

111TH CONGRESS
1ST SESSION

S. 115

To amend title II of the Social Security Act 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.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2009

Mr. VITTER introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title II of the Social Security Act 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.

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. LIMITATIONS ON COVERAGE OF INDIVIDUALS**
 2 **BASED ON EARNINGS PAID OR DERIVED BY**
 3 **INDIVIDUALS WHILE SUCH INDIVIDUALS**
 4 **WERE NOT CITIZENS OR NATIONALS OF THE**
 5 **UNITED STATES AND WERE ILLEGALLY IN**
 6 **THE UNITED STATES.**

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

9 (1) by redesignating paragraphs (1) and (2) as
 10 subparagraphs (A) and (B), respectively;

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

12 (3) by adding at the end the following new
 13 paragraph:

14 “(2) For purposes of subsections (b) and (d), in com-
 15 puting an individual’s average indexed monthly earnings,
 16 or in the case of an individual whose primary insurance
 17 amount is computed under section 215(a) as in effect
 18 prior to January 1979, average monthly wage, such indi-
 19 vidual shall not be credited with any wages paid to such
 20 individual, or any self-employment income derived by such
 21 individual, while such individual was not a citizen or na-
 22 tional of the United States and was illegally in the United
 23 States.”.

24 (b) EFFECTIVE DATE.—The amendments made by
 25 subsection (a) shall apply with respect to wages paid, and
 26 self-employment income derived, before, on, or after the

1 date of the enactment of this Act. Notwithstanding section
2 215(f)(1) of the Social Security Act (42 U.S.C. 415(f)(1)),
3 as soon as practicable after the date of the enactment of
4 this Act, the Commissioner of Social Security shall recom-
5 pute all primary insurance amounts to the extent nec-
6 essary to carry out such amendments. Such amendments
7 shall affect benefits only for months after the date of the
8 enactment of this Act.

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