

**POKAGON BAND OF POTAWATOMI INDIANS
2025 INFLATION RELIEF PROGRAM POLICY**

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1. **Findings.**

The Tribal Council finds as follows:

- (a) Under the Constitution, the Tribal Council's duties include promoting and protecting the health, safety, and general welfare of the Pokagon Band;
- (b) Published reports have confirmed increased costs related to inflation, including without limitation, food costs, at a significant rate over the recent few years;
- (c) Consistent with such published reports, the Pokagon Band community is incurring such increased costs; and
- (d) This Policy is necessary to address the increased costs within the Pokagon Band community and to ensure the general welfare of the Pokagon Band.

2. **Purpose.**

The purpose of this Policy includes the following:

- (a) To establish standards governing the Program;
- (b) To provide supplemental financial assistance to defray increased costs related to inflation, such as increased food costs, to address a recognized need in the Pokagon Band community; and
- (c) To ensure the general welfare of the Pokagon Band and its Citizens.

3. **Subject to the Availability of Funds.**

Payment of the Inflation Relief Benefit pursuant to this Policy shall be subject to the availability of funds as determined by the Tribal Council.

4. **Definitions.**

For purposes of this Policy, the following terms are defined:

- (a) “Applicant” means a person who submits an application for Inflation Relief Benefits to the Department of Social Services under this Policy.
- (b) “Application” means an application for Inflation Relief Benefit.
- (c) “Benefit Card” means the reloadable card containing the Inflation Relief Benefit.
- (d) “Chi Ishobak” means Chi Ishobak, a community development financial institution organized as a non-profit corporation under the laws of the State of Michigan, whose purpose includes advancing and promoting the community and economic development of the tribal community of the Pokagon Band.

- (e) “Citizen” means an enrolled member of the Pokagon Band.
- (f) “Citizen Household” means a dwelling in which one or more Citizens live. For purposes of this Policy, a Citizen may have or reside in only one Citizen Household.
- (g) “Citizen Legal Guardian” means a person who: (i) is at least 18 years of age; and (ii) has sole or joint custody (both legal and physical) of a Citizen who is less than 18 years of age.
- (h) “Citizen Parent” means a person who: (i) is at least 18 years of age; and (ii) is the biological, adoptive or step-parent who has sole or joint custody (both legal and physical) of a Citizen who is less than 18 years of age.
- (i) “Constitution” means the Pokagon Band Constitution.
- (j) “Department of Social Services” means the Pokagon Band Department of Social Services.
- (k) “Director” means the Director of the Department of Social Services.
- (l) “General Welfare Exclusion” means the federal income tax exclusion for “Indian general welfare benefits”, including as provided under the Tribal General Welfare Exclusion Act of 2014, as codified in Internal Revenue Code Section 139E.
- (m) “Inflation Relief Benefit” means the financial assistance payment provided via the Benefit Card, pursuant to this Policy.
- (n) “IRS” means the Internal Revenue Service, the United States government agency responsible for federal tax collection and enforcement.
- (o) “Non-Citizen Parent” means a person who: (i) is at least 18 years of age; (ii) is not a Citizen; (iii) is the biological, adoptive or step-parent who has sole or joint custody (both legal and physical) of a Citizen who is less than 18 years of age; and (iv) lives in a Citizen Household.
- (p) “Non-Citizen Legal Guardian” means a person who: (i) is at least 18 years of age; (ii) is not a Citizen; (iii) has sole or joint custody (both legal and physical) of a Citizen who is less than 18 years of age; and (iv) lives in a Citizen Household.
- (q) “Pokagon Band” means the Pokagon Band of Potawatomi Indians.
- (r) “Policy” means this 2025 Inflation Relief Program Policy.
- (s) “Program” means this 2025 Inflation Relief Program Policy, a legislatively provided social benefit program for the promotion of the general welfare, established by the Tribal Council under this Policy.

- (t) “Tribal Council” means the governing body of the Pokagon Band established pursuant to Article X of the Constitution.

5. Duration.

The Program shall accept Applications through November 20, 2025, and the Program shall automatically expire upon the earlier of December 31, 2025, or when funding for the Program is no longer available.

6. Eligibility and Application for Inflation Relief Benefit.

- (a) General. Subject to the requirements of this Policy, any living Citizen shall be eligible for an Inflation Relief Benefit.
- (b) To receive an Inflation Relief Benefit, one must apply for and be approved to receive an Inflation Relief Benefit. Applications for an Inflation Relief Benefit are available on the Pokagon Band website or through the Department of Social Services. Completed applications may be returned to the Department of Social Services in person, by U.S. mail, private courier, or electronic transmission.
- (c) Only the following persons may complete and return an Application:
 - (i) A Citizen who is at least 18 years of age; and
 - (ii) A Non-Citizen Parent or Non-Citizen Legal Guardian.
- (d) For any Non-Citizen Parent or Non-Citizen Legal Guardian Applicant, the address of such person must be the same as that identified in the Pokagon Band’s Enrollment Office records for the Citizen(s) within the Citizen Household for whom such person is the Non-Citizen Parent or Non-Citizen Legal Guardian.
- (e) An Applicant shall have the burden of proving eligibility under the Program.
- (f) All Applications shall be signed by the Applicant and shall include, without limitation, an attestation and certification that:
 - (i) The Applicant has read the Program in effect at the time the Application is submitted and is eligible to receive Inflation Relief Benefits under the Program;
 - (ii) The Inflation Relief Benefit shall be utilized solely for the Citizen Household;
 - (iii) To the best of the Applicant’s information, knowledge, and belief all information provided is true, accurate and complete;
 - (iv) The Applicant acknowledges and understands that if the Applicant is a Citizen, although the Pokagon Band has structured the

Program with the intent that the Inflation Relief Benefit be non-taxable, if the IRS deems the Inflation Relief Benefit, or any part of such to be taxable, the Citizen (and not the Band) shall be solely responsible for any taxes, interest and penalties owed from the Applicant's receipt of any Inflation Relief Benefit;

- (v) The Applicant acknowledges and understands that providing any false information may subject the Applicant to legal action, including without limitation, criminal prosecution; and
- (vi) All Applications shall be delivered to the Department of Social Services by any of the following methods:
 - (1) personal or private courier delivery
 - (2) U.S. mail, or
 - (3) electronically, including without limitation, e-mail or fax.
- (g) Once approved for an Inflation Relief Benefit, the Applicant will not have to reapply, unless there is a change in the Applicant's eligibility.
- (h) If more than Citizen Parent, Citizen Legal Guardian, Non-Citizen Parent, or Non-Citizen Legal Guardian is an Applicant for or on behalf of the same Citizen minor and do not live in the same dwelling, then the Department of Social Services may request from any such Applicant, additional information to determine eligibility, including with regard to determining the number of Citizens within the Citizen Household.
- (i) Any person shall cease to be eligible for the Inflation Relief Benefit upon such person's death, and if the Pokagon Band determines that a person has died before the relevant distribution date of any Inflation Relief Benefit, no Inflation Relief Benefit for or on behalf of a deceased person shall be made.

7. Electronic Application and Electronic Signature on Application.

- (a) An Application or a signature on an application relating to the Program shall not be denied legal effect or enforceability solely because it is in electronic form, and an Application shall not be denied legal effect or enforceability solely because an electronic record was used in its formation.
- (b) An electronic record of an Application or electronic signature on an Application shall be attributable to a person if it is the act of the person, which may be shown in any manner (including a showing of the efficacy of any security procedures applied to determine the person to which the electronic record or electronic signature was attributable), and the effect of an electronic record of an Application or electronic signature on an Application attributed to a person shall

be determined from the context and surrounding circumstances at the time of its creation, execution, or adoption.

- (c) The Pokagon Band's Department of Information Technology, giving due consideration to security and in consultation with the Department of Social Services, may specify any of the following as appropriate for the submission of an electronic record of an Application or electronic signature on an Application:
 - (i) the manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored and the systems established for such purposes;
 - (ii) if an electronic record is required to be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature is to be affixed to the electronic record;
 - (iii) control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records; and
 - (iv) any other required attributed for electronic records that are specified for corresponding nonelectronic records or reasonably necessary under the circumstances.

8. Decision.

- (a) The Department of Social Services shall be responsible for the implementation and administration of the Policy and the Program.
- (b) If an application for Inflation Relief Benefits is approved, the Department of Social Services shall cause written or electronic notice to be provided to the Applicant and shall, at a minimum, include the monthly amount of Inflation Relief Benefits. Once approved, the Citizen Household shall be eligible for and shall receive Inflation Relief Benefits based on the date the Department of Social Services received the fully completed Application.
- (c) If an application for Inflation Relief Benefits is denied, the Department of Social Services shall cause written or electronic notice to be provided to the Applicant and such notice shall, at a minimum, include the following information:
 - (i) the specific reason(s) for the denial; and
 - (ii) a statement informing the Applicant of the ability to reapply for Inflation Relief Benefits if the relevant circumstances change.

- (d) The decisions of the Department of Social Services regarding any application for Inflation Relief Benefits is final, and shall not be subject to review or appeal, including without limitation, pursuant to the Pokagon Band's Grievance Policy.

9. Amount of Inflation Relief Benefit.

- (a) The Inflation Relief Benefit will be paid on a Citizen Household basis.
- (b) For a Citizen Household with at least one, but not more than three Citizens, the Inflation Relief Benefit shall be \$140.00 per month.
- (c) For a Citizen Household with four or more Citizens, the Inflation Relief Benefit shall be \$250.00 per month.
- (d) There shall be no duplicate payments of Inflation Relief Benefits. If there are multiple eligible Applicants within a Citizen Household, the total amount of the Inflation Relief Benefit paid to such Citizen Household shall not exceed that identified in Subsection 9(b) or 9(c), as applicable. For purposes of illustration only and subject to the requirements of this Policy, provided below are examples:
 - (i) If a Citizen Parent of one minor Citizen is an Applicant ("Applicant Number 1"), with a total two Citizens within the Citizen Household, and is approved for Inflation Relief Benefits, the Pokagon Band shall pay \$140 per month of Inflation Relief Benefits. If following such approval, the Citizen Parent's adult sister, who is also a Citizen, becomes a member of the Citizen Household, is an Applicant ("Applicant Number 2"), and is approved for Inflation Relief Benefits, the Pokagon Band shall still pay only a total of \$140 per month of Inflation Relief Benefits, but Applicant Number 1 will now receive a total of only \$93.33 per month and Applicant Number 2 will receive a total of \$46.67 per month.
 - (ii) If a Citizen Parent of three minor Citizens is an Applicant ("First Beneficiary"), with a total of four Citizens within the Citizen Household, and is approved for Inflation Relief Benefits, the Pokagon Band shall pay \$250 per month of Inflation Relief Benefits. If, following such approval, the Citizen Parent's adult brother, who is also a Citizen, becomes a member of the Citizen Household, is an Applicant ("Second Beneficiary"), and is approved for Inflation Relief Benefits, the Pokagon Band shall still pay only a total of \$250 per month of Inflation Relief Benefits, but the First Beneficiary will now receive a total of only \$200 per month and the Second Beneficiary will receive a total of \$50 per month.

10. Method of Distribution.

- (a) The Inflation Relief Benefit shall be paid via a Benefit Card that is eligible only for purchases of food. The Benefit Card may not be accepted by all merchants that sell food.
- (b) Because the Inflation Relief Benefit is paid on a per Citizen Household basis, only one Benefit Card will be provided per Citizen Household. However, if there are multiple Citizens within a Citizen Household who are eligible to complete an Application under Subsection 6(c) of this Policy, and do so, and are approved by the Department of Social Services, then, consistent with Subsection 9(d) of this Policy, amount of the Inflation Relief Benefit shall reduced and paid to each approved Applicant.
- (c) The Benefit Card will be issued to the Applicant of an approved Application.
- (d) The Benefit Card will be automatically reloaded monthly for the applicable amount of Inflation Relief Benefits in accordance with this Policy.

11. **Legally Incompetent Citizens.**

The Inflation Relief Benefit for an eligible Citizen who has been declared to be legally incompetent by a court of competent jurisdiction shall be made and sent to the proper legal guardian, conservator, or trustee as appointed and supervised by the court, provided the Department of Social Services has received a copy of the appropriate court document(s) demonstrating their court appointment and supervision of such Citizen.

12. **Garnishment.**

Inflation Relief Benefits are not subject to garnishment to satisfy an outstanding judgment in favor of the Pokagon Band or Chi Ishobak, but the Inflation Relief Benefits are subject to garnishment under a notice of levy if required under applicable federal law, and the notice of levy is recognized by the Pokagon Band Tribal Court within ten (10) business days prior to the date that the relevant Inflation Relief Benefit is determined to be paid.

13. **Inalienability.**

Except as provided in Section 12 of this Policy:

- (a) The Inflation Relief Benefit shall not be subject to alienation, sale, transfer, assignment, pledge, encumbrance, levy, attachment or garnishment by creditors, or in any way taken or reached by any legal or equitable process in satisfaction of debt or liability of a Citizen prior to its actual receipt by the Citizen.
- (b) Any actual or attempted alienation, sale, transfer, assignment, pledge, encumbrance, levy, attachment or garnishment of the Inflation Relief Benefit prior to payment to a Citizen shall be void.

14. **No Back Payments.**

Any individual who becomes eligible to receive an Inflation Relief Benefit, by the Department of Social Services' approval of such individual's fully completed Application, shall not be entitled to payment of the Inflation Relief Benefit for any month prior to the month that the Department of Social Services received such fully completed Application. There shall be no back payments of Inflation Relief Benefits.

15. **No Vested Rights.**

Nothing contained in this Policy shall be construed so as to vest in any person any right or interest in any Pokagon Band revenues or assets. All revenues shall be held by the Pokagon Band until distributed pursuant to Pokagon Band law and this Policy. No Citizen shall have an interest in or right to any Inflation Relief Benefit until it is actually paid by the Pokagon Band pursuant to this Policy. Inflation Relief Benefits shall remain assets of the Pokagon Band until actually distributed by the Pokagon Band.

16. **Benefits Non-Taxable.**

- (a) The Policy is for the promotion of the general welfare of the Pokagon Band and its Citizens. As such, the Pokagon Band intends for the Inflation Relief Benefits provided pursuant to the Policy to be excluded from federal income tax under the General Welfare Exclusion and not subject to information reporting and withholding under federal tax laws and regulations.
- (b) Nonetheless, if the Internal Revenue Service deems the Inflation Relief Benefits, or any portion thereof, to be taxable, then the Citizen and/or the Applicant (and not the Pokagon Band) shall be solely responsible for any taxes, interest and penalties owed from receipt of the Inflation Relief Benefits. Citizens are encouraged to contact a tax advisor with any tax questions relating to the Inflation Relief Benefits.

17. **Amendment.**

The Pokagon Band reserves the right to amend, repeal or otherwise modify this Policy, including to end the Program, at any time in its sole discretion, subject to applicable Pokagon Band law.

18. **No Waiver of Sovereign Immunity.**

The Pokagon Band has not waived its sovereign immunity. Nothing in this Policy is intended or shall be constructed to waive the sovereign immunity of the Pokagon Band or any of its officials or employees.

19. **General Welfare Exclusion Provisions.**

- (a) Benefits for the Promotion of General Welfare. The 2025 Inflation Relief Program is an "Indian general welfare benefit" within the meaning of the General Welfare Exclusion. The Inflation Relief Benefit is intended to promote the general welfare of the Pokagon Band and its Citizens by providing funds to Citizens for supplemental financial assistance to defray increased costs related to inflation,

such as increased food costs. The Inflation Relief Benefits may be used for these and any other general welfare purpose related to increased costs related to inflation and not fully covered by the Band's other general welfare programs.

- (b) **Benefits Based on Community Needs.** The General Welfare Exclusion does not require a showing of individual need or means testing. Further, the Pokagon Band recognizes that means testing can distort certain tribal cultural and community values. Accordingly, the amount of the Inflation Relief Benefit has been established based on the needs of the Citizens as a community, not the needs of individual Citizens. The Pokagon Band has determined that, on average, the general welfare needs of Citizens for increased costs related to inflation, such as increased food costs exceeds the amount of the Inflation Relief Benefit.
- (c) **Benefits Not Lavish or Extravagant.** Because the actual general welfare needs of the Citizens exceed the amount of the Inflation Relief Benefit, the Pokagon Band has determined that the Inflation Relief Benefit is not lavish or extravagant within the meaning of the General Welfare Exclusion.
- (d) **Non-Discrimination Policy.** The Pokagon Band's distribution of benefits under the Policy shall not discriminate in favor of any person, including members of the Tribal Council, the Pokagon Band's governing body.
- (e) **Non-Compensation Policy.** The benefits provided under the Policy are not compensation for services.
- (f) **No Substantiation Necessary.** Because the actual general welfare needs of the Citizens exceed the amount of the Inflation Relief Benefit, the Pokagon Band has determined that Citizens are not required to obtain pre-approval for expenditures or submit receipts for expenditures made with the Inflation Relief Benefit.

20. Miscellaneous.

- (a) Any questions regarding this Policy shall be directed to the Social Services Department at (269) ___-___. The Department of Social Service hours are Monday through Friday, 8:00 am to 5:00 pm (in the Eastern Time Zone), excluding Pokagon Band holidays.
- (b) The Pokagon Band will not, in any instance, pay an Inflation Relief Benefit in any manner or method other than via a Benefit Card. Additionally, the Pokagon Band will not exchange a Benefit Card for cash.
- (c) If any provision of this Policy is held to be invalid or unenforceable, such holding shall not affect or impair any other provision of this Policy.

- (d) This Policy shall be interpreted in a manner consistent with applicable law, including Pokagon Band law, but if any provision of this Policy conflicts with applicable law, then such applicable law shall control.
- (e) If any provision of any application required under this Policy conflicts with this Policy, this Policy shall control.
- (f) Nothing in this Policy or Program shall create any obligation that is legally enforceable against the Pokagon Band.

HISTORY

The 2025 Inflation Relief Program Policy, adopted _____, 2024, by Tribal Council Resolution No. 24-__-__-__.