



SNAP 501-2 INCOME Native American Income

Supersedes: SNAP 501-2 (04/01/10)

Reference: 7 CFR 273.2; 7 CFR 273.9; 7 CFR 273.11; P.L. 104-193 Section 807; 213; 221;

Overview: All unearned income received by the filing unit is considered when determining eligibility for the Supplemental Nutrition Assistance Program (SNAP). All unearned income, whether countable or excluded according to policy, is added to CHIMES.

INDIAN MONIES:

Indian Monies may be countable or excluded depending on the source and amount. **The following Indian Monies are excluded sources:**

1. Payments derived from leases or other uses of **individually-owned** trust or restricted lands up to \$2,000 per individual **per calendar year**. The amount in excess of \$2,000 must be counted.
2. Judgment claim payments under:
 - a. Crow Elder payments (107th Meridian Settlement); Crow Boundary Settlement Act of 1994; P.L.103-444, Section 7;
 - b. P.L. 97-408 to the Blackfeet, Grosventre and Assiniboine Tribes of Montana and Papago, Arizona Tribe;
 - c. Alaska Native Claims Settlement Act (P.L. 92-203);
 - d. P.L. 93-532, Section 22 to Navajo or Hopi Indians as financial or relocation assistance;
 - e. P.L. 94-540 to Grand River Band of Ottawa Indians;
 - f. P.L. 95-433 by the Indian Claims Commission to the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation;
 - g. P.L. 96-420 to Passamaquoddy Tribe and Penobscot Nation pursuant to the Maine Indian Claims Settlement Act of 1980;
 - h. P.L. 97-403 to the Turtle Mountain Band of Chippewas;
 - i. P.L. 98-123, Section 3, to the Red Lake Band of Chippewa Indians;
 - j. P.L. 99-264 to the White Earth Band of Chippewa Indians in Minnesota;
 - k. P.L. 99-346 to the Saginaw Chippewa Indian Tribe of Michigan;
 - l. P.L. 101-41 to the Puyallup Tribe of Indians Settlement Act to members of the Puyallup Tribe in Washington;

- m. P.L. 101-503, Section 8 (b) to the Seneca Nation;
 - n. P.L. 103-436, Section 7 (b) Grand Coulee Dam Settlement Act to the Confederated Tribes of the Colville Reservation;
 - o. 25 USCS 1931 Indian Child Welfare assistance;
 - p. P.L. 98-500, Section 8, Old Age Assistance Claim Settlement Act except for per capita payments in excess of \$2,000; and,
 - q. Payments to the Seminole Nation of Oklahoma, Seminole Tribe of Florida, Miccosukee Tribe of Florida and independent Seminole Indians of Florida except for per capita payments in excess of \$2,000.
3. Payments derived from sub-marginal lands held in trust for the following tribes under P.L. 94-114:
- a. Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin;
 - b. Blackfeet Tribe;
 - c. Cherokee Nation of Oklahoma;
 - d. Cheyenne River Sioux Tribe;
 - e. Crow Creek Sioux Tribe;
 - f. Lower Brule Sioux Tribe;
 - g. Devils Lake Sioux Tribe;
 - h. Fort Belknap Indian Community;
 - i. Assiniboine and Sioux Tribes;
 - j. Lac Courte Oreilles Band of Lake Superior; Chippewa Indians;
 - k. Keweenaw Bay Indian Community;
 - l. Minnesota Chippewa Tribe;
 - m. Navajo Tribe;
 - n. Oglala Sioux Tribe;
 - o. Rosebud Sioux Tribe;
 - p. Shoshone-Bannock Tribes; and,
 - q. Standing Rock Sioux Tribe.
4. Per capita to enrolled members of the following tribes when distributed under:
- P.L. 98-124, Section 5**
 - a. Assiniboine Tribe of the Fort Belknap Indian Community and Assiniboine Tribe of the Fort Peck Indian Reservation.
 - P.L. 99-146, Section 6 (b), Docket 18S and 18U**
 - b. Bad River Reservation;
 - c. Lac du Flambeau Reservation;
 - d. Lac Courte Oreilles Reservation;
 - e. Sokaogon Chippewa Community;
 - f. Red Cliff Reservation;
 - g. St. Croix Reservation;
 - h. Keweenaw Bay Indian Community;
 - i. Fond du Lac Reservation;

- j. Grand Portage Reservation;
 - k. Nett Lake Reservation; and,
 - l. White Earth Reservation
P.L. 99-146, Section 6 (b), Docket 18C and 18T
 - m. Lac Courte Oreilles Band of the Lake Superior Bands of Chippewa Indians;
 - n. Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation;
 - o. Sokaogon Chippewa Community of the Mole Lake Band of Chippewa Indians; and,
 - p. St. Croix Chippewa Indians of Wisconsin.
P.L. 99-377 Section 4 (b)
 - q. Chippewas of the Mississippi.
P.L. 94-189
 - r. Sac and Fox Tribe of the Mississippi, Iowa and Oklahoma.
P.L. 97-458, 93-134 and 98-64
 - s. Any other per capita payments of up to \$2,000 per person, per payment, from funds held in trust by the Secretary of the Interior.
5. Interest earned on excluded funds.
 6. 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. 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.
 7. 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. 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.

The following Indian Monies are countable sources:

1. Amounts exceeding \$2,000 per individual **per calendar year** received from leases or other uses of **individually-owned** trust or restricted lands up to and including \$2,000 as a running total for the calendar year.
 - The best estimate of this year's income can be made on the previous 12-month's receipts of lease income as long as no significant change is expected.
 - The amount in excess of the \$2,000 in a calendar year should be annualized.
 - Previous 12 months receipts of lease income - $\$2,000 \div 12 =$ prospected monthly income.

2. Bureau of Indian Affairs (BIA) payments;
3. Tribal payments;
4. Farm and grazing lease income from land other than trust or restricted lands;
5. Oil and gas royalties income from land other than trust or restricted lands;
6. Mineral rights income from land other than trust or restricted lands;
7. Interest payments; and,

NOTE: Interest payments from excluded funds are excluded.
8. Transfers of countable monies from other Indian agencies.
9. Per capita payments derived from casino profits operated by a tribe. The gross amount of the payments are countable unearned income (see SNAP 601-1 to prospectively budget the income). **NOTE:** If payments to children are placed in an inaccessible trust fund, they are excluded.
10. Nez Perce et al v. Salazar Settlement of Tribal Trust Accounting and Management Lawsuits. The 41 federally-recognized tribes can disburse fund to member in any manner they determine, such as Per Capita payments, supportive services, etc. Money disbursed by tribes in ongoing recurring payments is counted as unearned income. The 41 tribes are:
 - Assiniboine and Sioux Tribes of the Fort Peck Reservations
 - Bad River Band of Lake Superior Chippewa Indians
 - Blackfeet Tribe
 - Bois Forte Band of Chippewa Indians
 - Cachil Dehe Band of Wintun Indians of Colusa Rancheria
 - Coeur d'Alene Tribe
 - Chippewa Cree Tribe of the Rocky Boy's Reservation
 - Confederated Tribes of the Colville Reservations
 - Confederated Salish and Kootenai Tribes
 - Confederated Tribes of the Siletz Reservation
 - Hualapai Tribe
 - Kaibab Band of Paiute Indians of Arizona
 - Kickapoo Tribe of Kansas
 - Lac du Flambeau Band of Lake Superior Chippewa Indians
 - Leech Lake Band of Ojibwe Indians
 - Makah Tribe of the Makah Reservations
 - Mescalero Apache Nation
 - Minnesota Chippewa Tribe
 - Nez Perce Tribe
 - Nooksack Tribe
 - Northern Cheyenne Tribe
 - Passamaquoddy Tribe of Maine
 - Pawnee Nation
 - Pueblo of Zia

- Quechan Indian Tribe of the Fort Yuma Reservations
- Soboba Band of Luiseño Indians
- Round Valley Tribes
- Salt River Pima-Maricopa Indian Community
- Santee Sioux Tribe
- Shoshone-Bannock Tribes of the Fort Hall Reservation
- Soboba Band of Luiseño Indians
- Spirit Lake Dakota Nation
- Spokane Tribe
- Standing Rock Sioux Tribe of the Fort Yates Reservation
- Swinomish Tribal Indian Community
- Te-Moak Tribe of Western Shoshone Indians
- Tohono O'odham Nation
- Tulalip Tribe
- Tule River Tribe
- Ute Mountain Ute Tribe
- Ute Tribe of the Uintah and Ouray Rese

Effective Date: November 01, 2015