



402-2 Native American Resources

Bulletin TB 76	<p>November 5, 2012</p> <p>TO: TANF Cash Assistance Policy Manual Holders SNAP Policy Manual Holders Family Medicaid Policy Manual Holders ABD Medicaid Policy Manual Holders HMK Policy Manual Holders</p> <p>FROM: Stephanie Wilkins, TANF Policy Specialist Tammy Poppe, SNAP Policy Specialist Teri McDonald, Family Medicaid Policy Specialist Nancy Clark, ABD Medicaid Policy Specialist Trinda Smith, Acting HMK Policy Specialist</p> <p>SUBJECT: Bulletin TB 76 Bulletin MA 113 Bulletin FMA 70 Bulletin SNAP 96 Bulletin HMK 1</p> <p>TANF Manual: Place this bulletin at the beginning of TANF 400 and 500 SNAP Manual: Place this bulletin at the beginning of SNAP 400 and 500 ABD Medicaid: Place this bulletin between pages 24 & 25 of MA 402-1 and between pages 14 and 15 of MA 501-1 FMA Medicaid: Place this bulletin between pages 18 & 19 of FMA 402-1 and between pages 12 & 13 of FMA 501-1 HMK Manual: Place this bulletin after the end of Section 4.4, Unearned Income</p> <p>=====</p> <p>SUBJECT: Keepseagle vs. Vilsack - Settlement of Tribal Trust Accounting and Management Lawsuits</p> <p>EFFECTIVE DATE: Immediately upon receipt</p> <p>INTRODUCTION: Keepseagle vs. Vilsack is a class action lawsuit filed against the U.S. Department of Agriculture, alleging that the USDA discriminated against Native Americans in its farm loan and farm loan servicing programs.</p> <p>NEW POLICY: SNAP and TANF - Payments derived from this settlement are excluded as income in the month received and are countable as a resource both in the month received and in subsequent months to the extent retained thereafter.</p> <p>ABD and FMA Medicaid and HMK: Payments from the Keepseagle Settlement are</p>
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	<p>countable income in the month of receipt, to the extent they can be anticipated, and a countable resource to the extent retained into future months.</p> <p>UPDATED MANUAL MATERIAL WILL BE DISTRIBUTED AS SOON AS POSSIBLE; UNTIL THAT TIME, USE THIS BULLETIN AS A GUIDE. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT YOUR REGIONAL POLICY SPECIALIST</p>
Bulletin TB- 72	<p>August 1, 2012</p> <p>TO: All ABD Medicaid Policy Manual Holders All Family Medicaid Policy Manual Holders All TANF Cash Assistance Policy Manual Holders All SNAP Policy Manual Holders</p> <p>FROM: Nancy Clark, ABD Medicaid Policy Specialist Teri McDonald, Family Medicaid Policy Specialist Stephanie Wilkins, TANF Policy Specialist Tammy Poppe, SNAP Policy Specialist</p> <p>SUBJECT: Bulletin MA-111b (replaces MA-111 dated 7/1/12) Bulletin FMA-68b (replaces FMA-68 dated 7/1/12) Bulletin TB- 72 Bulletin SNAP- 90</p> <p>TANF Manual: Place this bulletin at the beginning of TANF 400 and 500</p> <p>ABD MA Manual: Place this bulletin between pages 2 and 3 of MA 402-2 and between pages 2 and 3 of MA 501-2</p> <p>FMA Manual: Place this bulletin between pages 2 and 3 of FMA 402-2 and between pages 2 and 3 of FMA 501-2</p> <p>SNAP Manual: Place this bulletin at the beginning of SNAP 400 and 500</p> <p>=====</p> <p>SUBJECT: Nez Perce et. al. v. Salazar - Settlement of Tribal Trust Accounting and Management Lawsuits</p> <p>REFERENCE: Medicaid: P.L. 111-5, American Recovery and Reinvestment Act of 2009 (ARRA) SNAP: 7CFR 273.9(c)(2)(v); 273.8(c)</p> <p>EFFECTIVE DATE: Immediately upon receipt</p> <p>INTRODUCTION: Nez Perce et al v. Salazar is a lawsuit filed by 41 federally-recognized tribes represented by the Native American Rights Fund (NARF) and consolidated into one case, Nez Perce et al v. Salazar, against the United States Department of the Interior for mismanagement of monetary assets and natural resources held in trust by the United States. When one of the 41 tribes settles, it is dismissed as a plaintiff in the Nez Perce case.</p> <p>Of the 41 tribes, five Montana tribes have already received or will be receiving settlements. Tribes can disburse funds to members in any manner they determine, such as Per Capita payments, supportive services, etc.</p> <p>The 41 tribes are:</p> <ol style="list-style-type: none"> 1. Assiniboine and Sioux Tribes of the Fort Peck Reservation

2. Bad River Band of Lake Superior Chippewa Indians
3. Blackfeet Tribe
4. Bois Forte Band of Chippewa Indians
5. Cachil Dehe Band of Wintun Indians of Colusa Rancheria
6. Coeur d'Alene Tribe
7. Chippewa Cree Tribe of the Rocky Boy's Reservation
8. Confederated Tribes of the Colville Reservation
9. Confederated Salish and Kootenai Tribes
10. Confederated Tribes of the Siletz Reservation
11. Hualapai Tribe
12. Kaibab Band of Paiute Indians of Arizona
13. Kickapoo Tribe of Kansas
14. Lac du Flambeau Band of Lake Superior Chippewa Indians
15. Leech Lake Band of Ojibwe Indians
16. Makah Tribe of the Makah Reservation
17. Mescalero Apache Nation
18. Minnesota Chippewa Tribe
19. Nez Perce Tribe
20. Nooksack Tribe
21. Northern Cheyenne Tribe
22. Passamaquoddy Tribe of Maine
23. Pawnee Nation
24. Pueblo of Zia
25. Quechan Indian Tribe of the Fort Yuma Reservation
26. Rincon Luiseño Band of Indians
27. Round Valley Tribes
28. Salt River Pima-Maricopa Indian Community
29. Santee Sioux Tribe
30. Shoshone-Bannock Tribes of the Fort Hall Reservation
31. Soboba Band of Luiseño Indians
32. Spirit Lake Dakotah Nation
33. Spokane Tribe
34. Standing Rock Sioux Tribe of the Fort Yates Reservation
35. Swinomish Tribal Indian Community
36. Te-Moak Tribe of Western Shoshone Indians
37. Tohono O'odham Nation
38. Tulalip Tribe
39. Tule River Tribe
40. Ute Mountain Ute Tribe
41. Ute Tribe of the Uintah and Ouray Rese

NEW POLICY: Medicaid and TANF: Payments derived from this settlement are excluded as income in the month received and as a resource thereafter. The first purchase with excluded Native American funds will also retain this exclusion.

SNAP: Money disbursed by tribes in ongoing recurring payments is counted as unearned income.

	<p>Money disbursed by tribes in the form of a nonrecurring lump-sum payment, the payment is counted as a resource in the month received. Due to expanded categorically eligibility (ECE) policy, SNAP benefits are unaffected because SNAP participants' resources are excluded.</p> <p>If questions arise due to the way a tribe disburses the payment(s), please contact your Regional Policy Specialist and we will review the matter.</p> <p>UPDATED MANUAL MATERIAL WILL BE DISTRIBUTED AS SOON AS POSSIBLE. UNTIL THAT TIME, USE THIS BULLETIN AS A GUIDE. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT YOUR REGIONAL POLICY SPECIALIST</p>
	<p>August 1, 2012</p> <p>TO: All ABD Medicaid Policy Manual Holders All Family Medicaid Policy Manual Holders All TANF Cash Assistance Policy Manual Holders All SNAP Policy Manual Holders</p> <p>FROM: Nancy Clark, ABD Medicaid Policy Specialist Teri McDonald, Family Medicaid Policy Specialist Stephanie Wilkins, TANF Policy Specialist Tammy Poppe, SNAP Policy Specialist</p> <p>SUBJECT: Bulletin MA-111a (replaces MA-111 dated 7/1/12) Bulletin FMA—68a (replaces FMA-68 dated 7/1/12) Bulletin TB- 73 Bulletin SNAP-91</p> <p>TANF Manual: Place this bulletin at the beginning of TANF 400 and 500</p> <p>ABD MA Manual: Place this bulletin between pages 2 and 3 of MA 402-2 and between pages 2 and 3 of MA 501-2</p> <p>FMA Manual: Place this bulletin between pages 2 and 3 of FMA 402-2 and between pages 2 and 3 of FMA 501-2</p> <p>SNAP Manual: Place this bulletin at the beginning of SNAP 400 and 500</p> <p>=====</p> <p>SUBJECT: Cobell vs. Salazar</p> <p>REFERENCE: Medicaid - P.L. 111-5, American Recovery and Reinvestment Act of 2009 (ARRA) TANF and SNAP – P.L. 111-291, Claims Resolution Act of 2010</p> <p>EFFECTIVE DATE: Immediately upon receipt</p> <p>INTRODUCTION: Cobell et al vs. Salazar is a class action lawsuit combining multiple lawsuits filed by individual members of several tribes to recover funds related to individual interests in Indian land, funds and other assets held in trust by the federal government. This settlement affects individual tribal members across the country, including members of most federally recognized tribes west of the Mississippi River.</p> <p>NEW POLICY:</p>

	<p>TANF - Income derived from the Cobell settlement will be excluded as income the month of receipt and as a resource for a period of 12 months beginning on the date it was received.</p> <p>If a household has resources which exceed the resource limit for TANF, the retained amount, up to 12 months after the month of receipt, must be deducted from the countable balance of the type of resource in which it is retained (i.e., savings, checking, cash). If the remaining countable resources are less than the allowable resource limit for the program, the household is resource eligible.</p> <p>Medicaid- Income derived from the Cobell settlement will be excluded as income and as a resource as long as the funds can be specifically identified as being from that source. The first purchase with excluded Native American funds will also retain this exclusion.</p> <p>SNAP - Income derived from the Cobell vs. Salazar settlement will be excluded as income the month of receipt and as a resource for a period of 12 months beginning on the date it was received. Due to expanded categorically eligible (ECE) policy, there is no need to do any special calculation through the 12 month period to determine if the household is resource eligible</p> <p>NOTE: In addition, an Indian Education Scholarship Fund will be established from this settlement. Educational income received from this fund is excluded for all programs.</p> <p>UPDATED MANUAL MATERIAL WILL BE DISTRIBUTED AS SOON AS POSSIBLE. UNTIL THAT TIME, USE THIS BULLETIN AS A GUIDE. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT YOUR REGIONAL POLICY SPECIALIST.</p>
Supersedes:	TANF 402-2 (01/01/08); TB-50
References:	ARM 37.78.102 and .401; 45 CFR 233.20
Overview:	<u>GENERAL RULE</u> --The equity value of all resources (real and personal property) owned by the filing/assistance unit are countable unless specifically excluded by regulation.
COUNTABLE RESOURCES	<p>Countable resources include, but are not limited to retained proceeds of the following payments:</p> <ol style="list-style-type: none"> 1. Tribal payments not distributed per capita 2. Tribally managed gaming revenues distributed per capita (P.L. 98-64); 3. Farm and grazing leases, oil and gas royalties and mineral rights payments from land other than trust or restricted land; 4. Gravel sales, 5. Timber sales, 6. Estate payments, 7. Oil and gas bonuses, 8. Mineral rights bonuses, 9. Right-of-way payments, 10. Seismic payments,

	<ul style="list-style-type: none"> 11. Land sale proceeds (the land sale source may be sale of trust property or of countable fee patent (taxable) property.), 12. Resources purchased with funds which are no longer clearly identifiable as excluded 13. Amounts exceeding \$2000 per individual per calendar year derived from leases or other uses of individual interests in trust or restricted land; 14. Bureau of Indian Affairs (BIA) payments; 15. Transfers of countable monies from other Native American agencies.
<p>EXCLUDED RESOURCES</p>	<p>Excluded Native American resources include:</p> <ul style="list-style-type: none"> 1. Retained proceeds of any payment that was an excluded Native American income when received. This may include, but is not limited to: <ul style="list-style-type: none"> a. payments of up to \$2000 per individual per calendar year derived from leases or other uses of individual interests in trust or restricted lands; b. judgment claim payments as listed in TANF 501-2, pages 2-3, #3; c. payments derived from sub-marginal lands held in trust as listed in TANF 501-2, page 3, #4; d. per capita to enrolled members of certain tribes when distributed under specific public laws as listed in TANF 501-2, pages 3-4, #5; 2. Interest earned on all Native American funds/resources; 3. Resources purchased with excluded Native American funds; 4. Individual enrolled tribal members' interests in trust or restricted lands, and improvements (buildings) on such land; <p>NOTE: This exclusion extends to only the original items purchased with excluded funds.</p> <ul style="list-style-type: none"> 5. All compensation (including cash, stock, partnership interest, land, interest in land, and other benefits) received under Section 15 of P.L. 100-241, 2/3/88, (the Alaska Native Claims Settlement Act Amendments of 1987); 6. Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (P.L. 91-646, Section 216); 7. Funds paid to heirs of deceased Indians under the Old Age Assistance Claims Settlement Act (except for per capita shares in excess of \$2,000). 8. 107th Meridian Settlement Payments (AKA Senior benefit payments) received by the Crow elders under P.L. 103-444. <p>In the case of commingled funds, exclusion continues so long as the excluded funds are clearly identifiable. For example, a bank account may exceed the resource limit</p>

	<p>when multiple members deposit excluded funds into the single account and the distinction for each member's funds can be made.</p> <p>When excluded income/resources are no longer clearly identifiable in a commingled account, exclusion no longer applies. See 'Commingled Funds', TANF 401-1.</p>
INDIAN LANDS	<p>Indian (Native American) land which is held jointly with the Tribe or land that can only be sold with the approval of the Bureau of Indian Affairs is excluded, as are any improvements (buildings, etc.) to the excluded trust land.</p> <p>Fee patent land is countable, unless otherwise excluded (home, necessary for self-employment, etc.).</p>
INDIVIDUAL INDIAN MONEY (IIM) ACCOUNTS	<p>Funds in an IIM account must be evaluated according to the source(s) of the funds in the account. If the funds in the IIM are from an excluded source, they may be exempt according to the rules for the particular source. See also 'Commingled Funds' in TANF 401-1.</p>
Date Revised	July 1, 2009