

Oneida Nation

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Oneida, WI 54155

BC Resolution # 04-16-20-A

Resolution to Add Coronavirus-Related Distributions to the Nation's 401(k) Plans

- 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,** on March 11, 2020 the World Health Organization declared the COVID-19 virus to be a pandemic; and
- WHEREAS,** on March 13, 2020 the President of the United States proclaimed the COVID-19 outbreak in the United States to be a national emergency; and
- WHEREAS,** the Nation has been required to close governmental and enterprise operations and take other actions that impact the Nation's employees in connection with efforts to slow the spread of the coronavirus; and
- WHEREAS,** the Nation sponsors two tax-qualified retirement plans for the benefit of its employees, known as the Oneida Nation Governmental 401(k) Plan (the "Governmental Plan") and the Oneida Nation Enterprise 401(k) Plan (the "Enterprise Plan"); and
- WHEREAS,** the Coronavirus Assistance, Relief and Economic Stabilization Act (the "CARES Act") was signed into law on March 27, 2020, in response to the coronavirus pandemic currently gripping the United States, and it provides certain relief for 401(k) participants who are impacted by the coronavirus pandemic; and
- WHEREAS,** the Nation wishes to make certain changes to the Governmental Plan and the Enterprise Plan (collectively, the "Plans") to allow eligible employees to request Coronavirus-Related Distributions (CRD) from the Plans as permitted under the CARES Act, effective immediately.

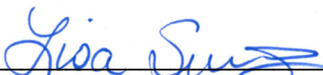
NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee hereby authorizes, approves, and directs the implementation of Coronavirus-Related Distributions through the Governmental Plan and the Enterprise Plan, effective as soon as administratively feasible.

BE IT FURTHER RESOLVED, that the CRD option implemented under the Plans shall permit eligible employees to access both employee and vested employer contributions held in their Plan accounts and shall permit employees of the Nation to repay CRDs back to the Plans, all in accordance with the CARES Act and federal regulations or guidance issued under the CARES Act.

BE IT FURTHER RESOLVED, that the Chief Financial Officer shall be, and hereby is, authorized and directed to execute any and all documents necessary to implement the CRD option under the Plans and to make any administrative or implementation decisions necessary to effectuate the intention of this Resolution.

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; 8 members participated in an electronic vote (e-poll) which closed on the 16th day of April, 2020; that the forgoing resolution was duly adopted by a vote of 8 members for, 0 members 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 April 22, 2020.



Lisa Summers, Secretary
Oneida Business Committee

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