



Congress of the United States
House of Representatives
Washington, DC 20515

Statement of the Honorable David Dreier
Before the Subcommittee on Social Security
Committee on Ways and Means
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Chairman McCrery, Ranking Member Levin, Members of the Subcommittee, thank you for providing this opportunity to appear before the Subcommittee's hearing on Social Security high risk issues. Specifically, I would like to discuss the merits of legislation I authored with my friend from El Paso, Mr. Reyes, H.R. 98, the Illegal Immigration Enforcement and Social Security Protection Act, and how it would help to crack down on the hiring of illegal immigrants and curb abuse of the Social Security number and card. I have submitted testimony for the record to two of your previous hearings on this matter, so I'll keep my statement somewhat brief. I want to have ample time to answer your questions.

As I mentioned in previous written testimony, there are 94 different combinations of documents on the current I-9 form that can be used to establish identity and employment eligibility. The Social Security card is one such document. Because the process by which job seekers prove their employment eligibility is so unwieldy and complicated, it plays right into the hands of illegal immigrants who can obtain or copy Social Security numbers and cards. In fact, easy employment powers the job-magnet that draws people to illegally enter our country. That is why Mr. Reyes and I authored H.R. 98. We need to address the "demand-side" of the illegal immigration issue.

H.R. 98 makes the Social Security card fraud-proof and provides employers with a tamper-free tool to verify work authorization status. This will come as a great relief to employers who have been forced to act as immigration and document experts. Under the bill, the Social Security Administration (SSA) is required to issue cards that contain a digitized photo of the cardholder, as well as other countermeasures to reduce fraud. This includes replacing the flimsy Social Security banknote paper with a durable plastic or similar material. Also, each card will contain physical security features designed to prevent tampering, counterfeiting or duplication.

In addition, this card will have an electronic signature strip that contains an encrypted electronic identification code unique to that individual. Employers could verify worker eligibility via a Department of Homeland Security (DHS) database by swiping the card through an electronic card-reader or simply calling a toll-free number. The employer would know instantaneously whether or not they were permitted to hire the individual in question. As my colleagues on the Subcommittee know, the House-approved border control bill directs SSA to study the implementation and feasibility of such a proposal.

I understand that privacy concerns have been raised regarding H.R. 98; that the bill would create a national ID card. Let me just say unequivocally that H.R. 98 does not create a national ID card. In fact, section 11 of the bill unconditionally prohibits the use of the Social Security card as a national ID card. Let us not forget that job applicants, under current law, are already required to show documents that establish their identity and employment eligibility. Many, if not most, choose to show their employer the combination of a photo ID and their Social Security card. Eliminating a step by actually placing the photo on the Social Security card itself doesn't take us any further down the road of creating a national ID card.

The only time anyone would actually be required to carry the improved Social Security card would either be for Social Security purposes or when they are applying for a new job. H.R. 98 explicitly states that individuals cannot be required to carry the new card, except for these two purposes. And the card itself will contain a disclaimer stating: "This card not to be used for the purpose of identification." Social Security cards had a similar disclaimer from 1946 to 1972.

I also understand that concerns have been raised regarding the privacy and security of the employment eligibility database created under H.R. 98. Let me just say that no one is more sensitive to concerns about privacy and data security than I am. But let's remember, I wouldn't be sitting here in front of you today if we were already doing a great job of securing our Social Security and immigration systems. Nonetheless, we have taken great care to ensure the integrity of the Employment Eligibility Database which H.R. 98 creates. Specifically, the bill prohibits the use of any information in the database by any DHS employee for any purpose other than administering the database, and it requires DHS to limit access to the database to only those employees who administer the database.

We also need to keep in mind that the government already has the information that would be contained on this new Social Security card. An individual's eligibility to work under the law is dependent on whether they are a U.S. citizen, and if not, their immigration status. SSA already maintains citizenship and immigration status files for each worker issued a Social Security card, and our legislation would not require them to gather any additional information than they do currently.

The only thing H.R. 98 does is allow the information that SSA already collects to be used for the purpose of verifying a prospective employee's eligibility to work – via the DHS database - and the authenticity of their Social Security card. This streamlines two separate pre-existing government functions: determining a person's eligibility to work and ensuring that employers do not hire anyone ineligible to work.

Mr. Chairman, in recent years, we have improved the security of almost every government-issued document, passports, green cards, driver's licenses, save one - the Social Security card. With over five million cards issued annually, we need to realize that it's time to bring the Social Security card into the 21st Century. In the process, we will end the magnet of jobs for illegal immigrants.

I believe that H.R. 98 represents an excellent starting point to secure the Social Security card and enhance our efforts to stop the hiring of illegal immigrants. I look forward to working with the Members of the Subcommittee to reach these important goals.