



TANF 501-2

Native American Income

Supersedes: TANF 501-2 (7/1/09)

Reference: ARM 37.78.402, .416 and .421

Overview: Native American monies may be countable or excluded depending on the source and amount. Even if income will be excluded per policy, it must be entered on CHIMES. Case notes must be documented with a thorough explanation of why the income was excluded or counted.

EXCLUDED SOURCES:

1. Payments of up to \$2,000 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 \$2,000 exclusion, regardless of whether the individual was eligible or applying for TANF in the month of receipt.

Amounts in excess of \$2,000 per year are countable in the month(s) received.

When lease payments cannot be anticipated, no income can be anticipated. Case note lack of history and no lease.

2. Interest earned on all Native American funds/resources.
3. Judgment claim payments to or under:
 - a. Crow Boundary Settlement Act of 1994 (P.L. 103-444)
 - b. Blackfeet, Gros Ventre and Assiniboine Tribes of Montana and Papago, Arizona Tribe (P.L. 97-408)
 - c. Alaska Native Claims Settlement Act (P.L. 92-203)
 - d. Navajo or Hopi Indians as financial or relocation assistance (P.L. 93-531, Section 22)
 - e. Grand River Band of Ottawa Indians (P.L. 94-540)
 - f. 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)
 - g. Passamaquoddy Tribe and Penobscot Nation pursuant to the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420)
 - h. Turtle Mountain Band of Chippewas (P.L. 97-403)
 - i. Red Lake Band of Chippewa Indians (P.L. 98-123, Section 3)

- j. White Earth Band of Chippewa Indians in Minnesota (P.L. 99-264)
 - k. Saginaw Chippewa Indian Tribe of Michigan (P.L. 99-346)
 - l. Puyallup Tribe of Indians Settlement Act to members of the Puyallup Tribe in Washington (P.L. 101-41)
 - m. Seneca Nation (P.L. 101-503, Section 8 (b))
 - n. Grand Coulee Dam Settlement Act to the Confederated Tribes of the Colville Reservation (P.L. 103-436, Section 7 (b))
 - o. Indian Child Welfare assistance (25 USCS 1931)
 - p. Old Age Assistance Claim Settlement Act except for per capita payments in excess of \$2,000 (P.L. 98-500, Section 8)
 - q. 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
 - r. Keepseagle vs. Vilsack Settlement
 - s. Nez Perce et al vs. Salazar Settlement
 - t. Cobell et al vs. Salazar Settlement
4. Payments derived from sub-marginal lands held in trust for the following tribes under P.L. 94-114:
- a. Assiniboine and Sioux Tribes
 - b. Blackfeet Tribe
 - c. Fort Belknap Indian Community
 - d. Crow Creek Sioux Tribe
 - e. Lower Brule Sioux Tribe
 - f. Devils Lake Sioux Tribe
 - g. Oglala Sioux Tribe
 - h. Rosebud Sioux Tribe
 - i. Shoshone-Bannock Tribes
 - j. Standing Rock Sioux Tribe
 - k. Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin
 - l. Cherokee Nation of Oklahoma
 - m. Cheyenne River Sioux Tribe
 - n. Lac Courte Oreilles Band of Lake Superior; Chippewa Indians
 - o. Keweenaw Bay Indian Community
 - p. Minnesota Chippewa Tribe
 - q. Navajo Tribe
5. Per capita to enrolled members of the following tribes when distributed under:
- a. P.L. 98-124, Section 5
 - i. Assiniboine Tribe of the Fort Belknap Indian Community and Assiniboine Tribe of the Fort Peck Indian Reservation.

- b. P.L. 99-146, Section 6 (b), Docket 18S and 18U
 - i. Bad River Reservation
 - ii. Lac du Flambeau Reservation
 - iii. Lac Courte Oreilles Reservation
 - iv. Sokaogon Chippewa Community
 - v. Red Cliff Reservation
 - vi. St. Croix Reservation
 - vii. Keweenaw Bay Indian Community
 - viii. Fond du Lac Reservation
 - ix. Grand Portage Reservation
 - x. Nett Lake Reservation
 - xi. White Earth Reservation
- c. P.L. 99-146, Section 6 (b), Docket 18C and 18T
 - i. Lac Courte Oreilles Band of the Lake Superior Bands of Chippewa Indians
 - ii. Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation
 - iii. Sokaogon Chippewa Community of the Mole Lake Band of Chippewa Indians
 - iv. St. Croix Chippewa Indians of Wisconsin
- d. P.L. 99-377 Section 4 (b)
 - i. Chippewa of the Mississippi
- e. P.L. 94-189
 - i. Sac and Fox Tribe of the Mississippi, Iowa and Oklahoma
- f. P.L. 97-458, 93-134 and 98-64
 - i. 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.

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.

Amounts in excess of the \$2,000 per calendar year exclusion are countable in the month(s) of receipt.

The following payments are also countable, but are not subject to the \$2,000 annual exclusion. These payments must be entered in the month they are anticipated to be received. Some may be excluded under another provision.

1. Bureau of Indian Affairs (BIA) payments
2. Tribal payments not distributed per capita
3. Tribally managed gaming revenues distributed per capita (P.L. 98-64)
 - a. Gaming revenues are not held in trust by the Secretary of the Interior/BIA.
4. Farm and grazing income from land other than trust or restricted land

5. Oil and gas royalties income from land other than trust or restricted land
6. Transfers of countable monies from other Native American agencies

Effective Date: January 01, 2018