§ 416.1182

Example 1: A Substantial Reduction Exists. Your SSI monthly payment amount is $101 and your PASS employment goal earnings will reduce your SSI payment by $90. We may consider that to be a substantial reduction.

Example 2: A Substantial Reduction Exists. You receive a title II benefit of $550 and an SSI payment of $73. Your PASS employment goal will result in work over the SGA level that eliminates your title II benefit but increases your SSI payment by $90. We may consider that a substantial reduction because your work will eliminate your title II payment while only slightly increasing your SSI payment.

Example 3: A Substantial Reduction Does Not Exist. Your SSI monthly payment amount is $603 and your PASS employment goal earnings will reduce your SSI payment by $90. We may not consider that to be a substantial reduction.

(8) Contain a beginning date and an ending date to meet your employment goal;

(9) Give target dates for meeting milestones towards your employment goal;

(10) Show what expenses you will have and how they are reasonable and necessary to meet your employment goal;

(11) Show what money you have and will receive, how you will use or spend it to attain your employment goal, and how you will meet your living expenses; and

(12) Show how the money you set aside under the plan will be kept separate from your other funds.

(b) You must propose a reasonable ending date for your PASS. If necessary, we can help you establish an ending date, which may be different than the ending date you propose. Once the ending date is set and you begin your PASS, we may adjust or extend the ending date of your PASS based on progress towards your goal and earnings level reached.

(c) If your employment goal is self-employment, you must include a business plan that defines the business, provides a marketing strategy, details financial data, outlines the operational procedures, and describes the management plan.

(d) Your progress will be reviewed at least annually to determine if you are following the provisions of your plan.

[71 FR 28264, May 16, 2006]

APPENDIX TO SUBPART K OF PART 416—
LIST OF TYPES OF INCOME EXCLUDED UNDER THE SSI PROGRAM AS PROVIDED BY FEDERAL LAWS OTHER THAN THE SOCIAL SECURITY ACT

Many Federal statutes in addition to the Social Security Act provide assistance or benefits for individuals and specify that the assistance or benefit will not be considered in deciding eligibility for SSI. We have listed these statutes in this appendix and have placed them in categories according to the kind of income or assistance they provide. The list gives the name of the Federal statute (where possible), the public law number, and the citation. Each item briefly describes what the statute provides that will not reduce or eliminate an SSI payment. More detailed information is available from a social security office or by reference to the statutes.

We update this list periodically. However, when new Federal statutes of this kind are enacted, or existing statutes are changed, we apply the law currently in effect, even before this appendix is updated.

I. FOOD

(a) Value of food coupons under the Food Stamp Act of 1977, section 1301 of Pub. L. 95–113 (91 Stat. 968, 7 U.S.C. 2017(b)).

(b) Value of federally donated foods distributed under section 32 of Pub. L. 74–320 (49 Stat. 774) or section 416 of the Agriculture Act of 1949 (63 Stat. 1058, 7 CFR 250.6(e)(9)).

(c) Value of free or reduced price food for women and children under the—


(d) Services, except for wages paid to residents who assist in providing congregate services such as meals and personal care, provided a resident of an eligible housing project under a congregate services program; reported under section 802 of the Cranston-Gonzales National Affordable Housing Act, Public Law 101–625 (104 Stat. 3413, 42 U.S.C. 8011).

II. HOUSING AND UTILITIES


(b) Home energy assistance payments or allowances under title XXVI of the Omnibus Budget Reconciliation Act of 1981, Public Law 97–35, as amended (42 U.S.C. 8624(f)).

(c) Value of any assistance paid with respect to a dwelling unit under—
   (1) The United States Housing Act of 1937;
   (2) The National Housing Act;
   (3) Section 101 of the Housing and Urban Development Act of 1965; or
   (4) Title V of the Housing Act of 1949.

   NOTE: This exclusion applies to a sponsor’s income only if the alien is living in the housing unit for which the sponsor receives the home energy assistance payments or allowances.

(c) Value of any assistance paid with respect to a dwelling unit under—
   (1) The United States Housing Act of 1937;
   (2) The National Housing Act;
   (3) Section 101 of the Housing and Urban Development Act of 1965; or
   (4) Title V of the Housing Act of 1949.

   NOTE: This exclusion applies to a sponsor’s income only if the alien is living in the housing unit for which the sponsor receives the housing assistance.

(d) Payments for relocating, made to persons displaced by Federal or federally assisted programs which acquire real property, under section 216 of Pub. L. 91–646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1902, 42 U.S.C. 4656).

III. EDUCATION AND EMPLOYMENT

(a) Grants or loans to undergraduate students made or insured under programs administered by the Secretary of Education under section 597 of the Higher Education Amendments of 1968, Pub. L. 90–575 (82 Stat. 1063).

(b) Any wages, allowances, or reimbursement for transportation and attendant care costs, unless excepted on a case-by-case basis, when received by an eligible handicapped individual employed in a project under title VI of the Rehabilitation Act of 1973 as added by title II of Pub. L. 95–662 (92 Stat. 2992, 29 U.S.C. 796(b)(c)).

(c) Student financial assistance for attendance costs received from a program funded in whole or in part under title IV of the Higher Education Act of 1965, as amended, or under Bureau of Indian Affairs student assistance programs if it is made available for tuition and fees normally assessed a student carrying the same academic workload, as determined by the institution, including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study and an allowance for books, supplies, transportation, and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution, under section 14(27) of Public Law 100–50, the Higher Education Technical Amendments Act of 1987 (20 U.S.C. 1070uu).

IV. NATIVE AMERICANS

(a) Types of Payments Excluded Without Regard to Specific Tribes or Groups

(1) Indian judgment funds that are held in trust by the Secretary of the Interior or distributed per capita pursuant to a plan prepared by the Secretary of the Interior and not disapproved by a joint resolution of the Congress under Public Law 93–134 as amended by section 4 of Public Law 97–458 (96 Stat. 2513, 25 U.S.C. 1400). Indian judgment funds include interest and investment income accrued while such funds are so held in trust. This exclusion extends to initial purchases made with Indian judgment funds. This exclusion does not apply to sales or conversions of initial purchases or to subsequent purchases.

   NOTE: This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor’s household.

(2) All funds held in trust by the Secretary of the Interior for an Indian tribe and distributed per capita to a member of that tribe are excluded from income under Public Law 96–44 (97 Stat. 365, 25 U.S.C. 117b). Funds held by Alaska Native Regional and Village Corporations (ANRVC) are not held in trust by the Secretary of the Interior and therefore ANRVC dividend distributions are not excluded from countable income under this exclusion. For ANRVC dividend distributions, see paragraph IV.(a)(3) of this appendix.

   NOTE: This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor’s household.

(3) Distributions received by an individual Alaska Native or descendant of an Alaska Native from an Alaska Native Regional and Village Corporation pursuant to the Alaska Native Claims Settlement Act, as follows: cash, including cash dividends on stock received from a Native Corporation, to the extent that it does not, in the aggregate, exceed $2,000 per individual each year; stock, including stock issued or distributed by a
Native Corporation as a dividend or distribution on stock; a partnership interest; land or
an interest in land, including land or an inter-
est in land received from a Native Cor-
poration as a dividend or distribution on
stock; and an interest in a settlement trust.
This exclusion is pursuant to section 15 of
the Alaska Native Claims Settlement Act
Amendments of 1987, Public Law 100–241 (101
Stat. 1813, 43 U.S.C. 1626(c)), effective Feb-
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NOTE: This exclusion does not apply in
deeming income from sponsors to aliens.

(4) Up to $2,000 per year received by Indians
that is derived from individual interests in
trust or restricted lands under section 13736
1408, as amended).

(b) Payments to Members of Specific Indian
Tribes and Groups—

(1) Per capita payments to members of the
Red Lake Band of Chippewa Indians from
the proceeds of the sale of timber and lumber
on the Red Lake Reservation under section 3

(2) Per capita distribution payments by the
Blackfeet and Gros Ventre tribal govern-
ments to members which resulted from judg-
ment funds to the tribes under section 4 of
Public Law 92–254 (86 Stat. 63) and under sec-

(3) Settlement fund payments and the availa-
bility of such funds to members of the
Hopi and Navajo Tribes under section 22 of
Public Law 93–531 (88 Stat. 1722) as amended
by Public Law 96–305 (94 Stat. 929).

NOTE: This exclusion applies to the income
of sponsors of aliens only if the alien lives in
the sponsor’s household.

(4) Judgment funds distributed per capita
to, or held in trust for, members of the Sac
and Fox Indian Nation, and the availability
of such funds under section 6 of Public Law
94–139 (89 Stat. 1094).

NOTE: This exclusion applies to the income
of sponsors of aliens only if the alien lives in
the sponsor’s household.

(5) Judgment funds distributed per capita
to, or held in trust for, members of the
Grand River Band of Ottawa Indians, and the
availability of such funds under section 6 of

NOTE: This exclusion applies to the income
of sponsors of aliens only if the alien lives in
the sponsor’s household.

(6) Any judgment funds distributed per
per capita to members of the Confederated
Tribes and Bands of the Yakima Indian Na-
tion or the Apache Tribe of the Mescalero
Reservation under section 2 of Public Law

(7) Any judgment funds distributed per
capita or made available for programs for
members of the Delaware Tribe of Indians
and the absentee Delaware Tribe of Western
Oklahoma under section 8 of Public Law 96–
318 (94 Stat. 971).

(8) All funds and distributions to members of
the Passamaquoddy Tribe, the Penobscot
Nation, and the Houlton Band of Maliseet In-
dians under the Maine Indian Claims Settle-
ment Act, and the availability of such funds
under section 9 of Public Law 96–420 (94 Stat.
1795, 25 U.S.C. 1728(c)).

NOTE: This exclusion applies to the income
of sponsors of aliens only if the alien lives in
the sponsor’s household.

(9) Any distribution of judgment funds to
members of the San Carlos Apache Indian
Tribe of Arizona under section 7 of Public
Law 93–134 (87 Stat. 458) and Public Law 97–
95 (96 Stat. 1206).

NOTE: This exclusion applies to the income
of sponsors of aliens only if the alien lives in
the sponsor’s household.

(10) Any distribution of judgment funds to
members of the Wyandot Tribe of Indians
of Oklahoma under section 6 of Public Law

(11) Distributions of judgment funds to
members of the Shawnee Tribe of Indians
(Absentee Shawnee Tribe of Oklahoma, the
Eastern Shawnee Tribe of Oklahoma and the
Cherokee Band of Shawnee descendants)
under section 7 of Public Law 97–372 (96 Stat.
1815).

(12) Judgment funds distributed per capita
or made available for programs for members
of the Miami Tribe of Oklahoma and the
Miami Indians of Indiana under section 7 of
Public Law 97–376 (96 Stat. 1829).

(13) Distributions of judgment funds to
members of the Colville Tribe of Indians of
the State of Washington (Port Gamble In-
dian Community, Lower Elwha Tribal Com-
munity and the Jamestown Band of Clallam
Indians) under section 6 of Public Law 97–402

(14) Judgment funds distributed per capita
or made available for programs for members
of the Pemba Chippewa Indians (Turtle
Mountain Band of Chippewa Indians, Chip-
pewa Cree Tribe of Rocky Boy’s Reservation,
Minnesota Chippewa Tribe, Little Shell Band
of the Chippewa Indians of Montana, and the
nonmember Pemba descendants) under sec-

(15) Per capita distributions of judgment
funds to members of the Assiniboine Tribe of
Fort Belknap Indian Community and the
Papago Tribe of Arizona under sections 6 and
6(d) of Public Law 97–408 (96 Stat. 2036, 2038).

(16) Up to $2,000 of per capita distributions
of judgment funds to members of the Confed-
erated Tribes of the Warm Springs Reserva-
tion under section 4 of Public Law 97–436 (96
Stat. 2284).
Social Security Administration

NOTE: This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor’s household.


(18) Funds distributed per capita or family interest payments for members of the Assiniboine Tribe of Fort Belknap Indian Community of Montana and the Assiniboine Tribe of the Fort Peck Indian Reservation of Montana under section 5 of Public Law 98–124 (97 Stat. 818).

(19) Distributions of judgment funds and income derived therefrom to members of the Shoalwater Bay Indian Tribe under section 5 of Public Law 98–432 (98 Stat. 1672).

(20) All distributions to heirs of certain deceased Indians under section 8 of the Old Age Assistance Claims Settlement Act, Public Law 98–500 (98 Stat. 2319).

NOTE: This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor’s household.


(22) Per capita and dividend payment distributions of judgment funds to members of the Santee Sioux Tribe of Nebraska, the Flandreau Santee Sioux Tribe, the Prairie Island Sioux, Lower Sioux, and Shakopee Mdewakanton Sioux Communities of Minnesota under section 8 of Public Law 99–139 (99 Stat. 552) and section 7 of Public Law 95–134 (97 Stat. 468), as amended by Public Law 97–136 (25 U.S.C. 1407).

(23) Funds distributed per capita or held in trust for members of the Chipewas of Lake Superior and the Chipewas of the Mississippi under section 4 of Public Law 99–139 (97 Stat. 818).

(24) Distributions of claims settlement funds to members of the White Earth Band of Chippewa Indians as allottees, or their heirs, under section 16 of Public Law 99–294 (100 Stat. 70).

(25) Payments or distributions of judgment funds, and the availability of any amount for such payments or distributions, to members of the Saginaw Chippewa Indian Tribe of Michigan under section 6 of Public Law 99–946 (100 Stat. 677).

NOTE: This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor’s household.

(26) Judgment funds distributed per capita or held in trust for members of the Chipewas of Lake Superior and the Chipewas of the Mississippi under section 4 of Public Law 99–377 (100 Stat. 865).

(27) Judgment funds distributed to members of the Cow Creek Band of Umpqua Tribe of Indians under section 4 of Public Law 100–139 (101 Stat. 822).


NOTE: This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor’s household.


NOTE: This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor’s household.

(30) Judgment funds held in trust by the United States, including interest and investment income accruing on such funds, and judgment funds made available for programs or distributed to members of the Wisconsin Band of Potawatomi (Hannahville Indian Community and Forest County Potawatomi) under section 503 of Public Law 100–581 (102 Stat. 2945).

NOTE: This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor’s household.

(31) All funds, assets, and income from the trust fund transferred to the members of the Puyallup Tribe under section 10 of the Puyallup Tribe of Indians Settlement Act of 1899, Public Law 101–41 (103 Stat. 86, 25 U.S.C. 1733(c)).

NOTE: This exclusion does not apply in deeming income from sponsors to aliens.

(32) Judgment funds distributed per capita, or held in trust, or made available for programs, for members of the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida and the independent Seminole Indians of Florida under section 8 of Public Law 101–277 (104 Stat. 145).

NOTE: This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor’s household.

NOTE: This exclusion does not apply to deeming income from sponsors to aliens.


(35) Settlement funds, assets, income, payments, or distributions from Trust Funds to members of the Catawba Indian Tribe of South Carolina under section 111(m) of Public Law 103–118 (107 Stat. 1133).

(36) Settlement funds held in trust (including interest and investment income accruing on such funds) for, and payments made to, members of the Confederated Tribes of the Colville Reservation under section 7(b) of Public Law 103–436 (108 Stat. 4579).

NOTE: This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor’s household.


(38) Judgment funds distributed under section 4 of the Cowlitz Indian Tribe Distribution of Judgment Funds Act, (Pub. L. 102–586 (106 Stat. 5035)).

NOTE: This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor’s household.

(2) Receipts derived from trust lands awarded to the Pueblo of Santa Ana and distributed to members of that tribe under section 6 of Public Law 95–496 (92 Stat. 1677).

(3) Receipts derived from trust lands awarded to the Pueblo of Zia of New Mexico and distributed to members of that tribe under section 6 of Public Law 95–499 (92 Stat. 1588).

V. OTHER

(a) Compensation provided to volunteers by the Corporation for National and Community Service (CNCS), unless determined by the CNCS to constitute the minimum wage in effect under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), or applicable State law, pursuant to §193(b)(1).

NOTE: This exclusion does not apply to the income of sponsors of aliens.

(b) Any assistance to an individual (other than wages or salaries) under the Older Americans Act of 1965, as amended by section 102(b)(1) of Pub. L. 95–478 (92 Stat. 1515, 42 U.S.C. 3020a).

(c) Amounts paid as restitution to certain individuals as a result of the evacuation, relocation, and internment during World War II, under the Civil Liberties Act of 1988 and the Aleutian and Pribilof Islands Restitution Act, sections 105(f) and 206(d) of Public Law 100–383 (50 U.S.C. App. 1989 b and c).

(d) Payments made on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.) under Public Law 101–201 (103 Stat. 1795) and section 10405 of Public Law 101–239 (103 Stat. 2489).


(f) The value of any child care provided or arranged (or any payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act, as amended by section 8(b) of Public Law 102–586 (106 Stat. 5035).

(g) Payments made to individuals because of their status as victims of Nazi persecution excluded pursuant to section 1(a) of the Victims of Nazi Persecution Act of 1994, Public Law 103–285 (107 Stat. 1450).

(h) Any matching funds from a demonstration project authorized by the Community Opportunities, Accountability, and Training and Educational Services Act of 1998 (Pub. L. 105–255) and any interest earned on these matching funds in an Individual Development Account, pursuant to section 415 of Pub. L. 105–255 (112 Stat. 2771).


(j) Payments made to individuals who were captured and interned by the Democratic Republic of Vietnam as a result of participation in certain military operations, pursuant to section 606 of the Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act of 1996 (Pub. L. 104–78–78).

(k) Payments made to certain Vietnam veterans’ children with spina bifida, pursuant to section 421 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1997 (Pub. L. 104–204, 38 U.S.C. 6025(a)).

(l) Payments made to the children of women Vietnam veterans who suffer from certain birth defects, pursuant to section 401
of the Veterans Benefits and Health Care Improvement Act of 2000 (Pub. L. 106–419 (38 U.S.C. 1833(c)).


Subpart L—Resources and Exclusions


SOURCE: 40 FR 48915, Oct. 20, 1975, unless otherwise noted.

§416.1201 Resources; general.

(a) Resources; defined. For purposes of this subpart L, resources means cash or other liquid assets or any real or personal property that an individual (or spouse, if any) owns and could convert to cash to be used for his or her support and maintenance.

(1) If the individual has the right, authority or power to liquidate the property or his or her share of the property, it is considered a resource. If a property right cannot be liquidated, the property will not be considered a resource of the individual (or spouse).

(2) Support and maintenance assistance not counted as income under §416.1157(c) will not be considered a resource.

(3) Except for cash reimbursement of medical or social services expenses already paid for by the individual, cash received for medical or social services that is not income under §416.1103 (a) or (b), or a retroactive cash payment which is income that is excluded from deeming under §416.1161(a)(16), is not a resource for the calendar month following the month of its receipt. However, cash retained until the first moment of the second calendar month following its receipt is a resource at that time.

(i) For purposes of this provision, a retroactive cash payment is one that is paid after the month in which it was due.

(ii) This provision applies only to the unspent portion of those cash payments identified in this paragraph (a)(3). Once the cash from such payments is spent, this provision does not apply to items purchased with the money, even if the period described above has not expired.

(iii) Unspent money from those cash payments identified in this paragraph (a)(3) must be identifiable from other resources for this provision to apply. The money may be commingled with other funds, but if this is done in such a fashion that an amount from such payments can no longer be separately identified, that amount will count toward the resource limit described in §416.1205.

(b) Liquid resources. Liquid resources are cash or other property which can be converted to cash within 20 days, excluding certain nonwork days as explained in §416.120(d). Examples of resources that are ordinarily liquid are stocks, bonds, mutual fund shares, promissory notes, mortgages, life insurance policies, financial institution accounts (including savings, checking, and time deposits, also known as certificates of deposit) and similar items. Liquid resources, other than cash, are