

1006.15.40 Resources Excluded by Law

REV:06/2007

Some resources are excluded for food stamp purposes by express provision of Federal, State, or local law. The following is the current listing of resources excluded by law.

- * Under P.L. 103-66, earned income tax credits (EITCs) received by any member of the household shall be excluded from financial resources for twelve (12) months from receipt if the household member is participating in the program at the time of its receipt and participates continuously during the twelve (12) month period.
- * Benefits received from the special supplemental food program for women, infants, and children (WIC).
- * Under P. L. 89-642, Section 11 of the Child Nutrition Act, the value of assistance to children.
- * As provided in P. L. 100-435, Section 501, 9/19/88, of the Child Nutrition Act: under WIC demonstration projects, coupons which can be exchanged for food at farmers' markets.
- * Under P. L. 99-425, Section (e), the Low-Income Home Energy Assistance Act, 9/30/86. The amount of any home energy assistance payments or allowances provided directly to, or indirectly in behalf of, a household is excluded.
- * Financial assistance provided by a program funded in whole or in part under Title IV of the Higher Education Act in accordance with Public Law 99-498.
- * Payments made under P. L. 98-524, the Carl D. Perkins Vocational Education Act, Section 507, as amended by P. L. 101-392, 9/25/90.
- * Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970.
- * Payments made under provisions of P. L. 93-288, the Disaster Relief Act of 1974, as amended. This exclusion applies to Federal assistance provided to persons directly affected and to comparable disaster assistance provided by States, local governments, and disaster relief organizations.
- * Payments made under the provisions of Public Law 100-383, entitled "Wartime Relocation of Civilians", to certain United States citizens of Japanese ancestry, resident Japanese aliens and certain eligible Aleuts (natives of the Aleutian Islands).
- * All payments from the Agent Orange Settlement fund or any other fund established pursuant to the settlement in the Agent Orange product liability litigation retroactive to January 1, 1989. The disabled veteran will receive annual payments;

survivors of the deceased disabled veterans will receive a lump-sum payment. These payments were disbursed by Aetna Insurance Company.

- * Payments made under P. L. 101-426, Section 6(h)(2), the Radiation Exposure Compensation Act, dated October 15, 1990.
- * Payments received under the Alaska Native Claims Settlement Act or the Sac and Fox Indian claims agreement.
- * Funds distributed under P. L. 94-189, Section 6, 12/31/75, to the Sac and Fox Indians.
- * Payments of relocation assistance to members of the Navajo and Hopi Tribes under Public Law 93-531.
- * Payments received by certain Indian tribal members under Public Law 94-114, Section 6, regarding submarginal land held in trust by the United States.
- * Payments received from the disposition of funds to the Grand River Band of Ottawa Indians (Public Law 94-540).
- * Funds paid under P.L. 98-123, Section 3, 10/13/83 to members of the Red Lake Band of Chippewa Indians.
- * 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).
- * Payments to the Passamaquoddy Tribe and the Penobscot Nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420).
- * Payments to the Blackfeet, Grosventre, and Assiniboine tribes, Montana, and the Papago, Arizona (P.L. 97-408).
- * Funds distributed per capita or held in trust under P. L. 99-146, Section 6(b), 11/11/85, for members of the Chippewas of Lake Superior.
- * Moneys paid under P. L. 99-264, the White Earth Reservation Land Settlement Act of 1985, 3/24/86.
- * Payments to the Saginaw Chippewa Indian Tribe under P. L. 99-346.
- * Funds distributed under P. L. 99-377 Section 4(b), 8/8/86 to the Chippewas of the Mississippi.
- * Moneys paid under P.L. 95-608, Indian Child Welfare.
- * Payments to the Turtle Mountain Band of Chippewas, Arizona (P.L. 97-403).
- * Funds paid to members of the Assiniboine Tribe, Fort Belknap and Fort Peck, Montana under P.L. 98-124.

- * Under P.L. 98-500, Old Age Assistance Claims Settlement Act, payments to heirs are excluded except for per capita shares in excess of \$2000.
- * Payments made under P.L. 101-41, the Puyallup Tribe of Indians Settlement Act.
- * Funds awarded to the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission are excluded except for per capita shares in excess of \$2000 paid under P.L. 101-277.
- * Payments made under P.L. 101-503, Seneca Nation Settlement Act.
- * Any monetary allowances paid by the Veterans Administration under P.L. 104-204, Section 1805(d), to a child of a Vietnam Veteran for any disability resulting from Spina Bifida suffered by such child.
- * Any monetary allowances paid by the Veterans Administration under P.L. 106-419, Section 1815 (a), to any individual with one or more covered birth defects if he or she is a child of a female Vietnam veteran.
- * Under P.L. 103-322, Section 230202, dated 9/13/94, amended Section 1403 of the Crime Act of 1984 (42 U.S.C. 10602), compensation paid by an eligible crime victim compensation program

When an exclusion applies because of use of a resource by or for a household member, the exclusion must also apply when the resource is being used by or for an ineligible or disqualified person whose resources are being considered available to the household. For example, the work-related equipment essential to the employment of an ineligible or disqualified person must be excluded as well as one (1) burial plot per ineligible or disqualified person.