

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 Mr. HATCH (for himself and Mr. RUBIO)

Viz:

1 On page 1031, after line 22, insert the following:

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

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

7 “(c) INSURED STATUS.—

8 “(1) IN GENERAL.—Except as provided in para-  
9 graph (2), for purposes of subsections (a) and (b),  
10 no quarter of coverage shall be credited for any cal-  
11 endar year beginning on or after January 1, 2004,

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

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

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

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

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

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

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

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

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