

Guide to benefits for Native Americans and Alaska Natives

Author

Northwest Justice Project

Native Americans, Alaska Natives, enrolled tribal members, and people who live on a tribal reservation can qualify for special public benefits, protections, and programs. Learn about the basics of some of these benefits and programs.

1. Types of benefits

If you are a Native American, Alaska Native, an enrolled member of a federal recognized tribe, or live on tribal reservation, you might be eligible for certain types of public benefits, protections, and programs.

These are some of those benefits and programs:

- Special protections for Native American survivors of domestic violence
- Tribal housing program benefits
- Federal cash assistance from SSI
- State and tribal cash assistance (Tribal TANF)
- Healthcare programs

- Estate recovery exemptions

If you have a low income and need help dealing with issues related to your Native American or Alaska Native related benefits, the Native American Unit of the Northwest Justice Project might be able to help.

2. Federal cash assistance from SSI

Tribal Resource and Income Exclusions for Supplemental Security Income (SSI)

If you get SSI, are applying for SSI, or are dealing with overpayment and eligibility issues for Supplemental Security Income (SSI), certain income and resources might be exempt from counting towards your income. You might be eligible for other types of exemptions from the rules or requirements.

The SSA has a list that details the treatment of payments to specific Indian Tribes and Groups (SI 00830.830 (<https://secure.ssa.gov/apps10/poms.nsf/lnx/0500830830>)). Your local SSA field office should verify and document income derived from individual interests in trust or restricted lands as required by SI 00830.830E. (<https://secure.ssa.gov/apps10/poms.nsf/lnx/0500830830>)

SSI income protections and exemptions

SSI can count **certain** tribal income towards your total income. But some tribal related income is protected or exempt from being counted.

Even if the income is protected, you should still report all income to the SSA **when you receive it**. Don't wait to report it. A delayed report of income, even exempt income, can cause problems with your SSA benefits. You could temporarily lose your SSA benefits if there are issues with your reported income.

These are some of the protected and exempt incomes:

- Tribal subsidized housing benefits can't be counted.
- Up to \$2,000 per year received by you that comes from your individual interest in trust or restricted lands is excluded from income. (SI 00830.850 (<https://secure.ssa.gov/apps10/poms.nsf/lnx/0500830850>))
- Individual Indian Money (IIM) accounts are considered protected and exempt (before withdrawal). Monies received from the lease or sale of natural resources, such as timber, plants, animals, or fish, remain protected and exempt while held in an IIM account.
- All Alaskan Tribal income is fully exempt for 5 years
- Monies from the Indian Judgment Funds Distribution Act
- Funds held in trust by the Secretary of the Interior
- Alaska Native Claims Settlement Act funds
- Other types of judgment funds (SI 00830.830 Indian-Related Exclusions (<https://secure.ssa.gov/apps10/poms.nsf/lnx/0500830830%21opendocument>))

- Indian General Welfare Benefits 26 USC 139E
(<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title26-section139E&num=0&edition=prelim>)
- Tribal land trust income (SI 00830.850 Exclusion of Income from Individual Interests in Indian Trust or Restricted Lands
(<https://secure.ssa.gov/apps10/poms.nsf/lnx/0500830850>))
- Assistance Based on Need funds (SI 00830.175 Assistance Based on Need (ABON) (<https://secure.ssa.gov/poms.nsf/lnx/0500830175>))

SSI resource protections and exemptions

SSI counts any resource or asset that you could sell for cash for your living expenses. But certain tribal or Native American and Alaska Native related resources are protected and exempt. (20 CFR 416.1236
(<https://www.ecfr.gov/current/title-20/section-416.1236>): Exclusions from Resources provided by other statutes and Appendix to Subpart K of Part 416, Title 20 (<https://www.ecfr.gov/current/title-20/part-416/appendix-Appendix%20to%20Subpart%20K%20of%20Part%20416>))

These are some of the protected and exempt resources:

- Allotted Indian land is protected.
- Shares in tribal corporations are protected.
- Personal effects used as religious or cultural items (or that have cultural or religious sentimental value) are protected.
- Interest that you have in trust or restricted lands is excluded from your counted resources when determining eligibility. (SI 01130.150
(<https://secure.ssa.gov/apps10/poms.nsf/lnx/0501130150>)).

- Interests you have in Trust or Restricted Lands (SI 01130.150
(<https://secure.ssa.gov/poms.nsf/lnx/0501130150>)
(<https://secure.ssa.gov/poms.nsf/lnx/0501130150>))
- Land Held by a Member of an American Indian Tribe (SI DEN01130.150
(<https://secure.ssa.gov/poms.nsf/lnx/0501130150DEN>))
- Indian lands in general (20 CFR 416.1234
(<https://www.ecfr.gov/current/title-20/section-416.1234>))
- Shares in a tribal corporation valued at more than \$0 and owned based on your membership in the tribe.

Exemptions from SSI non-citizen provisions

Canadian First Nation Band Members can be eligible for federal benefits like SSI if they are also an American Indian with at least 50% Indian Blood **or** are a member or citizen of a federally recognized tribe.

If you are an American Indian born in Canada with at least 50% Indian Blood or are a member or citizen of a federally recognized tribe, you can be exempt from all SSI non-citizen provisions **even though** you were born in Canada (SI 00502.105).

3. State and tribal cash assistance

State TANF

Temporary Assistance for Needy Families (TANF) provides temporary, monthly cash to eligible families. To get TANF, the family must be financially eligible and include at least one pregnant person or minor child. To be eligible, you must be a U.S. citizen or **an American Indian born outside the U.S.** Some families are required to participate in the WorkFirst program in order to gain work experience, find a job, and address barriers to employment.

- There is a time limit to receiving benefits and there are certain exclusions. Undocumented immigrants can't get TANF.
- To apply, visit Washington Connection (<https://www.washingtonconnection.org/home/home.go>) or contact a Tribal or Urban Native Community Partners.

Our [guide to TANF](#) has detailed information about the TANF program and how to apply.

State Non-Needy TANF

Non-Needy TANF is a program for caretakers of relative children to support the child in their care. The caregiver's income is not used when determining eligibility for Non-Needy TANF. You could be eligible for Non-Needy TANF for grandchildren, nieces/nephews, siblings, cousins, or a child placed in your care when you aren't receiving foster care payments. Non-Needy TANF is **very important** when working with tribes and Native families.

Tribal TANF

There is also Tribal TANF in Washington. (PL 104-193 and RCW 74.08A.040)

Each specific Tribal TANF program is run by the specific tribe and according to their own rules and procedures. Tribal TANF might not have Workfirst requirements like state TANF does. There are other differences too. Some Tribal TANF benefits come from Tribal General Welfare funds and programs.

If you get state TANF, there are tribal liaisons for Native clients (<https://www.dshs.wa.gov/node/5847>) that should be available to help you.

Some tribal TANF programs work with the state Department of Social & Health Services (DSHS) office. Others administer their program entirely through their tribal social services.

Here are some examples:

- Nisqually Indian Tribe runs their Tribal TANF program through their General Assistance Program and its available to those enrolled in a federally recognized tribe who live in Thurston County.
- The Confederated Tribes of the Colville Nation run their Tribal TANF in partnership with the state DSHS. You apply with a specific program contact **within** DSHS and then the tribe gets the final decision on eligibility.
- The Yakama Nation runs their Tribal TANF program through the Tribal Department of Human Services **and** in partnership with DSHS.

To find out if your tribe has Tribal TANF and how they manage it, contact your tribe's social services department.

4. Healthcare programs

Federal responsibilities

Public Law No. 119-21 page 139 recognizes the unique relationship between the U.S. government and Tribal nations, and the federal trust and treaty responsibility for healthcare. This creates a unique situation for tribal members when they are trying to access healthcare. Health care coverage options for Native Americans and Alaska Native communities involve a complicated network of federal, state, and private programs. A Native American or Alaska Native with a low income might be triple eligible for Indian Health Services (IHS), Medicare and Medicaid.

Medicaid exemptions

Native American and Alaska Natives **are exempt from new Medicaid requirements** that:

- require some people to work or do another qualifying activity for a minimum number of hours each month to be eligible
- require more frequent eligibility checks

If you are Native American or Alaska Native and on Medicaid, you shouldn't have these new requirements applied to you.

Native Americans and Alaska Natives have **special income exemptions for Medicaid eligibility**. Certain resources and sources of income aren't counted against Native Americans and Alaska Natives when determining eligibility for Medicaid. Income earnings from Native American or Alaska Native property rights are exempt from being counted.

Medicaid usually has cost sharing that makes the recipient have to pay for part of their care. Members of a federally recognized tribe **are exempt from cost sharing**. There is no cost-sharing for members of federally recognized tribes. Tribal elders are not charged premiums, deductibles, or enrollment fees.

Medicaid estate recovery can happen if a person received long-term care through Medicaid. Native Americans and Alaska Natives and their property **have special protections from estate recovery**. Indian Trust property and income are protected from Medicaid estate recovery.

Indian Health Services

Indian Health Services (IHS) is a healthcare service from the federal government and treaty rights that provides funds to tribes and Urban Indian health programs to support their ability to provide care for their eligible members (<https://www.ihs.gov/ihtm/pc/part-2/chapter-1-eligibility-for-services/>). It is funded each year by the U.S. Congress.

IHS **isn't** a health insurance program (<https://www.hca.wa.gov/about-hca/who-we-are/tribal-affairs/health-care-coverage>). It is a program to support enrolled

members of federally recognized tribes and Alaska Natives and their direct descendants. It can make it so that you pay little or nothing for care you receive depending on where you get the care. IHS benefits help supplement your health insurance benefits.

- Special IHS protections for Native Americans and Alaska Natives with low incomes limit cost sharing for patients which can **reduce what costs you are responsible for**.
- Native Americans and Alaska Natives should be able to enroll in Medicare, Medicaid or CHIP **year-round** instead of just during open enrollment.
- You can also use your health insurance, Apple Health and Medicare at an IHS clinic. You can use non-IHS pharmacies but will have to pay the non-IHS cost for your medications.
- There are 2 main types of IHS benefits: direct care services and Purchased/Referred Care (PRC) services (<https://www.ihs.gov/prc/eligibility/requirements-eligibility/>). You can get both types but PRC services have stricter eligibility rules.
 - IHS **direct care services** are provided by an IHS facility. Generally, you can get direct care at any IHS facility if you are IHS eligible. A member of a federally recognized tribe can get care at any IHS hospital or clinic if the facility has the staff and capability to provide the medical care. Direct care services are available for members who live on or near their (or a) reservation and those living in urban areas.
 - **PRC services** are provided by a non-IHS facility or provider through contracts with the IHS. The rules are stricter for PRCs and the benefits are more limited. PRCs usually provide for tribal members

who live on or near the reservation for the local tribe that is served by the "Contract Health Service Delivery Area (CHSDA). Your service area is called your PRCDA (PRC Delivery Area). PRC coverage and funding can be limited and specific to prior authorizations and other rules.

- **If you move away** from your assigned PRCDA place, you will have to get your PRCDA benefits re-established with the location you move to. They only automatically extend for 6 months after a month. After that, you have to have the PRCDA reassigned to your new area. **Direct care services continue after a move** as long as you get them at an IHS facility.
- If you **live on or near a reservation**, even if it isn't **your tribe's** reservation, you are probably eligible for PRCDA services if that area has been assigned a CHSDA by IHS.
- If you **live away from a reservation or in a non-tribal urban area**, you can get **direct care services** through IHS at an urban Indian health clinic like those in Seattle (<https://www.sihb.org/>) and Spokane (<http://www.nativeproject.org/>).
- You **can** usually get IHS **direct care services** outside of your reservation or nation at an IHS facility but will have to be able to show you are eligible for IHS services and might have to meet other eligibility requirements that could be specific to the IHS location, facility or program rules. Some programs or parts of IHS programs are run by the tribe itself instead of the federal government, so you might not be able to get care at those facilities or programs unless you are a tribal member or meet their rules. Find an IHS clinic near you (<https://www.ihs.gov/findhealthcare/>).

- If you need to sign up for IHS benefits, [find your local IHS clinic](https://NJP%20Benefit%207200%20Guide%20to%20Native%20American%20TANF%2020)
(<https://NJP%20Benefit%207200%20Guide%20to%20Native%20American%20TANF%2020>)
(<https://NJP%20Benefit%207200%20Guide%20to%20Native%20American%20TANF%2020>)
and apply in person. You will need proof of your tribal enrollment or
your Certificate Degree of Indian Blood card.

5. Estate recovery exemptions

Medicaid estate recovery can happen if a person received long-term care through Medicaid. If you use long-term care services that the State must pay for, the State can take your property to pay itself back after you die. This is called “estate recovery.” There are special estate recovery protections you might have if you’re Native American or Alaska Native. [Native Americans and Alaska Natives and their property](#) **have special protections from estate recovery.**

These kinds of property are protected from estate recovery:

- Indian Trust property and trust income.
- Fee land, trust land and improvements made to any trust land (regardless of your enrollment status).
- Your non-trust property but only if you are an enrolled member of a federally recognized tribe.
- Indian Income kept in Individual Indian Monies accounts.
- Needs based financial assistance from your tribe’s general welfare program.

- Cultural or traditional items including regalia, ceremonial items, and traditional hunting or fishing tools.

Learn more about estate recovery protections for Native Americans and Alaska Natives from [our guide and video](#).

6. Windfalls and benefits

A windfall is when you get a large sum of money at one time. This often happens from inheritance or settlements. It can also happen from gambling. Windfalls can affect certain benefits depending on the type of windfall and type of benefit. Certain Native American and Alaska Native income **will count as windfall income** like financial assistance from a tribe that isn't needs based assistance or gambling winnings.

Whether these kinds of income can impact your public benefits will be based on:

- What benefits you get
- How much windfall money you received
- Whether that windfall money was a lump sum payment

If you get a windfall, you can try to do these things to keep the windfall from affecting your public benefits:

- Spend it down by buying things you need
- Spend it down paying off debts

- Set up a special trust or special account to protect the funds in a way that can lessen the impact on your benefits

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