

104TH CONGRESS
2D SESSION

H. R. 3724

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

JUNE 26, 1996

Mr. McCOLLUM (for himself, Mr. SCHUMER, Mr. STENHOLM, Mr. HORN, Mr. LEVIN, Mr. CANADY of Florida, Mr. HUNTER, Mr. BEILENSON, Mr. FRANK of Massachusetts, Mr. BOUCHER, Mr. BILBRAY, Mr. BRYANT of Tennessee, Mr. CAMPBELL, Mr. CLYBURN, Mr. GILLMOR, Mr. HASTINGS of Washington, Mr. KIM, Mr. McKEON, Mr. MILLER of California, Mr. MONTGOMERY, Mrs. ROUKEMA, Mr. SHAYS, Mr. TRAFICANT, Mr. WAXMAN, and Mr. WILSON) 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,*

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

3 (a) IMPROVEMENTS TO CARD.—

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

14 (2) PERFORMANCE STANDARDS.—In making
15 the improvements required in paragraph (1), the
16 Commissioner shall—

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

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

24 (3) REFERENCE.—In this section, the term “se-
25 cured social security account number card” means a

1 social security account number card issued in ac-
2 cordance with the requirements of this subsection.

3 (4) EFFECTIVE DATE.—All social security ac-
4 count number cards issued after January 1, 1999,
5 whether new or replacement, shall be secured social
6 security account number cards.

7 (b) USE FOR EMPLOYMENT VERIFICATION.—Begin-
8 ning on January 1, 2006, a document described in section
9 274A(b)(1)(C) of the Immigration and Nationality Act is
10 a secured social security account number card (other than
11 such a card which specifies on the face that the issuance
12 of the card does not authorize employment in the United
13 States).

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

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

22 (e) EDUCATION CAMPAIGN.—The Commissioner of
23 Immigration and Naturalization, in consultation with the
24 Commissioner of Social Security, shall conduct a com-
25 prehensive campaign to educate employers about the secu-

1 rity features of the secured social security card and how
2 to detect counterfeit or fraudulently used social security
3 account number cards.

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

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

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

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

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

20 (h) EXPENSES.—No costs incurred in developing and
21 issuing cards under this section that are above the costs
22 that would have been incurred for cards issued in the ab-
23 sence of this section shall be paid for out of any Trust
24 Fund established under the Social Security Act. There are

1 authorized to be appropriated such sums as may be nec-
2 essary to carry out this section.

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

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

8 (1) in subsection (a)—

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

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

24 (C) in paragraph (4) by striking “an iden-
25 tification document (other than one issued law-

1 fully for the use of the possessor) or a false
2 identification document” and inserting “an
3 identification or work authorization document
4 (other than one issued lawfully for the use of
5 the possessor) or a false identification or work
6 authorization document”;

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

11 (E) in paragraph (6) by inserting “or work
12 authorization document” after “identification
13 document” each place it appears;

14 (2) in subsection (b)(1)—

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

21 (B) in subparagraph (A)—

22 (i) by striking “or” at the end of
23 clause (i);

24 (ii) by inserting “or” at the end of
25 clause (ii); and

1 (iii) by inserting the following new
2 clause after clause (ii):

3 “(iii) a work authorization docu-
4 ment;”; and

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

11 (3) in subsection (b)(2)(A) by striking “an
12 identification document or false identification docu-
13 ment” and inserting “an identification document,
14 false identification document, work authorization
15 document, or false work authorization document”;

16 (4) in subsection (c)—

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

23 (B) by adding “work authorization docu-
24 ment, false work authorization document,” after

1 “false identification document,” in paragraph
2 (3); and
3 (5) in subsection (d)—

4 (A) by striking “and” at the end of para-
5 graph (4);

6 (B) by striking the period at the end of
7 paragraph (5) and inserting “; and”; and

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

10 “(6) the term ‘work authorization document’
11 means any document described in section
12 274A(b)(1)(C) of the Immigration and Nationality
13 Act.”.

14 (b) CONFORMING AMENDMENT.—The heading for
15 section 1028 of title 18, United States Code, is amended
16 to read as follows:

17 **“§ 1028. Fraud and related activity in connection**
18 **with identification and work authoriza-**
19 **tion documents”.**

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

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

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