

105TH CONGRESS
2D SESSION

H. R. 4558

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 1998

Received

AN ACT

To make technical amendments to clarify the provision of benefits for noncitizens, and to improve the provision of unemployment insurance, child support, and supplemental security income benefits.

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 “Noncitizen Benefit
3 Clarification and Other Technical Amendments Act of
4 1998”.

5 **SEC. 2. CONTINUING ELIGIBILITY FOR SSI AND RELATED**
6 **BENEFIT FOR NONQUALIFIED ALIENS WHO**
7 **WERE RECEIVING BENEFITS ON THE DATE**
8 **OF THE ENACTMENT OF THE PERSONAL RE-**
9 **SPONSIBILITY AND WORK OPPORTUNITY**
10 **RECONCILIATION ACT OF 1996.**

11 Section 401(b) of the Personal Responsibility and
12 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.
13 1611(b)) is amended by inserting after paragraph (4) the
14 following new paragraph:

15 “(5) Subsection (a) shall not apply to eligibility
16 for benefits for the program defined in section
17 402(a)(3)(A) (relating to the supplemental security
18 income program), or to eligibility for benefits under
19 any other program that is based on eligibility for
20 benefits under the program so defined, for an alien
21 who was receiving such benefits on August 22,
22 1996.”.

1 **SEC. 3. EXTENSION OF AUTHORIZATION OF SELF-EMPLOY-**
2 **MENT ASSISTANCE PROGRAMS.**

3 (a) IN GENERAL.—Paragraph (2) of section 507(e)
4 of the North American Free Trade Agreement Implemen-
5 tation Act (26 U.S.C. 3306 note) is hereby repealed.

6 (b) CONFORMING AMENDMENTS.—Subsection (e) of
7 section 507 of such Act is further amended—

8 (1) by amending the heading after the sub-
9 section designation to read “EFFECTIVE DATE.—”;
10 and

11 (2) by striking “(1) EFFECTIVE DATE.—” and
12 by running in the remaining text of subsection (e)
13 immediately after the heading therefor, as amended
14 by paragraph (1).

15 **SEC. 4. CORRECTIONS TO THE CHILD SUPPORT PERFORM-**
16 **ANCE AND INCENTIVE ACT OF 1998.**

17 (a) REDUCTION OF PENALTY FOR STATE FAILURE
18 TO MEET DEADLINE FOR COMPLIANCE WITH CHILD
19 SUPPORT DATA PROCESSING AND INFORMATION RE-
20 TRIEVAL REQUIREMENTS IF PERFORMANCE OF CERTAIN
21 ASPECT OF STATE IV-D PROGRAM MEETS PERFORM-
22 ANCE THRESHOLD.—

23 (1) IN GENERAL.—Section 455(a)(4)(C) of the
24 Social Security Act (42 U.S.C. 655(a)(4)(C)) is
25 amended by adding at the end the following:

1 “(iii) The Secretary shall reduce the amount of any
2 reduction that, in the absence of this clause, would be re-
3 quired to be made under this paragraph by reason of the
4 failure of a State to achieve compliance with section
5 454(24)(B) during the fiscal year, by an amount equal
6 to 20 percent of the amount of the otherwise required re-
7 duction, for each State performance measure described in
8 section 458A(b)(4) with respect to which the applicable
9 percentage under section 458A(b)(6) for the fiscal year
10 is 100 percent, if the Secretary has made the determina-
11 tion described in section 458A(b)(5)(B) with respect to the
12 State for the fiscal year.”.

13 (2) EFFECTIVE DATE.—The amendment made
14 by paragraph (1) of this subsection shall take effect
15 as if included in the enactment of section 101(a) of
16 the Child Support Performance and Incentive Act of
17 1998, and the amendment shall be considered to
18 have been added by section 101(a) of such Act for
19 purposes of section 201(f)(2)(B) of such Act.

20 (b) CLARIFICATION OF EFFECTIVE DATE FOR CER-
21 TAIN MEDICAL CHILD SUPPORT PROVISIONS.—

22 (1) IN GENERAL.—Section 401(c)(3) of the
23 Child Support Performance and Incentive Act of
24 1998 (42 U.S.C. 652 note) is amended by striking

1 “of the enactment of this Act” and inserting “speci-
2 fied in subparagraph (A)”.

3 (2) EFFECTIVE DATE.—The amendment made
4 by paragraph (1) of this subsection shall take effect
5 as if included in the enactment of section 401(c)(3)
6 of the Child Support Performance and Incentive Act
7 of 1998.

8 **SEC. 5. ELIGIBILITY OF NONRESIDENT ALIENS TO RENEW**
9 **PROFESSIONAL LICENSES.**

10 (a) FEDERAL.—Section 401(c)(2) of the Personal
11 Responsibility and Work Opportunity Reconciliation Act
12 of 1996 (8 U.S.C. 1611(c)(2)) is amended—

13 (1) at the end of subparagraph (A) by striking
14 “or”;

15 (2) at the end of subparagraph (B) by striking
16 the period and inserting “; or”; and

17 (3) by inserting after subparagraph (B) the fol-
18 lowing new subparagraph:

19 “(C) to the issuance of a professional li-
20 cense to, or the renewal of a professional license
21 by, a foreign national not physically present in
22 the United States.”.

23 (b) STATE OR LOCAL.—Section 411(c)(2) of the Per-
24 sonal Responsibility and Work Opportunity Reconciliation
25 Act of 1996 (8 U.S.C. 1621(c)(2)) is amended—

1 (1) at the end of subparagraph (A) by striking
 2 “or”;

3 (2) at the end of subparagraph (B) by striking
 4 the period and inserting “; or”; and

5 (3) by inserting after subparagraph (B) the fol-
 6 lowing new subparagraph:

7 “(C) to the issuance of a professional li-
 8 cense to, or the renewal of a professional license
 9 by, a foreign national not physically present in
 10 the United States.”.

11 **SEC. 6. CLARIFICATION OF OBLIGATION OF WELFARE-TO-**
 12 **WORK FUNDS.**

13 (a) IN GENERAL.—Section 403(a)(5)(A)(iv)(II) of
 14 the Social Security Act (42 U.S.C. 603(a)(5)(A)(iv)(II))
 15 is amended by striking “or sub-State entity” and inserting
 16 “, other than funds reserved by the State for distribution
 17 under clause (vi)(III) and funds distributed pursuant to
 18 clause (vi)(I) in any State in which the service delivery
 19 area is the State”.

20 (b) RETROACTIVITY.—The amendment made by sub-
 21 section (a) shall take effect as if included in the enactment
 22 of section 5001 of the Balanced Budget Act of 1997.

1 **SEC. 7. DISREGARD OF LIMITED AWARDS MADE TO CHIL-**
2 **DREN WITH LIFE-THREATENING CONDITIONS**
3 **UNDER THE SUPPLEMENTAL SECURITY IN-**
4 **COME PROGRAM.**

5 (a) INCOME DISREGARD.—Section 1612(b) of the So-
6 cial Security Act (42 U.S.C. 1382a(b)) is amended—

7 (1) by striking “and” at the end of paragraph
8 (20);

9 (2) by striking the period at the end of para-
10 graph (21) and inserting “; and”; and

11 (3) by adding at the end the following:

12 “(22) any gift to, or for the benefit of, an indi-
13 vidual who has not attained 18 years of age and who
14 has a life-threatening condition, from an organiza-
15 tion described in section 501(c)(3) of the Internal
16 Revenue Code of 1986 which is exempt from tax-
17 ation under section 501(a) of such Code—

18 “(A) in the case of an in-kind gift, if the
19 gift is not converted to cash; or

20 “(B) in the case of a cash gift, only to the
21 extent that the total amount excluded from the
22 income of the individual pursuant to this para-
23 graph in the calendar year in which the gift is
24 made does not exceed \$2,000.”.

25 (b) RESOURCE DISREGARD.—Section 1613(a) of the
26 Social Security Act (42 U.S.C. 1382b(a)) is amended—

1 (1) by striking “and” at the end of paragraph
2 (11);

3 (2) by striking the period at the end of para-
4 graph (12) and inserting “; and”; and

5 (3) by inserting after paragraph (12) the fol-
6 lowing:

7 “(13) any gift to, or for the benefit of, an indi-
8 vidual who has not attained 18 years of age and who
9 has a life-threatening condition, from an organiza-
10 tion described in section 501(c)(3) of the Internal
11 Revenue Code of 1986 which is exempt from tax-
12 ation under section 501(a) of such Code—

13 “(A) in the case of an in-kind gift, if the
14 gift is not converted to cash; or

15 “(B) in the case of a cash gift, only to the
16 extent that the total amount excluded from the
17 resources of the individual pursuant to this
18 paragraph in the calendar year in which the gift
19 is made does not exceed \$2,000.”.

20 (c) RETROACTIVITY.—The amendments made by this
21 section shall apply to gifts made on or after the date that
22 is 2 years before the date of the enactment of this Act.

1 **SEC. 8. ENHANCED RECOVERY OF SSI OVERPAYMENTS**
2 **FROM SOCIAL SECURITY BENEFITS.**

3 (a) IN GENERAL.—Part A of title XI of the Social
4 Security Act is amended by adding at the end the follow-
5 ing new section:

6 “RECOVERY OF SSI OVERPAYMENTS FROM SOCIAL
7 SECURITY BENEFITS

8 “SEC. 1147. (a) IN GENERAL.—(1) Whenever the
9 Commissioner of Social Security determines that more
10 than the correct amount of any payment has been made
11 under the supplemental security income program under
12 title XVI of this Act (including, for purposes of this sec-
13 tion, under section 1616(a) of this Act or section 212(b)
14 of Public Law 93–66) to a person who is not currently
15 eligible for cash benefits under the program, the Commis-
16 sioner, notwithstanding section 207 of this Act but subject
17 to paragraph (2) of this subsection, may recover the
18 amount incorrectly paid by decreasing any amount which
19 is payable to the person under title II of this Act in any
20 month by not more than 10 percent of the amount payable
21 under such title II.

22 “(2) The 10 percent limitation set forth in paragraph
23 (1) shall not apply to an overpayment made to a person
24 if—

25 “(A) the person or the spouse of the person was
26 involved in willful misrepresentation or concealment

1 of material information in connection with the over-
2 payment; or

3 “(B) the person so requests.

4 “(b) NO EFFECT ON SSI ELIGIBILITY OR BENEFIT
5 AMOUNT.—In any case in which the Commissioner of So-
6 cial Security takes action in accordance with subsection
7 (a) to recover an amount incorrectly paid to any person,
8 neither that person, nor any individual whose eligibility
9 for benefits under the supplemental security income pro-
10 gram under title XVI, or whose amount of such benefits,
11 is determined by considering any part of that person’s in-
12 come, shall, as a result of such action—

13 “(1) become eligible for benefits under such
14 program; or

15 “(2) if such person or individual is otherwise so
16 eligible, become eligible for increased benefits under
17 such program.”.

18 (b) CONFORMING AMENDMENTS.—

19 (1) Section 204 of such Act (42 U.S.C. 404) is
20 amended by adding at the end the following:

21 “(g) For payments which are adjusted or withheld
22 to recover an overpayment of supplemental security in-
23 come benefits paid under title XVI of this Act (including
24 State supplementary payments paid under an agreement

1 pursuant to section 1616(a) of this Act or section 212(b)
2 of Public Law 93–66), see section 1147.”.

3 (2) Section 1631(b) of such Act (42 U.S.C.
4 1383(b)) is amended by adding at the end the fol-
5 lowing:

6 “(5) For provisions relating to the recovery of bene-
7 fits incorrectly paid under this title from benefits payable
8 under title II, see section 1147.”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on the date of the enactment
11 of this Act and shall apply to amounts incorrectly paid
12 which remain outstanding on or after such date.

 Passed the House of Representatives September 23,
1998.

Attest:

ROBIN H. CARLE,
Clerk.