



TANF 402-2

Native American Resources

Supersedes: TANF 402-2 (7/1/09)

Reference: ARM 37.78.401; 45 CFR 233.20

Overview: 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:

Countable resources include, but are not limited to retained proceeds of the following payments:

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
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 \$2,000 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
16. Payments derived from the Keepseagle vs. Vilsack settlement

EXCLUDED RESOURCES:

Excluded Native American resources include:

1. Retained proceeds of any payment that was an excluded Native American income when received.
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.
 - a. This exclusion extends to only the original items purchased with excluded funds.
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.
9. Payments derived from the Nez Perce et al vs. Salazar settlement, including the first purchase with the funds will also retain this exclusion.
10. Payments derived from the Cobell vs. Salazar settlement for a period of 12 months beginning on the date it was received.
11. Educational income received from the Indian Education Scholarship Fund.

INDIAN LANDS:

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 to the excluded trust land.

Fee patent land is countable, unless otherwise excluded.

INDIVIDUAL INDIAN MONEY (IIM) ACCOUNTS:

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.

Effective Date: January 01, 2018