

How do my Tribal Income/Resources affect my SSI?

Should I read this?

Yes, if you want to know how tribal income and resources affect SSI benefits. We do not explain the effect of tribal income or resources on other benefits such as subsidized housing or long-term medical care benefits. The table at the end has info about food and state cash benefits (ABD, TANF, and so on.).

What is earned income?

“Earned Income is wages, net earnings from self-employment, certain royalties, honoraria, and sheltered workshop payments.” <http://tinyurl.com/zhdarmc>.

What is unearned income?

“Unearned Income is all income that is not earned, such as Social Security benefits, pensions, State disability payments, unemployment benefits, interest income, and cash from friends and relatives.” <http://tinyurl.com/zhdarmc>. Some types of tribal funds are unearned income.

What are resources?

Resources are things you own. **Examples** of resources are cash, bank accounts, stocks, land, life insurance, personal property, and vehicles.

If you get SSI, here are some things **not** counted as resources: the home you live in and the land it is on, Indian trust property, household goods, personal belongings (like furniture, jewelry, clothing), one vehicle (of

any value) you use for transportation, and scholarships for educational expenses.

What else does not count as income or a resource?

- Cash, stock, or lands from an Alaska Native corporation
- Per capita distributions of all funds held in trust by the Secretary of the Interior to members of an Indian tribe

You can find other resources that do not count at

<https://secure.ssa.gov/poms.nsf/lnx/0500830830> and <http://tinyurl.com/z4enjfm>.

How does income affect my SSI benefit?

The Social Security Administration (SSA) subtracts any income that does not count from your total gross income. The remaining amount is your “countable income”. SSA then subtracts your countable income from the SSI Federal benefit rate. The result is your monthly SSI benefit.

Does money from my tribe count as income?

It depends. You must identify the source of the income.

Needs-based benefits are excluded from income. If you get tribal benefits requiring you to first show you are low-income, those benefits should not count.

Money generated from Trust or Restricted Land is excluded from income up to \$2,000

per year. **Example:** You own interests in trust land that is leased for ranching. The lease income is exempt up to \$2,000 per year.

Depending on the source of tribal income, some per capita payments are excluded. Some count as income. **Examples:** per capita payments from certain settlements may be excluded from income. Per capita payments from a tribe's commercial enterprises (such as gaming revenue) are not excluded.

See the table at the end of different kinds of income and how they get counted for SSI purposes.

Do I need to report money from my tribe if it is exempt?

Yes. You should report **all** changes in income and assets. **Example:** you should report payments from a tribal trust settlement or individual interests in trust land even though they are exempt.

When you report income that is exempt, you should notify the SSA office that the funds are exempt. If you believe the office is improperly counting exempt funds, contact a supervisor or legal services office for help.

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- ❖ **IMPORTANT:** Reporting funds to SSA does NOT notify other agencies. You might also have to report getting the funds to DSHS, the housing authority, or other agencies you get benefits from.
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How do I report income or changes in assets?

You can report wages by visiting, calling or writing your local SSA office.

You can find your local SSA office at <https://secure.ssa.gov/ICON/main.jsp>

You can also sign up online to receive a monthly e-mail or text message wage reporting reminder at <http://tinyurl.com/jzn5sga>.

For SSA and DSHS, you must report all changes in your income and resources by the tenth day of the month following the month you get the funds. [20 CFR § 416.714](#); [WAC 388-418-0007](#). **Example 1:** You get a per capita payment on June 15. You must report that income to SSA by July 10. **Example 2:** Someone gave you a vehicle on August 1. You already own one vehicle. You should report the change in resources by September 10.

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- ❖ You should report in writing and keep a copy (with a date stamp from the agency or notation of how you delivered it and on what date). This could protect you from a later overpayment claim if they say you did not report it.
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Does money in my Individual Indian Money (IIM) account count as a resource?

"No special policy applies to Individual Indian Money (IIM) accounts." SI 00830.820.

Regular income and resource rules apply to IIM accounts. IIM accounts are treated just

like any other bank account. Income that would be excluded in a regular bank account would be excluded in the IIM account.

Note: restricted IIM accounts are not countable resources. The beneficiary cannot withdraw the funds without the authorization of the Bureau of Indian Affairs. SI 01110.100; SI 01140.200.

The table at the end shows which funds are excluded from income. If it is excluded in the table, it is excluded when placed in an IIM account.

What if I buy or sell a resource (like a car)?

“Receipts from the sale, exchange, or replacement of a resource are not income but are resources that have changed their form. This includes any cash or [other] item that is provided to replace or repair a resource that has been lost, damaged, or stolen.” [SI 00815.200\(A\)](#); see also [20 CFR 416.1103\(c\)](#).

If you receive money that is excluded from income and use it to buy a car, that first

purchase (the car) is excluded as a resource. If you sell the car, money you receive from the sale is a resource, not income. You have converted one type of resource (a car) into another (money). Money is not a resource SSA excludes. Any money you still have from the sale on the first day of the following month will count as a resource.

Example: Lisa receives a per capita payment of \$7,000 from her tribe based on the Tribal Trust Accounting and Management Lawsuit Settlement Agreement. SSA would exclude that per capita payment from income and resources. Lisa uses the funds to buy a car. SSA would also exclude the car as a resource because she bought it directly with her settlement funds (an “initial purchase”). Later, Lisa sells the car to her brother for \$3,000. The \$3,000 is not income because it is the conversion of a resource. If Lisa keeps the money, it counts as a resource the first day of the following month. Example provided in [SI 00830.853\(B\)](#).

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| Income Type | Federal Statute or Law | Internal or State Policy? | SSI – Related Medical | Basic Food/ Cash Assistance |
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| Per capita – Indian Judgment Funds | Indian Judgment Funds Distribution Act – P.L. 93-134 | SI 00830.830 (C)(1) WAC 388-450-0040 | Excluded from income and resources. | Excluded from income and resources. |
| Indian Judgment Funds | P.L. 97-458 | SI 00830.830 (C)(2) WAC 388-450-0040 | Excluded from income and resources. Initial purchases with distributed judgement funds are excluded from resources. | Excluded from income and resources. |
| Per capita distributions of funds held in trust by the Secretary of the Interior | Per Capita Act – P.L. 98-64 | SI 00830.830 (C)(3) WAC 388-450-0040 | Excluded from income and resources | Excluded from income and resources. |
| Alaska Natives – Distributions from Alaska Native Regional and Village Corporations | Alaska Native Claims Settlement Act – P.L. 100-241 | SI 00830.830 (C)(4) SI SEA 00830.830 WAC 388-450-0040 | Partially Excluded. Up to \$2,000 in retained distributions from Alaska Native Regional and Village Corporations may be excluded from resources | Partially Excluded. Up \$2,000 per individual per calendar year is excluded. |
| Payments From Individual Interests in Trust or Restricted Lands (Example: lease payments from individual interest in allotted Indian grazing lands) | P.L. 103-66 | SI 00830.830 (C)(5) SI 00830.850 WAC 388-450-0040 | Partially Excluded. Up to \$2,000 per year received by Indians that is derived from individual interests in trust or restricted lands is excluded from income. | Partially Excluded. Up to \$2,000 per calendar year received from leases or other uses of individually owned trust or restricted lands is excluded. |
| Assistance Based on Need (ABON) (Example: Tribal TANF) | | SI 00830.175 | Excluded. Note: Program must use income to determine eligibility (not just to determine payment amount). | Not Excluded. |
| Indian General Welfare Benefits | 26 USC 139E | | Excluded from gross income. <u>Note</u> : does not require that assistance be based on need. Does require 1) That the program is administered under specific guidelines and does not discriminate in favor of members of the governing body of the | Not Excluded. |

| Income Type | Federal Statute or Law | Internal or State Policy? | SSI – Related Medical | Basic Food/ Cash Assistance |
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| | | | tribe and 2) the benefits provided are available to any tribal member who meets the guidelines, are for the promotion of general welfare, are not lavish or extravagant, and are not compensation for services. | |
| Payments under The Claims Resolution Act of 2010 (Cobell v. Salazar) | P.L. 111-291 | SI 00830.852 | Excluded. Excluded from income. Excluded from resources for 1 year from the date of receipt. | |
| Tribal Trust Accounting and Management Settlement Agreements | | SI 00830.853 . (It has a list of tribes that have these settlements with the United States.) | Excluded from income and resources. Resource exclusion applies to initial purchases made with funds received from these settlements; however, it does not apply to proceeds from the sale or conversion of initial purchases. | Excluded. Tribal Trust Fund Settlements has more info. |