

trust, shall be subject to Federal or State income taxes, nor shall such funds nor their availability be considered as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act [42 U.S.C. 301 et seq.] or, except for per capita shares in excess of \$2,000, any Federal or federally assisted program.

(Pub. L. 93-134, §7, Oct. 19, 1973, 87 Stat. 468; Pub. L. 97-458, §4, Jan. 12, 1983, 96 Stat. 2513; Pub. L. 106-568, title VIII, §818, Dec. 27, 2000, 114 Stat. 2918; Pub. L. 113-290, §2, Dec. 19, 2014, 128 Stat. 3291.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Social Security Act, referred to in text, is act Aug. 14, 1935, ch. 531, 49 Stat. 620, which is classified generally to chapter 7 (§301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

##### AMENDMENTS

2014—Par. (4). Pub. L. 113-290 substituted “or the Grand Portage Band of Lake Superior Chippewa Indians, or both, pursuant to the agreements of each Band” for “pursuant to the agreements of such Band”.

2000—Par. (4). Pub. L. 106-568 added par. (4).

1983—Pub. L. 97-458 amended section generally. Prior to amendment, section read as follows: “None of the funds distributed per capita or held in trust under the provisions of this chapter shall be subject to Federal or State income taxes, and the per capita payments shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act”.

#### § 1408. Resources exemption

Interests of individual Indians in trust or restricted lands shall not be considered a resource, and up to \$2,000 per year of income received by individual Indians that is derived from such interests shall not be considered income, in determining eligibility for assistance under the Social Security Act [42 U.S.C. 301 et seq.] or any other Federal or federally assisted program.

(Pub. L. 93-134, §8, as added Pub. L. 97-458, §4, Jan. 12, 1983, 96 Stat. 2514; amended Pub. L. 103-66, title XIII, §13736(a), Aug. 10, 1993, 107 Stat. 663.)

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##### AMENDMENTS

1993—Pub. L. 103-66 inserted “, and up to \$2,000 per year of income received by individual Indians that is derived from such interests shall not be considered income,” after “resource”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103-66, title XIII, §13736(b), Aug. 10, 1993, 107 Stat. 663, provided that: “The amendment made by this

section [amending this section] shall take effect on January 1, 1994.”

#### CHAPTER 17—FINANCING ECONOMIC DEVELOPMENT OF INDIANS AND INDIAN ORGANIZATIONS

##### GENERAL PROVISIONS

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1493. Loan refusal; conditions; prohibition against acquisition of additional loans; payment of claims on loans made in good faith.  
1494. Evidence of eligibility of loan for and amount of guaranty or insurance; defenses and partial defenses against original lender.  
1495. Land and personal property titles.  
1496. Powers of Secretary; finality of financial transactions and property acquisitions, management, and dispositions.  
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