

110TH CONGRESS
1ST SESSION

H. R. 4073

To amend title II of the Social Security Act to provide for the issuance of Social Security cards with enhanced security features, to provide that wages earned, and self-employment income derived, by individuals while such individuals were not citizens or nationals of the United States and were illegally in the United States shall not be credited for coverage under the old-age, survivors, and disability insurance program under such title, and to provide for the issuance of Social Security cards to illegal aliens, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 2007

Mr. CARTER introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To amend title II of the Social Security Act to provide for the issuance of Social Security cards with enhanced security features, to provide that wages earned, and self-employment income derived, by individuals while such individuals were not citizens or nationals of the United States and were illegally in the United States shall not be credited for coverage under the old-age, survivors, and disability insurance program under such title, and to provide for the issuance of Social Security cards to illegal aliens, and for other purposes.

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. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Non-Citizen Identification Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of
 7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Creation of a new social security card.
- Sec. 3. Denying benefits for work done illegally.
- Sec. 4. Identifying illegal aliens.
- Sec. 5. Educating the public.

8 **SEC. 2. CREATION OF A NEW SOCIAL SECURITY CARD.**

9 (a) IN GENERAL.—Section 205(c)(2)(G) of the Social
 10 Security Act (42 U.S.C. 402(c)(2)(G)) is amended—

11 (1) by inserting “(i)” after “(G)”;

12 (2) by striking the 2nd sentence; and

13 (3) by adding at the end the following new
 14 clauses:

15 “(ii) A social security card issued pursuant to clause
 16 (i) of this subparagraph to an individual described in sub-
 17 paragraph (B)(ii) shall—

18 “(I) be made of tamper proof and wear-resist-
 19 ant material,

20 “(II) be designed, with such security features
 21 and under such methods as shall be determined by
 22 the Commissioner, to prevent (to the maximum ex-
 23 tent practicable) tampering, counterfeiting, or dupli-

1 cation of the card for fraudulent purposes and
2 fraudulent use of the card,

3 “(III) be issued under such secure procedures
4 as to preclude the issuance of the card to persons
5 who are ineligible to receive the card,

6 “(IV) have clearly marked on its face, the name
7 and social security account number of the individual
8 to whom the card is issued,

9 “(V) display a digital image, captured directly
10 by an officer or employee of the Social Security Ad-
11 ministration acting in his or her official capacity, of
12 the person to whom the social security account num-
13 ber was issued and the date on which that image
14 was captured, and

15 “(VI) contain an encrypted, machine-readable
16 electronic record which shall include records of bio-
17 metric identifiers unique to the individual to whom
18 the card is issued, including a copy of the digitized
19 facial image printed on the face of the card.

20 “(iii) The Commissioner may charge a reasonable fee
21 to the recipient as a condition for issuance of a social secu-
22 rity card under clause (i) of this subparagraph to an indi-
23 vidual described in subparagraph (B)(ii). Fees charged
24 under this clause shall be in amounts not greater than
25 amounts necessary to meet the administrative costs attrib-

1 utable to the requirements of clause (ii) of this subpara-
2 graph. Amounts received by the Commissioner under this
3 clause shall be deposited in the Federal Old-Age and Sur-
4 vivors Insurance Trust Fund and shall be available for use
5 by the Commissioner solely for purposes of meeting such
6 requirements.

7 “(iv) The Commissioner may through a memorandum
8 of understanding and a reimbursement of costs, delegate
9 to the Secretary of Homeland Security the process of
10 meeting the requirements of this paragraph by using the
11 existing secure card manufacturing facilities and related
12 systems used to produce the Permanent Resident Card
13 and the B1/B2 Visa.”.

14 (b) **EFFECTIVE DATE.**—The amendments made by
15 subsection (a) shall take effect 2 years after the date of
16 the enactment of this Act.

17 **SEC. 3. DENYING BENEFITS FOR WORK DONE ILLEGALLY.**

18 (a) **IN GENERAL.**—Section 215(e) of the Social Secu-
19 rity Act (42 U.S.C. 415(e)) is amended—

20 (1) by redesignating paragraphs (1) and (2) as
21 subparagraphs (A) and (B), respectively;

22 (2) by inserting “(1)” after “(e)”; and

23 (3) by adding at the end the following new
24 paragraph:

1 “(2) For purposes of subsections (b) and (d), in com-
 2 puting an individual’s average indexed monthly earnings,
 3 or in the case of an individual whose primary insurance
 4 amount is computed under section 215(a) as in effect
 5 prior to January 1979, average monthly wage, such indi-
 6 vidual shall not be credited with any wages paid to such
 7 individual, or any self-employment income derived by such
 8 individual, while such individual was not a citizen or na-
 9 tional of the United States and was illegally in the United
 10 States.”.

11 (b) **EFFECTIVE DATE.**—The amendments made by
 12 subsection (a) shall apply with respect to wages paid, and
 13 self-employment income derived, before, on, or after the
 14 date of the enactment of this Act. Notwithstanding section
 15 215(f)(1) of the Social Security Act (42 U.S.C. 415(f)(1)),
 16 as soon as practicable after the date of the enactment of
 17 this Act, the Commissioner of Social Security shall recom-
 18 pute all primary insurance amounts to the extent nec-
 19 essary to carry out such amendments. Such amendments
 20 shall affect benefits only for months after the date of the
 21 enactment of this Act.

22 **SEC. 4. IDENTIFYING ILLEGAL ALIENS.**

23 (a) **ISSUANCE OF SOCIAL SECURITY CARDS.**—

24 (1) **IN GENERAL.**—Section 205(c)(2)(G)(ii) of
 25 the Social Security Act (42 U.S.C. 405(c)(2)(G)(ii)),

1 as amended by section 1(a) of this Act, is amend-
2 ed—

3 (A) by striking “and” at the end of sub-
4 clause (V);

5 (B) by striking the period at the end of
6 subclause (VI) and inserting “, and”; and

7 (C) adding at the end the following:

8 “(VII) if the individual claims to not be a
9 citizen or national of the United States and to
10 be illegally in the United States—

11 “(aa) have clearly marked on its face
12 the date of issuance of the card; and

13 “(bb) be of a color different than the
14 color of the cards so issued to individuals
15 who have not made such claim.”.

16 (2) EFFECTIVE DATE.—The amendments made
17 by paragraph (1) of this subsection shall take effect
18 immediately after the amendments made by section
19 2(a) take effect.

20 (b) CRIMINAL PENALTIES.—

21 (1) IN GENERAL.—Section 208 of the Social
22 Security Act (42 U.S.C. 408) is amended by adding
23 at the end the following:

24 “(f)(1)(A) It shall be unlawful for an individual who
25 has attained 18 years of age, is not a citizen or national

1 of the United States, and is illegally in the United States,
2 to fail to possess a social security card issued to the indi-
3 vidual pursuant to section 205(c)(2)(G)(i). The preceding
4 sentence may be enforced only when the individual is law-
5 fully detained for a suspected violation of another law.

6 “(B) It shall be a defense to a charge of having vio-
7 lated subparagraph (A) that the social security card of the
8 defendant was at the place of residence of the defendant
9 at the time of the alleged violation.

10 “(2) Whoever violates paragraph (1) shall—

11 “(A) in the case of the first violation by the person,
12 be issued a warning; or

13 “(B) in the case of the second or subsequent violation
14 by the person, be guilty of a Class A misdemeanor.”.

15 (2) EFFECTIVE DATE.—The amendment made
16 by paragraph (1) of this subsection shall apply to
17 conduct engaged in 1 year or more after the date
18 the amendments made by subsection (a)(1) take ef-
19 fect.

20 **SEC. 5. EDUCATING THE PUBLIC.**

21 The Commissioner of Social Security shall plan and
22 implement a campaign directed at educating the people
23 of the United States about the new Social Security cards

- 1 provided for in this Act, and the requirement that illegal
- 2 alien adults have such a card.

