

117TH CONGRESS
1ST SESSION

H. R. 864

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

FEBRUARY 5, 2021

Mr. BROOKS (for himself, Mr. DUNCAN, Mr. POSEY, Mr. BILIRAKIS, Mr. BUDD, Mr. MASSIE, Mr. PERRY, Mrs. LESKO, Mr. BABIN, Mr. WEBER of Texas, Mr. ROSENDALE, Mr. NORMAN, Mr. HICE of Georgia, Mr. BISHOP of North Carolina, Mr. GOSAR, Mr. LAMALFA, Mr. MOORE of Alabama, Mr. GAETZ, and Mr. GIBBS) 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “No Social Security for
3 Illegal Aliens Act of 2021”.

4 **SEC. 2. EXCLUSION OF UNAUTHORIZED EMPLOYMENT**
5 **FROM EMPLOYMENT UPON WHICH CRED-**
6 **ITABLE WAGES MAY BE BASED.**

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

9 (1) by striking “(19) Service” and inserting the
10 following:

11 “(19)(A) Service performed by an alien while
12 employed in the United States for any period during
13 which the alien is not authorized to be so employed;
14 “(B) Service”.

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

19 Section 211(c) of the Social Security Act (42 U.S.C.
20 411(c)) is amended—

21 (1) in paragraph (5), by striking “or” at the
22 end;

23 (2) in paragraph (6), by striking “him.” and in-
24 serting “him; or”; and

25 (3) by inserting after paragraph (6) the fol-
26 lowing new paragraph:

1 “(7) The performance of a function or service
2 in the United States by an alien during any period
3 for which the alien is not authorized to perform such
4 function or service in the United States.”.

5 **SEC. 4. EFFECTIVE DATE.**

6 The amendments made by this Act shall apply with
7 respect to wages earned, and self-employment income de-
8 rived, before, on, or after the date of the enactment of
9 this Act. Notwithstanding section 215(f)(1) of the Social
10 Security Act (42 U.S.C. 415(f)(1)), as soon as practicable
11 after the date of the enactment of this Act, the Commis-
12 sioner of Social Security shall recompute all primary in-
13 surance amounts to the extent necessary to carry out such
14 amendments. Such amendments shall affect benefits only
15 for months after the date of the enactment of this Act.

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