

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(2) of section 507(e) of the North American Free Trade Agreement Implementation Act (26 U.S.C. 3306 note) is hereby repealed.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

"(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."

(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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN), each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4558.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

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

Mr. Speaker, I want to take a moment and extend the regrets of the gentleman from Florida (Mr. SHAW) that, due to a death in his family, he could not be here personally to manage this bill on the floor today.

Mr. Speaker, this is a time-sensitive bill that makes technical amendments to clarify provisions of benefits for noncitizens and to improve the provision of unemployment insurance, child support and supplemental security income benefits.

This legislation includes a handful of seemingly minor but in fact important changes that serve several goals. Each of its provisions has drawn bipartisan support, and I see my colleague from Michigan is here as well. None of the provisions is opposed by the administration.

The bill's major provision ensures that every elderly or disabled noncitizen already dependent on supplemental security income benefits when we passed welfare reform will remain eligible. At the same time we are maintaining the underlying policy on welfare for newly arriving immigrants achieved in the welfare reform law, that those who arrived after 1996 must work or naturalize before becoming eligible for government benefits.

Second, we are making a number of common sense changes that encourage

work and personal responsibility in several programs under the jurisdiction of the Committee on Ways and Means.

Finally, many people are familiar with the Make-A-Wish Foundation or the many similar organizations that fulfill the dreams of children with life threatening conditions by, for example, sending a child with terminal cancer to Disney World. Yet under current rules a sick child granted such a wish can lose some supplemental security income benefits or even lose SSI benefits altogether. We are fixing this problem so children who have their wishes fulfilled by charitable groups will no longer risk losing this critical support.

This legislation is completely paid for and has drawn bipartisan support. I urge its swift adoption.

Mr. Speaker, I reserve the balance of my time.

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

I join with the gentleman from Michigan (Mr. CAMP) today. I regret that the gentleman from Florida (Mr. SHAW) cannot be here because of a death in the family. We have been working together on this matter as well as other issues, and I am glad that the gentleman from Michigan (Mr. CAMP) can be here in his stead.

Mr. Speaker, the bipartisan legislation before us makes compassionate and common sense changes to several important programs. Most importantly, the bill provides for a permanent extension of supplemental security income for so-called nonqualified aliens. When we passed the Balanced Budget Act last year, we promised to continue SSI benefits for all legal immigrants who were receiving benefits before the enactment of welfare reform.

However, the statute only applied this grandfather status to qualified aliens, a criteria which excluded certain legal immigrants formerly referred to as persons residing under the color of law.

This legislation makes good on our original pledge to continue SSI benefits for all legal aliens regardless of their particular immigration status.

This bill more than offsets the cost of this change by providing the Social Security Administration with limited authority to recoup SSI overpayments from Social Security checks. In fact, as a whole the legislation will save the Federal Government \$93 million over the next 5 years.

This clearly illustrates that we can both be socially compassionate and fiscally prudent if we work together on our Nation's problems.

There are a few important points to remember about the population we are helping with this legislation. First, recent studies have clearly indicated that up to ¾ of those now classified as nonqualified aliens are, in fact, U.S. citizens or qualified aliens.

Second, many of the remaining individuals in this nonqualified group have been in our country for decades and,

therefore, cannot be accused of coming to the U.S. to collect public benefits.

Third, these individuals are, by definition, poverty stricken and disabled or elderly, meaning the elimination of their SSI benefits would leave them in a dire predicament.

Beyond protecting the SSI safety net for long time legal residents of this country, the legislation we are considering includes several other beneficial provisions, as mentioned by the gentleman from Michigan (Mr. CAMP).

For example, the bill permanently extends the self-employment assistance program, which aids unemployment insurance recipients in starting their own businesses. The bill also clarifies that the 1996 welfare law does not bar foreign nationals from obtaining or renewing professional licenses in this country.

Finally, the legislation will ensure that sick children do not lose their SSI benefits when they receive gifts from nonprofit organizations such as the Make-A-Wish Foundation.

Mr. Speaker, I urge my colleagues to support this legislation to strengthen our Nation's safety net for those less fortunate than ourselves. The bill is bipartisan. It is paid for, and it makes good sense and fulfills our promise.

Mr. Speaker, I include for the RECORD a Statement of Administration Policy in support of this bill:

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 4558—NONCITIZEN BENEFIT CLARIFICATION AND OTHER TECHNICAL AMENDMENTS ACT OF 1998

Reps. Shaw (R) FL and Levin (D) MI

The Administration strongly supports H.R. 4558. The bill would allow certain vulnerable legal immigrants to continue to receive Supplemental Security Income and Medicaid benefits for which they otherwise would be ineligible after September 30, 1998. H.R. 4558 would further the President's efforts to reverse unduly harsh benefit restrictions on legal immigrants that have nothing to do with moving people from welfare to work. The Administration applauds this bipartisan effort.

PAY-AS-YOU-GO SCORING

H.R. 4558 would affect direct spending; therefore, it is subject to the pay-as-you-go requirements of the Omnibus Budget Reconciliation Act of 1990. The Office of Management and Budget's preliminary scoring estimate is that the bill would result in a net decrease in direct spending of \$5 million in FY 1999 and a total of \$58 million during FYs 1999 through 2003.

Mr. Speaker, I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I include the following letters as part of the RECORD:

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 22, 1998.

Hon. BILL ARCHER
Chairman, Committee on Ways and Means,
Lonworth House Office Building,
Washington, DC.

DEAR MR. CHAIRMAN: On September 18, 1998, the Committee on Ways and Means ordered reported H.R. 4558, the "Noncitizen

Benefit Clarification and Other Technical Amendments Act of 1998". The bill makes technical amendments to clarify the provisions of benefits for noncitizens, and to improve the provision of unemployment insurance, child support, and supplemental security income benefits. As you know, Section 2 and 5—which relate to aliens—fall within the Rule X jurisdiction of the Committee on the Judiciary.

Given the importance of this legislation and your interest in moving the bill to the House Floor in an expeditious manner, I will agree not to request a referral of this bill. By agreeing not to exercise the Judiciary Committee's jurisdiction, the Committee does not waive its jurisdictional interest in this bill or similar legislation. Further, the Committee would preserve its prerogative to seek to be represented in any House-Senate conference committee that may be convened on H.R. 4558.

I appreciate your consideration of our interest in this legislation and look forward to working with you on its passage. Further, I would appreciate an acknowledgement of this letter and would request that our exchange of letters be included in the Record of debate on this bill.

Sincerely,

HENRY J. HYDE,
Chairman.

COMMITTEE ON WAYS AND MEANS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 22, 1998.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary,
Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 4558, the "Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998."

I acknowledge your interest in this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. I agree to work with you as this legislation moves forward and also agree that your decision to forego further action on the bill will not prejudice the Judiciary Committee with respect to its jurisdictional prerogatives on H.R. 4558, or similar legislation.

Thank you again for your cooperation.

Sincerely,

BILL ARCHER,
Chairman.

COMMITTEE ON COMMERCE,
Washington, DC, September 22, 1998.

Hon. BILL ARCHER,
Chairman, House Committee on Ways and Means; Longworth House Office Building,
Washington, DC.

DEAR BILL: On May 13, 1998, the Committee on Ways and Means ordered reported H.R. 4558, the Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998. Among other provisions, this bill addresses the Medicaid eligibility for individuals who receive Social Security Insurance ("SSI"). As you know, standards for Medicaid eligibility fall within the Committee's jurisdiction under Rule X of the Rules of the House of Representatives.

Because of the importance of this matter, I recognize your desire to bring this legislation before the House in an expeditious manner. Therefore, I will waive consideration of the bill by the Commerce Committee. By agreeing to waive its consideration of the bill, the Commerce Committee does not waive its jurisdiction over these provisions or similar legislation. In addition, the Commerce Committee reserves its authority to seek conferees on the provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate con-

ference that may be convened on this legislation. I request that you support any request by the Commerce Committee for conferees on this or similar legislation.

I also request that you submit this letter for the record during consideration of H.R. 4558 on the House floor. Thank you for your attention to these matters.

Sincerely,

TOM BILEY,
Chairman.

COMMITTEE ON WAYS AND MEANS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 22, 1998.

Hon. THOMAS J. BILEY, JR.,
Chairman, House Committee on Commerce,
Rayburn House Office Building,
Washington, DC.

DEAR CHAIRMAN BILEY: Thank you for your letter regarding your Committee's interest in H.R. 4558, the "Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998." As you know, the bill, as introduced, was referred to the Committee on Ways and Means, and in addition, to the Committee on Commerce. I understand that it is scheduled to be considered on the House floor on September 23, 1998.

I further understand that the motion to suspend the rules will include a manager's amendment clarifying that the restoration of Supplemental Security Income (SSI) benefits for certain non-qualified aliens contained in the bill applies, accordingly, to eligibility for benefits under other programs, such as Medicaid, that are based on eligibility for SSI.

I acknowledge your jurisdictional interest in this legislation and appreciate your cooperation in moving the bill forward to the House floor expeditiously. As you requested, I will insert a copy of our exchange of letters on this matter in the Record during floor consideration of the bill.

Thank you again for your assistance on this matter. With best personal regards,

Sincerely,

BILL ARCHER,
Chairman.

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

This legislation, as my colleague, the gentleman from Michigan (Mr. LEVIN) correctly pointed out, was very much a bipartisan piece of legislation. I would like to particularly note that there was one provision regarding the Make-A-Wish Foundation and other similar organizations that help children who have life-threatening diseases fulfill their childhood dreams or their wishes.

Under current law, SSI benefits or supplemental security income benefits could be lost by the child receiving such a benefit. That could be a trip to Disney World, as I said, or some other type of trip. Because those were deemed as a benefit, these children were put at risk.

My colleague, the gentleman from Pennsylvania (Mr. ENGLISH) was absolutely instrumental in making this change. This was a problem he had heard about, he knew about. He brought this to the attention of the committee and did a tremendous job in making this change. I just wanted to make sure that the RECORD reflected his leadership on this particular issue.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise today in strong support of H.R. 4558.

This is good legislation that does a number of things that I think Congress needs to do before we leave. Among others, it permanently reauthorizes the self-employed assistance program. This program enables individuals who would otherwise be unemployed to create their own jobs by creating microenterprises. The efforts of the Ridge administration in my home State of Pennsylvania demonstrate that this is an effective tool in helping people become re-employed.

This legislation also corrects a problem that has given bureaucrats a bad name. The Social Security Administration has a policy of cutting the SSI benefits of children with life-threatening illnesses who receive cash from tax exempt groups that grant their wish, say, to visit Walt Disney World, go on a shopping spree or meet a celebrity.

Under current policy, Mr. Speaker, accepting cash for expenses means that the family has to report it as an increase in income. This could result in the reduction of SSI benefits and, in a number of rare cases, elimination of Social Security benefits. This is an absurd situation.

Since 1980, the Make-A-Wish Foundation, as an example, has worked to grant one special wish to every child referred to them with a life-threatening illness. They give these children their fondest dream as a way of relieving the daily pain, stress and worries that their illness forces them to face daily. The Make-A-Wish Foundation volunteers make sure that every detail of the wish experienced, every phone call, every travel expense is taken care of.

Mr. Speaker, it simply is not fair to take needed benefits from sick children just because they have a dream and a charity is willing to make it come true. The Shaw-English provision of H.R. 4558 would exempt up to \$2000 in cash awards given to these children and their families for incidentals when their wish is granted.

This important legislation ensures that organizations like the Make-A-Wish Foundation can continue to grant the wishes of sick children. It is wrong for bureaucrats to turn a child's wish into a parent's nightmare. I urge my colleagues to support H.R. 4558.

I include for the RECORD a statement from the chairman of the board of the Make-A-Wish Foundation:

STATEMENT FROM THE CHAIRMAN OF THE BOARD OF THE MAKE-A-WISH FOUNDATION® OF AMERICA REGARDING H.R. 4558

(By Tony Leal, Jr.)

Since its founding in 1980, the Make-A-Wish Foundation has striven to accomplish one simple task: to grant one special wish to every child who is referred to us with a life-threatening illness. Our goal is to fulfill our children's fondest dream in a way that relieves them and their families of the daily pain, stress, and worries that come when children are forced to fight a very grown-up battle. Whether the wish is to visit a theme

park, meet a celebrity, go on a shopping spree or to be a cowboy at a dude ranch, our volunteers make sure every detail of the wish experience—every expense, every phone call, every travel arrangement—is taken care of. We don't want families to have a worry in the world as our wish children live their fondest dreams.

The dedicated staff and more than 13,000 volunteers of the Make-A-Wish Foundation have accomplished this task for more than 50,000 children since 1980. From time to time, we grant wishes to children whose families receive Supplemental Security Insurance benefits. Because many wishes, such as one involving travel, include providing the family with enough spending money to sustain them through the experience, we have found that an unintended consequence of the SSI eligibility rules has forced families to choose between having their sick children's wishes granted or retaining their SSI benefits. To accept any spending money as part of the wish experience forces them to report increased income, resulting in a reduction—or in rare cases the elimination—of SSI benefits.

The effect of Section 7 of House Resolution 4558 on our wish families would be to relieve them from having to make the impossible choice between SSI benefits and a wish for their children. After all, these families have enough tough decisions to make. The Make-A-Wish Foundation appreciates the dedication and attention that Make-A-Wish volunteers in our communities, as well as members of Congress, have devoted to this issue.

Mr. LEVIN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me the time.

I thank the authors of H.R. 4558, the Noncitizen Benefit Clarification Act, for their efforts that brought us this legislation today. When we passed the welfare reform bill in 1996, at that time I cautioned my colleagues that we were reaching too far, that we were hurting people who genuinely needed assistance, and we would have to right the bill's wrong at some point.

I am glad that today we will rein in the overreaching arm of this so-called reform, correct the overbite of this legislation and bring comfort and aid to those unjustly affected.

Among its several corrections, this bill includes one that will immediately impact and assist residents in my congressional district in San Diego, California. When Congress approved that 1996 legislation, thousands of resident immigrants who had been receiving SSI benefits had their benefit eligibility rescinded. The bill overreached and mistakenly categorized these people as nonqualified aliens ineligible to receive SSI benefits.

As I said at the time and as the Social Security Administration has since verified, the benefits of thousands of qualified recipients were swept away by the extreme nature of the 1996 legislation. While Congress has sought to correct the situation and to help those individuals with short-term benefit extensions, today we will make that eligibility permanent.

This legislation is about guaranteeing humane treatment to people who

need assistance and to protect them from the unintended effects of so-called welfare reform. I hope we will remember this serious error when next we try to reform a program that provides critical assistance to our citizens and residents.

I urge my colleagues to support this vital legislation.

Mr. UNDERWOOD. Mr. Speaker, the bill before us today, H.R. 4558, is important in that it clarifies the eligibility of immigrants in receiving Supplemental Security Income (SSI) benefits. As you know, the 1997 Balanced Budget Act permanently grandfathered most but not all noncitizens who were receiving SSI benefits when the welfare reform law was signed into law on August 22, 1996. About 22,000 "nonqualified" noncitizens were grandfathered through on September 30, 1998 in order to give the Social Security Administration adequate time to determine their status. This legislation would clarify that these individuals—many of whom are elderly or disabled and who claim citizenship but lack documentation or are not capable of documenting their immigration status—will continue to receive SSI benefits from the federal government.

While there should be strong and vigorous debate on the ensuring that those most in need of public assistance not fall through the safety net, perhaps it is not clearly known that not all U.S. citizens are eligible for participation in the SSI program. SSI is available to citizens who live in one of the 50 States; however, U.S. citizens residing in Guam, American Samoa, the U.S. Virgin Islands and Puerto Rico are not eligible for assistance under the SSI program. Given the fact that the cost of living is much higher in the territories than almost any mainland location, and given the fact that we have a permanent cap on Medicaid, I sincerely believe that there is a definite need to extend the SSI program to the territories.

Citizenship in this country and the privileges associated with it should not be measured by geographic choice in residency or the size of one's pocketbook. Whether one chooses to live in Hagatna, St. Croix or Peoria, a federally funded program should be accessible to everyone.

I urge my colleagues to pass H.R. 4558 and to extend the SSI program to the American citizens in the territories.

Mr. TOWNS. Mr. Speaker, I rise today in support of H.R. 4558 legislation which will "grandfather" SSI and Medicaid eligibility for those elderly and disabled legal immigrants who were receiving benefits on August 22, 1996 and are designated as "not qualified" under the 1996 welfare law.

Currently, over 12,000 such immigrants nationwide, most of whom are elderly, are scheduled to lose their SSI benefits on September 30, 1998. In New York State alone, approximately 1,865 people will lose these benefits. Many in New York, and the rest of the country, will also lose their Medicaid.

Many in this group are actually qualified immigrants eligible for continuing to receive SSI benefits, but are misclassified in the Social Security Administration (SSA) files and stand to lose their benefits because of administrative error. Eighty percent or more of those coded "not qualified" by SSA

are in fact qualified immigrants whom the 1997 restoration was meant to benefit. Yet they will lose their benefits unless we, their elected officials, grandfather these individuals.

Those who would lose assistance include the most vulnerable immigrants in need, the elderly and disabled, many homebound and frail, who are least able to comprehend or respond to efforts to reach out and protect them. For example, a 100 year old woman in New York receiving 24 hour home care is at risk of losing her benefits. I know none of us wants this type of tragedy to occur.

I urge my colleagues on both sides of the aisle to join me in supporting and passing this legislation before the September 30th, 1998 deadline and avoid a needless crisis.

Mr. STARK. Mr. Speaker, I rise in support of H.R. 4558, the Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998.

H.R. 4558 will extend Supplemental Security Income (SSI) benefits for nonqualified aliens who were receiving benefits before the enactment of welfare reform.

This group of about 12,000 aliens, all of whom are elderly or disabled or both, will lose SSI and Medicaid on October 1 of this year unless Congress votes to permanently extend their benefits. The vast majority of affected recipients reside in California.

The Federal Government has a responsibility to set guidelines that protect the vulnerable in this country. As a society, we have an obligation to support the elderly, the disabled and the poor. By gouging our food stamp program and denying benefits to legal immigrants, welfare reform doesn't even come close to those standards.

Welfare reform pushes more children into poverty and leaves more of the poor without the health care they need. I support this correction and believe we should be doing more to give the needy a helping hand.

Mr. CAMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEVIN. 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 Michigan (Mr. CAMP) that the House suspend the rules and pass the bill, H.R. 4558, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1630

RECESS

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4:45 p.m.

Accordingly (at 4 o'clock and 30 minutes p.m.), the House stood in recess until approximately 4:45 p.m.