

In the Senate of the United States,

August 1, 2008.

Resolved, That the bill from the House of Representatives (H.R. 2608) entitled “An Act to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2008 through 2010, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code to collect unemployment compensation debts resulting from fraud.”, do pass with the following

AMENDMENTS:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “SSI Extension for Elder-*
3 *ly and Disabled Refugees Act”.*

1 **SEC. 2. SSI EXTENSIONS FOR HUMANITARIAN IMMIGRANTS.**

2 *Section 402(a)(2) of the Personal Responsibility and*
3 *Work Opportunity Reconciliation Act of 1996 (8 U.S.C.*
4 *1612(a)(2)) is amended by adding at the end the following:*

5 *“(M) SSI EXTENSIONS THROUGH FISCAL*
6 *YEAR 2011.—*

7 *“(i) TWO-YEAR EXTENSION FOR CER-*
8 *TAIN ALIENS AND VICTIMS OF TRAF-*
9 *FICKING.—*

10 *“(I) IN GENERAL.—Subject to*
11 *clause (ii), with respect to eligibility*
12 *for benefits under subparagraph (A)*
13 *for the specified Federal program de-*
14 *scribed in paragraph (3)(A) of quali-*
15 *fied aliens (as defined in section*
16 *431(b)) and victims of trafficking in*
17 *persons (as defined in section*
18 *107(b)(1)(C) of division A of the Vic-*
19 *tims of Trafficking and Violence Pro-*
20 *tection Act of 2000 (Public Law 106-*
21 *386) or as granted status under section*
22 *101(a)(15)(T)(ii) of the Immigration*
23 *and Nationality Act), the 7-year pe-*
24 *riod described in subparagraph (A)*
25 *shall be deemed to be a 9-year period*
26 *during fiscal years 2009 through 2011*

1 *in the case of such a qualified alien or*
2 *victim of trafficking who furnishes to*
3 *the Commissioner of Social Security*
4 *the declaration required under sub-*
5 *clause (IV) (if applicable) and is de-*
6 *scribed in subclause (III).*

7 “(II) *ALIENS AND VICTIMS WHOSE*
8 *BENEFITS CEASED IN PRIOR FISCAL*
9 *YEARS.—Subject to clause (ii), begin-*
10 *ning on the date of the enactment of*
11 *the SSI Extension for Elderly and*
12 *Disabled Refugees Act, any qualified*
13 *alien (as defined in section 431(b)) or*
14 *victim of trafficking in persons (as de-*
15 *fined in section 107(b)(1)(C) of divi-*
16 *sion A of the Victims of Trafficking*
17 *and Violence Protection Act of 2000*
18 *(Public Law 106–386) or as granted*
19 *status under section 101(a)(15)(T)(ii)*
20 *of the Immigration and Nationality*
21 *Act) rendered ineligible for the speci-*
22 *fied Federal program described in*
23 *paragraph (3)(A) during the period be-*
24 *ginning on August 22, 1996, and end-*
25 *ing on September 30, 2008, solely by*

1 *reason of the termination of the 7-year*
2 *period described in subparagraph (A)*
3 *shall be eligible for such program for*
4 *an additional 2-year period in accord-*
5 *ance with this clause, if such qualified*
6 *alien or victim of trafficking meets all*
7 *other eligibility factors under title XVI*
8 *of the Social Security Act, furnishes to*
9 *the Commissioner of Social Security*
10 *the declaration required under sub-*
11 *clause (IV) (if applicable), and is de-*
12 *scribed in subclause (III).*

13 “(III) ALIENS AND VICTIMS DE-
14 SCRIBED.—For purposes of subclauses
15 (I) and (II), a qualified alien or vic-
16 tim of trafficking described in this sub-
17 clause is an alien or victim who—

18 “(aa) has been a lawful per-
19 manent resident for less than 6
20 years and such status has not
21 been abandoned, rescinded under
22 section 246 of the Immigration
23 and Nationality Act, or termi-
24 nated through removal pro-
25 ceedings under section 240 of the

1 *Immigration and Nationality Act,*
2 *and the Commissioner of Social*
3 *Security has verified such status,*
4 *through procedures established in*
5 *consultation with the Secretary of*
6 *Homeland Security;*

7 “(bb) has filed an applica-
8 tion, within 4 years from the date
9 the alien or victim began receiv-
10 ing supplemental security income
11 benefits, to become a lawful per-
12 manent resident with the Sec-
13 retary of Homeland Security, and
14 the Commissioner of Social Secu-
15 rity has verified, through proce-
16 dures established in consultation
17 with such Secretary, that such ap-
18 plication is pending;

19 “(cc) has been granted the
20 status of Cuban and Haitian en-
21 trant, as defined in section 501(e)
22 of the Refugee Education Assist-
23 ance Act of 1980 (Public Law 96-
24 422), for purposes of the specified

1 *Federal program described in*
2 *paragraph (3)(A);*

3 *“(dd) has had his or her de-*
4 *portation withheld by the Sec-*
5 *retary of Homeland Security*
6 *under section 243(h) of the Immi-*
7 *gration and Nationality Act (as*
8 *in effect immediately before the ef-*
9 *fective date of section 307 of divi-*
10 *sion C of Public Law 104–208),*
11 *or whose removal is withheld*
12 *under section 241(b)(3) of such*
13 *Act;*

14 *“(ee) has not attained age*
15 *18; or*

16 *“(ff) has attained age 70.*

17 *“(IV) DECLARATION REQUIRED.—*

18 *“(aa) IN GENERAL.—For*
19 *purposes of subclauses (I) and*
20 *(II), the declaration required*
21 *under this subclause of a qualified*
22 *alien or victim of trafficking de-*
23 *scribed in either such subclause is*
24 *a declaration under penalty of*
25 *perjury stating that the alien or*

1 *victim has made a good faith ef-*
2 *fort to pursue United States citi-*
3 *zenship, as determined by the Sec-*
4 *retary of Homeland Security. The*
5 *Commissioner of Social Security*
6 *shall develop criteria as needed, in*
7 *consultation with the Secretary of*
8 *Homeland Security, for consider-*
9 *ation of such declarations.*

10 *“(bb) EXCEPTION FOR CHIL-*
11 *DREN.—A qualified alien or vic-*
12 *tim of trafficking described in*
13 *subclause (I) or (II) who has not*
14 *attained age 18 shall not be re-*
15 *quired to furnish to the Commis-*
16 *sioner of Social Security a dec-*
17 *laration described in item (aa) as*
18 *a condition of being eligible for*
19 *the specified Federal program de-*
20 *scribed in paragraph (3)(A) for*
21 *an additional 2-year period in ac-*
22 *cordance with this clause.*

23 *“(V) PAYMENT OF BENEFITS TO*
24 *ALIENS WHOSE BENEFITS CEASED IN*
25 *PRIOR FISCAL YEARS.—Benefits paid*

1 to a qualified alien or victim described
2 in subclause (II) shall be paid prospec-
3 tively over the duration of the qualified
4 alien’s or victim’s renewed eligibility.

5 “(ii) *SPECIAL RULE IN CASE OF PEND-*
6 *ING OR APPROVED NATURALIZATION APPLI-*
7 *CATION.*—*With respect to eligibility for ben-*
8 *efits for the specified program described in*
9 *paragraph (3)(A), paragraph (1) shall not*
10 *apply during fiscal years 2009 through*
11 *2011 to an alien described in one of clauses*
12 *(i) through (v) of subparagraph (A) or a*
13 *victim of trafficking in persons (as defined*
14 *in section 107(b)(1)(C) of division A of the*
15 *Victims of Trafficking and Violence Protec-*
16 *tion Act of 2000 (Public Law 106–386) or*
17 *as granted status under section*
18 *101(a)(15)(T)(ii) of the Immigration and*
19 *Nationality Act), if such alien or victim*
20 *(including any such alien or victim ren-*
21 *dered ineligible for the specified Federal*
22 *program described in paragraph (3)(A)*
23 *during the period beginning on August 22,*
24 *1996, and ending on September 30, 2008,*
25 *solely by reason of the termination of the 7-*

1 *year period described in subparagraph (A))*
2 *has filed an application for naturalization*
3 *that is pending before the Secretary of*
4 *Homeland Security or a United States dis-*
5 *trict court based on section 336(b) of the*
6 *Immigration and Nationality Act, or has*
7 *been approved for naturalization but not*
8 *yet sworn in as a United States citizen, and*
9 *the Commissioner of Social Security has*
10 *verified, through procedures established in*
11 *consultation with the Secretary of Home-*
12 *land Security, that such application is*
13 *pending or has been approved.”.*

14 **SEC. 3. COLLECTION OF UNEMPLOYMENT COMPENSATION**
15 **DEBTS RESULTING FROM FRAUD.**

16 *(a) IN GENERAL.—Section 6402 of the Internal Rev-*
17 *enue Code (relating to authority to make credits or refunds)*
18 *is amended by redesignating subsections (f) through (k) as*
19 *subsections (g) through (l), respectively, and by inserting*
20 *after subsection (e) the following new subsection:*

21 **“(f) COLLECTION OF UNEMPLOYMENT COMPENSATION**
22 **DEBTS RESULTING FROM FRAUD.—**

23 *“(1) IN GENERAL.—Upon receiving notice from*
24 *any State that a named person owes a covered unem-*
25 *ployment compensation debt to such State, the Sec-*

1 *retary shall, under such conditions as may be pre-*
2 *scribed by the Secretary—*

3 *“(A) reduce the amount of any overpayment*
4 *payable to such person by the amount of such*
5 *covered unemployment compensation debt;*

6 *“(B) pay the amount by which such over-*
7 *payment is reduced under subparagraph (A) to*
8 *such State and notify such State of such person’s*
9 *name, taxpayer identification number, address,*
10 *and the amount collected; and*

11 *“(C) notify the person making such over-*
12 *payment that the overpayment has been reduced*
13 *by an amount necessary to satisfy a covered un-*
14 *employment compensation debt.*

15 *If an offset is made pursuant to a joint return, the*
16 *notice under subparagraph (C) shall include informa-*
17 *tion related to the rights of a spouse of a person sub-*
18 *ject to such an offset.*

19 *“(2) PRIORITIES FOR OFFSET.—Any overpay-*
20 *ment by a person shall be reduced pursuant to this*
21 *subsection—*

22 *“(A) after such overpayment is reduced pur-*
23 *suant to—*

24 *“(i) subsection (a) with respect to any*
25 *liability for any internal revenue tax on the*

1 *part of the person who made the overpay-*
2 *ment;*

3 “(ii) *subsection (c) with respect to*
4 *past-due support; and*

5 “(iii) *subsection (d) with respect to*
6 *any past-due, legally enforceable debt owed*
7 *to a Federal agency; and*

8 “(B) *before such overpayment is credited to*
9 *the future liability for any Federal internal rev-*
10 *enue tax of such person pursuant to subsection*
11 *(b).*

12 *If the Secretary receives notice from a State or States*
13 *of more than one debt subject to paragraph (1) or sub-*
14 *section (e) that is owed by a person to such State or*
15 *States, any overpayment by such person shall be ap-*
16 *plied against such debts in the order in which such*
17 *debts accrued.*

18 “(3) *OFFSET PERMITTED ONLY AGAINST RESI-*
19 *DENTS OF STATE SEEKING OFFSET.—Paragraph (1)*
20 *shall apply to an overpayment by any person for a*
21 *taxable year only if the address shown on the Federal*
22 *return for such taxable year of the overpayment is an*
23 *address within the State seeking the offset.*

1 “(4) NOTICE; CONSIDERATION OF EVIDENCE.—
2 *No State may take action under this subsection until*
3 *such State—*

4 “(A) notifies by certified mail with return
5 *receipt the person owing the covered unemploy-*
6 *ment compensation debt that the State proposes*
7 *to take action pursuant to this section;*

8 “(B) provides such person at least 60 days
9 *to present evidence that all or part of such liabil-*
10 *ity is not legally enforceable or due to fraud;*

11 “(C) considers any evidence presented by
12 *such person and determines that an amount of*
13 *such debt is legally enforceable and due to fraud;*
14 *and*

15 “(D) satisfies such other conditions as the
16 *Secretary may prescribe to ensure that the deter-*
17 *mination made under subparagraph (C) is valid*
18 *and that the State has made reasonable efforts to*
19 *obtain payment of such covered unemployment*
20 *compensation debt.*

21 “(5) COVERED UNEMPLOYMENT COMPENSATION
22 *DEBT.—For purposes of this subsection, the term ‘cov-*
23 *ered unemployment compensation debt’ means—*

24 “(A) a past-due debt for erroneous payment
25 *of unemployment compensation due to fraud*

1 *which has become final under the law of a State*
2 *certified by the Secretary of Labor pursuant to*
3 *section 3304 and which remains uncollected for*
4 *not more than 10 years;*

5 “(B) *contributions due to the unemployment*
6 *fund of a State for which the State has deter-*
7 *mined the person to be liable due to fraud and*
8 *which remain uncollected for not more than 10*
9 *years; and*

10 “(C) *any penalties and interest assessed on*
11 *such debt.*

12 “(6) *REGULATIONS.—*

13 “(A) *IN GENERAL.—The Secretary may*
14 *issue regulations prescribing the time and man-*
15 *ner in which States must submit notices of cov-*
16 *ered unemployment compensation debt and the*
17 *necessary information that must be contained in*
18 *or accompany such notices. The regulations may*
19 *specify the minimum amount of debt to which*
20 *the reduction procedure established by paragraph*
21 *(1) may be applied.*

22 “(B) *FEE PAYABLE TO SECRETARY.—The*
23 *regulations may require States to pay a fee to*
24 *the Secretary, which may be deducted from*
25 *amounts collected, to reimburse the Secretary for*

1 *the cost of applying such procedure. Any fee paid*
2 *to the Secretary pursuant to the preceding sen-*
3 *tence shall be used to reimburse appropriations*
4 *which bore all or part of the cost of applying*
5 *such procedure.*

6 *“(C) SUBMISSION OF NOTICES THROUGH*
7 *SECRETARY OF LABOR.—The regulations may in-*
8 *clude a requirement that States submit notices of*
9 *covered unemployment compensation debt to the*
10 *Secretary via the Secretary of Labor in accord-*
11 *ance with procedures established by the Secretary*
12 *of Labor. Such procedures may require States to*
13 *pay a fee to the Secretary of Labor to reimburse*
14 *the Secretary of Labor for the costs of applying*
15 *this subsection. Any such fee shall be established*
16 *in consultation with the Secretary of the Treas-*
17 *ury. Any fee paid to the Secretary of Labor may*
18 *be deducted from amounts collected and shall be*
19 *used to reimburse the appropriation account*
20 *which bore all or part of the cost of applying this*
21 *subsection.*

22 *“(7) ERRONEOUS PAYMENT TO STATE.—Any*
23 *State receiving notice from the Secretary that an er-*
24 *roneous payment has been made to such State under*
25 *paragraph (1) shall pay promptly to the Secretary,*

1 *in accordance with such regulations as the Secretary*
2 *may prescribe, an amount equal to the amount of*
3 *such erroneous payment (without regard to whether*
4 *any other amounts payable to such State under such*
5 *paragraph have been paid to such State).*

6 “(8) *TERMINATION.*—*This section shall not*
7 *apply to refunds payable after the date which is 10*
8 *years after the date of the enactment of this sub-*
9 *section.*”.

10 *(b) DISCLOSURE OF CERTAIN INFORMATION TO*
11 *STATES REQUESTING REFUND OFFSETS FOR LEGALLY EN-*
12 *FORCEABLE STATE UNEMPLOYMENT COMPENSATION DEBT*
13 *RESULTING FROM FRAUD.*—

14 *(1) GENERAL RULE.*—*Paragraph (3) of section*
15 *6103(a) of such Code is amended by inserting “(10),”*
16 *after “(6),”.*

17 *(2) DISCLOSURE TO DEPARTMENT OF LABOR AND*
18 *ITS AGENT.*—*Paragraph (10) of section 6103(l) of*
19 *such Code is amended—*

20 *(A) by striking “(c), (d), or (e)” each place*
21 *it appears in the heading and text and inserting*
22 *“(c), (d), (e), or (f),”*

23 *(B) in subparagraph (A) by inserting “, to*
24 *officers and employees of the Department of*
25 *Labor for purposes of facilitating the exchange of*

1 *data in connection with a request made under*
2 *subsection (f)(5) of section 6402,” after “section*
3 *6402”, and*

4 *(C) in subparagraph (B)—*

5 *(i) by inserting “(i)” after “(B)”;* and

6 *(ii) by adding at the end the following:*

7 *“(ii) Notwithstanding clause (i), return in-*
8 *formation disclosed to officers and employees of*
9 *the Department of Labor may be accessed by*
10 *agents who maintain and provide technological*
11 *support to the Department of Labor’s Interstate*
12 *Connection Network (ICON) solely for the pur-*
13 *pose of providing such maintenance and sup-*
14 *port.”.*

15 (3) *SAFEGUARDS.—Paragraph (4) of section*
16 *6103(p) of such Code is amended—*

17 *(A) in the matter preceding subparagraph*
18 *(A), by striking “(l)(16),” and inserting “(l)(10),*
19 *(16),”;*

20 *(B) in subparagraph (F)(i), by striking*
21 *“(l)(16),” and inserting “(l)(10), (16),”;* and

22 *(C) in the matter following subparagraph*
23 *(F)(iii)—*

1 (i) in each of the first two places it ap-
2 pears, by striking “(l)(16),” and inserting
3 “(l)(10), (16),”;

4 (ii) by inserting “(10),” after “para-
5 graph (6)(A),”; and

6 (iii) in each of the last two places it
7 appears, by striking “(l)(16)” and inserting
8 “(l)(10) or (16)”.

9 (c) *EXPENDITURES FROM STATE FUND.*—Section
10 *3304(a)(4)* of such Code is amended—

11 (1) in subparagraph (E), by striking “and” after
12 the semicolon;

13 (2) in subparagraph (F), by inserting “and”
14 after the semicolon; and

15 (3) by adding at the end the following new sub-
16 paragraph:

17 “(G) with respect to amounts of covered un-
18 employment compensation debt (as defined in
19 section 6402(f)(4)) collected under section
20 6402(f)—

21 “(i) amounts may be deducted to pay
22 any fees authorized under such section; and

23 “(ii) the penalties and interest de-
24 scribed in section 6402(f)(4)(B) may be
25 transferred to the appropriate State fund

1 *into which the State would have deposited*
2 *such amounts had the person owing the debt*
3 *paid such amounts directly to the State;”.*

4 (d) *CONFORMING AMENDMENTS.—*

5 (1) *Subsection (a) of section 6402 of such Code*
6 *is amended by striking “(c), (d), and (e),” and insert-*
7 *ing “(c), (d), (e), and (f)”.*

8 (2) *Paragraph (2) of section 6402(d) of such*
9 *Code is amended by striking “and before such over-*
10 *payment is reduced pursuant to subsection (e)” and*
11 *inserting “and before such overpayment is reduced*
12 *pursuant to subsections (e) and (f)”.*

13 (3) *Paragraph (3) of section 6402(e) of such*
14 *Code is amended in the last sentence by inserting “or*
15 *subsection (f)” after “paragraph (1)”.*

16 (4) *Subsection (g) of section 6402 of such Code,*
17 *as redesignated by subsection (a), is amended by*
18 *striking “(c), (d), or (e)” and inserting “(c), (d), (e),*
19 *or (f)”.*

20 (5) *Subsection (i) of section 6402 of such Code,*
21 *as redesignated by subsection (a), is amended by*
22 *striking “subsection (c) or (e)” and inserting “sub-*
23 *section (c), (e), or (f)”.*

24 (e) *EFFECTIVE DATE.—The amendments made by this*
25 *section shall apply to refunds payable under section 6402*

- 1 *of the Internal Revenue Code of 1986 on or after the date*
- 2 *of enactment of this Act.*

Amend the title so as to read: “An Act to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2009 through 2011, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code of 1986 to collect unemployment compensation debts resulting from fraud.”.

Attest:

Secretary.

110TH CONGRESS
2^D SESSION

H.R. 2608

AMENDMENTS