

At the beginning of this Congress, I introduced H.R. 81 to designate the recently dedicated courthouse on the corner of Western and South Michigan Streets in South Bend, Indiana, in honor of Judge Rodibaugh and his numerous contributions to the legal community. Last year, I also had the privilege to attend the dedication ceremony for the Rodibaugh Courthouse. While the courthouse has already been dedicated, I believe that H.R. 81 is an appropriate way to express our gratitude for Judge Rodibaugh's lifelong dedication to public service.

Mr. Speaker, without question, the Robert K. Rodibaugh United States Bankruptcy Courthouse is a fitting title for the new bankruptcy facility. Judge Rodibaugh is a shining example of the importance of public service whose tireless contributions provide an invaluable service to our community, my hometown, South Bend, Indiana.

Mr. Speaker, I am confident that Judge Rodibaugh will continue to play a constructive and important role in our community and will continue to serve as a powerful inspiration to all of those who come into contact with him. I thank the House of Representatives for passing this, and I thank the chairman and ranking member for their assistance, and congratulate Judge Rodibaugh.

Mr. Speaker, I rise today in appreciation of Judge Robert Kurtz Rodibaugh, a loyal and dedicated friend, the senior bankruptcy judge for the South Bend Division of the Northern District of Indiana. It is truly a great honor for me to recognize Judge Rodibaugh, who has consistently demonstrated generosity and selfless dedication to the citizens and legal community of Northern Indiana.

At the beginning of the current Congress, I introduced legislation, H.R. 81, in the U.S. House of Representatives to designate the recently dedicated courthouse on the corner of Western and South Michigan Streets in South Bend, Indiana in honor of Judge Rodibaugh and his numerous contributions to the legal community. Last year, I had the privilege to attend the dedication ceremony for the "Robert K. Rodibaugh United States Bankruptcy Courthouse." While this courthouse has already been dedicated, I believe that H.R. 81 is an appropriate way to express our gratitude for Judge Rodibaugh's life-long dedication to public service.

Mr. Speaker, as you may recall, I introduced identical legislation which was passed by the House of Representatives during the last Congress. Unfortunately, the measure was not considered by the U.S. Senate before the 104th Congress adjourned. I am honored to sponsor H.R. 81 and pleased that the majority of the Indiana Congressional delegation has cosponsored my legislation. Judge Rodibaugh is recognized by his community and his peers as an honorable man worthy of such a tribute. He is highly regarded throughout the entire country and has been a pillar of the community. Moreover, he is greatly respected by other judges and the bankruptcy bar in Northern Indiana. Since his initial appointment as a referee in bankruptcy in November 1960 and throughout his legal career as a bankruptcy judge, Judge Rodibaugh has served the citi-

zens and legal community of the Northern District of Indiana wisely, efficiently, and honorably.

A native of Elkhart County, Indiana, Judge Rodibaugh graduated from the University of Notre Dame with a Bachelor of Science degree in 1940 and attended the University of Notre Dame Law School, where he served as the Associate Editor of the Notre Dame Law Review between 1940 and 1941. He received his Juris Doctor degree in 1941. After gaining his admittance to practice law in 1941, Judge Rodibaugh entered active duty as a private in the United States Army. He was discharged in 1946 as a Captain after serving in the infantry and armored forces during World War II. Following his release, Judge Rodibaugh entered private practice in 1946. He also served as the Deputy Prosecuting Attorney of the 60th Judicial Circuit, in St. Joseph County, Indiana, from 1948 to 1950, and again from 1953 to 1957. In addition, Judge Rodibaugh served as Attorney for the St. Joseph County Board of Zoning Appeals between 1958 and 1960.

Mr. Speaker, Judge Rodibaugh received the 33 Years of Distinguished Service to Bench and Bar Award from the Bankruptcy Judges of the Seventh Circuit in 1993, the 50 Year Golden Career Award from the Indiana State Bar Association in 1991, and the Notre Dame Law School's Distinguished Alumnus Award in 1991. Some of the significant cases that Judge Rodibaugh has decided include *Papelow v. Foley* and *In the Matter of John Kelly Jeffers*. Judge Rodibaugh has always enjoyed the challenge of bankruptcy law and has a special talent for working with corporate reorganizations. Recently, Judge Rodibaugh said: "I still think bankruptcy law is one of the most fascinating areas of the law. When a reorganization is successful, it is a satisfying feeling."

Mr. Speaker, throughout his tenure, Judge Rodibaugh has presided over the growth of the bankruptcy court in Northern Indiana from one small courtroom with a part-time referee and a clerk's office of two employees in South Bend, Indiana, to four different courtrooms in the cities of South Bend, Fort Wayne, Gary, and Lafayette, Indiana, with four full-time judges and a clerk's office of over forty employees. According to his colleague, Judge Harry Dees, also a bankruptcy judge for the Northern District of Indiana: "Judge Rodibaugh never complained about all the weekly traveling, he just did it."

Moreover, Judge Rodibaugh has fulfilled his duties as a bankruptcy judge with patience, fairness, dedication and legal scholarship which is most worthy of recognition. His high standards have benefitted the many law clerks and judicial personnel who have served under his tutelage, the lawyers who have practiced before the bankruptcy court, as well as the citizens residing in the Northern District of Indiana. In 1985, Judge Rodibaugh was appointed Chief Judge of the U.S. Bankruptcy Court for the Northern District of Indiana. He served in that position until he assumed full-time recall status as a senior judge one year later. Today, Judge Rodibaugh continues in this position, carrying a full case load, and he has no plans to cut back on his work with the court. Currently, Judge Rodibaugh and his wife, Eunice, live in South Bend, Indiana.

Mr. Speaker, it is important for me to indicate that the firm of Panzica Development Company with Western Avenue Properties,

graciously agreed to name the new privately-owned courthouse building in Judge Rodibaugh's honor, owing to his unblemished character and numerous professional achievements in the bankruptcy field. I am confident that the "Robert K. Rodibaugh United States Bankruptcy Courthouse" is an appropriate title for the new bankruptcy court facility. Judge Rodibaugh is a shining example of the importance of public service, whose tireless contributions provide an invaluable service to our community. I am confident that Judge Rodibaugh will continue to play a constructive and important role in our community, and will continue to serve as a powerful inspiration to all of those who come into contact with him.

Mr. KIM. Mr. Speaker, I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Indiana (Mr. ROEMER) the young man from South Bend, was, I believe, about 4 years old when I was in South Bend. I am amazed that he has such a recollection. I know he loves football and that is what makes him so avid.

Mr. Speaker, I compliment the gentleman for recognizing this great judge. When the bankruptcy courts opened up back there, I think they had one part-time clerk and a small office. They graduated to four full bankruptcy courts in Mr. ROEMER's hometown of South Bend, and also Fort Wayne, Gary, and Lafayette.

This is a very respected judge, noted for fairness, dedication, and legal scholarship. Nearly everyone that endorsed this talked body legal scholarship and helping to bring bankruptcy matters to the forefront of consideration of the court system.

So, I want to compliment and commend the gentleman from Indiana (Mr. ROEMER) for his efforts. I want to also say that without a doubt, we not only have a great jurist, but a great American. I am proud to support the legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the bill, H.R. 81.

The question was taken.

Mr. KIM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1615

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 81, the bill just considered.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentleman from California?

There was no objection.

NONCITIZEN BENEFIT CLARIFICATION AND OTHER TECHNICAL AMENDMENTS ACT OF 1998

Mr. CAMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4558) 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, as amended.

The Clerk read as follows:

H.R. 4558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998".

SEC. 2. CONTINUING ELIGIBILITY FOR SSI AND RELATED BENEFIT FOR NON-QUALIFIED ALIENS WHO WERE RECEIVING BENEFITS ON THE DATE OF THE ENACTMENT OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.

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

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

SEC. 3. EXTENSION OF AUTHORIZATION OF SELF-EMPLOYMENT ASSISTANCE PROGRAMS.

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

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

(1) by amending the heading after the subsection designation to read "EFFECTIVE DATE.—"; and

(2) by striking "(1) EFFECTIVE DATE.—" and by running in the remaining text of subsection (e) immediately after the heading therefor, as amended by paragraph (1).

SEC. 4. CORRECTIONS TO THE CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1998.

(a) REDUCTION OF PENALTY FOR STATE FAILURE TO MEET DEADLINE FOR COMPLIANCE WITH CHILD SUPPORT DATA PROCESSING AND INFORMATION RETRIEVAL REQUIREMENTS IF PERFORMANCE OF CERTAIN ASPECT OF STATE IV-D PROGRAM MEETS PERFORMANCE THRESHOLD.—

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

"(iii) The Secretary shall reduce the amount of any reduction that, in the absence of this clause, would be required to be made under this paragraph by reason of the failure of a State to achieve compliance with section 454(24)(B) during the fiscal year, by an amount equal to 20 percent of the amount of the otherwise required reduction, for each

State performance measure described in section 458A(b)(4) with respect to which the applicable percentage under section 458A(b)(6) for the fiscal year is 100 percent, if the Secretary has made the determination described in section 458A(b)(5)(B) with respect to the State for the fiscal year."

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

(b) CLARIFICATION OF EFFECTIVE DATE FOR CERTAIN MEDICAL CHILD SUPPORT PROVISIONS.—

(1) IN GENERAL.—Section 401(c)(3) of the Child Support Performance and Incentive Act of 1998 (42 U.S.C. 652 note) is amended by striking "of the enactment of this Act" and inserting "specified in subparagraph (A)".

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

SEC. 5. ELIGIBILITY OF NONRESIDENT ALIENS TO RENEW PROFESSIONAL LICENSES.

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

(1) at the end of subparagraph (A) by striking "or";

(2) at the end of subparagraph (B) by striking the period and inserting "; or"; and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) to the issuance of a professional license to, or the renewal of a professional license by, a foreign national not physically present in the United States."

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

(1) at the end of subparagraph (A) by striking "or";

(2) at the end of subparagraph (B) by striking the period and inserting "; or"; and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) to the issuance of a professional license to, or the renewal of a professional license by, a foreign national not physically present in the United States."

SEC. 6. CLARIFICATION OF OBLIGATION OF WELFARE-TO-WORK FUNDS.

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

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

SEC. 7. DISREGARD OF LIMITED AWARDS MADE TO CHILDREN WITH LIFE-THREATENING CONDITIONS UNDER THE SUPPLEMENTAL SECURITY INCOME PROGRAM.

(a) INCOME DISREGARD.—Section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)) is amended—

(1) by striking "and" at the end of paragraph (20);

(2) by striking the period at the end of paragraph (21) and inserting "; and"; and

(3) by adding at the end the following:

"(22) any gift to, or for the benefit of, an individual who has not attained 18 years of

age and who has a life-threatening condition, from an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of such Code—

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

"(B) in the case of a cash gift, only to the extent that the total amount excluded from the income of the individual pursuant to this paragraph in the calendar year in which the gift is made does not exceed \$2,000."

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

(1) by striking "and" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting "; and"; and

(3) by inserting after paragraph (12) the following:

"(13) any gift to, or for the benefit of, an individual who has not attained 18 years of age and who has a life-threatening condition, from an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of such Code—

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

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

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

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

(a) IN GENERAL.—Part A of title XI of the Social Security Act is amended by adding at the end the following new section:

"RECOVERY OF SSI OVERPAYMENTS FROM SOCIAL SECURITY BENEFITS

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

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

"(A) the person or the spouse of the person was involved in willful misrepresentation or concealment of material information in connection with the overpayment; or

"(B) the person so requests.

"(b) NO EFFECT ON SSI ELIGIBILITY OR BENEFIT AMOUNT.—In any case in which the Commissioner of Social Security takes action in accordance with subsection (a) to recover an amount incorrectly paid to any person, neither that person, nor any individual whose eligibility for benefits under the supplemental security income program under title XVI, or whose amount of such benefits, is determined by considering any part of that person's income, shall, as a result of such action—

"(1) become eligible for benefits under such program, or