

Public Law 105-306
105th Congress

An Act

Oct. 28, 1998
[H.R. 4558]

Noncitizen
Benefit
Clarification and
Other Technical
Amendments Act
of 1998.
42 USC 1305
note.

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.

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(2) of section 507(e) of the North American Free Trade Agreement Implementation Act (26 U.S.C. 3306 note) is hereby repealed.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

42 USC 655 note.

(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

42 USC 652 note.

(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”.

Effective date.
42 USC 603 note.

(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.

Effective date.
42 USC 1382a
note.

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 title II.

42 USC
1320b-17.

"(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

"(2) if such person or individual is otherwise so eligible, become eligible for increased benefits under such program."

(b) CONFORMING AMENDMENTS.—

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

"(g) For payments which are adjusted or withheld to recover an overpayment of supplemental security income benefits paid under title XVI of this Act (including State supplementary payments paid under an agreement pursuant to section 1616(a) of this Act or section 212(b) of Public Law 93-66), see section 1147."

(2) Section 1631(b) of such Act (42 U.S.C. 1383(b)) is amended by adding at the end the following:

"(5) For provisions relating to the recovery of benefits incorrectly paid under this title from benefits payable under title II, see section 1147."

42 USC 404 note.

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

Approved October 28, 1998.

LEGISLATIVE HISTORY—H.R. 4558:

HOUSE REPORTS: No. 105-735, Pt. 1 (Comm. on Ways and Means).

CONGRESSIONAL RECORD, Vol. 144 (1998):

Sept. 23, considered and passed House.

Oct. 8, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):

Oct. 28, Presidential statement.