

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1438

To amend title II of the Social Security Act to exclude from creditable wages and self-employment income wages earned for services by aliens illegally performed in the United States and self-employment income derived from a trade or business illegally conducted in the United States.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2005

Mr. ROHRABACHER (for himself, Mr. TANCREDO, Mr. CUNNINGHAM, Mr. GOODE, Mr. SULLIVAN, and Mr. GARRETT of New Jersey) 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 exclude from creditable wages and self-employment income wages earned for services by aliens illegally performed in the United States and self-employment income derived from a trade or business illegally conducted in the United States.

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.**

4       This Act may be cited as the “No Social Security for  
5       Illegal Immigrants Act of 2005”.

1 **SEC. 2. EXCLUSION OF UNAUTHORIZED EMPLOYMENT**  
2 **FROM EMPLOYMENT UPON WHICH CRED-**  
3 **ITABLE WAGES MAY BE BASED.**

4 Section 210(a)(19) of the Social Security Act (42  
5 U.S.C. 410(a)(19)) is amended—

6 (1) by striking “(19) Service” and inserting the  
7 following:

8 “(19)(A) Service performed by an alien while  
9 employed in the United States for any period during  
10 which the alien is not authorized to be so employed.

11 “(B) Service”.

12 **SEC. 3. EXCLUSION OF UNAUTHORIZED FUNCTIONS AND**  
13 **SERVICES FROM TRADE OR BUSINESS FROM**  
14 **WHICH CREDITABLE SELF-EMPLOYMENT IN-**  
15 **COME MAY BE DERIVED.**

16 Section 211(c) of the Social Security Act (42 U.S.C.  
17 411(c)) is amended by inserting after paragraph (6) the  
18 following new paragraph:

19 “(7) The performance of a function or service  
20 in the United States by an alien during any period  
21 for which the alien is not authorized to perform such  
22 function or service in the United States.”.

23 **SEC. 4. EFFECTIVE DATE.**

24 The amendments made by this Act shall apply with  
25 respect to wages earned, and self-employment income de-  
26 rived, before, on, or after the date of the enactment of

1 this Act. Notwithstanding section 215(f)(1) of the Social  
2 Security Act (42 U.S.C. 415(f)(1)), as soon as practicable  
3 after the date of the enactment of this Act, the Commis-  
4 sioner of Social Security shall recompute all primary in-  
5 surance amounts to the extent necessary to carry out such  
6 amendments. Such amendments shall affect benefits only  
7 for months after the date of the enactment of this Act.

○