

106TH CONGRESS
1ST SESSION

H. R. 191

To improve the integrity of the Social Security card and to provide for criminal penalties for fraud and related activity involving work authorization documents for purposes of the Immigration and Nationality Act.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

Mr. MCCOLLUM (for himself, Mr. BEREUTER, Mr. BILBRAY, Mr. CAMPBELL, Mr. CUNNINGHAM, Mr. HORN, Mr. HUNTER, Mr. ROHRABACHER, Mr. SHAYS, Mr. SHERMAN, Mr. STARK, and Mr. STENHOLM) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To improve the integrity of the Social Security card and to provide for criminal penalties for fraud and related activity involving work authorization documents for purposes of the Immigration and Nationality Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PROTECTING THE INTEGRITY OF THE SOCIAL**
4 **SECURITY ACCOUNT NUMBER CARD.**

5 (a) IMPROVEMENTS TO CARD.—



1 (1) IN GENERAL.—For purposes of carrying out
2 section 274A of the Immigration and Nationality
3 Act, the Commissioner of Social Security (in this
4 section referred to as the “Commissioner”) shall
5 make such improvements to the physical design,
6 technical specifications, and materials of the social
7 security account number card as are necessary to
8 ensure that it is a genuine official document and
9 that it offers the best possible security against coun-
10 terfeiting, forgery, alteration, and misuse.

11 (2) PERFORMANCE STANDARDS.—In making
12 the improvements required in paragraph (1), the
13 Commissioner shall—

14 (A) make the card as secure against coun-
15 terfeiting as the 100 dollar Federal Reserve
16 note, with a rate of counterfeit detection com-
17 parable to the 100 dollar Federal Reserve note,
18 and

19 (B) make the card as secure against fraud-
20 ulent use as a United States passport.

21 (3) REFERENCE.—In this section, the term “se-
22 cured social security account number card” means a
23 social security account number card issued in ac-
24 cordance with the requirements of this subsection.

1 (4) EFFECTIVE DATE.—All social security ac-
2 count number cards issued after January 1, 2002,
3 whether new or replacement, shall be secured social
4 security account number cards.

5 (b) USE FOR EMPLOYMENT VERIFICATION.—Begin-
6 ning on January 1, 2008, a document described in section
7 274A(b)(1)(C) of the Immigration and Nationality Act is
8 a secured social security account number card (other than
9 such a card which specifies on the face that the issuance
10 of the card does not authorize employment in the United
11 States).

12 (c) NOT A NATIONAL IDENTIFICATION CARD.—
13 Cards issued pursuant to this section shall not be required
14 to be carried upon one's person, and nothing in this sec-
15 tion shall be construed as authorizing the establishment
16 of a national identification card.

17 (d) NO NEW DATABASES.—Nothing in this section
18 shall be construed as authorizing the establishment of any
19 new databases.

20 (e) EDUCATION CAMPAIGN.—The Commissioner of
21 Immigration and Naturalization, in consultation with the
22 Commissioner of Social Security, shall conduct a com-
23 prehensive campaign to educate employers about the secu-
24 rity features of the secured social security card and how

1 to detect counterfeit or fraudulently used social security
2 account number cards.

3 (f) ANNUAL REPORTS.—The Commissioner of Social
4 Security shall submit to Congress by July 1 of each year
5 a report on—

6 (1) the progress and status of developing a se-
7 cured social security account number card under this
8 section,

9 (2) the incidence of counterfeit production and
10 fraudulent use of social security account number
11 cards, and

12 (3) the steps being taken to detect and prevent
13 such counterfeiting and fraud.

14 (g) GAO ANNUAL AUDITS.—The Comptroller Gen-
15 eral shall perform an annual audit, the results of which
16 are to be presented to the Congress by January 1 of each
17 year, on the performance of the Social Security Adminis-
18 tration in meeting the requirements in subsection (a).

19 (h) EXPENSES.—No costs incurred in developing and
20 issuing cards under this section that are above the costs
21 that would have been incurred for cards issued in the ab-
22 sence of this section shall be paid for out of any Trust
23 Fund established under the Social Security Act. There are
24 authorized to be appropriated such sums as may be nec-
25 essary to carry out this section.

1 **SEC. 2. CRIMINAL PENALTIES FOR FRAUD AND RELATED**
2 **ACTIVITY WITH WORK AUTHORIZATION**
3 **DOCUMENTS.**

4 (a) IN GENERAL.—Section 1028 of title 18, United
5 States Code, is amended—

6 (1) in subsection (a)—

7 (A) in paragraphs (1) and (2) by striking
8 “an identification document or a false identi-
9 fication document” each place it appears and
10 inserting “an identification document, false
11 identification document, work authorization
12 document, or false work authorization docu-
13 ment”;

14 (B) in paragraph (3) by striking “identi-
15 fication documents (other than those issued
16 lawfully for the use of the possessor) or false
17 identification documents” and inserting “identi-
18 fication or work authorization documents (other
19 than those issued lawfully for the use of the
20 possessor) or false identification or work au-
21 thorization documents”;

22 (C) in paragraph (4) by striking “an iden-
23 tification document (other than one issued law-
24 fully for the use of the possessor) or a false
25 identification document” and inserting “an
26 identification or work authorization document

1 (other than one issued lawfully for the use of
2 the possessor) or a false identification or work
3 authorization document”;

4 (D) in paragraph (5) by inserting “or in
5 the production of a false work authorization
6 document” after “false identification docu-
7 ment”; and

8 (E) in paragraph (6) by inserting “or work
9 authorization document” after “identification
10 document” each place it appears;

11 (2) in subsection (b)(1)—

12 (A) by striking “an identification docu-
13 ment or false identification document” in sub-
14 paragraph (A) and inserting “an identification
15 document, false identification document, work
16 authorization document, or false work author-
17 ization document”;

18 (B) in subparagraph (A)—

19 (i) by striking “or” at the end of
20 clause (i);

21 (ii) by inserting “or” at the end of
22 clause (ii); and

23 (iii) by inserting the following new
24 clause after clause (ii):

1 “(iii) a work authorization docu-
2 ment;”; and

3 (C) by striking “identification documents
4 or false identification documents” in subpara-
5 graph (B) and inserting “identification docu-
6 ments, false identification documents, work au-
7 thorization documents, or false work authoriza-
8 tion documents”;

9 (3) in subsection (b)(2)(A) by striking “a false
10 identification document;” and inserting “a false
11 identification document, work authorization docu-
12 ment, or false work authorization document;”;

13 (4) in subsection (c)—

14 (A) by striking “identification document or
15 false identification document” each place it ap-
16 pears in paragraph (1) and inserting “identi-
17 fication document, false identification docu-
18 ment, work authorization document, or false
19 work authorization document”; and

20 (B) by adding “work authorization docu-
21 ment, false work authorization document,” after
22 “false identification document,” in paragraph
23 (3); and

24 (5) in subsection (d)—

1 (A) by striking “and” at the end of para-
2 graph (5);

3 (B) by striking the period at the end of
4 paragraph (6) and inserting “; and”; and

5 (C) by inserting after paragraph (6) the
6 following new paragraph:

7 “(7) the term ‘work authorization document’
8 means any document described in section
9 274A(b)(1)(C) of the Immigration and Nationality
10 Act.”.

11 (b) CONFORMING AMENDMENTS.—

12 (1) IDENTITY THEFT AND ASSUMPTION DETER-
13 RENANCE ACT.—Section 4(b)(2) of the Identity Theft
14 and Assumption Deterrence Act of 1998 (Public
15 Law 105–318; 112 Stat. 3010) is amended by strik-
16 ing “or false identification documents” and inserting
17 “false identification documents, work authorization
18 documents, or false work authorization documents”.

19 (2) HEADING.—The heading for section 1028
20 of title 18, United States Code, is amended to read
21 as follows:

1 **“§ 1028. Fraud and related activity in connection**
2 **with identification and work authoriza-**
3 **tion documents and information”**

4 (c) CLERICAL AMENDMENT.—The item relating to
5 section 1028 in the table of sections at the beginning of
6 chapter 47 of title 18, United States Code, is amended
7 to read as follows:

“1028. Fraud and related activity in connection with identification and work au-
thorization documents and information.”.

