

S 115 IS

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.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. LIMITATIONS ON COVERAGE OF INDIVIDUALS BASED ON EARNINGS PAID OR DERIVED BY INDIVIDUALS WHILE SUCH INDIVIDUALS WERE NOT CITIZENS OR NATIONALS OF THE UNITED STATES AND WERE ILLEGALLY IN THE UNITED STATES.**

(a) In General- Section 215(e) of the Social Security Act (42 U.S.C. 415(e)) is amended--

- (1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;
- (2) by inserting `(1)' after `(e)'; and
- (3) by adding at the end the following new paragraph:

`(2) For purposes of subsections (b) and (d), in computing an individual's average indexed monthly earnings, or in the case of an individual whose primary insurance amount is computed under section 215(a) as in effect prior to January 1979, average monthly wage, such individual shall not be credited with any wages paid to such individual, or any self-employment income derived by such individual, while such individual was not a citizen or national of the United States and was illegally in the United States.'

(b) Effective Date- The amendments made by subsection (a) shall apply with respect to wages paid, and self-employment income derived, before, on, or after the date of the enactment of this Act. Notwithstanding section 215(f)(1) of the Social Security Act (42 U.S.C. 415(f)(1)), as soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security shall recompute all primary insurance amounts to the extent necessary to carry out such amendments. Such amendments shall affect benefits only for months after the date of the enactment of this Act.

END