

106TH CONGRESS  
2D SESSION

# H. R. 4858

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2000

Mr. STUPAK (for himself, Mr. CONYERS, Mr. GEORGE MILLER of California, Ms. STABENOW, Mr. FROST, Mr. FALEOMAVAEGA, Mr. KENNEDY of Rhode Island, Mr. ABERCROMBIE, Ms. KILPATRICK, Mr. RANGEL, Mr. KILDEE, Mr. BACA, Mr. PETERSON of Minnesota, Mr. McDERMOTT, Mr. MARTINEZ, Ms. LEE, Mr. KIND, Mr. BARCIA, Mr. FILNER, Ms. CARSON, Ms. PELOSI, Mr. DIAZ-BALART, Ms. JACKSON-LEE of Texas, Mr. PALLONE, Mr. UDALL of Colorado, and Mr. UDALL of New Mexico) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on Agriculture, Banking and Financial Services, 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

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## 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,*

3 **SECTION 1. SHORT TITLE.**

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

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

10       (a) IN GENERAL.—Notwithstanding any other provi-  
11 sion of law—

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

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

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

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

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

7 (3) Pension under chapter 15 of title 38,  
8 United States Code, or section 306 of Public Law  
9 95–588.

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

14 (5) Occupancy in a public housing dwelling unit  
15 assisted under the United States Housing Act of  
16 1937 (42 U.S.C. 1437 et seq.).

17 (6) Rental or homeownership assistance made  
18 available under the United States Housing Act of  
19 1937.

20 (7) Occupancy in a rural rental housing project  
21 assisted under section 515 of the Housing Act of  
22 1949 (42 U.S.C. 1485).

23 (8) Rural rental assistance under section  
24 521(a)(2) of the Housing Act of 1949 (42 U.S.C.

1 1490a) or rural housing voucher assistance under  
2 section 542 of such Act (42 U.S.C. 1490r).

3 (9) Food, shelter, or supportive services pro-  
4 vided with assistance made available under the emer-  
5 gency food and shelter grants program under sub-  
6 title B of title III of Stewart B. McKinney Homeless  
7 Assistance Act (42 U.S.C. 11341 et seq.).

8 (10) Occupancy in a dwelling unit assisted  
9 under the Native American Housing Assistance and  
10 Self-Determination Act of 1996 (25 U.S.C. 4101 et  
11 seq.) or other services or activities assisted under  
12 such Act.

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

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

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

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