

Oneida Nation

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Oneida, WI 54155

BC Resolution # 09-01-22-A

Oneida Nation Food Assistance Program – An Oneida General Welfare Exclusion Program

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; 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 General Welfare law was adopted by the Oneida Business Committee through resolution BC-12-08-21-A for the purpose of governing how the Nation provides assistance to eligible members, on a non-taxable basis, through approved programs that promote the general welfare of the Nation pursuant to the principles of the General Welfare Exclusion; and
- WHEREAS,** the Oneida Business Committee has determined it would be beneficial for the general welfare of the Nation's membership to create an approved program under the Oneida General Welfare law to provide financial assistance to members of the Nation to aid them with the rising costs of healthy food; and
- WHEREAS,** the Oneida Business Committee adopted resolution BC-07-13-22-R, *Obligation for the Oneida Nation Food Assistance Program Utilizing Tribal Contribution Savings*, which obligated funding to and demonstrated an intent to create the *Oneida Nation Food Assistance Program* as an approved program of the Nation in accordance with the Oneida General Welfare law to provide an allocation of five hundred dollars (\$500) to each enrolled Oneida Nation member that is at least eighteen (18) years of age by December 31st in 2022 and 2023 for the purchase of healthy food items; and

Establishment and Purpose

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee hereby adopts and establishes the *Oneida Nation Food Assistance Program* as an approved program of the Nation in accordance with the Oneida General Welfare law.

BE IT FUTHER RESOLVED, the purpose of the *Oneida Nation Food Assistance Program* is to provide financial assistance to members of the Nation to aid them with the rising costs of healthy food prices to ensure that their general welfare needs can continue to be met.

Eligibility for Assistance

BE IT FUTHER RESOLVED, for the 2022 distribution of the *Oneida Nation Food Assistance Program*, any enrolled member of the Nation who is at least eighteen (18) years of age or older on or before December 31, 2022, shall be eligible for assistance from the *Oneida Nation Food Assistance Program*.

BE IT FUTHER RESOLVED, for the 2023 distribution of the *Oneida Nation Food Assistance Program*, any enrolled member of the Nation who is at least eighteen (18) years of age or older on or before December 31, 2023, shall be eligible for assistance from the *Oneida Nation Food Assistance Program*.

Funding Source

BE IT FUTHER RESOLVED, in accordance with resolution BC-07-13-22-R, *Obligation for the Oneida Nation Food Assistance Program Utilizing Tribal Contribution Savings*, the *Oneida Nation Food Assistance Program* shall be funded in the amount of fourteen million dollars (\$14,000,000) from Tribal Contribution Savings, (thirteen million one hundred and ninety-five thousand and two hundred and ninety one dollars (\$13,195,291) from Direct Membership Assistance and eight hundred and four thousand seven hundred and nine dollars (\$804,709) from Food and Agriculture).

Qualifications for General Welfare Exclusion

BE IT FUTHER RESOLVED, the *Oneida Nation Food 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; 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 Food Assistance Program* is:

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

Application Submission Period and Distribution of Funds

BE IT FUTHER RESOLVED, the Oneida Trust Enrollment Department shall make available an application form for the *Oneida Nation Food Assistance Program*.

BE IT FUTHER RESOLVED, applications for the 2022 disbursement of assistance from the *Oneida Nation Food Assistance Program* shall be accepted until October 28, 2022, with the disbursement of assistance to be made on or before November 18, 2022.

BE IT FUTHER RESOLVED, the Oneida Business Committee shall provide application submission period and deadline dates for the 2023 disbursement of assistance from the *Oneida Nation Food Assistance Program* no later than August 1, 2023.

BE IT FUTHER RESOLVED, that the Oneida Trust Enrollment Department shall oversee the collection, review, and permitted distribution of funds from the *Oneida Nation Food Assistance Program* to the qualifying recipients.

Maintenance of Records

BE IT FUTHER RESOLVED, that the Oneida Trust Enrollment Department shall be responsible for maintenance of records for the *Oneida Nation Food Assistance Program*. The recipient shall retain receipts for the expenditure of the funds associated with the *Oneida Nation Food Assistance Program*.

Term of Program

BE IT FINALLY RESOLVED, that the *Oneida Nation Food Assistance Program* shall begin no later than October 28, 2022, and end on January 1, 2024, or when the allocated funding has been fully expended.

CERTIFICATION

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; 6 members participated in an electronic vote (e-poll) which closed on the 1st day of September, 2022; that the forgoing resolution was duly adopted by a vote of 5 members for, 1 member against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way. The results of the e-poll will be entered into the record at the next Oneida Business Committee scheduled on September 14, 2022.



Lisa Liggins, Secretary
Oneida Business Committee

*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."