

County of San Diego, Health and Human Services Agency (HHS)
CalFresh Program Guide

Excluded Resources of Native Americans or Alaskan Natives

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Background:

Non-Assistance CalFresh households that are not MCE must not exceed the maximum allowable non-exempt property limit for liquid and non-liquid resources combined. Refer to [63-1101.1](#) for maximum allowable resources.

Policy:

The following funds or payments of Native American tribal members or Alaska Natives will be excluded as resources for food stamp purposes

63-205.1 Alaska Native Claims Settlement Act Payments:

Payments received under the Alaska Native Claims Settlement Act (P. L. 92-203, Section 29 and P. L. 100-24, Section 15 or the Sac and Fox Indian claims agreement (P. L. 94-189, Section 6).

63-205.2 Payments Originating Sub Marginal Land Held in Trust by the United States:

Payments received by certain Indian tribal members under P. L. 94-114, Section 6, regarding sub marginal land held in trust by the United States.

The following tribes may benefit from this provision:

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

63-205.3 Payments to Grand River Band of Ottawa Indians:

Payments received from the disposition of funds to the Grand River Band of Ottawa Indians (P. L. 94-540).

63-205.4 Payments to Yakima Indians and Apache Tribes:

Payments received by the Confederated Tribes and Bands of the Yakima Indian Nation and the Apache Tribe of the Mescalero Reservation from the Indian Claims Commission (P. L. 95-433, Section 2).

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63-205.5 Payments From the Main Indian Claims Settlement Act of 1980:

Payments made to the Passamaquoddy Tribe, the Penabscot Nation, or the Houlton Band of Maliseet, or any Indian household or member thereof, pursuant to the Main Indian Claims Settlement Act of 1980 (P. L. 96-420, Section 9c).

63-205.6 Relocation Assistance to Navajo and Hopi Tribes:

Payments of relocation assistance to members of the Navajo and Hopi Tribes (P. L. 93-531, Section 22).

63-205.7 Indian Claims Commission or Claims Court:

Funds appropriated to satisfy judgments of the Indian Claims Commission or Claims Court (P. L. 93-134, P. L. 97-458 and P. L. 98-64) which:

- Are distributed per capita, not exceeding \$2,000, or held in trust according to an approved plan;
- As of January 12, 1983, were to be distributed per capita, up to \$2,000, or held in trust according to a plan approved by Congress prior to January 12, 1983;
- Were distributed according to a plan approved by Congress after December 31, 1981, but prior to January 12, 1983, and any purchases made with such funds; or
- Are per capita payments, not exceeding \$2,000, from funds, which are held in trust by the Secretary of the Interior (trust fund distribution). The \$2,000 limit on per capita shares applies to each payment made to each household member.

63-205.8 Interests of Individual Indians in Trusts:

Interests of individual Indians in trust or restricted lands, up to \$2,000 per calendar year per individual, will be excluded as income (P. L. 93-134, P. L. 97-458, and P. L. 103-66, Section 13736).

- Interests include the individual's right to, or legal share of, the trust or restricted land and any resulting income.
- The exclusion applies to each individual household member who holds an interest or legal share.

63-205.9 Child Welfare Act Assistance Programs:

Assistance received under the Indian Child Welfare Act child and family service grant programs on or near reservations (P. L. 95-608). These programs include, but are not limited to: family assistance, day care, after school care, respite care, recreational activities, home improvement, employment of domestic relations and child welfare personnel, and education and training.

63-205.10 Various Indian Bands and Tribes Payments:

Payments made to the following:

- Turtle Mountain Band of Chippewas, Arizona (P. L. 97-403);
- Blackfeet, Grosventre, Assiniboine tribes, Montana, and the Papago Tribe, Arizona (P. L. 97-408);
- Red Lake Band of Chippewa Indians (P. L. 98-123, Section 3);
- White Earth Band of Chippewa Indians, Minnesota, pursuant to the White Earth Reservation Land Settlement Act of 1985 (P. L. 99-264, Section 16); and
- Saginaw Chippewa Indian Tribe of Michigan (P. L. 99-346, Section 6(b)(2)).

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63-205.11 Payments to the Assiniboine Tribe:

Per capita and interest payments made to members of the Assiniboine Tribe of the Fort Belknap Indian Community and the Fort Peck Indian Reservation, Montana (P. L. 98-124, Section 5).

63-205.12 Old Age Assistance Claims:

Funds paid to heirs of deceased Native Americans under the Old Age Assistance Claims Settlement Act, except for per capita shares exceeding \$2,000 (P. L. 98-500, Section 8).

63-205.13 Chippewas Tribes Funds:

Funds distributed per capita or held in trust for the Chippewas of Lake Superior and the Chippewas of the Mississippi (P. L. 99-146, Section 6(b) and P. L. 99-377).

63-205.14 Puyallup Tribe Funds:

Funds, assets or income from the trust fund established pursuant to the Puyallup Tribe of Indians Settlement Act of 1989 (P. L. 101-41, Sections 10(b) and (c)).

63-205.15 Payments to Seminole and Miccosukee Tribes:

Payments made to the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida and the independent Seminole Indians of Florida to satisfy the judgments of the Indians Claims Commission, except as per capita payments exceeding \$2,000 (P. L. 101-277).

63-205.16 Seneca Nation Settlement Act Funds:

Payments, funds distributions or income under the Seneca Nation Settlement Act of 1990 (P. L. 101-503, Section 8(b)).

Procedure:

Refer to [CalFresh Processing Guide #200-01](#)

Other Program Impacts:

None

References:

[MPP 63-506](#)

[ACWDL](#) dated June 30, 2014

[ACIN I-34-05](#); [ACIN I-16-05](#) and [ACIN I-18-07](#)

[ACIN I-34-99](#)

[MPP 63-102\(p\)\(12\)\(a\)](#)

[ACIN I-58-08](#); [ACL 98-19](#)

[ACIN I-79-03](#)

[ACIN I-50-13](#)

[ACL 12-62](#) & [13-32](#)

Sunset Date:

This policy will be reviewed for continuance on or by 10/31/2018

Release Date:

10/16/2015