

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4558

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 1998

Received

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## 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5 tation Act (26 U.S.C. 3306 note) is hereby repealed.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.*