

TITLE 8 SOCIAL SERVICES
CHAPTER 139 FOOD STAMP PROGRAM
PART 527 FOOD STAMP PROGRAM / INCOME AND RESOURCES EXCLUDED BY FEDERAL LAW

8.139.527.1 ISSUING AGENCY: New Mexico Health Care Authority.
[8.139.527.1 NMAC - Rp, 8.139.527.1 NMAC 11/01/2023; A, 7/1/2024]

8.139.527.2 SCOPE: General public.
[8.139.527.2 NMAC - Rp, 8.139.527.2 NMAC 11/01/2023]

8.139.527.3 STATUTORY AUTHORITY: The food stamp program is authorized by the Food Stamp Act of 1977 as amended (7 U.S.C. 2011 et. seq.). Regulations issued pursuant to the act are contained in 7 CFR Parts 270/282. State authority for administering the food stamp program is contained in Chapter 27 NMSA, 1978. Administration of the health care authority (HCA), including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983). Section 9-8-1 et seq. NMSA 1978 establishes the HCA as a single, unified department to administer laws and exercise functions relating to health care facility licensure and health care purchasing and regulation.
[8.139.527.3 NMAC - Rp, 8.139.527.3 NMAC 11/01/2023; A, 7/1/2024]

8.139.527.4 DURATION: Permanent.
[8.139.527.4 NMAC - Rp, 8.139.527.4 NMAC 11/01/2023]

8.139.527.5 EFFECTIVE DATE: November 1, 2023 unless a later date is cited at the end of the section.
[8.139.527.5 NMAC - Rp, 8.139.527.5 NMAC 11/01/2023]

8.139.527.6 OBJECTIVE: Issuance of the revised food stamp program policy manual is intended to be used in administration of the food stamp program in New Mexico. This revision incorporated the latest federal policy changes in the food stamp program not yet filed. In addition, current policy citations were rewritten for clarification purposes or were simply reformatted. Issuance of the revised policy manual incorporated a new format which is the same in all income support division policy manuals. A new numbering system was designated so that similar topics in different programs carry the same number. The revised format and numbering standards were designed to create continuity among ISD programs and to facilitate access to policy throughout the human services department.
[8.139.527.6 NMAC - Rp, 8.139.527.6 NMAC 11/01/2023]

8.139.527.7 DEFINITIONS [RESERVED]

8.139.527.8 INCOME AND RESOURCES EXCLUDED BY FEDERAL LAWS: Certain income and resources are specifically excluded by federal law from consideration in determining eligibility for the food stamp program.
[8.139.527.8 NMAC - Rp, 8.139.527.8 NMAC 11/01/2023]

8.139.527.9 GENERAL:

A. The value of assistance to children under P.L. 79/396, Section 12(e) of the National School Lunch Act, as amended by Section 9(d) of P.L. 94/105. This law authorizes the school lunch program, the summer food service program for children, the commodity distribution program, and the child and adult care food program. The exclusion applies to assistance provided to children rather than that paid to providers.

B. The value of assistance to children under P.L. 89/642, Section 11(b) of the Child Nutrition Act of 1966 is not considered income or resources for any purpose. This law authorizes the special milk program, the school breakfast program, and the special supplemental food program for women, infants, and children (WIC).

C. Under WIC demonstration projects, coupons that may be exchanged for food at farmers' markets by P.L. 100/435, Section 501, 9/19/88, which amended Section 17(m)(7) of the Child Nutrition Act of 1966.

D. Reimbursements received under the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, P.L. 91/646, Section 216.

E. Any payment under Titles I and II of the Domestic Volunteer Services Act of 1973, P.L. 93/113.

(1) Payments under Title I of the Act, including payments from VISTA, university year for

action and the urban crime prevention program, made to volunteers will be excluded for an individual receiving FS benefits or public assistance at the time the individual joined the Title I program, except that households which were receiving an income exclusion for a VISTA or other Title I subsistence allowance at the time of conversion to the Food Stamp Act of 1977 continue to receive an income exclusion for VISTA for the length of their volunteer contract in effect at the time of conversion.

(2) Temporary interruptions in food stamp participation do not alter the exclusion after an initial determination has been made.

(3) New applicants who were not receiving food stamps at the time they joined VISTA will have their volunteer payments counted as earned income.

(4) Payments to volunteers under Title II, including RSVP, foster grandparents program and senior companion program, are excluded as income.

F. Payments precipitated by an emergency or major disaster as defined in the Disaster Relief Act of 1974, P.L. 93/288, Section 312(d), as amended by the Disaster Relief and Emergency Assistance Amendments of 1988, P.L. 100/707, Section 105(i). This exclusion applies to federal assistance, including Federal Emergency Management Assistance (FEMA) funds, provided to directly affected individuals and to comparable disaster assistance provided by states, local governments, and disaster assistance organizations. Most, but not all FEMA funds are excluded. For example, some payments made to homeless people to pay for rent, mortgage, food, and utility assistance when there is no major disaster or emergency are not excluded under this provision. A major disaster is any natural catastrophe such as a hurricane, drought, or, regardless of cause, any fire, flood, or explosion, which the president determines causes damage of enough severity and magnitude to warrant major disaster assistance to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby. An emergency is any occasion or instance for which the president determines that federal assistance is needed to supplant state and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe.

G. The amount of any home energy assistance payments or allowances provided directly to, or on behalf of, a household under the Low Income Home Energy Assistance Act, P.L. 99/425, Section (e), 9/30/86. In determining any excess shelter expense deduction, the full amount of such payments or allowances is deemed to be expended by such household for heating or cooling expenses.

H. Amounts made available for tuition and fees, and, for students attending an institution at least half time, for books, supplies, transportation and miscellaneous personal expenses (other than room, board, and dependent care) provided under Title IV of the Higher Education Act Amendments of 1986, P.L. 99/498, Section 479B, as amended by P.L. 100/50, June 3, 1987, and by the bureau of Indian affairs.

(1) The Higher Education Amendments of 1992, P.L. 102/325, 7/23/92, contain two separate provisions affecting the treatment of payments made under the Higher Education Act. In regard to Title IV, Student Assistance, Part F, Section 479B provides that: Notwithstanding any other provision of law, student financial assistance received under Title IV or under bureau of Indian affairs student assistance programs, will not be counted in determining the need or eligibility of any person for benefits or assistance, or the amount of such benefits or assistance, under any federal, state, or local program financed in whole or in part with federal funds. Educational assistance authorized under Title IV will be excluded with respect to determinations beginning on or after July 1, 1993.

(2) Excluded educational assistance authorized under Title IV includes the following:

- (a) basic educational opportunity grants (BEOG or PELL);
- (b) presidential access scholarships (super PELL grants);
- (c) supplemental educational opportunity grants (SEOG);
- (d) state student incentives grants (SSIG);
- (e) federal direct student loan programs (FDSLP) (formerly GSL and FFELP):
 - (i) federal direct supplemental loan program (provides loans to students);
 - (ii) federal direct PLUS program (provides loans to parents);
 - (iii) federal direct Stafford loan program;
 - (iv) federal consolidated loan program;
- (f) direct loans to students in institutions of higher education (Perkins loans, formerly NDSL);
- (g) federal work study funds (not all federal work study funds come under Title IV of the Higher Education Act);
- (h) TRIO grants (to organizations or institutions for students from disadvantaged

backgrounds):

- (i) upward bound (some stipends go to students);
- (i) student support services;
- (ii) Robert E. McNair post/baccalaureate achievement;
- (iii) Robert C. Byrd honors scholarship program.
- (j) college assistance migrant program (CAMP) for students whose families are engaged in migrant and seasonal farm work;
- (k) high school equivalency program (HEP);
- (l) national early intervention scholarship and partnership program.

(3) There is only one BIA student assistance program per se. It is the higher education grant program, which is sometimes called the scholarship grant program. Education or training assistance received under any BIA program must be excluded. There is an adult education program providing money to adults to get a GED, attend technical schools, and to receive job training. There is also an employment assistance program. In addition, education and training may be made available under separate programs like the Indian child and family programs. Each tribe has a BIA agency that may be contacted for more information about education and training assistance.

(4) Section 480(b) of Title IV provides that the changes made in part F of Title IV of the Act by the amendment made by this section shall apply with respect to determinations of need under such part F for award years beginning on or after July 1, 1993.

(5) Under Title XIII, Indian Higher Education Programs, Part E/Tribal Development Student Assistance Revolving Loan Program, under the Tribal Development Student Assistance Act, Section 1343(c) provides that for purposes of determining eligibility, loans provided under this program may not be considered in needs analysis under any other federal law, and may not penalize students in determining eligibility for other funds. The Part E exclusion was effective October 1, 1992.

(6) Payments received under the Carl D. Perkins Vocational Education Act, Section 507, P.L. 98/524, as amended by P.L. 101/392, 9/25/90, Section 501 and 701 of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990, are excluded.

(7) Amounts made available for tuition and fees, and for students attending an institution at least half time, books, supplies, transportation, dependent care, and miscellaneous personal expenses (other than room and board) are excluded. This provision was effective July 1, 1991. The programs under the Carl D. Perkins Act include the following:

- (a) Indian vocational education program;
- (b) native Hawaiian vocational education program;
- (c) state vocational and applied technology education program, which contains the:
 - (i) state program and state leadership activities;
 - (ii) program for single parents, displaced homemakers, and single pregnant women;
 - (iii) sex equity program;
 - (iv) programs for criminal offenders;
 - (v) secondary school vocational education program;
 - (vi) postsecondary and adult vocational education program;
 - (vii) state assistance for vocational education support programs by community based organizations;
 - (viii) consumer and homemaking education program;
 - (ix) comprehensive career guidance and counseling program;
 - (x) business/labor/education partnership for training program.
- (d) national tech/prep education program;
- (e) state/administered tech/prep education program;
- (f) supplementary state grants for facilities and equipment and other program improvement activities;
- (g) community education employment centers program;
- (h) vocational education lighthouse schools program;
- (i) tribally controlled postsecondary vocational Institutions program;
- (j) vocational education research program;
- (k) national network for curriculum coordination in vocational and technical education;
- (l) national center or centers for research in vocational education;

(m) materials development in telecommunications program;
 (n) demonstration centers for the training of dislocated workers program;
 (o) vocational education training and study grants program;
 (p) vocational education leadership development awards program;
 (q) vocational educator training fellowships program;
 (r) internships for gifted and talented vocational education students program;
 (s) business and education standards program;
 (t) blue ribbon vocational education program;
 (u) educational programs for federal correctional institutions;
 (v) model programs of regional training for skilled trades;
 (w) demonstration projects for the integration of vocational and academic learning
 program;

- (x) cooperative demonstration programs;
- (y) bilingual vocational training program;
- (z) bilingual vocational instructor training program;
- (aa) bilingual materials, methods, and techniques program;

(8) Federal Perkins Loans authorized under Part E of Title IV of the Higher Education Act must be handled in accordance with other Title IV income.

(9) Section 5(d)(3) of the Food Stamp Act, as amended by P.L. 101/624, Food Agriculture, Conservation and Trade Act of 1990, Title XVIII, Mickey Leland Memorial Domestic Hunger Relief Act, 11/28/90, and P.L. 102/237, Food, Agriculture, Conservation, and Trade Act Amendments of 1991, Section 903, provide that educational monies are excluded from income:

(a) when they are awarded to a person enrolled at a recognized institution of post/secondary education, at a school for the handicapped, in a vocational education program, or in a program that provides for completion of a secondary school diploma or obtaining the equivalent of (GED);

(b) to the extent that they do not exceed the amount used for or made available as an allowance determined by the school, institution, program, or other grantor, for tuition, mandatory fees, including the rental or purchase of any equipment, materials, and supplies related to the pursuit of the course of study involved, books, supplies, transportation, and other miscellaneous personal expenses (other than living expenses) of the student incidental to attending such school, institution, or program; and

(c) to the extent loans include any origination fees and insurance premiums.

I. Payments, allowances, and earnings to individuals participating in programs under the Job Training Partnership Act (JTPA) of 1982, P.L. 97/300 except for on/the/job training payments provided under section 204(5) of Title II of the JTPA to dependents 19 years of age or older.

J. Payments, allowances, and earnings of individuals participating in projects conducted under Title I of the National and Community Services Act of 1990. Such projects were considered to be conducted under the JTPA, per P.L. 101/610, Section 117(d), 11/16/90, which clarified Section 142(b) of the JTPA. There are about 47 different NCSA programs, and they vary by state.

K. Funds received by individuals 55 and older under the Senior Community Service Employment Program under Title V of the Older Americans Act, P.L. 100/175, Section 166, 11/29/87. Each state and eight organizations receive Title V funds. The eight organizations that receive Title V funds are:

- (1) green thumb;
- (2) national council on aging;
- (3) national council of senior citizens;
- (4) American association of retired persons;
- (5) U.S. forest service;
- (6) national association for Spanish speaking elderly;
- (7) national urban league;
- (8) national council on black aging.

L. Any amount by which the basic pay of an individual is reduced under P.L. 99/576, Veteran's Benefits Improvement and Health Care Authorization Act of 1986, Section 303(a)(1), 8/7/86, which amended Section 1411(b) and 1412(c) of the Veterans Educational Act of 1984 (GI Bill), which will revert to the treasury. Title 38 of the USC, Chapter 30, Section 1411 refers to basic educational assistance entitlement for service on active duty, and Section 1412 refers to basic educational assistance entitlement for service in the selected reserve. Section 216 of P.L. 99/576 authorized stipends for participation in study of Vietnam/era veterans' psychological problems. These payments are not excluded by law.

M. P.L. 100/242, Section 126(c)(5)(A), 11/6/87, the Housing and Community Development Act of 1987, excludes most increases in earned income of a family residing in certain housing while participating in HUD demonstration projects authorized by Section 126. Demonstration projects are authorized by this law for Charlotte, NC, and ten additional locations. The affected regional offices are contacted individually regarding these projects.

N. P.L. 101/625, Section 522(i)(4), 11/28/90, Cranston/Gonzales National Affordable Housing Act, excludes most increases in the earned income of a family residing in certain housing while participating in HUD demonstration projects authorized by this public law. Demonstration projects are authorized by this law for Chicago, IL, and three other locations. The affected regional offices are contacted individually regarding these projects.

O. The value of any payment made under the Family Support Act, P.L. 100/485, Section 301, which amended Section 402 (g) (1)(E) of the Social Security Act, including payments made under Title IV/A of the Social Security Act, and including transitional payments (entitlement payments).

P. "At risk" block grant payments are excluded by P.L. 101/508, Section 5801, which amended Section 402(i) of the Social Security Act (11/5/1990). No deduction may be allowed for any expense covered by such payments.

Q. The value of any provided or arranged, or any amount received as payment for such care or reimbursement for costs incurred for such care is excluded by P.L. 102/586, Section 8, signed 11/4/1992, which amended the Child Care and Development Block Grant Act Amendments of 1992 by adding section 658S. The value or amount of is excluded from income for purposes of any federal or federally/assisted program that bases eligibility or amount of benefits on need. These payments are made under the Social Security Act, as amended.

R. A payment made to a participant for costs that are necessary and directly related to participation in a work program. Such costs include, but are not limited to, dependent care costs, transportation, expenses related to work, training or education, such as uniforms, personal safety items, other necessary equipment, and books or training manuals. Such costs may not include the cost of meals away from home. In addition, the value of dependent care services provided for or arranged for are excluded.

S. The full amount of any public assistance (PA) or general assistance (GA) housing assistance payment made to a third party on behalf of a household residing in transitional housing for the homeless by P.L. 103/66, the Mickey Leland Childhood Hunger Relief Act, 1993, which revised Section 5(k)(2)(F) of the Food Stamp Act. The exclusion is effective 9/1/1994.

T. Payments made under the Radiation Exposure Compensation Act, P.L. 101/426, Section 6 (h)(2), 10/15/1990.

U. 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, in accordance with the Agent Orange Compensation Exclusion Act, P.L.101/201, 12/6/1989. An agent orange disabled veteran receives yearly payments. Survivors of deceased disabled veterans receive a lump/sum payment. These payments are disbursed by the AETNA insurance company.

(1) P.L. 101/239, signed 12/19/1989, the Omnibus Budget Reconciliation Act of 1989, Section 10405, also excluded payments made 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.) from income and resources in determining eligibility for the amount of benefits under the food stamp program.

(2) P.L. 102/4, Agent Orange Act of 1991, 2/6/1991, authorized veterans' benefits to some veterans with service/connected disabilities resulting from exposure to agent orange. Such VA payments are not excluded by law.

V. Any earned income tax credit is excluded from is not taken into account in determining resources for the month of receipt and the following month, under P.L. 101/508, 11/5/1990, the Omnibus Budget Reconciliation Act of 1990, Title XI Revenue Provisions, Section 11111, Modifications of Earned Income Tax Credit, subsection (b). This provision is effective for taxable years beginning after December 31, 1990. Subsequently, the September 1988 amendments to the Food Stamp Act require the exclusion from income of any payment made to a household under Section 3507 of the Internal Revenue Code of 1986 (relating to advance payment of earned income credit). The August 1993 amendments to the Food Stamp Act require the exclusion from resources of any earned income tax credits received by any member of the household for a period of 12 months from receipt if such member was participating in the food stamp program at the time the credits were received and participated in the program continuously during the 12 month period. The 1993 amendments are to be implemented September 1, 1994.

W. Payments made to individuals because of their status as victims of Nazi persecution per P.L. 103/286, August 1, 1994. The exclusion is effective for eligibility and benefit determinations made on or after

August 1, 1994, and excludes payments made before, on or after August 1.

X. Combat related military pay if the pay is the result of deployment to or service in a combat zone and was not received immediately prior to serving in combat zone.

Y. Guaranteed Basic Income is a program where individuals receive direct cash payments on a regular basis if they meet the eligibility criteria for that program. Income from this program is exempt when any funding comes from a private source.

Z. Universal Basic Income is any payments that is funded solely with private funds or mixture of private and public funds will be excluded income.

[8.139.527.9 NMAC - Rp, 8.139.527.9 NMAC 11/01/2023]

8.139.527.10 AMERICAN INDIAN OR ALASKA NATIVE:

A. Payments to the Turtle Mountain Band of Chippewas, Arizona (P.L. 97/403).

B. Payments to the Blackfeet, Gros Ventre, and Assiniboiné tribes (Montana) and the Papago, Arizona tribe per P.L. 97/408.

C. Per capita and interest payments made to the Assiniboiné Tribe of the Fort Belknap Indian Community, Montana, and to the Assiniboiné Tribe of the Fort Peck Indian Reservation, Montana under P.L. 98/124, Section 5. Funds were awarded in docket 10/81L.

D. Funds awarded in docket number 15/72 of the United States Court of Claims and distributed to members of the Red Lake Band of Chippewas in accordance with P.L. 98/123, Section 3, 10/13/1983.

E. Payments to the Saginaw Chippewa Indian Tribe of Michigan under P.L. 99/346, Section 6 (b)(2).

F. Per capita payments distributed to, or held in trust for, the Chippewas of the Mississippi in accordance with P.L. 99/377, Section 4(b), 8/8/1986. The judgments were awarded in Docket Number 18/S. The funds are divided by reservation affiliation for the Mille Lac, White Earth, and Leech Lake Reservations, all of Minnesota.

G. All compensation, including cash, stock partnership interest, land, interest in land, and other benefits received under the Alaska Native Claims Settlement Act, P.L. 92/203, Section 29, dated 1/2/1976 and the Alaska Native Claims Settlement Act Amendments of 1987, P.L. 100/241, Section 15, 2/3/1988.

H. In accordance with 25 USCS 1407, Judgment Funds, as amended by P.L. 93/134 and P.L. 97/458, funds appropriated in satisfaction of judgments of the Indian claims commission or claims court in favor of any Indian tribe, band, etc. which:

(1) are distributed per capita or held in trust pursuant to a plan approved under the provisions of this Act (25 USCS Subsections 1401 et seq), or

(2) on the date of enactment of this act (January 12, 1983), are to be distributed per capita, or are held in trust pursuant to a plan approved by congress prior to the date of enactment of this Act (January 12, 1983), or

(3) were distributed pursuant to a plan approved by congress after December 31, 1981, but prior to the date of enactment of this act (January 12, 1983), and any purchases made with such funds, including all interest and investment income accrued thereon while such funds are so held in trust, except for per capita payments in excess of \$2,000. The \$2,000 amount applies to each payment made to each person. Initial purchases made with exempt payments distributed between January 1, 1982, and January 12, 1983 are excluded from resources to the extent that excluded funds were used.

I. Per capita payments from funds which are held in trust by the secretary of the interior (trust fund distributions) for an Indian tribe per P.L. 98/64, 8/2/83, which applied the exclusion in 25 USC 1407. Per capita payments may be authorized for specific tribes under other public laws.

J. Relocation assistance payments to members of the Navajo and Hopi tribes under P.L. 93/531, section 22.

K. Income derived from certain submarginal land held in trust for certain Indian tribes under P.L. 94/114, section 6, 10/17/1975. The tribes that may benefit are the:

- (1) Bad River band of the Lake Superior tribe of Chippewa Indians of Wisconsin;
- (2) Blackfeet tribe;
- (3) Cherokee nation of Oklahoma;
- (4) Cheyenne River Sioux tribe;
- (5) Crow Creek Sioux tribe;
- (6) lower Brule Sioux tribe;
- (7) Devils Lake Sioux tribe;
- (8) Fort Belknap Indian community;

- (9) Assiniboine and Sioux tribes;
- (10) Lac Courte Oreilles band of Lake Superior Chippewa Indians;
- (11) Keweenaw bay Indian community;
- (12) Minnesota Chippewa tribe;
- (13) Navajo tribe;
- (14) Oglala Sioux tribe;
- (15) Rosebud Sioux tribe;
- (16) Shoshone/Bannock tribes;
- (17) Standing Rock Sioux tribe.

L. Payments from the disposition of funds to the Grand River Band of Ottawa Indians, per P.L. 94/540.

M. Indian claims commission payments made to the confederated tribes and bands of the Yakima Indian Nation and the Apache tribe of the Mescalero reservation under P.L. 95/433, Section 2.

N. Payments made to the Passamaquoddy tribe, the Penobscot nation, and the Houlton Band of Maliseet under the Maine Indian Claims Settlement Act of 1980, P.L. 96/420, Section 9(c), 10/10/1980.

O. Funds made to heirs of deceased Indians under the Old Age Assistance Claims Settlement Act, under P.L. 98/500, Section 8, 10/17/1984, except for per capita shares in excess of \$2,000.

P. Funds distributed per capita to the Sac and Fox Indians or held in trust per P.L. 94/189, Section 6, 12/31/1975. The funds are divided between members of the Sac and Fox tribe of Oklahoma and the Sac and Fox tribe of the Mississippi in Iowa. The judgments were awarded in Indian claims commission dockets numbered 219, 153, 135, 158, 231, 83, and 95.

Q. Funds distributed per capita or held in trust for members of the Chippewas of Lake Superior in accordance with P.L. 99/146, Section 6(b), 11/11/1985. Judgments were awarded in dockets numbered 18/S, 18/U, 18/C, and 18/T. Dockets 18/S and 18/U are divided among the following reservations:

(1) **Wisconsin:** Bad River reservation, Lac du Flambeau reservation, Sokaogon Chippewa community, Red Cliff reservation, St. Croix reservation.

(2) **Michigan:** Keweenaw Bay Indian community, (l'Anse, Lac Vieux Desert, and Ontonagon Bands).

(3) **Minnesota:** Fond du Lac reservation, Grand Portage reservation, Nett Lake reservation (including Vermillion Lake and Deek creek), White Earth reservation.

(4) Under Dockets 18/C and 18/T, funds are given to the Lac Courte Oreilles Band of the Lake Superior Bands of Chippewa Indians of the Lac Courte Oreilles reservation of Wisconsin, the Bad River Band of the Lake Superior tribe of Chippewa Indians of the Bad River reservation, the Sokaogon Chippewa community of the Mole Lake Band of Chippewa Indians, and the St. Croix Chippewa Indians of Wisconsin.

R. Monies paid to the White Earth Band of Chippewa Indians in Minnesota, under the White Earth Reservation Land Settlement Act of 1985, per P.L. 99/264, Section 16, 3/24/1986.

S. Funds, assets, or income from the trust fund established and paid to the Puyallup tribe in the state of Washington will not affect the eligibility or benefit amount of its members for any federal program, per P.L. 101/41, 6/21/1989, Section 10(b), of the Puyallup tribe of Indians Settlement Act of 1989. Section 10(c) provides that none of the funds, assets, or income from the trust fund established in Section 6(b) shall at any time be used a basis for denying or reducing funds to the tribe or its members under any federal, state or local program.

T. Funds appropriated in satisfaction of judgments awarded to the Seminole Indians in Dockets 73, 151, and 73/A of the Indian claims commission, except for per capita payments in excess of \$2,000 under P.L. 101/277, 4/30/1990. Payments were allocated 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.

U. Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 in accordance with P.L. 101/503, Section 8(b), dated November 3, 1990.

V. Interests of individual Indians in trust or restricted lands, and up to \$2,000 per year of income received by individual Indians that is derived from such interests under 25 USCS 1408, as amended by P.L. 93/134, Section 8, 10/19/73, P.L. 97/458 and P.L. 103/66, Section 13736, 10/7/93. Interests include an Indian's right to or legal share of the trust or restricted lands and any income accrued from the funds in trust or the restricted lands. The exclusion applies to each individual Indian with an interest. The income exclusion applies for both eligibility and benefit amount purposes in the food stamp program. The income exclusion applies to calendar years and is effective beginning January 1, 1994.

W. Grant programs for child and family services on or near reservations in preparation for and implementation of child welfare codes under 25 USC 1931 Indian Child Welfare, P.L. 95/608, 11/8/1978),

subparagraph (a). Such programs may include, but are not limited to, family assistance, including homemaker and home counselors, day care, after school care, and employment, recreational activities, and respite care; home improvement; the employment of professional and other trained personnel to assist the tribal court in the disposition of domestic relations and child welfare matters; and education and training of Indians, including tribal court judges and staff, in skills relating to child and family assistance and service programs. Subparagraph (b) provides that assistance under 25 USCS 1901 et seq. shall not be a basis for the denial or reduction of any assistance otherwise authorized under any federally assisted programs.

[8.139.527.10 NMAC - Rp, 8.139.527.10 NMAC 11/01/2023]

HISTORY OF 8.139.527 NMAC:

Pre/NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives:

ISD 440.0000, Eligibility Criteria / Financial, 8/15/1980.

ISD 440.0000, Eligibility Criteria / Financial, 10/24/1980.

ISD/Rule 428.0000, Food Assistance / Resources, 11/4/1982.

ISD/Rule 428.0000, Food Assistance / Resources, 2/14/1983.

ISD/Rule 428.0000, Food Assistance / Resources, 1/12/1984.

ISD/Rule 428.0000, Food Assistance / Resources, 5/1/1986.

ISD FS 410, Food Stamp Resources, 3/1/1988.

History of Repealed Material: [RESERVED]

History of Repealed Material:

8.139.527 NMAC, Food Stamp Program - Food Stamp Program/Income And Resources Excluded By Federal Law filed 4/26/2001 repealed effective 11/1/2023.

Other: 8.139.527 NMAC, Food Stamp Program - Food Stamp Program/Income And Resources Excluded By Federal Law filed 4/26/2001 - was Replaced by 8.139.527 NMAC, Food Stamp Program - Food Stamp Program/Income And Resources Excluded By Federal Law, effective 11/1/2023.