

107TH CONGRESS
1ST SESSION

H. R. 1635

To provide that the first \$5,000 received from the income of an Indian tribe by any member of the tribe who has attained 50 years of age shall be disregarded in determining the eligibility of the member or the member's household for benefits, and the amount or kind of any benefits of the member or household, under various means-tested public assistance programs.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2001

Mr. STUPAK introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, Financial Services, Energy and Commerce, Education and the Workforce, Veterans' Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide that the first \$5,000 received from the income of an Indian tribe by any member of the tribe who has attained 50 years of age shall be disregarded in determining the eligibility of the member or the member's household for benefits, and the amount or kind of any benefits of the member or household, under various means-tested public assistance programs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Native American El-
3 ders Assistance Act”.

4 **SEC. 2. DISREGARD OF CERTAIN PAYMENTS BY INDIAN**
5 **TRIBES TO TRIBAL ELDERS UNDER VARIOUS**
6 **MEANS-TESTED PUBLIC ASSISTANCE PRO-**
7 **GRAMS.**

8 (a) **IN GENERAL.**—Notwithstanding any other provi-
9 sion of law—

10 (1) the first \$5,000 of income of an Indian
11 tribe (as defined in section 419(4) of the Social Se-
12 curity Act) received in any calendar year by a mem-
13 ber of the tribe who has attained 50 years of age
14 shall not be considered income or resources in deter-
15 mining the eligibility of the member or the member’s
16 household for any benefit described in subsection
17 (b), or the amount or kind of any such benefit to be
18 provided by reason of the eligibility; and

19 (2) for so long as any portion of the amount is
20 retained by the member, the portion shall continue
21 to be so not considered.

22 (b) **BENEFITS DESCRIBED.**—A benefit is described in
23 this subsection if the benefit is any of the following:

24 (1) Medical assistance under a State plan ap-
25 proved under title XIX of the Social Security Act.

1 (2) Supplemental security income benefits
2 under title XVI of the Social Security Act.

3 (3) Pension under chapter 15 of title 38,
4 United States Code, or section 306 of Public Law
5 95–588.

6 (4) Agricultural commodities distributed
7 through the commodity supplemental food program
8 under section 4 of the Agriculture and Consumer
9 Protection Act of 1973 (7 U.S.C. 612c note).

10 (5) Occupancy in a public housing dwelling unit
11 assisted under the United States Housing Act of
12 1937 (42 U.S.C. 1437 et seq.).

13 (6) Rental or homeownership assistance made
14 available under the United States Housing Act of
15 1937.

16 (7) Occupancy in a rural rental housing project
17 assisted under section 515 of the Housing Act of
18 1949 (42 U.S.C. 1485).

19 (8) Rural rental assistance under section
20 521(a)(2) of the Housing Act of 1949 (42 U.S.C.
21 1490a) or rural housing voucher assistance under
22 section 542 of such Act (42 U.S.C. 1490r).

23 (9) Food, shelter, or supportive services pro-
24 vided with assistance made available under the emer-
25 gency food and shelter grants program under sub-

1 title B of title III of Stewart B. McKinney Homeless
2 Assistance Act (42 U.S.C. 11341 et seq.).

3 (10) Occupancy in a dwelling unit assisted
4 under the Native American Housing Assistance and
5 Self-Determination Act of 1996 (25 U.S.C. 4101 et
6 seq.) or other services or activities assisted under
7 such Act.

8 (11) Home energy assistance payments or al-
9 lowances provided directly to, or indirectly for the
10 benefit of, a household under the Low-Income Home
11 Energy Assistance Act of 1981 (42 U.S.C. 8621 et
12 seq.).

13 (12) Financial assistance for weatherization
14 under part A of title IV of the Energy Conservation
15 and Production Act (42 U.S.C. 6861 et seq.).

16 (c) EFFECTIVE DATE.—This section shall take effect
17 on the 1st day of the 3rd calendar month that begins after
18 the date of the enactment of this Act.

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