

AMENDMENT NO. _____ Calendar No. _____

Purpose: To preclude crediting of quarters of coverage for unauthorized employment.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 744

To provide for comprehensive immigration reform and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

1 On page 142, between lines 3 and 4, insert the fol-
2 lowing:

3 (d) PRECLUSION OF SOCIAL SECURITY CREDITS FOR
4 PERIODS WITHOUT WORK AUTHORIZATION.—

5 (1) INSURED STATUS.—Section 214 of the So-
6 cial Security Act (42 U.S.C. 414) is amended by
7 striking subsection (c) and inserting the following:

8 “(c) INSURED STATUS.—

9 “(1) IN GENERAL.—Except as provided in para-
10 graph (2), for purposes of subsections (a) and (b),
11 no quarter of coverage shall be credited for any cal-

1 endar year beginning on or after January 1, 2004,
2 with respect to an individual who is not a natural-
3 born United States citizen, unless the Commissioner
4 of Social Security determines, on the basis of infor-
5 mation provided to the Commissioner in accordance
6 with an agreement entered into under subsection (d)
7 or otherwise, that the individual was authorized to
8 be employed in the United States during such quar-
9 ter.

10 “(2) EXCEPTION.—Paragraph (1) shall not
11 apply to an individual who was assigned a social se-
12 curity account number before January 1, 2004.

13 “(d) AGREEMENT.—Not later than 180 days after
14 the date of the enactment of this subsection, the Secretary
15 of Homeland Security shall enter into an agreement with
16 the Commissioner of Social Security to provide such infor-
17 mation as the Commissioner determines necessary to carry
18 out the limitation on crediting quarters of coverage under
19 subsection (e).”.

20 “(2) BENEFIT COMPUTATION.—Section 215(e) of
21 the Social Security Act (42 U.S.C. 415(e)) is
22 amended—

23 (A) in paragraph (1), by striking “and” at
24 the end;

1 (B) in paragraph (2), by striking the pe-
2 riod at the end and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(3) in computing the average indexed monthly
5 earnings of an individual, there shall not be counted
6 any wages or self-employment income for any year
7 for which no quarter of coverage may be credited to
8 such individual as a result of the application of sec-
9 tion 214(c).”.

10 (3) EFFECTIVE DATE.—The amendments made
11 by this subsection shall apply to benefit applications
12 filed on or after the date that is 180 days after the
13 date of the enactment of this Act based on the
14 wages or self-employment income of an individual
15 with respect to whom a primary insurance amount
16 has not been determined under title II of the Social
17 Security Act (42 U.S.C. 401 et seq.) before such
18 date.