The Committee on Energy and Natural Resources, to which was referred the bill (S. 2524), to amend the Alaska Native Claims Settlement Act to exclude certain payments to aged, blind, or disabled Alaska Natives or descendants of Alaska Natives from being used to determine eligibility for certain programs, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 2524 is to amend the Alaska Native Claims Settlement Act to exclude certain payments to a Native or descendant of a Native who is aged, blind, or disabled Alaska Natives or descendants of Alaska Natives from being used to determine eligibility for certain federal need-based benefit programs.

BACKGROUND AND NEED

Alaska Native Corporations established under the Alaska Native Claims Settlement Act (ANCSA; Public Law 92–203) have been authorized to establish settlement trusts since 1988. The purpose of these trusts is to provide durable support to Alaska Native beneficiaries. The authorized scope of these trusts was expanded in 2000, and section 13821 of the Tax Cuts and Jobs Act of 2017 (Public Law 115–97) further revised the tax treatment of these trusts.

Alaska Native Corporations can distribute assets to settlement trusts to provide benefits consistent with the purposes for which the trusts are established. Many of these trusts serve to provide
critical support, including financial support, to Alaska Native elders over the age of 65, the blind, and the disabled.

Distributions from settlement trusts are among the only sources of cash income for many Alaska Native elders, the blind and the disabled, especially those living in rural areas and traditional villages with multi-generational households and limited cash economies. These payments, along with participation in federal needs-based programs, are a crucial source of support for these people as they navigate seasonal subsistence food availability and access limitations.

Because Alaska Native communities continue to experience some of the highest poverty levels in the U.S., S. 2524 seeks to ensure that marginal increases in these payments not eliminate the eligibility of elders, the blind, and the disabled to participate in federal needs-based benefit programs.

LEGISLATIVE HISTORY

S. 2524 was introduced by Senators Murkowski and Sullivan on July 28, 2021. The Subcommittee on Public Lands, Forests, and Mining held a hearing on the bill on October 19, 2021. Senators Murkowski and Sullivan introduced a similar bill during the 116th Congress, S. 2533. The Subcommittee on Public Lands, Forests, and Mining held a hearing on this bill on September 16, 2020. No further action was taken.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on November 18, 2021, by a majority voice vote of a quorum present, recommends that the Senate pass S. 2524 without amendment.

SUMMARY

S. 2524 amends section 29(c) of ANCSA (43 U.S.C. 1626(c)) to exclude amounts distributed and benefits provided by a Settlement Trust to a Native or descendant of a Native who is 65 years or older, blind, or disabled, for determining the eligibility for needs-based Federal programs.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office has not estimated the costs of S. 2524 as passed by the Senate. The Committee has requested, but has not yet received, the Congressional Budget Office’s estimate of the cost of S. 2524 as ordered reported. When the Congressional Budget Office completes its cost estimate, it will be posted on the Internet at www.cbo.gov.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2524. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. No personal
information would be collected in administering the program. Therefore, there would be no impact on personal privacy. Little, if any, additional paperwork would result from the enactment of S. 2524, as ordered reported.

**Congressionally Directed Spending**

S. 2524, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

**Executive Communications**

The testimony for the record provided by the Department of the Interior for the October 19, 2021, hearing on S. 2524 follows:


Thank you for the opportunity to provide the Department of the Interior’s (Department) views on S. 2524, a bill to amend the Alaska Native Claims Settlement Act (ANCSA) to exclude certain payments to aged, blind, or disabled Alaska Natives or descendants of Alaska Natives from being used to determine eligibility for certain need-based Federal programs.

Section 29 of the ANCSA (43 U.S.C § 1626) articulates how payments and grants made under ANCSA relate to other programs. Section 29(a) characterizes those payments and grants to be compensation for the extinguishment of claims to land which shall not be deemed to substitute for any governmental programs otherwise available to Native people of Alaska as citizens of the United States and the State of Alaska.

Grants and payments, in the context of Section 29, mean compensation received from a Native Corporation, which may include cash, stock, partnership interests, land or interests in land, or interest in a settlement trust. The ANCSA excludes such compensation from eligibility determination for programs such as the Supplemental Nutrition Assistance Program, needs-based assistance programs authorized in the Social Security Act, and needs-based financial assistance or benefits from any other federal program or federally assisted program. S. 2524 would expand ANCSA’s exemption for interests in settlement trusts to also exempt amounts distributed from, or benefits provided by, a settlement trust to a Native or descendant of a Native who is an aged, blind, or disabled individual.

S. 2524 represents a commonsense approach to ensure Alaska Native citizens in need of assistance resources are not foreclosed from the federal programs that are designed to help them. Nor, are they foreclosed from utilizing resources available at the Alaska Native community level—resources to which they are rightfully entitled as com-
pensation for the extinguishment of Alaska Native land claims throughout the entire state of Alaska.

CONCLUSION

The Department supports S. 2524. This bill would increase ground-level support for individuals in need in Alaska Native communities while also improving cohesion between federal, state, and local resources that are critical to supporting Alaska Natives in need.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 2524, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Public Law 92–203

AN ACT To provide for the settlement of certain land claims of Alaska Natives, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, this Act may be cited as the “Alaska Native Claims Settlement Act”.

* * * * * * *

RELATION TO OTHER PROGRAMS

SEC. 29. (a) The payments and grants authorized under this chapter constitute compensation for the extinguishment of claims to land, and shall not be deemed to substitute for any governmental programs otherwise available to the Native people of Alaska as citizens of the United States and the State of Alaska.

(b) Notwithstanding section 5(a) and any other provision of the Food and Nutrition Act of 2008 (78 Stat. 703), as amended, in determining the eligibility of any household to participate in the supplemental nutrition assistance program, any compensation, remuneration, revenue, or other benefit received by any member of such household under this chapter shall be disregarded.

(c) In determining the eligibility of a household, an individual Native, or a descendant of a Native (as defined in section 1602(r) of this title) to—

(1) participate in the supplemental nutrition assistance program,
(2) receive aid, assistance, or benefits, based on need, under the Social Security Act [42 U.S.C. 301 et seq.], or
(3) receive financial assistance or benefits, based on need, under any other Federal program or federally-assisted program, none of the following, received from a Native Corporation, shall be considered or taken into account as an asset or resource:

(A) cash (including cash dividends on stock received from a Native Corporation and on bonds received from a Native Corporation).
Corporation) to the extent that it does not, in the aggregate, exceed $2,000 per individual per annum;
(B) stock (including stock issued or distributed by a Native Corporation as a dividend or distribution on stock) or
bonds issued by a Native Corporation which bonds shall be subject to the protection of section 1606(h) of this title
until voluntarily and expressly sold or pledged by the shareholder subsequent to the date of distribution;
(C) a partnership interest;
(D) land or an interest in land (including land or an interest in land received from a Native Corporation as a divi-
dend or distribution on stock); and
(E) an interest in a settlement trust.

(d) Notwithstanding any other provision of law, Alaska Natives shall remain eligible for all Federal Indian programs on
the same basis as other Native Americans.

* * * * * * * * * *