

118TH CONGRESS
1ST SESSION

H. R. 779

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 2, 2023

Mr. DUNCAN (for himself, Mr. OGLES, Mrs. HARSHBARGER, Mr. NORMAN, Mr. BISHOP of North Carolina, Mr. ROSENDALE, Mr. BIGGS, Mrs. LESKO, Mrs. MILLER of Illinois, Mr. GOSAR, Mr. PERRY, Mr. MOORE of Alabama, Mr. CLINE, Mr. POSEY, Mr. ZINKE, Mr. MASSIE, and Mr. CARTER of Georgia) 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 2023”.

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

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

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

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

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

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

24 (3) by inserting after paragraph (6) the fol-
25 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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