



501-2 Native American Income

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 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;</p>
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	<p>UNTIL THAT TIME, USE THIS BULLETIN AS A GUIDE. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT YOUR REGIONAL POLICY SPECIALIST</p>
<p>Bulletin TB- 72</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-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 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 FMA Manual: Place this bulletin between pages 2 and 3 of FMA 402-2 and between pages 2 and 3 of FMA 501-2 SNAP Manual: Place this bulletin at the beginning of SNAP 400 and 500</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>

The 41 tribes are:

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

	<p>purchase with excluded Native American funds will also retain this exclusion.</p> <p>SNAP: Money disbursed by tribes in ongoing recurring payments is counted as unearned income.</p> <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>Bulletin TB- 73</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 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 FMA Manual: Place this bulletin between pages 2 and 3 of FMA 402-2 and between pages 2 and 3 of FMA 501-2 SNAP Manual: Place this bulletin at the beginning of SNAP 400 and 500</p> <p>SUBJECT: Cobell vs. Salazar</p> <p>REFERENCE: Medicaid - P.L. 111-5, American Recovery and</p>

	<p style="text-align: center;">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 501-2 (01/01/08); TB-50
References:	ARM 37.78.102, .402, .415 and .416
Overview:	<u>GENERAL RULE</u> —All unearned income received by the household must be evaluated when determining eligibility. The sources of Native American income received must be determined in order to determine whether the income is countable or excluded

	<p>according to numerous and varying public laws. Even if income will be excluded per policy. Examples of documentary evidence of income are listed in TANF 500.</p> <p>The following is a list of unearned Native American income and how the income is to be recorded in the system.</p> <p>For BIA general assistance see “Assistance payments” in TANF 501-1. For non-Native American lease or royalty income, see “Lease or royalty income” in TANF 501-1.</p>
<p>NATIVE AMERICAN MONIES</p>	<p>Native American monies may be countable or excluded depending on the source and amount.</p> <p>EXCLUDED SOURCES:</p> <ol style="list-style-type: none"> 1. Payments of up to \$2000 per individual per calendar year which are derived from leases or other uses of individually-owned trust or restricted lands. All payments received by an individual during the calendar year will be applied toward the \$2000 exclusion, regardless of whether the individual was eligible or applying for TANF in the month of receipt. <p>NOTE: Amounts in excess of \$2000 per year are countable in the month(s) received (see “Countable Sources”, below).</p> <ol style="list-style-type: none"> 2. Interest earned on all Native American funds/resources. 3. Judgment claim payments to or under: <ul style="list-style-type: none"> • Crow Boundary Settlement Act of 1994 (P.L. 103-444) • Blackfeet, Gros Ventre and Assiniboine Tribes of Montana and Papago, Arizona Tribe (P.L. 97-408); • Alaska Native Claims Settlement Act (P.L. 92-203); • Navajo or Hopi Indians as financial or relocation assistance (P.L. 93-531, Section 22); • Grand River Band of Ottawa Indians (P.L. 94-540); • Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation by the Indian Claims Commission (P.L. 95-433); • Passamaquoddy Tribe and Penobscot Nation pursuant to the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420); • Turtle Mountain Band of Chippewas (P.L. 97-403); • Red Lake Band of Chippewa Indians (P.L. 98-123, Section 3); • White Earth Band of Chippewa Indians in Minnesota (P.L. 99-264); • Saginaw Chippewa Indian Tribe of Michigan (P.L. 99-346); • Puyallup Tribe of Indians Settlement Act to members of the Puyallup Tribe in Washington (P.L. 101-41); • Seneca Nation (P.L. 101-503, Section 8 (b)); • Grand Coulee Dam Settlement Act to the Confederated Tribes of

the Colville Reservation (P.L. 103-436, Section 7 (b));

- Indian Child Welfare assistance (25 USCS 1931);
- Old Age Assistance Claim Settlement Act except for per capita payments in excess of \$2000 (P.L. 98-500, Section 8);
- 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 \$2000.

4. Payments derived from sub-marginal lands held in trust for the following tribes under P.L. 94-114:

- Assiniboine and Sioux Tribes;
- Blackfeet Tribe;
- Fort Belknap Indian Community;
- Crow Creek Sioux Tribe;
- Lower Brule Sioux Tribe;
- Devils Lake Sioux Tribe;
- Oglala Sioux Tribe;
- Rosebud Sioux Tribe;
- Shoshone-Bannock Tribes;
- Standing Rock Sioux Tribe.
- Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin;
- Cherokee Nation of Oklahoma;
- Cheyenne River Sioux Tribe;
- Lac Courte Oreilles Band of Lake Superior; Chippewa Indians;
- Keweenaw Bay Indian Community;
- Minnesota Chippewa Tribe;
- Navajo Tribe;

5. Per capita to enrolled members of the following tribes when distributed under:

P.L. 98-124, Section 5

- 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

- Bad River Reservation;
- Lac du Flambeau Reservation;
- Lac Courte Oreilles Reservation;
- Sokaogon Chippewa Community;
- Red Cliff Reservation;
- St. Croix Reservation;
- Keweenaw Bay Indian Community;
- Fond du Lac Reservation;

- Grand Portage Reservation;
- Nett Lake Reservation;
- White Earth Reservation.

P.L. 99-146, Section 6 (b), Docket 18C and 18T

- Lac Courte Oreilles Band of the Lake Superior Bands of Chippewa Indians;
- Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation;
- Sokaogon Chippewa Community of the Mole Lake Band of Chippewa Indians;
- St. Croix Chippewa Indians of Wisconsin.

P.L. 99-377 Section 4 (b)

- Chippewa of the Mississippi

P.L. 94-189

- Sac and Fox Tribe of the Mississippi, Iowa and Oklahoma

P.L. 97-458, 93-134 and 98-64

- Any other per capita payments of up to \$2000 per person, per payment, from funds held in trust by the Secretary of the Interior.

COUNTABLE SOURCES:

1. Amounts exceeding \$2000 per individual, per calendar year received from leases or other uses of individually-owned trust or restricted lands. The amounts in excess of the \$2000 exclusion should be

All lease payments received by an individual during the calendar year apply toward the \$2000 exclusion, regardless of whether the individual was applying for or receiving TANF in the month(s) of receipt. (See example below)

The best estimate of prospected income for the current year lease income dates and amounts may be based on the previous 12 months' lease income history if no significant change is expected.

Amounts in excess of the \$2000 per calendar year exclusion are countable in the month(s) of receipt.

NOTE: The anticipated dates of receipt of future payments should be noted and system alerts set to contact the recipient and/or issuer to confirm anticipated dates and amounts in order to accurately determine monthly eligibility.

When lease payments cannot be anticipated (such as when there is no history and no lease in place in advance), no income can be anticipated.

	<p>The following types of payment are also countable, but are not subject to the \$2000 annual exclusion. These payments must always be coded in the month they are anticipated to be received:</p> <ol style="list-style-type: none"> 2. Bureau of Indian Affairs (BIA) payments 3. Tribal payments not distributed per capita 4. Tribally managed gaming revenues distributed per capita (P.L. 98-64) <p>NOTE: Gaming revenues are not held in trust by the Secretary of the Interior/BIA.</p> <ol style="list-style-type: none"> 5. Farm and grazing income from land other than trust or restricted land 6. Oil and gas royalties income from land other than trust or restricted land and 7. Transfers of countable monies from other Native American agencies. <p>NOTE: Some of the above may be excluded under another provision such as irregular/infrequent income.</p>
RETAINING STATUS	<p>Income that was countable when received is countable as a resource to the extent the money is retained into future months. Income that was excluded when received retains that as a resource when exclusion retained into future months.</p> <p>Excluded funds (including the \$2000 per individual exclusions) can accumulate in an account and the total amount of the excluded funds would remain excluded, regardless of how long the funds remain in the account.</p>
Date Revised	July 1, 2009