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Emergency Message

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Identification Number **EM-12028**

Effective Date:
06/13/2012

Intended Audience: All RCs/ARCs/ADsFOs/TSCs/PSCsOCO/OCO-CSTs/ODARHQ

Originating Office: ORDP OISP

Title: **Tribal Trust Accounting and Management Settlement**

Type: EM - Emergency Messages

Program: **Title XVI (SSI); Medicare**

Link To Reference: See Reference at the bottom of this EM.

Retention Date: December 13, 2012

A. Purpose of this emergency message

This EM provides instructions about Tribal Trust Accounting and Management Settlement Agreements.

B. Background on the Tribal Trust Accounting and Management Settlement Agreements

Forty-one American Indian tribes filed lawsuits alleging that the Federal government mismanaged tribal trust accounts. On April 11, 2012, these 41 tribes agreed to settle their cases with the government. Shortly thereafter, three additional tribes agreed to settlements for a total of 44 tribal settlement agreements.

Under these agreements, the government will pay about \$1 billion to the 44 tribes. The amounts paid to individual tribes vary considerably. Some tribes will receive over a hundred million dollars. Under these agreements, each tribe will decide how it will use the settlement funds and whether it will distribute these funds to individual tribe members. Some tribes already distributed settlement funds to their members.

Here is a list of the 44 tribes covered by these agreements.



44 Tribes (2).doc

C. Policy for income and resource exclusion

For purposes of determining eligibility for Supplemental Security Income (SSI) and Medicare Part D Extra Help, per capita payments received by individual tribe members under these settlement agreements are excludable from income and resources. Treat these payments as judgment funds as described in SI 00830.830C.1.

D. Documenting the receipt of settlement funds for SSI

For SSI, if an applicant or recipient reports receipt of a Tribal Trust Accounting and Management Settlement payment, explain that the payment does not affect eligibility for SSI.

Document the allegation on a report of contact (DROC) screen identifying:

- the settlement fund;
- the payment amount;
- the date of receipt; and
- that the Tribal Trust Accounting and Management Settlement payment is excludable from income and resources.

EXAMPLE of DROC input: "The recipient reported receipt of \$5,000 from the (name of tribe) Tribal Trust Accounting and Management Settlement on May 10, 2012. This payment is excludable from income and resources."

E. Documenting the receipt of settlement funds for Medicare Part D Extra Help

If the applicant or beneficiary reports receipt of a settlement payment, explain that the payment does not affect eligibility for Extra Help.

Document the allegation on the MAPS Report of Contact (DWRC) screen identifying:

- the settlement fund;
- the payment amount;
- the date of receipt; and
- that the Tribal Trust Accounting and Management Settlement payment is excludable from income and resources.

F. Reference

SI 00830.830 Indian Related Exclusions

Direct all program-related and technical questions to your RO support staff or PC OA staff. RO support staff or PC OA staff may refer questions or problems to their Central Office contacts.

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