

## .50 Native American Income, Claims, or Funds



This section includes information about income, claims, or funds received from the Bureau of Indian Affairs, American Indian Education funds, and American Indian Claims or Funds.

NOTE Use the CTRL F find feature to find specific types of income, claims, and funds. (See [How to Search in the CNAP Manual](#) for more help using this find feature.)

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### Policy

Native American Income, Claims, or Funds provide funding to and administer government program services for the federally recognized American Indian and Alaska Native tribes.

See **any** of the following sections for more information:

- [Bureau of Indian Affairs \(BIA\) Assistance](#)
- [American Indian Education Funds and Loans](#)
- [American Indian Claims or Funds](#)
- [Lease or Royalty of Indian Land](#)

### Bureau of Indian Affairs (BIA) Assistance

BIA assistance includes **all** of the following:

- BIA Clothing Allowance

BIA clothing allowances that are available, whether in cash or voucher made payable to the participant, are not countable.

NOTE Clothing allowances are countable when the payment occurs more frequently than annually.

Payments made in the form of a voucher that is converted to cash by the budgetary unit is considered income in the month it is converted to cash.

- BIA General Assistance

BIA general assistance payments are not countable.

- BIA TAPP & TWEP

Tribal Assistance Project Program (TAPP) and Tribal Work Experience Program (TWEP) payments are not countable.

Any portion that is considered an incentive payment or a reimbursement for work related expenses is not countable.

- BIA Educational Assistance Program

Any funds received from the Bureau of Indian Affairs (BIA) Educational Assistance program are not countable.

### **American Indian Education Funds**

American Indian Education Funds are not countable. These funds include and are not limited to **any** of the following sources:

- Title IV funds
- Title XIII funds
- Funds excluded by Public Law
- Bureau of Indian Affairs Funds

NOTE Income paid to the participant as a Tribal Loan for educational purposes under Title XIII is not countable.

### **American Indian Claims or Funds**

Federally recognized tribes can apply for government funding for services and programs. Some programs provide funds directly to tribal members living on or near Tribal Lands.

**All** of the following income from Indian Claims are specifically excluded by federal statute from consideration as income for determining eligibility:

- Alaska Native Claims Settlement Act (Public Law 92-203, Section 21(a) and Public Law 94-189)

Alaska Native Claims Settlement Act payments received under the Sac and Fox Indian claims agreement are not countable.

Payments may be received in **any** of the following forms:

- Stock
- A partnership interest
- Land or an interest in land
- An interest in a settlement trust
- American Indian Claims Commission Judgments (Public Law 97-458 and Public Law 93-134, Section 7)

Per capita payments from funds awarded by the Indian Claims Commission are not countable up to a maximum of \$2,000 per payment per participant. (Public Law 97-458 and Public Law 93-134, Section 7)

NOTE Claims Judgement Funds that exceed \$2,000 per payment per participant are not countable as income for Hopi Tribal TANF.

- Apache Mescalero Reservation (Public Law 95-433)  
Payments by the Indian Claims Commission to the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Tribal Land are not countable.
- Colorado River (Public Law 97-458)  
Per capita payments from funds awarded by the Indian Claims Commission are not countable up to a maximum of \$2,000 per payment per participant.
- Grand River Band of Ottawa (Public Law 94-540)  
Payments received from the disposition of funds to the Grand River Band of Ottawa Indians are not countable. (Public Law 94-540)
- Hopi Indians - Relocation Assistance (Public Law 93-531)  
Payments received for relocation assistance to Hopis and Navajos living in the former Joint Use Areas are not countable. (Public Law 95-531 dated 12/22/1974)  
NOTE Claims Judgement Funds that exceed \$2,000 per payment per participant are not countable as income for Hopi Tribal TANF.

- Indian General Welfare Benefits (Public Law 113-168)

Indian general welfare benefits include various types of payments made, or services provided, to or on behalf of a member of an Indian tribe. To include but not limited to Navajo Veterans, Gold Star Parents, and the Surviving Spouses of Navajo Veterans.

This income is not countable, and the Navajo Nation Veterans Administration (NNVA) determines eligibility for Navajo tribal members. Eligibility is subject to the availability of funds that are appropriated annually. The amounts vary and are issued for **any** of the following purposes:

- Emergency Assistance for food, or vehicle fuel, not to exceed \$400. This assistance is limited to one time per quarter, but two times per federal fiscal year.
- Energy Assistance for heating costs including firewood, coal pellets, or utilities for one month and propane not to exceed \$400. This assistance is limited to one time per quarter, but two times per federal fiscal year.
- Self-Help for home improvement costs for **any** of, and not limited to, the following items:
  - Water heater
  - Appliances
  - Pellet or wood burning stove
  - Building materials, tools, and supplies (for repair and maintenance only)
  - Septic tank clean-out
  - Chimney pipe cleaning for up to \$1000.

NOTE This assistance is limited to one time per federal fiscal year.

- Medical treatments and appointment costs including vehicle fuel costs, meals and lodging directly related to travel for medical treatments and appointments, not to exceed \$150 in a federal fiscal year.
- Educational expenses limited to items such as books, course fees, lab fees, and supplies not to exceed \$500 per fiscal year.
- Travel expenses not to exceed \$100 for individual Navajo veterans to attend veteran issues-related workshops, and conferences in a federal fiscal year.
- Traditional Healing assistance not to exceed \$400 for individual Navajo veterans to receive traditional healing services.
- Individual American Indian's Interests in Trust or Restricted Land (Public Law 103-66)

Individual Indian's interests in trust or restricted lands and payments from these interests of up to \$2,000 per calendar year are not countable. Interests include the Indian's right to, or legal share of the trust or restricted land and any income accrued. (Public Law 103-66)

See [Restricted Land Interest Payments](#) for more information.
- Little Colorado River Levee Project (Public Law 91-646)

Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 are not countable and applies to both homeowners and renters. (Public Law 91-646, Section 216)
- Navajo Indians - Relocation Assistance (Public Law 93-531)

Payments received for relocation assistance to Hopis and Navajos living in the former Joint Use Areas are not countable. (Public Law 95-531 dated 12/22/1974)
- Passamaquoddy Tribe and the Penobscot Nation (Public Law 96-420)

Payments to the Passamaquoddy Tribe and the Penobscot Nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980 are not countable. (Public Law 96-420, Section 5)
- Settlement for Land (Public Law 100-580)

Payments made to members of Indian tribes in settlement for land are not countable, up to a maximum of \$2,000 per payment per participant. Payments in excess of \$2,000 are treated as a resource in the month received and in subsequent months. (Public Law 100-580)
- Tohono O'odham (Public Law 97-408)

Per capita payments to the Tohono O'odham Indians from funds awarded by the Indian Claims Commission are not countable. (Public Law 97-408)

These include payments received by Tohono O'odham Indians on the official tribal rolls living on or off the Tribal Land.

- Trust Fund Distribution (Public Law 98-64)

Per capita payments from **any** of the following funds are not countable, up to a maximum of \$2,000 per payment per participant: (Public Law 98-64)

- Funds held in trust by the Secretary of Interior for an Indian tribe
- Funds awarded by the Indian Claims Commission of the U.S. Court of Federal Claims

NOTE Indian Gaming Industry per capita disbursements are countable in the month received.

- Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (Public Law 91-646)

Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 are not countable.

- Yakima Indian Nation (Public Law 95-433)

Payments by the Indian Claims Commission to the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Tribal Land are not countable.

**All** of the following Native American Income, Claims, or Funds, protected by public law, may or may not be excluded by federal statute from consideration as income:

- Claims Judgment Funds

Per capita payments from funds awarded by the Indian Claims Commission are not countable up to a maximum of \$2,000 per payment per participant. (Public Law 97-458 and Public Law 93-134, Section 7) (For treatment as a resource, see [American Indian claims resource](#))

NOTE Claims Judgement Funds that exceed \$2,000 per payment per participant are not countable as income for Hopi Tribal TANF

- Indian Gaming Industry Per Capita Income

Indian Gaming Industry per capita income is a disbursement of a Tribe's gaming revenue to an individual tribal member. The disbursement is considered unearned income and is countable.

Indian Gaming Industry per capita funds placed in an inaccessible trust by the tribe for **any** of the following are not countable:

- Dependent child under the age of 18
- Incapacitated adult with a guardian or conservator (See [Trust Funds](#) for additional policy.)

NOTE Indian Gaming Industry per capita income is not countable towards the Salt River Tribal TANF budgetary unit.

- **Indian Tribe Funds**

Indian tribe funds are monies generated by businesses and enterprises owned by a Tribe. (Public Law 97-458 and Public Law 93-134, Section 7)

See [Claims Judgment Funds](#) for policy and procedures regarding per capita payments from funds awarded by the Indian Claims Commission.

See [Indian Gaming Industry Per Capita Disbursements](#) for policy and procedures regarding per capita payments from Indian Gaming Industry income.

- **Maine Indian Claims Settlement Act of 1980**

Payments to the Passamaquoddy Tribe and the Penobscot Nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980 are not countable. (Public Law 96-420, Section 5)

- **Restricted Land Interest Payments**

Individual Indian's interests in trust or restricted lands and payments from these interests of up to \$2,000 per calendar year are not countable. Interests include the Indian's right to, or legal share of the trust or restricted land and any income accrued. (Public Law 103-66)

- **Submarginal Land Held in Trust**

Payments received by certain Indian tribal members regarding submarginal land held in trust by the United States are not countable. (Public Law 94-114, Section 5 and 6)

### **Lease or Royalty of Indian Land**

A participant may own or be allotted part of Tribal Land. The participant may lease the land to others depending on the agreement with the tribe or stipulation on the land.

Income from the lease or royalty of Indian land is countable as unearned income.

**NOTE** Certain income from the lease of Indian land is specifically excluded by federal law. These funds are not countable.

Land lease funds deposited in a BIA account before the month of application are considered a resource. All deposits of land lease income posted during the application month, or the following month is considered unearned income.

Countable income is used to determine an income budget. (See [Income Budgeting](#) to see how FAA determines the income budget.) FAA needs to know about income that is both countable and not countable to determine whether a budgetary unit's income is exceeding their expenses. (See [Income Eligibility](#) for more information about how FAA uses countable and not countable income.)

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### **Procedures**

When budgeting Indian Gaming Industry per capita income, discuss with the participant how often the income is received. Clarify with the participant or the Tribe, when necessary, whether the income is ongoing. This includes reviewing how often the income was received in the past. (See [Example 1](#))

When the income is expected to continue for the approval period, prorate Indian Gaming Industry per capita income over the specified period of time it is intended to cover.

When the participant is present, have them sign the Authority to Release (FAA-1765A) form to contact any companies or businesses involved. The FAA-1765A can be faxed or emailed to the participant's employer when it is not possible to use the Application for Benefits (FAA-0001A) or the HEAplus Authority to Release signed statement.

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## Verification

System interface and the [case file\(g\)](#) must be reviewed before verification is requested. No additional verification is needed when AZTECS interface or HEAplus hubs have verified the information.

The participant has the primary responsibility for providing verification. (See [Participant Responsibilities – Providing Verification](#) for additional policy.)

For NA, **all** of the following income is required to be verified before eligibility is determined:

- Reported on a new application, during the interview of a new application, or changes reported before the eligibility determination of a new application.
- Changes after an eligibility determination of a new application (e.g., a renewal application, mid approval contact, etc.) and **any** of the following apply:

The source of the income has changed.

The income is [questionable\(g\)](#) or [unclear\(g\)](#).

The reported income amount has changed by \$51 or more.

The previous verification in the case file is more than 59 calendar days old.

For CA, all income is required to be verified before determining eligibility.

Examples of verification that can be used for Native American Income, Claims, or Funds include, and are not limited to, **any** of the following:

- Applicable Public Laws
- Assistance payments records
- Benefit award letters from other agencies
- Bank records
- Court records or court orders
- Federal or state tax forms
- Insurance policies
- Statement from the agency or payer providing the income

- Participant statement verification when **one** of the following occur:

Obtaining documented or collateral contact verification may cause harm or undue [hardship\(g\)](#) for the participant.

When **all** of the following occur:

- Other attempts to obtain the verification have failed. This includes documented and collateral contact verification.
- The participant has requested assistance from FAA.
- The worker has evaluated the request for assistance and cannot obtain the verification from another acceptable source.
- The participant statement is not [questionable\(g\)](#).

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### AZTECS Keying Procedures

Key **all** of the following Native American Income, Claims, or Funds using the ID Unearned Income Code in the INC TYPE field on UNIC:

- Alaska Native Claims Settlement Act
- Grand River Band of Ottawa Indians
- Indian General Welfare Benefits
- Land Settlement Payments
- Maine Indian Claims Settlement Act of 1980
- Relocation Assistance
- Submarginal Land Held in Trust
- Tohono O'odham Payments
- Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970
- Yakima Indian Nation or the Apache Tribe of the Mescalero Tribal Land

For **all** other Native American Income, Claims, or Funds, follow the individual keying instructions for each income type below:

- For Bureau of Indian Affairs (BIA), key the BI Unearned Income Code in the INC TYPE field on UNIC for **any** of the following:

- BIA Clothing Allowance

For NA, count clothing allowances only when the payment occurs more frequently than annually. Payments made in the form of a voucher that is converted to cash by the budgetary unit is considered income in the month converted to cash. Key the OF Unearned Income Code in the INC TYPE field on UNIC.

- BIA General Assistance



- BIA TAPP & TWEP

For any portion of the BIA TAPP & TWEP that is considered an incentive payment or a reimbursement for work related expenses, key the OX Unearned Income Code in the INC TYPE field on UNIC.

- For Bureau of Indian Affairs (BIA) Educational Assistance Program income, key the BE Unearned Income Code in the INC TYPE field on UNIC for **all** of the following:

- Title IV funds
- Title XIII funds
- Funds excluded by Public Law
- Bureau of Indian Affairs Funds

American Indian Education funds from any source other than the previously listed are not countable for NA and are countable for CA. Key BL in the TYPE field on UNIE.

For income paid to the participant as a Tribal Loan for educational purposes under Title XIII, key the TS Unearned Income Code in the INC TYPE field on UNIC.in the TYPE field on UNIE.

#### Claims Judgment Funds

Key the ID Unearned Income Code in the INC TYPE field on UNIC.

The income that exceeds \$2,000 per payment per participant is countable.

Key the OT Unearned Income Code in the INC TYPE field on UNIC.

NOTE Claims Judgement Funds that exceed \$2,000 per payment per participant are not countable as income for Hopi Tribal TANF

Key the OF Unearned Income Code in the INC TYPE field on UNIC.

#### Indian Gaming Industry Per Capita Income

Key the IG OT Unearned Income Code in the INC TYPE field on UNIN.

Indian Gaming Industry per capita funds placed in an inaccessible trust by the tribe for **any** of the following are not countable:

- Dependent child under the age of 18
- Incapacitated adult with a guardian or conservator (See [Trust Funds](#) for additional policy.)

Key the OX Unearned Income Code in the INC TYPE field on UNIC.

NOTE Indian Gaming Industry per capita income is not countable towards the Salt River Tribal TANF budgetary unit. When Salt River Tribal TANF is attached to the case, key the OF Unearned Income Code in the INC TYPE field on UNIC.

### Indian Tribe Funds

Key the OT Unearned Income Code in the INC TYPE field on UNIC.

### Restricted Land Interest Payments

Key the ID Unearned Income Code in the INC TYPE field on UNIC.

The income that exceeds \$2,000 per calendar year is countable.

Key the OT Unearned Income Code in the INC TYPE field on UNIC.

### Trust Fund Distribution

Key the ID Unearned Income Code in the INC TYPE field on UNIC.

The income that exceeds \$2,000 per payment per participant is countable.

Key the OT Unearned Income Code in the INC TYPE field on UNIC.

NOTE Indian Gaming Industry per capita disbursements are countable in the month received

### **Lease or Royalty of Indian Land**

**All** of the following apply to budgeting Indian land lease income:

- For NA, the first \$2,000 per participant each calendar year is not countable.  
Key the LL AP Unearned Income Code in the INC TYP field on UNIC.
- When the income is received monthly, the income that exceeds \$2,000 per participant each calendar year is countable as income in the month received.  
Key the LL BO Unearned Income Code in the INC TYP field on UNIC. (See [Example 2](#))
- When normal and expected to continue, use the income received from the previous calendar year to annualize income received less frequently than monthly. The first \$2,000 of annual income per participant is countable for CA.  
Key the LL AP Unearned Income Code in the INC TYP field on UNIC.  
The income that exceeds \$2,000 per participant each calendar year is countable for NA and CA.  
Key the LL BO Unearned Income Code in the INC TYP field on UNIC. (See [Example 3](#))

Document the [case file\(g\)](#) thoroughly to support keyed codes, amounts, and frequencies. See the [AZTECS Data Entry Guide](#) for instructions on keying the AZTECS income screens.

NOTE Documentation must support determinations of eligibility and benefit level. Document in sufficient detail to ensure that any reviewer can assess whether the determination is reasonable and accurate. Include specific information regarding the reason the income is determined to be normal. (See [Budgeting Income Documentation Requirements](#) for additional information.)

**Examples**

- 1) Joe submits a new application on 08/01/18. On his application, he reports receiving quarterly per capita gaming income from the Gila River tribe. He was interviewed on 08/02/18 and indicated that he receives Indian Gaming per capita income. Joe reported receiving \$800 on 07/01/18 and provided hard copy verification.

The Indian Gaming per capita income is reasonably expected to be received quarterly. The income is budgeted with the IG OT Unearned Income Code in the INC TYPE field on UNIN. Use the QR Frequency Code in the FREQ field on UNIC. AZTECS divides Joe’s income by three to determine the monthly amount.

- 2) Noel applies for NA and CA benefits in October 2023 she receives monthly income from lease of Indian land in the amount of \$200.

Verification shows Noel has been receiving these monthly payments for the last year. Noel expects to continue to receive this income.

Noel’s income:

Current Calendar year - Month	Income	Income Keyed
January 2023	\$200	0.00
February 2023	\$200	0.00
March 2023	\$200	0.00
April 2023	\$200	0.00
May 2023	\$200	0.00
June 2023	\$200	0.00
July 2023	\$200	0.00
August 2023	\$200	0.00
September 2023	\$200	0.00
October 2023	\$200	LL AP - \$200
November 2023	\$200	LL BO - \$200
December 2023	\$200	LL BO - \$200
January 2024	\$200	LL AP - \$200

February 2024	\$200	LL AP - \$200
March 2024	\$200	LL AP - \$200

The first \$2000 of Indian land lease income is not countable for NA for the next calendar year.

- 3) Homer applies for NA and CA benefits in March 2019. He received a quarterly payment of Indian Land lease income in the amount of \$950 on January 1.

Prior case documentation shows Homer has been receiving these payments every quarter for the last two years. Homer expects to continue to receive this income.

Since Homer's income is received less frequently than monthly it is annualized. For NA, the first \$2000 is not countable.

Homer's annual income:

4th Quarter 2017 (Payment received in January 2018)	1st Quarter 2018 (Payment received in April 2018)	2nd Quarter 2018 (Payment received in July 2018)	3rd Quarter 2018 (Payment received in October 2018)
\$950	\$950	\$950	\$950
Total annual land lease income \$3,800. The first \$2,000 (\$166.67 monthly) is countable for CA. The remaining \$1,800 (\$150 monthly) is countable for NA and CA.			

Key **one or more** of the following resulting figures on UNIN:

- Key the LL AP Unearned Income Code in the INC TYP field and \$166.67 in the AMOUNT field.
- Key the LL BO Unearned Income Code in the INC TYP field and \$150 in the AMOUNT field.

## Legal Authorities

Public Law 92-203

Public Law 92-203, Section 21(a)

Public Law 95-433

Public Law 97-458

Public Law 94-540

Public Law 93-531

Public Law 93-134, Section 7

Public Law 103-66

Public Law 91-646

Public Law 96-420

Public Law 100-580

Public Law 97-408

Public Law 98-64

Public Law 95-433

Public Law 113-168

### [Prior Policy](#)

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