

**Agency Tribal Consultation  
Invitation and Registration Information**

Dear Tribal Leader,

On behalf of the Acting Commissioner of Social Security, Kilolo Kijakazi, we are writing to invite you to attend a Tribal consultation scheduled for September 14, 2022 to the [Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships](#), dated January 26, 2021.

Please see the enclosed invitation, registration [LINK](#) and framing questions for your consideration.

Sincerely,

Nancy Berryhill & Renee Ferguson  
Point of Contact for Tribal Consultation  
Social Security Administration



## AGENCY TRIBAL CONSULTATION

### DEAR TRIBAL LEADER LETTER

Invitation for September 14, 2022

August 26, 2022

Via Email

Dear Tribal Leader:

On behalf of Kilolo Kijakazi, Acting Commissioner of Social Security, we are writing to invite you to attend a Tribal consultation scheduled for September 14, 2022, pursuant to the [Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships](#), dated January 26, 2021.

We value transparency, participation, and collaboration with Tribal Government Offices on our programs and operations. Building on years of experience in supporting Tribal policy, we are seeking to create an **Office for Native American Partnerships**. The Office would direct and administer comprehensive SSA programs and policies related to American Indians and Alaska Natives, advocate for the government-to-government relationships with Tribes and serve as the primary point of contact for internal and external stakeholders on Tribal affairs. We are seeking consultation on design and implementation of this office.

Secondly, we are seeking consultation on the impact and implementation procedures for the Tribal General Welfare Exclusion Act (TGWEA) as it pertains to Internal Revenue Code and the Social Security Act. In response to recommendations received during our June 2021 consultation, we seek your guidance for procedural implementation by hosting a demonstration of an internal SSA tool designed to assist with decisions related to TGWEA which impact Supplemental Security Income (SSI) recipients.

And lastly, we are providing a platform for a follow up discussion on policy content from our June 2021 Tribal Consultation that included Treasury as well. Treasury published [Draft FAQs for Payments by Indian Tribal Governments to their Individual Members Under COVID-Relief Legislation](#). The Draft FAQs provide general information on the Federal income tax treatment and required reporting for these payments. This is a follow-up discussion on SSI benefits previously affected by COVID relief funds.

#### Registration Process

We respectfully request that each Tribe register one primary leader or designee leader to provide comments. All others are welcome to register as listen-only participants.

#### Register in advance for this meeting:

Here is the [LIVE](#) link to the Tribal Consultation Invitation and Registration Information page. The registration page is now open and will close Monday, September 12, 2022, at 11:59 P.M. ET.

After registering, you will receive a confirmation page. Prior to the meeting, you will receive an ***MS Teams meeting invitation with a link and call-in information that you will need in order to join the consultation.***

We have attached framing questions to guide our discussion and focus the areas where we would appreciate Tribal government recommendations.

**The consultation is not for press purposes.**

- We hope that you will be able to join us for this important discussion and value your participation. If you wish to provide comments in writing, please send written comments to Social Security Administration at [AIAN.EC@ssa.gov](mailto:AIAN.EC@ssa.gov).

Sincerely,

Nancy Berryhill & Renee Ferguson  
Point of Contact for Tribal Consultation  
Social Security Administration



## National Tribal Consultation, September 14, 2022

### Policy Issue and Framing Questions

#### Administration Issue

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We value transparency, participation, and collaboration with Tribal Government Offices on our programs and operations. Building on years of experience in supporting Tribal policy, we are seeking to create an **Office for Native American Partnerships**. The Office would direct and administer comprehensive SSA programs and policies related to American Indians and Alaska Natives, advocate for the government-to-government relationships with Tribes and serve as the primary point of contact for internal and external stakeholders on Tribal affairs. We are seeking consultation on design and implementation of this office. Please consider providing comments for framing question #1.

#### Policy Issue

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**The Tribal General Welfare Exclusion Act (TGWEA) (26 U.S.C. § 139E)** authorizes a Tribal government to make general welfare assistance payments to Tribe members that are excluded from the recipient's gross income for tax purposes. That act does not address how we will consider these payments in determining the SSI eligibility of Tribe members. We have no authority to exclude TGWE funds, even though the IRS does not count them as part of a person's gross income for income tax purposes. We received feedback during our June 2021 Tribal Consultation on impacts related to policy change due to the CARES Act and, separately, feedback on potential use of the Assistance Based on Need (ABON) program to address Tribal general welfare payments. According to our current policy, we may exclude income from SSI eligibility if the payments are both: provided under a tribal program which uses **income as a factor of eligibility**; and funded **wholly** by the Tribe. We are seeking your feedback on implementation of a potential resolution, a national precedent repository to help collect Tribal documentation for programs which may allow for exclusions to reduce the impact on SSI benefits to Tribal members.



## Social Security Administration Framing Questions

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- 1) Please share any recommendations for us to design and implement a new office to support Tribal Affairs titled the Office of Native American Partnerships.
- 2) For members of the public, including tribal members, who receive SSI and who also received Tribal related income (payments) covered by the COVID Relief Fund (CARES Act), we implemented an automated program to attempt to identify those individuals negatively impacted, and made corrections to those records. Please let us know of any Tribal members receiving SSI who also received CARES Act support but we may not have corrected their SSI payments.
- 3) We have heard that some Tribal general welfare benefits would be excluded under SSA's ABON provisions. We received many suggestions from Tribal leaders in June 2021 on how to streamline the process to quickly determine if Tribal payments meet the ABON criteria to exclude funds from SSI eligibility rules on a Tribe-wide basis. We seek to demonstrate a new internal process and automation tool, and to hear your feedback. This is a pre-implementation discussion as the tool nears completion. Training for our employees is the next step.
- 4) We seek your guidance on a procedure that allows us to document the two criteria required for an ABON program using the new tool mentioned above. This procedure would provide a process to determine SSI exclusions for any Tribe member receiving payments under that approved program, preventing us from counting the TGWE funds towards income and resources for SSI purposes.

