Nation Assistance Fund by the recipient:
- 71 ▪ costs relating to housing needs of principal residences such as:
- 72 ▪ mortgage payments, rent payments, and down payments;
- 73 ▪ enhancements for habitability of housing;
- 74 ▪ basic housing repairs or rehabilitation;
- 75 ▪ improvements to adapt housing for special health needs;
- 76 ▪ costs for paying utility bills and charges, including, but not limited to, the following:
- 77 ▪ water;
- 78 ▪ electricity;
- 79 ▪ gas;
- 80 ▪ basic communication services such as:
- 81 ▪ phone
- 82 ▪ internet; and
- 83 ▪ cable;
- 84 ▪ costs associated with education, including, but not limited to the following:
- 85 ▪ transportation to and from school;
- 86 ▪ tutors;
- 87 ▪ supplies for use in school activities and extra-curricular activities;
- 88 ▪ providing tuition or room and board payments;
- 89 ▪ providing for childcare for parents seeking employment or pursuing education;
- 90 ▪ job counseling and interviewing expenses;
- 91 ▪ costs associated with food security;

- 92 ▪ costs associated with home care assistance;
- 93 ▪ costs associated with vehicle payments, maintenance, repair, and insurance;
- 94 ▪ costs associated with medical care and transportation, room, and board costs for seeking
- 95 medical care;
- 96 ▪ funeral and burial expenses and expenses for attending wakes, funerals, burials,
- 97 bereavements, and subsequent honoring events; and
- 98 ▪ costs related to any other emergency circumstance [10 O.C. 1003.5-5].

99 **E. Oversight and Records Maintenance.** The Trust Enrollment Department shall oversee the collection,
100 review, and permitted distribution of funds from the Oneida Nation Assistance Fund to the qualifying
101 recipients and shall be responsible for maintenance of records for the Oneida Nation Assistance Fund.
102 [10 O.C. 1003.5-6, 1003.5-7]. The recipient shall retain receipts for the expenditure of the funds
103 associated with the Oneida Nation Assistance Program. [10 O.C. 1003.5-7].

104 **F. Funding.** The Oneida Nation Assistance Fund shall be funded through the Nation’s annual budget, and
105 by any other funding source deemed necessary by the Oneida Business Committee. [10 O.C. 1003.6-
106 1]. The Oneida Business Committee shall determine the amount of assistance available to an eligible
107 recipient from the Oneida Nation Assistance Fund per any permitted distribution. [10 O.C. 1003.6-2].
108

109 **SECTION 6. EXISTING LEGISLATION**

110 **A. Related Legislation.** The following laws of the Nation are related to this Law:

- 111 ▪ *Oneida General Welfare Law.* The Oneida General Welfare Law governs how the Nation
112 provides assistance to eligible members on a non-taxable basis, pursuant to the principles of
113 the General Welfare Exclusion to Indian Tribal governmental programs that provide benefits
114 to Tribal members. [10 O.C. 1001.1-1].
 - 115 ▪ The Oneida Nation Assistance Fund is hereby established as an approved program of
116 the Nation in accordance with the Oneida General Welfare Law. [10 O.C. 1003.4-1].
117 The Oneida Nation Assistance Fund meets the requirements of the General Test as
118 defined in the Oneida General Welfare Law. [10 O.C. 1003.4-2].

120 **SECTION 7. OTHER CONSIDERATIONS**

121 **A. Deadline for Permanent Adoption of Legislation.** The emergency adoption of this Law will expire six
122 (6) months after adoption on December 8, 2022. The emergency legislation may be renewed for an
123 additional six (6) month period.

- 124 ▪ *Conclusion:* The Legislative Operating Committee will need to consider the development and
125 adoption of this Law on a permanent basis within the next six (6) to twelve (12) months.

126 **A. Fiscal Impact.** Under the Legislative Procedures Act, a fiscal impact statement is required for all
127 legislation except emergency legislation. [1 O.C. 109.6-1]. Fiscal Impact statements may be prepared
128 by any agency who may receive funding if the legislation is enacted, any agency who may administer
129 a program if the legislation is enacted, any agency who may have financial information concerning the
130 subject matter of the legislation, or by the Finance Office, upon request of the Legislative Operating
131 Committee. [1 O.C. 109.6-1(a)-(b)]. Oneida Business Committee resolution BC-10-28-20-A entitled,
132 *Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures Act*, provides further
133 clarification on who the Legislative Operating Committee may direct complete a fiscal impact
134 statement at various stages of the legislative process, as well as timeframes for completing the fiscal
135 impact statement.

- 136 ▪ *Conclusion.* The Legislative Operating Committee has not yet directed that a fiscal impact

137 statement be completed.
138

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

1003.1. Purpose and Policy
1003.2. Adoption, Amendment, Repeal
1003.3. Definitions
1003.4. Establishment

1003.5. Guidelines and Requirements
1003.6. Funding

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-__-__-__-__.

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.

42 **1003.4. Establishment**

43 1003.4-1. *Establishment.* The Oneida Nation Assistance Fund is hereby established as an
44 approved program of the Nation in accordance with the Oneida General Welfare law. The purpose
45 of the Oneida Nation Assistance Fund is to provide financial assistance to members of the Nation
46 to address the general welfare needs of members.

47 1003.4-2. *General Welfare Exclusion.* The Oneida Nation Assistance Fund meets the
48 requirements of the General Test as defined in the Oneida General Welfare law; General Criteria
49 as defined in I.R.S. Rev. Proc. 2014-35, section 5; and the requirements of the Tribal General
50 Welfare Exclusion Act of 2014, 26 U.S.C. §139E(b). The assistance provided through the Oneida
51 Nation Assistance Fund is:

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

61

62 **1003.5. Guidelines and Requirements**

63 1003.5-1. *Eligibility.* The Oneida Nation Assistance Fund shall be open to any individual who
64 meets the following criteria:

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

68 1003.5-2. *Distribution Period.* The Oneida Business Committee shall set forth through the
69 adoption of a resolution an application submission period and disbursement timeframe for a
70 distribution of assistance from the Oneida Nation Assistance Fund.

71 1003.5-3. *Application for Funds.* Any individual seeking assistance from the Oneida Nation
72 Assistance Fund shall submit an application.

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

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

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

87 declaration.

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

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

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

98 1003.5-4. *Disbursement of Funds.* Assistance provided through the Oneida Nation Assistance
99 Fund shall be disbursed in accordance with the timeframe set through resolution by the Oneida
100 Business Committee. Funds from the Oneida Nation Assistance Fund may be disbursed through
101 direct deposit, or check, depending on the selection made on the application by the recipient.

102 1003.5-5. *Qualifying Expenditures.* The following types of expenses shall be considered
103 qualifying expenditures for use of assistance from the Oneida Nation Assistance Fund by the
104 recipient:

- 105 (a) costs relating to housing needs of principal residences such as:
106 (1) mortgage payments, rent payments, and down payments;
107 (2) enhancements for habitability of housing;
108 (3) basic housing repairs or rehabilitation;
109 (4) improvements to adapt housing for special health needs;
- 110 (b) costs for paying utility bills and charges, including, but not limited to, the following:
111 (1) water;
112 (2) electricity;
113 (3) gas;
114 (4) basic communication services such as:
115 (A) phone;
116 (B) internet; and
117 (C) cable;
- 118 (c) costs associated with education including, but not limited to:
119 (1) transportation to and from school;
120 (2) tutors;
121 (3) supplies for use in school activities and extra-curricular activities;
122 (4) providing tuition or room and board payments;
123 (5) providing for childcare for parents seeking employment or pursuing education;
124 (6) job counseling and interviewing expenses.
- 125 (d) costs associated with food security;
126 (e) costs associated with home care assistance;
127 (f) costs associated with vehicle payments, maintenance, repair, and insurance;
128 (g) costs associated with medical care and transportation, room, and board costs for
129 seeking medical care;
130 (h) funeral and burial expenses and expenses for attending wakes, funerals, burials,
131 bereavements, and subsequent honoring events; and

132 (i) costs related to any other emergency circumstance.
133 1003.5-6. *Oversight*. The Trust Enrollment Department shall oversee the collection, review, and
134 permitted distribution of funds from the Oneida Nation Assistance Fund to the qualifying
135 recipients.

136 1003.5-7. *Records Maintenance*. The Trust Enrollment Department shall be responsible for
137 maintenance of records for the Oneida Nation Assistance Fund. The recipient shall retain receipts
138 for the expenditure of the funds associated with the Oneida Nation Assistance Fund.

139
140 **1003.6. Funding**

141 1003.6-1. *Funding Source*. The Oneida Nation Assistance Fund shall be funded through the
142 Nation’s annual budget, and by any other funding source deemed necessary by the Oneida
143 Business Committee.

144 1003.6-2. *Amount of Available Funding*. The Oneida Business Committee shall determine the
145 amount of assistance available to an eligible recipient from the Oneida Nation Assistance Fund
146 per any permitted distribution.

147
148 *End.*

149
150

151 Emergency Adopted – BC-06-08-22-A
152 Adopted – BC-__-__-__-__