

TAMPER-PROOF SOCIAL SECURITY CARDS

**HEARING
BEFORE THE
SUBCOMMITTEE ON
SOCIAL SECURITY AND FAMILY POLICY
OF THE
COMMITTEE ON FINANCE
UNITED STATES SENATE
ONE HUNDRED FIRST CONGRESS
SECOND SESSION
ON
S. 214**

APRIL 18, 1990



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TAMPER-PROOF SOCIAL SECURITY CARDS

WEDNESDAY, APRIL 18, 1990

**U.S. SENATE,
SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY,
COMMITTEE ON FINANCE,
*Washington, DC.***

The hearing was convened, pursuant to notice, at 10:00 a.m., in room SD-215, Dirksen Senate Office Building, Hon. Daniel Patrick Moynihan (chairman of the subcommittee) presiding.

[The press release announcing the hearing follows:]

[Press Release No. H-27, Apr. 12, 1990]

FINANCE SUBCOMMITTEE TO HOLD HEARING ON SOCIAL SECURITY CARDS

WASHINGTON, DC—Senator Daniel Patrick Moynihan, (D., New York) Chairman, said Thursday the Senate Finance Subcommittee on Social Security and Family Policy will hold a hearing this month on his bill on tamper-proof Social Security cards. This legislation, S. 214, would require the Secretary of Health and Human Services, in consultation with the Attorney General, to develop a prototype of a plastic Social Security card that could also be used to verify eligibility for employment under the Immigration Reform and Control Act of 1986.

The hearing will be held on Wednesday, April 18, 1990 at 10 a.m. in Room SD-215 of the Dirksen Senate Office Building.

"For many years now I have had an interest in seeing the Social Security Administration develop a durable, tamper-proof Social Security card. Workers should have a nice card to identify with the Social Security system, and the card should be one that is not so easily counterfeited," Senator Moynihan said.

"My bill, S. 214, calls simply for the development of a prototype of such a card. I look forward to hearing from our distinguished expert witnesses on the issues involved in this important matter," Moynihan said.

OPENING STATEMENT OF HON. DANIEL PATRICK MOYNIHAN, A U.S. SENATOR FROM NEW YORK, CHAIRMAN OF THE SUBCOMMITTEE

SENATOR MOYNIHAN. A very good morning to our witnesses and our guests. This is a hearing of the Subcommittee on Social Security and Family Policy on a subject which we have addressed over time, which is to say the Social Security card.

I would like to ask the indulgence of those present if we could have a moment of silence in memory of our beloved colleague Spark Matsunaga.

[Whereupon, the subcommittee held a moment of silence.]

SENATOR MOYNIHAN. I thank you.

I have only a short number of things to say about the subject. I would place a statement in the record at this point and summarize it.

[The prepared statement of Senator Moynihan appears in the appendix.]

Senator MOYNIHAN. This has been a subject that has concerned our committee for more than a decade now. It begins in 1979 when I introduced a measure to produce a counterfeit resistant, counterfeit proof if you like, Social Security card in place of that single bit of paste board that began to be issued in 1935. I recall I got my card in January 1943, which is alarmingly close to have a century ago, and promptly lost it, of course. It was not anything that looked like it was worth keeping in all truth, so long as I remembered my number.

It seemed to me that by 1979 that there was something about the Social Security card that did not suggest its importance. It did not say that this is an important thing to have, your Social Security is an important thing to know about, and all this in the context of the report we received from the Quadrennial Commission that year in which we learned that a majority of nonretired adults did not think they would get their Social Security.

My sense then, and this has only deepened over the years, and I am not alone in this, has been that somehow we were not presenting the system as it needed to be presented. Our efforts to get an annual statement—we finally got a bill last year, but against resistance and an inadequate bill, since somebody in the Social Security Administration did not want to do this. They take \$3,000 or \$4,000 a year of a person's money and they do not want to tell him they have it.

Now, as I say, I am close to half a century in this program. And save for this particular work I am in now, I would never have heard from the Social Security Administration in a half century. Whether I spelled my name right on that January day in the year 1943 before I joined the Navy, I do not know. Did they get my money? Do they know anything about me? They have never told me.

I offer the thought that there is an institutional memory of the charges made in the 1930s that Franklin D. Roosevelt was setting up a national identification system, everybody would have a number. Indeed, he insisted everybody have numbers and an account as if it were the National Bank of Poughkeepsie, to make sure it was your money and your account. But very soon, the original Social Security card, which you see there—that paste board—just a very simple set of numbers, it was somewhere around the 1940's that a notation was printed on the bottom "not to be used for identification." The committee will offer free coffee to anyone who will tell us what year that happened. But it was not in the original.

There was a fear that this would somehow stigmatize the program, even while we began to use this increasingly for identification. The day came when the U.S. military gave your Social Security number as your dog tag. I do not want to be grim, but your dog tag is there to identify you when you are yourself unidentifiable, quite seriously. And now we give Social Security numbers to children, to babies in maternity wards.

In any event, we also knew 10 years ago, 11, that Social Security cards were being altered—were being counterfeited—and effortless-

ly so, for purposes of immigration and other kinds of fraud. And that seemed a matter that we could respond to by getting a better card.

The Canadians had long since done this. The Canadians started with a paper card. I asked our good friend Ambassador Burney if he would send over a Social Security card so I could display it and he sent his, which is a paper card of the same 1930's vintage. But Andrew Samet of our staff has a 20-year old card which is an identifiable piece of plastic. The kind of thing you pay for tickets on the shuttle with. It is not as complicated as a credit card, but it is on the way. And the Canadians have long since done that.

The Congress asked that something like this be done in 1983 and the Social Security Administration would not do it. I do not mean to suggest anything more than an institutional resistance. We say give us a good looking card that is obviously an authentic piece of information that you can use to identify yourself, and the person you are using it with or the institution will say fine. This is real; we recognize it.

It took about a year and we got our new Social Security card and low and behold it was the same old Social Security card. They had a slightly different variation. But it is the same piece of paste board. But we were informed that this was a new paper and that there were fibers, invisible to the naked eye, in the card; and that a counterfeit could be instantly identified in any FBI lab.

Well, yeah. All right. But that was not the plan. The plan was to have something that a prospective employer would say, "Oh, I see, this is who you are and this is okay; and you are legitimately presenting a legitimate document." How this happened we never learned. They never told us. They just sort of "we fooled you, Congress." It is deep in the institutional culture of Social Security that they were not going to produce anything like the easily available information bearing cards that you have.

Americans in enormous number have credit cards, bank cards. You see people lined up getting money out of a machine that is inserted in the wall. They put their card in and out comes money. I do not dare trust myself with that much access to cash. And anyway the technology is a little bit defeating at my age. But people know how to do it. Most of us have a credit card in our wallets or our purses. Many have two, three and four. They are well advanced. You can put holograms on them, which is a laser product, that is visible to the naked eye. It is something that shows that this has not been counterfeited, this is real. All sorts of electronic information can be put on them. It is the routine commerce of our time for purchases of \$12 to be charged to a credit card and the grocer or whomever zips the card, the electric band, through a little machine on his counter and immediately learns things from somewhere in the world.

Mr. Lopez hands me one of these. American Express tells you whether or not you have paid your bills. Which is one of the reasons why I do not use those things, because typically we have not.

But I mean it is part of the artifacts of the American life and easily done; and typically very, very inexpensive. These cards cost about 2 or 3 cents a piece. That is all. And yet we have not got it.

In the meantime we learned two things. We learned that we have some real problems, as we anticipated we could. Let me say that the first thing we learned is that the fraud that we have talked about in the past continues and the GAO has some important information in that regard. Joseph Delfico is here today and we are going to hear from him shortly about that.

But then a new problem. Let me just say this morning's Jack Anderson column describes this subject and I would like to place that in the record at this point. Something I think we will hear from the GAO, but I think estimates up towards \$15 billion a year in fraud involving the inadequacy of this documentation.

[The information appears in the appendix.]

Senator MOYNIHAN. But then a new problem comes forward, and one we have to address, which is in the aftermath of the 1986 immigration law. Penalties are imposed on employers who employ illegal aliens.

To an employer, particularly a small employer, most employers are small, and the kinds of work these immigrants get typically will be in a small establishment, the risk of accepting a person who, let us say, is a Dominican, or let us say in Queens speaks with an Irish accent or Jamaican accent or Mexican accent, you name it, is high. The prospect is just to say no. And the GAO has found this in a very striking incidence. So that we have a genuine civil rights question. The civil rights of American citizens or legal aliens are being denied them in part because they cannot satisfactorily identify themselves.

Here is the domestic mail manual that is effect March 18, 1990 and it tells you how to run a post office. It tells you want you can accept as identification for purposes of cashing a check or simply picking up a package that has been mailed to you. You can use just about anything for purposes of identification, excepting a Social Security card. The post office knows better than to let anybody pass off a Social Security card and say that, you know, I am this person and that is my parcel.

But now we are entering the realm of the unacceptable. I mean the unacceptable where civil rights are involved. This Government has to be vigilant at all times and this committee is required to do so.

Thank you for listening to a longer statement than I had meant to make. But I wanted to do a little show and tell here. I also wanted to note that Senator Dole, who is the Ranking Member of this subcommittee, would like to submit a statement for the record. He is also interested I think in improvements of the card.

[The prepared statement of Senator Dole appears in the appendix.]

Senator MOYNIHAN. We want to see what the various interested parties will have to say.

Now, enough of that. May we have the pleasure of asking Mr. Delfico, the Senior Director of the Human Resources Division to the witness table. We welcome you once again, sir. It is invariably a pleasure to have you. You have some colleagues with you?

Mr. DELFICO. Yes, I do.

Senator MOYNIHAN. If you would have the kindness to introduce them, we would welcome them also.

Mr. DELFICO. Mr. Chairman, with me today is Mr. Al Stapleton, who is a Project Director of our immigration work, particularly the work that was released last month in your opening statement. And on my left is Mr. Tom Smith. Mr. Smith was the Project Director on our 1988 report on the Social Security card.

Senator MOYNIHAN. Well, Mr. Stapleton and Mr. Smith, we welcome you to the committee. You have done a singular service in my view.

We will put your statement in the record. If you would proceed exactly as you wish and at whatever pace you would like. This committee is gratefully in your debt for many services that—singular. I will leave it that way.

STATEMENT OF JOSEPH F. DELFICO, SENIOR DIRECTOR, HUMAN RESOURCES DIVISION, GENERAL ACCOUNTING OFFICE, ACCOMPANIED BY ALAN STAPLETON, ASSISTANT DIRECTOR, AND TOM SMITH, SENIOR EVALUATOR

Mr. DELFICO. Thank you, Mr. Chairman. The principal thrust of our testimony today is to discuss an improved Social Security card in the context of the Immigration Reform and Control Act of 1986. I will refer to that as IRCA as I go through my testimony.

Senator MOYNIHAN. Must you refer to it as IRCA? [Laughter.]

Mr. DELFICO. I could refer to its title rather than its abbreviation if you like.

Senator MOYNIHAN. The acronym is a little upsetting.

Mr. DELFICO. All right.

Each year millions of people change jobs or seek employment for the first time. The act requires—and this is the Immigration Reform and Control Act of 1986—requires the nation's 7 million employers to examine specified documents to be provided by all prospective employees, including those born in the United States, to verify their identity and eligibility to work in this country.

To prove identity to an employer an individual may use any of 21 documents, including the driver's license or a voter registration card. To prove employment eligibility, any of 17 documents may be used, including a Social Security card and a birth certificate.

To comply with the law, employers must certify that they have reviewed the documents and that the documents appear genuine and relate to the applicant. The act provides for sanctions against employers who do not comply with the law's requirements and it prohibits employment discrimination on the basis of national origin and citizenship status.

However, the employer's lack of understanding of the law's verification process has actually led to discrimination in hiring practices. Concern over discrimination has led to—

Senator MOYNIHAN. Let's just stop right there.

Mr. DELFICO. Sure.

Senator MOYNIHAN. This is the GAO telling this committee that there is discrimination in hiring practices come about in the aftermath of legislation passed by the Congress.

Mr. DELFICO. Our March 1990 report has detailed that.

Senator MOYNIHAN. That is not a small statement.

Mr. DELFICO. All right.

Concern over discrimination have led to renewed calls for a system that employers can rely on to verify worker eligibility. One component of that system is the Social Security card and many have called for improving its resistance to counterfeiting.

There are a number of ways to improve the Social Security card, ranging from relatively inexpensive improvements to the current paper card to integrating advanced electronics in the card itself.

However, changing the Social Security card by itself does not address the need for a secure verification system. To do so effectively, we will need to address how verification is accomplished and how eligibility documents are obtained in addition to how they are made.

Last month we reported that there are three possible reasons why employer discrimination resulted from the sanctioned provisions. First of all, we noted that there was a lack of understanding of major sections of the law. Confusion and uncertainty of how to determine eligibility was also present amongst employers. And alien workers using counterfeit or fraudulent documents which contributed to employer uncertainty over how to verify eligibility.

The widespread pattern of discrimination we found could be reduced, we feel, by increasing employer understanding through effective education efforts, reducing the number of work eligibility documents, and making the documents harder to counterfeit, and requiring that upgraded documents be issued to all affected members of the population.

Making the Social Security card more counterfeit proof can play a role in increasing employer confidence in work eligibility documentation and could make it more difficult for illegal aliens to obtain work. Using technologies such as magnetic strips and integrated circuitry and lasers, it could be easier for employers to identify counterfeit cards, but these technologies may be very costly.

Less costly approaches could include altering the type of material the card is made of and the type of typeset, colors or design of the card—all of which can aid in making it more difficult to duplicate. These efforts may not have their intended effects in the short run, however, unless the improved Social Security cards are reissued to all those required to have a Social Security number.

Notwithstanding the cost of producing the card itself, reissuing 210 million counterfeit resistant cards would require an enormous effort on the part of Social Security and the public. The cost and disruption caused by this process needs to be carefully evaluated.

In the past we have been reluctant to recommend wholesale conversion to a new high tech Social Security card because of our concern over costs associated with producing and disseminating a new card. These costs could run into billions of dollars.

Moreover, we see a need for accessing the Social Security card within the broader context of the whole Immigration Reform and Control Act verification system. Along these lines, we feel the scope of S. 214 should broadened to include an assessment of vulnerabilities of each component in the whole system and to increase the rule of the Attorney General in this process.

Counterfeit resistance cards may make it more difficult to produce a bogus card, but obtaining a real card fraudulently is still problematic. Our work and other studies have shown that a weak

link in the system is the fact that over 7,000 State and local offices issue birth certificates which are relatively easy to obtain fraudulently, sometimes simply by request through the mail.

Once this breeder document is obtained, it can be used to obtain a valid counterfeit resistant Social Security card, a driver's license and a host of other documents.

Now steps have already been taken to improve the internal controls of the Social Security card issuance. SSA has started a program for enumeration at birth, which you referred to; and Federal tax law requires that all children 2 years old or older who are claimed as tax exemptions must have a Social Security number. These steps should substantially reduce the number of fraudulently obtained Social Security cards over time, but will probably have limited impact on current employer problems of verification for aliens and those who have not secured legitimate Social Security cards.

Because of this current vulnerability, we support the provisions of S. 214 that would require the Secretary of HHS to examine the Social Security card application process to determine if improvements can be made. The process is vulnerable to fraud because thousands of different documents can be used in support of an application. Many of them can be obtained fraudulently and they are easily counterfeited or altered and there is no practical way to verify that the applicant is the person named on the document.

State and local governments need to improve their process for issuing birth certificates to make them less vulnerable to fraud.

A less expensive alternative to issuing new Social Security cards could be issuing tamper resistant driver's licenses with validated Social Security numbers. In a December 1988 report to the Congress, the Secretary of HHS suggested a role for driver's licenses if the law were changed to require employers to contact SSA for Social Security number validations. He suggested that if all driver's licenses had Social Security numbers, State licensing authorities could validate Social Security numbers with SSA on an automated basis, putting less of a strain on their operations than having employers call for verification.

The driver's license is now the most widely used form of identification in the U.S. and most States already include Social Security numbers on them. Each State issues driver's licenses that contain a driver's photograph and also furnish photo ID cards for non drivers who need official forms of identification.

Using the driver's license could enhance both work eligibility in identification documents. However, it should be noted that the driver's license suffers from the same vulnerability to fraud as a Social Security card does.

If, however, these vulnerabilities can be controlled, the improved driver's license could negate the need for a major improvement to the Social Security card. We believe that focusing on strengthening on the Social Security card alone without assessing the system as a whole could have a marginal effect on the reliability of the verification system because the card's reliability may not be critical to the whole process.

In our view, the Attorney General, in conjunction with the Secretary of HHS, should review and report on the verification system

as a whole while changes to the Social Security card are being studied as required by S. 214. This report should, among other things, include an assessment of options involving the incorporation of validated Social Security numbers on State driver's licenses.

Because of the urgency to affect reductions in discrimination under the law, reports on both the Immigration Reform and Control Act system and the Social Security card system should be issued, we believe, within a year of S. 214's effective date.

Regarding the report on the Social Security card, we believe it should address for each one of the options: the cost to SSA, employers, and workers; the impact on employers, potential employees, and the public; privacy considerations; and the expected benefits. A discussion of benefits should include, we believe, to what extent an improved card would simplify the employer verification process and reduce fraud and discrimination. Such a report could be extremely useful to Congress as it addresses the various problems with the Immigration Reform and Control Act.

Mr. Chairman, this concludes my statement and I would be willing to take any questions at this time.

[The prepared statement of Mr. Delfico appears in the appendix.]

Senator MOYNIHAN. Yes, indeed. Let me first say that this S. 214 is put out for the purpose of listening just to the kind of comment you had.

Let me ask you about the cost. First of all, do you have any rough estimate about the cost of just plain commercial fraud that comes from the misuse of Social Security cards in a way that might be diminished were they more difficult to counterfeit?

Mr. DELFICO. I do not have a number on that. But the article you did point out this morning, the Jack Anderson article, has quoted quite large numbers of fraudulent activities out there as far as the costs are concerned.

Senator MOYNIHAN. So to the degree you cut one, you pick up something else on the other side.

We will find this out. But when we say this is costly it is not very costly to American Express. They manage to do it with great abandon. I mean I think it is the case, is it not, that the actual production of the cards is pennies?

Mr. DELFICO. That is correct.

Senator MOYNIHAN. Mr. Smith is nodding.

Mr. DELFICO. Yes.

Senator MOYNIHAN. You will have checked that out by chance?

Mr. SMITH. Yes, the paper card is very cheap by any measure.

Mr. DELFICO. The plastic card, as you noted, is about 5 cents.

Senator MOYNIHAN. Plastic card about 5 cents?

Mr. DELFICO. Five cents, yes.

The cost comes in in disseminating the card and the difficulties come in in disseminating it.

Senator MOYNIHAN. The postage stamp will always beat you in every instance. [Laughter.]

That is the biggest cost of the annual statement that we are sent.

Mr. DELFICO. That is correct.

Senator MOYNIHAN. Now, the number I have been thinking about is again your number, sir, that was issued for us when we asked you about this in 1980. At that time, when we asked about

it—it is on the question of reissuing tamper resistant cards, and you used the figure at that time—the GAO—that "Crimes based on false identification, which frequently includes false and legitimate Social Security numbers, costs the American taxpayers more than \$15 billion annually." Some portion of that is in there.

It is not just those numbers. I expect you get a little weary too of how much those numbers is saying. You know, thus and such costs the country \$59 billion every year. You know, every baby born costs the country—4 million babies cost the country \$500 billion before it is all over. I mean there are some things that are normal consequences of living. But when you have a lot of credit, identification becomes more important, that is all.

So you do think there is an issue of job discrimination. You not only think, you so report.

Mr. DELFICO. We do, yes.

Senator MOYNIHAN. So we do not have the option of saying, "Well that is too bad." We have to respond.

Mr. DELFICO. You have to respond, yes.

Senator MOYNIHAN. All right, sir. We thank you very much, as always; and we will be back at you in consultive modes as we move along.

We will be taking this before the Judiciary Committee which has got to make some decisions. I know that Chairman Biden is concerned. We will see that he knows of your testimony.

Mr. Smith, Mr. Stapleton, thank you very much. The public never says its thanks very well. But if I have this opportunity to do so, let me take it.

Mr. DELFICO. Thank you, Mr. Chairman.

Senator MOYNIHAN. We will now hear from the man who is the most immediate recipient of these problems, Mr. Louis Enoff, the Deputy Commissioner for Programs with the Social Security Administration.

As we welcome Mr. Enoff, we would like also to note that he has just recently been promoted to that most exalted of all conditions of the public service, the highest rank of the Executive Service. We congratulate you, sir. We congratulate the Office of Personnel Management or whoever it is that had enough sense to do so.

We will place your statement in the record and please proceed as you wish.

STATEMENT OF LOUIS D. ENOFF, DEPUTY COMMISSIONER FOR PROGRAMS, SOCIAL SECURITY ADMINISTRATION, BALTIMORE, MD

Mr. ENOFF. Thank you, Mr. Chairman; and thank you for the congratulations. I am pleased to be here today. As you suggested, I will make a few summary remarks and place my statement in the record.

Senator MOYNIHAN. You may do that, but take all the time you feel you need.

Mr. ENOFF. Yes, sir. Thank you.

Let me say at the outset that we too at the Department of Health and Human Services are very concerned about the pattern of discrimination that GAO has reported under the Immigration

Reform and Control Act. We believe that it needs to be dealt with effectively so that all people authorized to work in this country have a fair and equal opportunity to earn a living.

However, when it gets to the Social Security card as an identifier we do have a number of concerns about the effectiveness of using the Social Security card as a work authorization document, and the impact it would have on the Social Security Administration in our ability to carry out our responsibility for administering the Social Security program.

In the recent report GAO discussed the subject of requiring a single work eligibility card for both aliens and citizens and mentioned two alternatives as Mr. Delfico described earlier—one being a revised Social Security card with sophisticated features to discourage counterfeiting or fraudulent use; and the second being a State driver's license with a verified Social Security number or SSN, as we call it.

Perhaps the biggest drawback to using the current Social Security card as the only employment eligibility card is that the current card is of no use as a personal identifier because it contains only a name, a Social Security number, and a space for a signature after the card is received by mail, as you so adequately pointed out in describing the card. So anyone can fraudulently present a Social Security card issued to another person.

Even if the Social Security card were enhanced to make it more effective as a personal identifier there still would be a problem of assuring that the card was properly issued to an individual. This is because the documents that a Social Security card applicant must present to us to establish identity, primarily the birth certificate and immigration forms, are relatively easy to alter, to counterfeit, and to obtain fraudulently.

Senator MOYNIHAN. We will pursue that with the next panel. All right. Can I just interject there to ask this question? It is a question of fact.

Mr. ENOFF. Yes.

Senator MOYNIHAN. But I will just begin with supposition which is where we mostly begin on this committee.

The people we are talking about are young workers in the main, aren't they? We ought to get GAO to check that out for us.

Mr. ENOFF. In terms of those who are being discriminated against?

Senator MOYNIHAN. Discriminated against, yes.

Mr. ENOFF. I am not positive that they had an age range.

Senator MOYNIHAN. I bet we could get a sample there, couldn't we?

Mr. ENOFF. I think there is that information in the appendix to the report. I read the report and I cannot recall. But most of the immigration occurs at the younger ages. That has been the pattern.

Senator MOYNIHAN. So if we start issuing a new card just to new applicants pretty soon you are covering an awful lot of the population at risk of discrimination, aren't you?

Mr. ENOFF. Actually, Mr. Chairman, our experience when we began issuing the new card in 1983, we found that because of the new requirements in the Tax Reform Act to have a number for youngsters under five and then under two, and because of our enu-

merations at birth initiatives, that in fact we are issuing a higher percentage of new cards to the population than we originally thought because we think that younger---

Senator MOYNIHAN. How many?

Mr. ENOFF. We estimate now that about 40 percent of the cards that are in use are the new card issued since 1983.

Senator MOYNIHAN. With no sustained effort in the last 7 years you have rolled over 40 percent of 200 million?

Mr. ENOFF. Yes. What happens there, that is a little bit elusive because theoretically an older worker would never get a replacement card and so there would still be this valid old card for some purpose. So there is a problem that we could deal with in some way.

Senator MOYNIHAN. But just without making any effort, you have 40 percent of the population that got new cards already?

Mr. ENOFF. I do not want to say without any effort because the two things that I mentioned I think were unexpected at the time.

Senator MOYNIHAN. But it was not a campaign?

Mr. ENOFF. That is right.

Senator MOYNIHAN. You did not sit down and say now we are going to—

Mr. ENOFF. We did not campaign. That is correct.

I think that we have seen, because of enumeration at birth, and because of the tax revisions requiring a number for dependents under five and now under two, that has caused a tremendous increase in the number of cards issued at the younger ages. But it does fall in line with what you are suggesting, that perhaps the time frame for issuing to the majority of the working population some kind of document, it might be shorter than we had anticipated to reach the majority. The problem remains of what to do with those who do not receive a card—like yourself and myself—who have not asked for new cards and may have cards that are somewhat older than the norm.

Senator MOYNIHAN. All right.

But I direct you, if I can, because you researched it, what would it take to see that everyone under 25—now just think about that. Take that back to Baltimore with you.

Mr. ENOFF. Sure. Okay. We will take a look at that.

[The information requested follows:]

As a result of the statutory requirement that all children age 2 or older have a Social Security number (SSN) in order to be claimed as a dependent for income tax purposes, the Social Security Administration (SSA) has enumerated millions of children over the last few years. Also, children of any age must have an SSN to receive Aid to Families With Dependent Children's benefits, and many other children under age 2 have received numbers through SSA's enumeration-at-birth program. Therefore, almost all people who are currently under age 25 already have a Social Security card.

The question concerned what would it take to issue a brand new card to that population. If we began issuing a brand new card right away, some of the people who are currently under age 25—perhaps as many as 50 percent—would receive them in the years ahead. This would happen because they needed a replacement for their original card due to changing their name or losing the card. However, the only way to ensure that everyone now under age 25 received the new card would be to mandate it by legislation.

If the new card were not mandated but we began issuing it right away, it would be 25 years before we could be certain that everyone under age 25 had a new card.

Those people who are currently under age 25 would by then be aged 25-49, and some but not all of them would have the new card. --

Mr. ENOFF. But in summarizing, there are problems that are inherent in the idea of using the Social Security card as an identifier. As I think Mr. Delfico referred to, the card today needs to be considered part of a system that includes a look at the birth certificates, at the other documents and so forth. If we are going to try to make this a fraud proof document, we need to deal with the problems with the base documents that I referred to. Also, presently at least the card does not have any distinguishing characteristics as a part of it in terms of identifying the individual who is holding it.

Let me mention too a concern about the process. We have talked a little bit about that and the costs to the Social Security Administration. I want to say you have introduced this question of fraud that occurs with the Social Security number and it is a very great concern. The fraud that occurs is generally not against the Social Security fund. Just so we are clear. The Social Security number is used to obtain employment or something like that.

Senator MOYNIHAN. Do you have a number, sir, of what fraud against the fund costs you in a given year?

Mr. ENOFF. By misuse of a number?

Senator MOYNIHAN. Yes.

Mr. ENOFF. I do not have one off the top of my head, but I am sure I can get one for you.

Senator MOYNIHAN. Would you?

Mr. ENOFF. Sure.

[The information requested follows:]

It is difficult to accurately assess the monetary costs to the Social Security trust funds from misuse of a Social Security number. A major reason for this difficulty is that even though misuse of a number may be involved in a fraudulent activity, the subject is often charged or convicted under other penalty statutes and the cases are recorded under these other statutes.

Information about investigations of Social Security-related fraudulent activities is recorded in the Case Investigation and Management System maintained by the Office of Inspector General in the Department of Health and Human Services. That system contains a record of the monies actually recovered in each case, the amount of court-ordered restitution, and a 12-month projected saving to the trust fund based on the benefits that were terminated as a result of the investigation. However, it does not record the monies fraudulently obtained.

A search of the Case Investigation and Management System shows that over the past 3 years there were 1,501 allegations of misuse of a Social Security number to fraudulently obtain Social Security or Supplemental Security Income benefits. In these cases the courts ordered restitution of \$1,116,654.

Reporting of earnings under an incorrect Social Security number also results in costs to the Social Security trust funds because of the work that is required to straighten out such reports. However, most of the use of an incorrect Social Security number in such cases is not the result of an attempt to fraudulently obtain benefits and it would appear that the loss to the Trust Funds for payment of incorrect benefits in these situations is minimal.

Senator MOYNIHAN. I mean, it is a cost of, what, 34 million beneficiaries now?

Mr. ENOFF. Well, close to 40 million.

Senator MOYNIHAN. Thirty-nine million, yes.

Mr. ENOFF. That is correct, sir. It is approaching 40 million.

Senator MOYNIHAN. Sooner or later there is going to be somebody drawing two checks.

Mr. ENOFF. I do not want to minimize the impact of fraud. We are concerned about it and it does cause, if a person uses another person's card, it does cause us to have to redo records and those sorts of things when it is found out. It can cause some difference. But we will be glad to give you some indication of that.

But the process of reissuing these cards, if we were to reissue in a short period of time to the whole 250 million would just be an enormous process that concerns us greatly, and the cost associated with that, even if the cost of the card itself was small.

Senator MOYNIHAN. But I just want to—you know how well you are regarded by this committee. That short period of time, you know, we are not talking about next January 1st. We have not even mentioned the time. We would like to hear of you tell us what you think it would be if you were asked to do this by the Congress, what rate you would hope to be asked.

Mr. ENOFF. I think, Mr. Chairman, that would depend on just what changes we would make. You understand that.

Senator MOYNIHAN. What kind of new card, et cetera. Sure.

Mr. ENOFF. So we want to work with the committee, and the INS, and with the other components.

Senator MOYNIHAN. Would you agree with me that at some level—see, we have to produce a response to the GAO. We just cannot say, well, if you are Hispanic, that is tough, you know.

May I make the point that if I were a building contractor in the Bronx I would be a little suspicious of any twenty-two year old carryman who showed up. I would not be too sure who he was. But it is not just Hispanic or Jamaicans or Koreans.

Mr. ENOFF. I understand.

Well, Secretary Sullivan and the Commissioner are very concerned about this report and we have begun to discuss with the Immigration and Naturalization Service some activities that we might do jointly in working on improving the process. But that is just a beginning, as you point out.

Let me, if I might, make some observations that were mentioned on the other option that was mentioned by GAO earlier. That is with regard to driver's licenses with verified Social Security numbers.

The Immigration Reform and Control Act already specifies that a driver's license may be used as proof of identity by a job applicant. In addition, there is a photograph on the driver's licenses and it does show a wide variety of other identifying information. And generally speaking, driver's licenses must be renewed every 4 years with an updated photograph. This does provide some of that identifying information that is lacking in the Social Security card.

The use of the Social Security number in the State driver's license system is already authorized by Federal law. As you pointed out, various uses of the SSN have occurred over the years and at least 29 States currently use the SSN on the driver's license number or show it on the license. And it would be possible for Social Security to validate SSNs for new driver's licenses on an automated basis, perhaps, if we were to go into this. We have not fully staffed that out. But it does occur as a possibility.

Senator MOYNIHAN. Could I ask you, Mr. Enoff, wouldn't it be the case though that the population we are concerned with is per-

haps the one least likely to have driver's licenses? At least not everybody owns a car in this country yet.

Mr. ENOFF. My understanding, Mr. Chairman, is—

Senator MOYNIHAN. Or am I wrong?

Mr. ENOFF. My understanding is that many States—most States in fact—issue driver's licenses to nondrivers as identity documents. This process is used because of the—

Senator MOYNIHAN. I see.

Mr. ENOFF [continuing]. Age requirements for instance in maybe entering certain establishments or participating in the consumption of certain kinds of liquids and so forth.

Senator MOYNIHAN. That is new information to me. It is not hard to tell me something I did not know. But I happen to know in New York senior citizens get driver's license, they request driver's licenses, which do not allow them to drive, but they use it as identification.

Mr. ENOFF. Correct. In my home State of Pennsylvania, for instance, I know that the Liquor Control Board uses that as an identity device rather than issuing their own card. That is just, you know, information from my knowledge. I would not want to be quoted as the authority. But I certainly think it bears looking at as to how often that is used.

Let me talk for a moment about the requirements in the bill that a study be done of the ways to improve the Social Security card application process. I think you may be aware that the HHS Inspector General studied this situation and recommended that the States make birth certificates more counterfeit resistant and take steps to restrict the availabilities of copies of the birth certificate. Also, of course, our enumeration at birth does add to some preventive measures here.

But the problems of possible fraud in cards already issued and in applications for replacement cards is a continuing problem.

Senator MOYNIHAN. All right.

Mr. ENOFF. With regard to the development of a prototype Social Security card as a voter registration card, I would note again that the National Voter Registration Act, which has been passed by the House, would enable a person applying for a driver's license to register at the same time to vote in Presidential and congressional elections.

The Administration has opposed this bill because it would impose mandatory voter registration procedures on the States. However, the Administration does not object to linking the issuance of driver's license to voter registration. So that is just another thought in this process.

Senator MOYNIHAN. All right.

Mr. ENOFF. And, in fact, the process used to issue driver's licenses does have the added feature of periodically reapplying for a driver's license, particularly when a person moves, changes residence, which may mean they would also want to change their voter registration. So that is just another point that we would make in that regard.

In terms of developing a prototype new Social Security card incorporating these technological features, we continue to believe that that is not necessary to carry out the work of the Social Secu-

rity Administration. However, as I said, we are ready to work with the Attorney General, the INS, and the GAO, in looking at how we respond to this very great concern of the advent of discrimination in employment.

Senator MOYNIHAN. Right.

Mr. ENOFF. I do want to mention too the GAO report in 1988 discussing the use of plastic and polyester cards. Let me say, Mr. Chairman, when we were discussing this at an earlier time, I think we talked about the durability of plastic and the durability of paper and so forth.

Senator MOYNIHAN. Right.

Mr. ENOFF. That appears to be changing about as quickly in the technology field, as is the cost.

Senator MOYNIHAN. I remember about 10 years ago you were saying that, you know, they only last 3 years or something.

Mr. ENOFF. That is correct.

Senator MOYNIHAN. Obviously, that is within the range of technology.

Mr. ENOFF. Changes are occurring. I think it depends on—and I am not the expert in this field—but it depends on just what is on the card, whether the numbers are raised, whether there is a strip or a hologram which tend to wear out apparently sooner than the plastic, all kinds of considerations like that, that have to be taken into account when we look at the documents that we want to use.

But let me also say that we have a fundamental concern about the Social Security card and number becoming a universal identifier in this country. That concern centers around the question of individual privacy and the increased possibility of the invasion of that privacy if all records pertaining to an individual could be accessed under one number. We continue to be concerned about that and about the privacy concerns that are involved in developing any work or other identification document that produces that kind of effect.

So in summary, I would just repeat we share your concern that ways be found to reduce the potential for discrimination under the Immigration Reform and Control Act. We are committed to working with the other Executive Branch agencies, with the GAO, with the employer community, with anyone who would have input into this process to try and improve the current status.

With that, Mr. Chairman, I will stop and try and answer any questions that you might have.

[The prepared statement of Mr. Enoff appears in the appendix.]

Senator MOYNIHAN. Thank you. You have answered the questions which I think we would like to know. First of all, you have answered the question of: Are you willing to work with us? And the answer is: Obviously you are.

Mr. ENOFF. Yes, sir.

Senator MOYNIHAN. It was not your doing that we have this other question of job discrimination. But we are all part of the same Government. There is a question of trade offs. No, we do not want a universal identification which people can break into. Yes, we do want people to establish who they are with respect to things that matter to them and not find that they cannot get work because people do not believe that they are who they say they are, et

cetera. And I want a better looking card because I want people to know that Social Security is as important to them as Visa or whatever. The Canadians, I think, have spotted that.

We are going to have to make some revisions to S. 214 and we will do so in consultation with you.

In the meantime, I would like to thank you and thank Commissioner King who was kind enough to come by in private conversations about this, and as always, is wholly cooperative. Again, congratulations on your new eminence.

Mr. ENOFF. Thank you, Mr. Chairman, I appreciate being here and look forward to working with you.

Senator MOYNIHAN. Up in Canada they would probably not raise your pay but they would make you a Knight. [Laughter.]

And now a panel, if we can. We are very especially pleased that Hon. Gene McNary is here this morning, who is, of course, the Commissioner of the Immigration and Naturalization Service. We most especially welcome you, sir.

And Mr. Andrew M. Strojny, we welcome you, sir, no matter how you pronounce it. Mr. Strojny is the Acting Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice.

Commissioner, you have an associate with you, if you would be kind enough to introduce.

Commissioner McNARY. I do, Mr. Chairman. I have with me Bill Cook, who is General Counsel for INS.

Senator MOYNIHAN. Good morning, Mr. Cook. We welcome you to the committee.

Commissioner, we will put your statement in the record and you can proceed exactly as you would like, sir.

STATEMENT OF HON. GENE McNARY, COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE, ACCCOMPANIED BY WILLIAM COOK, GENERAL COUNSEL

Commissioner McNARY. Thank you, sir.

Mr. Chairman, I appreciate the opportunity to appear before you today to express the views of the Department of Justice on the proposal to develop a prototype counterfeit resistant Social Security card. S. 214 and Title II of S. 2453 call for the study and development of a new prototype Social Security card that is virtually tamper-proof. Specifically noted that such a card could be used as a more reliable means of verifying eligibility for employment pursuant to Section 274(A) of the Immigration and Nationality Act as amended by the Immigration Reform and Control Act of 1986 (IRCA).

That Section makes it unlawful for a person or other entity to knowingly employ or to recruit or refer for a fee for employment in the United States an alien who is unauthorized with respect to such employment. Proliferation of counterfeit documents is one of the major problems confronted by immigration officers who enforce Section 274(A) of the act.

Currently, unauthorized aliens can circumvent this prohibition by procuring entire sets of documents, including alien registration cards, Social Security cards, voter registration cards and driver's li-

censes. This practice is facilitated by counterfeiters, many of whom are now sophisticated white-collar criminals.

A major concern of the drafters of IRCA was the establishment of a national identification card, a step to which we continue to be unalterably opposed. After hours of debate, Congress correctly decided, we believe, not to authorize such a card. At the same time, Section 274(A)(c) of the act which strictly prohibits the issuance, use or establishment of a national identity card does authorize the creation of an employment authorization document. We have to work to find a way to produce the latter without violating the restriction of the former.

Care should be taken and there should be further analysis by the statutorily mandated task force on such matters as to inclusion of a fingerprint or picture on the card.

The Administration believes there are more cost effective measures designed that would address the problems of fraud and discrimination associated with Section 274(A). These include improving employer education and the development of a standardized employment authorization document by the INS. This document will substantially reduce the numerous documents used to prove eligibility which have been issued by INS and are still in circulation.

When this measure is fully implemented, there will be a maximum of three documents which will substantiate employment authorization. These documents will all be counterfeit resistant and verifiable. From our viewpoint the INS effort to deter employment of unauthorized aliens ultimately requires a reciprocal exchange of information. Whether or not the production and use of a tamper-proof Social Security card is an appropriate solution to the current problem so fraud and discrimination, we believe that more access to information regarding Social Security numbers issued to aliens residing in the United States could be effective in decreasing the number of unauthorized aliens in the work force.

We also look forward to working closely with you and Congress to develop cost effective methods that will help combat fraud and deter illegal immigration into this country while protecting the rights of all persons residing in the United States.

This concludes my prepared statement. I will be glad to answer any questions.

Senator Moynihan. Thank you, Commissioner. In the spirit of our panels, we will hear next from Mr. Strojny, and then we will wrap up.

[The prepared statement of Commissioner McNary appears in the appendix.]

STATEMENT OF ANDREW M. STROJNY, ACTING SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES, U.S. DEPARTMENT OF JUSTICE

Mr. STROJNY. Thank you, Mr. Chairman. As you mentioned, I am the Acting Special Counsel for Immigration-Related Unfair Employment Practices, having been designated as such by the President upon the May 1989 resignation of the former Special Counsel, Larry Siskind.

Senator Moynihan. Mr. Siskind, yes.

Mr. STROJNY. Before I start, I am going to take this opportunity to raise just a purely personal note. I was a Social Security recipient some 25 years ago after my parents' death. I remember quite vividly the check was for \$102 a month. It arrived almost every time on the second of the month. I or my brother could not have gotten through school without it and I have the opportunity here to at least symbolically thank the legislators who set up the program and to say thank you to the administrators of the program.

Senator MOYNIHAN. That is very nice of you. And do not fail to include Francis Perkins.

Mr. STROJNY. Yes, sir.

As you mentioned, I have a prepared statement that I would like to offer for the record.

Senator MOYNIHAN. It will be placed in the record. You go exactly as you wish.

[The prepared statement of Mr. Strojny appears in the appendix.]

Mr. STROJNY. All right.

I would just like to touch on the highlights of that statement. Basically, what the Office of Special Counsel does is enforce the anti-discrimination provisions of the Immigration Reform and Control Act which prohibit national origin and citizenship status discrimination.

The reason we are here today is because GAO in its final statutorily required report on the implementation of employer sanctions concluded that they caused a widespread pattern of discrimination. GAO came up with a number of suggestions for dealing with that problem. One of the suggestions was to reduce the number of documents that can be used to demonstrate work authorization. We agree with that. We think that would help.

One option it presented to make it as simple as possible for everybody is what they called the "Social Security option." In its purest form, there would be a picture Social Security card that was counterfeit resistant and it would be the one card that everybody in the country, citizen and noncitizen alike, would have to show to an employer in order to show that they were work authorized. And it does have the virtue of simplicity. Because quite simply, an employer would be able to look at the card and if there was no card, no work.

Why I am here today is to suggest that there are a number of concerns that should be looked at before we adopt the simple solution. Just because the system has the virtue of simplicity does not mean it is a simple solution. It would be a change from the current practice.

As of now most employers, unless employees volunteer the Social Security card for I-9 purposes, do not ask to see the card. Currently, any Social Security card that does not have the imprint, "Not for Employment Purposes," is a good document to establish work authorization for both aliens and citizens, but there are others.

But it has been my experience that most employers, unless it is volunteered for I-9 purposes, do not care to inspect the card. They just want to know the number. You and I, Senator, are in the same boat. I lost my Social Security card well over 25 years ago. If I would have had to produce it to the Department of Justice for inspection to get hired, I would be unemployed today. And lest any-

body think we do not do I-9s at the Department of Justice, I used my passport rather than a Social Security card to establish my work authorization.

Senator MOYNIHAN. Then you can tell me something. Passports are beginning to have some electronic information on them, aren't they?

Mr. STROJNY. Not the one I—well, if the one I have has some, nobody told me about it.

Senator MOYNIHAN. Well why should—you are not on a need-to-know basis.

Mr. STROJNY. Okay.

Senator MOYNIHAN. The Government is keeping an eye on you.

Mr. STROJNY. Maybe.

But it is for this reason that the Social Security option in its purest sense is a change from the present practice. Most employers now are more interested in getting the number, primarily for tax purposes, than they are in seeing the actual card.

This raises, the question of what are the concerns about the simple solution. One of them has already been raised: How do you deal with people in our situations who long ago lost our Social Security cards? If this system is in place, I am not going to be able to change employment and get a job, if employer sanctions are working, until I get a new Social Security card that I can show.

Senator MOYNIHAN. Now, now, sir. You surely know that that is about a 10-day process.

Mr. STROJNY. I do not know. I have had one of my staff—and I guess I should not do it because it is for a personal matter—find out where the local Social Security Office is here in Washington so I can go and try it.

Senator MOYNIHAN. Do. You know, that is always a little touch of reality. Go out and get a new card.

Mr. STROJNY. The other problems that I—well, you are talking about a 7-day—I am going to. I think I had better avoid the rush.

When they talk about the 7 to 8 million cards that are replaced annually, that is just for the people who opt to do it. I mean, you obviously have not opted to get a replacement card because you remember the number. I remember the number. IRS did not ask to see my card when they used the Social Security number as a tax identifier, neither did the D.C. Motor Vehicle Department when they issued me a driver's license. I do not know if that is still true. But they did not at the time. They just asked: What is your Social Security number?

But one of the concerns is, if in fact the Social Security card is going to serve its purpose, which under the Social Security option is to be the universal work authorization document for everybody, Social Security is going to have to check the documents of people who apply for Social Security numbers to show that they are, in fact, work authorized. So it lifts the counterfeit document problem from the employers' shoulders and puts it on the Social Security Administration's shoulders.

That is why I raised the question about issuing the replacement cards. Because presumably the Government would not allow a situation to exist where I could not get a job until I got a new Social Security card. But, equally presumably, the Government is going to

check to make sure I am who I say I am when I want a replacement card. So they, presumably, may have to issue a receipt saying, "Strojny, here is a receipt to show that you have applied for a Social Security card while we check you out to make sure you are who you say you are; you are really a citizen of the United States; and you can work here."

That recreates the very problem, however, that we are trying to solve concerning counterfeit documents. Because unless the receipt itself is counterfeit proof and has a picture, what we are going to have is employees using counterfeit receipts instead of counterfeit Social Security cards. Now there may be a way around that. But I just think that if we already have a situation where 7 to 8 million people lose their cards every year, it is not going to be an uncommon problem that people are going to lose it, even a card as important as a universal identifier, work authorization card, the problem is going to come up.

The other concerns that I have are actually more grounded in my old days at the Civil Rights Division. When I was back in the Civil Rights Division, it brought a number of involuntary servitude cases, involving migrant farm workers whom their employers would not let leave. And there is the possibility here, I can see, where an unscrupulous employer could merely take custody of an employee's Social Security card to maintain him in employment.

Now for sophisticated workers that is not going to be a problem. Particularly if they are smart enough to go see a lawyer. However, for unsophisticated workers, the kind who are already subject to involuntary servitude kinds of situations—and it looks like farm workers might be particularly vulnerable to that—the employer could just take their card and say, "I will give it back to you when you leave," and the employer will choose to say when they leave. That situation is not present today because of the multiplicity of work authorization documents that can be used.

Now one of the things I have offered in my statement is a suggestion of alternative ways to lessen the number of work authorization documents, both for citizens and noncitizens alike. There may well be others. I do not mean to say that it is the preferred system.

IRCA mandates a task force to look at legislative remedies to any discrimination found if GAO finds a pattern of discrimination caused by IRCA on the basis of national origin. GAO found such a pattern and found it was widespread.

The Attorney General has asked Assistant Attorney General, John Dunn, of the Civil Rights Division to Chair that Task Force.

Senator MOYNIHAN. Oh really?

Mr. STROJNY. Yes, sir.

I do know that Mr. Dunn has been in contact with the other two statutorily named people involved in the Task Force—the Chair of the Equal Employment Opportunity Commission and the Chair of the Commission on Civil Rights. In fact, we have had some basic organizational meetings already in terms of just talking, at this point, in very, very general terms about just how the Task Force should go about its business.

So that if Immigration Reform and Control Act's employer sanctions provisions are in fact deterring illegal immigration, we are

going to give it our best shot to see how we can resolve the discrimination problem through legislation changes.

I have probably run on too long, but I am available for any questions.

Senator MOYNIHAN. You have solved a problem, I think, that I was wondering about in the Commissioner's testimony. When you, sir, referred to the statutorily mandated Task Force, is that the one that is provided for in the event that the GAO finds a pattern of discrimination?

Mr. STROJNY. The 101(K) Task Force, I believe, or 274(A)(k) Task Force. Yes, sir.

Senator MOYNIHAN. Yes, I see. All right.

Well let me ask the Commissioner, so now we know that a Task Force is being set up. Mr. Dunn was just before the Senate. He is a New Yorker, if I may say. He was a State Senator in New York. That Irish Republican army that seems to be everywhere these days. That was a joke. We greatly admire him and this is obviously one of the first things that he has had to take on.

Commissioner, give us your advice. Should we proceed with legislation here or should we wait for this Task Force? We have sort of a hierarchy of concerns. I do not know if hierarchy is the correct word. There are three concerns.

One, this Senator would like to see a more impressive Social Security card just because. That is all. No other reason. I mean, I just want to make you feel you have something besides this little piece of paste board. Two, there is a question of fraud. And now three, there is this question of discrimination.

How would you recommend that the committee proceed? We want to help. We think there is now some energy in the Executive on this issue. Ten years ago you could get no attention. I am asking you, Commissioner.

Commissioner McNARY. Yes. First of all, just from a personal standpoint I agree with your first premise. I would like to see a better looking card. But the second and third are our main concerns—the fraud and especially discrimination. We believe that the Task Force is very timely and one that can consider some very delicate questions in arriving at whether a card is necessary, under whose jurisdiction. What it would look like may be the most difficult.

Senator MOYNIHAN. Now you are talking about whether something new under the sun, a worker identification card. That is what you mean?

Commissioner McNARY. I am talking about a card that would be used for that purpose.

Senator MOYNIHAN. Yes. Something new. Something for which there is no—you cannot get one of those now.

Commissioner McNARY. Well I am not sure about that. I am not sure that anything different than the Social Security card that we know now is necessary.

Senator MOYNIHAN. Well if you want to say that is what we mean when we say worker identification card. It is this other thing over here.

Commissioner McNARY. It would have to be. From the standpoint of being fraud proof it would be different. But there are a lot

of questions about the card itself which we think is important to be carefully analyzed so that we do not come up with a national identity card.

Senator MOYNIHAN. That is what you do not want to do.

Commissioner McNARY. That is exactly right.

Senator MOYNIHAN. Something altogether new, not heretofore existing that is called a worker identification card and that is how you get in; without that you cannot get a job. You do not want that.

Commissioner McNARY. Well you have described something that I am not sure is a national identity card. We do not want a card that is going to have to be carried; one that is going to cause people to feel as though they live under Big Brother; a card that would have a limited purpose and would be used substantially for what a Social Security card is used for today, to tie you to employment.

Senator MOYNIHAN. I am trying to get your judgment. I am not trying to tell you anything.

You would be receptive to the idea that if you take this familiar institution, the Social Security card that has been around for 55 years, and improve that to the point where it serves this purpose, that is a more attractive option, obviously, or improved driver's licenses, which have been around just a little bit longer, not much longer, than creating something new altogether. That you do not like.

Commissioner McNARY. No, I do not want to say that. It may be that something new altogether would be the right solution.

Senator MOYNIHAN. All right.

Commissioner McNARY. We do not have those answers. That is the reason we believe the Task Force can consider that.

Senator MOYNIHAN. All right. So you want to leave all the options open. Mr. Cook is nodding. That is sensible. Sure.

Will you be involved with that Task Force, sir?

Commissioner McNARY. Yes, I will be involved. Mr. Dunn is the Chairman, but I think INS is involved and, of course, we have a major role.

Senator MOYNIHAN. Statutorily, it mentions the EEOC and the Civil Rights Commission. Yes.

Well, all right. I tell you what I think we should do and you tell me if you think otherwise. I do not think we should legislate until you have had a chance to think this thing through—through the Task Force and work it up through the processes of Government.

What kind of time do you think you are talking about?

Commissioner McNARY. I think it has to be done yesterday.

Senator MOYNIHAN. Oh, all right.

Commissioner McNARY. I believe that we have some serious problems. If there are two cases of discrimination, that is too many.

Senator MOYNIHAN. That is very nicely said. And you are the one where the buck stops with you, in a sense. It is your people who are responsible for policing this system. If the documentation makes it difficult to do, you want to get that straightened out.

Commissioner McNARY. Yes, sir.

Senator MOYNIHAN. Well on that note, I cannot more than agree.

Mr. Strojny, would it be your thought that we should just wait? This Task Force is going to get off the mark fast and we will hear from it.

Mr. STROJNY. I think of if in fact the Congress determines that IRCA is carrying out its established purpose of deterring illegal immigration, I think yes, you should give the Task Force a chance to come up with legislative remedies. I think though since GAO found that a lot of discrimination was going around, you ought to keep the heat on as to make sure we act expeditiously.

Senator MOYNIHAN. Yes. All right.

Yesterday, in the Commissioner's proposal; and we can agree to next week.

Mr. STROJNY. Maybe even next month.

Senator MOYNIHAN. But would you understand and take back with you the information that the Committee on Finance is concerned about this matter. We have been seized of it for 11 years. We have legislated. We are prepared to legislate again. We would hope that whatever you do, you take this issue into account. Is this one of the routes you would like to take? And obviously it can be done, but it needs consideration from the Executive Branch and we will appreciate hearing from you.

I hope that you will feel that you can call to us, you know, informally. And if you want to come back and testify, you have only to ask.

Commissioner McNARY. Thank you, sir.

Mr. STROJNY. Thank you.

Senator MOYNIHAN. With that, we will close our hearing with great appreciation. It is of great honor to have you here, Mr. Commissioner. I think this may be the first time. And thank our witnesses and thank our guests.

[Whereupon, the hearing was adjourned at 11:22 a.m.]



A P P E N D I X

ADDITIONAL MATERIAL SUBMITTED

PREPARED STATEMENT OF JOSEPH F. DELFICO

Mr. Chairman and Members of the Subcommittee: We are pleased to be here today to testify on S. 214. The bill would require the Secretary of Health and Human Services (HHS) to develop a prototype of a counterfeit-resistant social security card. This card would provide a more reliable means for verifying employment eligibility under the Immigration Reform and Control Act of 1986 (IRCA). The bill also would require the Secretary to issue a report to the Congress that examines different methods for improving the social security card application process.

To achieve the bill's objective, the Attorney General is to provide assistance and information to the Secretary as he deems necessary. Finally, the Secretary is to submit the mandated report, along with the prototype card, to the Congress within 1 year of the bill's enactment.

THE IRCA VERIFICATION PROCESS

The principal thrust of our testimony today is to discuss an improved social security card in the context of IRCA. Each year, millions of people change jobs or seek employment for the first time. IRCA requires the nation's 7 million employers to examine specified documents to be provided by all prospective employees—including those born in the United States—to verify their identity and eligibility to work in this country. To prove identity to an employer, an individual may use any of 21 documents, including a driver's license or a voter registration card. To prove employment eligibility, any of 17 documents may be used, including a social security card and a birth certificate. To comply with the law, employers must certify that they have reviewed the documents and that the documents appear genuine and relate to the applicant.

IRCA provides for sanctions against employers who do not comply with the law's requirements, and it prohibits employment discrimination on the basis of national origin and citizenship status. However, the employers' lack of understanding of the law's verification process has actually led to discrimination in hiring practices. Concerns over discrimination have led to renewed calls for a system that employers can rely on to verify worker eligibility. One component of that system is the social security card and many have called for improving its resistance to counterfeiting.

There are a number of ways to improve the social security card, ranging from relatively inexpensive improvements to the current paper card to integrating advanced electronics into the card itself. However, changing the social security card does not, by itself, address the need for a secure verification system. To do so effectively, we will need to address how verification is accomplished and how eligibility documents are obtained in addition to how they are made.

THE VERIFICATION PROCESS AND DISCRIMINATION

Last month we reported that there are three possible reasons why employer discrimination resulted from the sanctions provision: (1) lack of understanding of major sections of the IRCA legislation; (2) confusion and uncertainty of how to determine eligibility; and (3) alien workers using counterfeit or fraudulent documents, which contributed to employer uncertainty over how to verify eligibility. The widespread pattern of discrimination we found could be reduced by (1) increasing employer understanding through effective education efforts; (2) reducing the number of work eligibility documents; (3) making the documents harder to counterfeit; and (4) requiring that upgraded documents be issued to all affected members of the population.

IMPROVING THE SOCIAL SECURITY CARD

Making the social security card more counterfeit-proof can play a role in increasing employer confidence in work eligibility documentation and could make it more difficult for illegal aliens to obtain work. Using technologies such as magnetic strips, integrated circuitry, and lasers could make it easier for employers to identify counterfeit cards, but these technologies may be very costly. Less costly approaches could include altering the type of material the card is made of and the type set, colors or design of the card, all of which can aid in making it more difficult to duplicate. These efforts may not have their intended effects in the short run, however, unless the improved social security cards are reissued to all those required to have a social security number.

Notwithstanding the cost of producing the card itself, reissuing 210 million new counterfeit-resistant cards would require an enormous effort on the part of the Social Security Administration (SSA) and the public. The cost and disruption caused by this process needs to be carefully evaluated.

In the past we have been reluctant to recommend wholesale conversion to a new high-tech social security card because of our concern over costs associated with producing and disseminating a new card. These costs could run into billions of dollars. Moreover, we see a need for assessing the social security card within the broader context of the whole IRCA verification system. Along these lines we feel the scope of S. 214 should be broadened to include an assessment of the vulnerabilities of each component in the whole system and to increase the role of the Attorney General.

VULNERABILITY OF THE APPLICATION PROCESS

Counterfeit-resistant cards may make it more difficult to produce a bogus card, but obtaining a real card fraudulently is still problematic. Our work and other studies have shown that a weak link in the system is the fact that over 7,000 State and local offices issue birth certificates which are relatively easy to obtain fraudulently—sometimes simply by request through the mail. Once this “breeder” document is obtained, it can be used to obtain a valid counterfeit-resistant social security card, a driver’s license, and a host of other documents.

Steps have already been taken to improve the internal controls over social security card issuance. SSA has started a program for enumeration at birth, and Federal tax law requires that all children 2 years old or older who are claimed as a tax exemption must have a social security number. These steps should substantially reduce the number of fraudulently obtained social security cards over time, but will probably have limited impact on current employer problems of verification for aliens and those who have not secured legitimate social security cards.

Because of this current vulnerability, we support the provision of S. 214 that would require the Secretary of HHS to examine the current social security card application process to determine if improvements can be made. The process is vulnerable to fraud because thousands of different documents can be used in support of an application, many of them can be obtained fraudulently, they are easily counterfeited or altered, and there is no practical way to verify that the applicant is the person named on the document. State and local governments need to improve their processes for issuing birth certificates to make them less vulnerable to fraud.

IMPROVING THE IRCA VERIFICATION PROCESS

A less expensive alternative to issuing new social security cards could be issuing tamper-resistant driver’s licenses with validated social security numbers. In a December 1988 report to the Congress the Secretary of HHS suggested a role for drivers’ licenses if the law were changed to require employers to contact SSA for social security number validation. He suggested that if all drivers’ licenses had social security numbers, State licensing authorities could validate social security numbers with SSA on an automated basis putting less of a strain on their operations than having employers call for verification.

The driver’s license is now the most widely used form of identification in the United States, and most states already include social security numbers on them. Each State issues drivers’ licenses that contain the driver’s photograph, and also furnishes photo-identification cards for nondrivers who need an official form of identification. Using the driver’s license could enhance both work eligibility and identification documentation, however, it should be noted that drivers’ licenses suffer the same vulnerability to fraud as the social security card. If, however, these vulnerabilities can be controlled, the improved driver’s license could negate the need for major improvements to the social security card.

CONCLUSION

We believe that focusing on strengthening the social security card alone, without assessing the IRCA system as a whole, could have marginal effects on the reliability of the verification system because the card's reliability may not be critical to the whole process.

In our view the Attorney General in conjunction with the Secretary of HHS should review and report on the verification system as a whole while changes to the social security card are being studied as required by S. 214. This report should, among other things, include an assessment of options involving the incorporation of validated social security numbers on state driver's licenses. Because of the urgency to affect reductions in discrimination under IRCA, reports on both the RCA system and the social security card should be issued within 1 year of S. 214's effective date.

Regarding the report on the social security card, it should address for each option—the cost to SSA, employers, and workers; the impact on employers, potential employees, and the public; privacy considerations and the expected benefits. A discussion of benefits should include to what extent an improved card would simplify the employer verification process and reduce fraud and discrimination. We believe such a report would be extremely useful to the Congress as it addresses the various problems with IRCA.

PREPARED STATEMENT OF SENATOR BOB DOLE

Mr. Chairmen, I am pleased to present my views on the need to enhance Federal and state identification documents for the purpose of improving the enforcement of existing laws and adding meaningful sanctions to pending legislation.

S. 214, the Moynihan bill which is the subject of today's Social Security Subcommittee hearing, would authorize the Secretary of Health and Human Services to develop a prototype counterfeit-resistant social security card. The card could then be used for verifying eligibility for employment under the Immigration Reform and Control Act of 1986. It could also be used for verification of identity under pending "Motor Voter" legislation.

The objective of this bill is consistent with the provisions of Section 609(1) of the Crime Control Act of 1984. This was legislation I sponsored which established a legislative standard for the upgrading of Federal, state and local identification documents, as defined in the Federal False Identification Act of 1982, to "facilitate positive identification of bona fide holders of identification documents."

The law also called for the development of comprehensive legislation designed to protect the privacy of persons who were the subject of the data bases serving the identification systems, and for developing appropriate civil and criminal sanctions for the misuse and unauthorized disclosure of identification information.

This legislation was the outgrowth of hearings conducted by the Courts Subcommittee which I chaired in 1982. It was also the subject of hearings by the Senate Government Operations Committee and reports of the General Accounting Office and a special task force headed by Richard Thornburgh for the Justice Department in 1976.

Under Section 609(1), the Attorney General was given 3 years to develop draft comprehensive legislation and to report back to Congress. To my knowledge, no such draft legislation has ever been presented to Congress.

Instead, Congress has subsequently enacted a blizzard of disparate and inconsistent provisions in numerous bills, all attempting to deal with one facet or another of the problem. Let me briefly describe some of these legislative initiatives.

ANTI-DRUG ABUSE LEGISLATION OF 1986 AND 1988

The Anti-Drug Abuse bills of 1986 and 1988 contain at least twenty provisions mandating the development of new identification systems.

For example, Section 9105 of the '88 Act requires every truck driver to have a uniform, biometrically verifiable driver's license in his possession not later than January 1, 1991. Section 7205 of the '88 Act also requires aircraft owners and pilots to be positively and verifiably identified by the Administrator of the Federal Aviation Administration. Further, persons engaging in cash transactions over \$3,000 at U.S. financial institutions must have their identities verified by the bank under Section 5325 of the money laundering provisions of the '88 Act. The INS was also directed to share information on criminal aliens and others with state and local enforcement authorities under several provisions of both the '86 and '88 Acts.

Finally, Section 6213 of the '88 Act requires firearms purchasers to be positively identified and their eligibility for purchase verified under a system established by the Attorney General. Other provisions stripped convicted drug traffickers of eligibility for Federal benefits and passports.

IMMIGRATION LEGISLATION

The Immigration Reform and Control Act of 1986 establishes a series of civil and criminal sanctions to be used against employers who knowingly hired persons not lawfully entitled to live and work in the U.S. The Immigration and Naturalization Service (the "INS") was specifically authorized to work with the states to upgrade state identification documents for this purpose.

Section 5 of the Immigration Nursing Relief Act of 1989 also authorized the Attorney General to give grants to California and to at least two other states to improve the security of state and local identification documents.

MOTOR VOTER LEGISLATION

At the present time, Congress is considering the so-called "Motor Voter" proposals where individuals obtaining or renewing driver's licenses would also be registered to vote. The House has already passed H.R. 2190. The Senate companion bill, S. 874, has been reported favorably by the Rules Committee and is awaiting further action by the Senate. In the Senate, all members of the Minority on the Rules Committee opposed the bill, including this Senator. One of the major concerns we expressed in opposing the bill was the opportunities for widespread voting fraud that would be possible if voting registration were authorized by motor voter or mail-in techniques.

In my view, one of the objections to the motor voter bill would be removed if all driver's licenses could be upgraded in the same fashion as is currently being done with the truck driver's license. This would reduce the voting opportunities for unauthorized individuals, such as noncitizens and convicted felons, and would prevent those authorized from voting to do so more than once.

OTHER IDENTIFICATION DOCUMENTS

The problem of fraudulent misuse of identification documents has many dimensions beyond the social security card and employer sanctions. The integrity of the U.S. passport and the U.S. military identification card are also major examples that can be cited. Until these documents are upgraded in a manner similar to the truck driver's license, great possibilities for misuse continue to exist. In this day of the color copier and desktop publishing, virtually any identification document—and even currency—can easily be duplicated with surprising accuracy. This problem will only get worse as the technology gets better. Equally important, as long as it is ridiculously easy to obtain an authentic copy of anyone's birth certificate, which can then be used to "breed" all kinds of other documents, massive misuse of entitlements, tax refund claims, food stamps, student loans, etc., will continue.

BIG BROTHER

All of these considerations raise legitimate concerns about the creation of "big brother" data bases where the most sensitive personal information is maintained by various Federal enforcement authorities in Washington. This Senator does not support the creation of a "national ID card." Happily, more than twenty years experience has been developed in the interstate exchange of criminal history information, which can serve as the definitive model for the various upgrade efforts I have described. In 1973, under the sponsorship of Chairman Kennedy, the Congress enacted amendments to the Omnibus Crime Control Act of 1968 which governed the exchange of this critical and most sensitive information.

In 1976, the Justice Department issued implementing guidelines after carefully considering the ramifications of the information exchange. States have subsequently passed implementing legislation. The alternative at the time was to have the F.B.I. do the job for the states. Although the system that was created is not perfect, the major concerns about invasion of privacy and system security have been dealt with and accommodated.

AMENDMENTS TO S. 214

I would suggest that S. 214 be amended to include participation by the Attorney General, the Secretary of State and the Secretary of Treasury. Others could be observers. There should be major involvement of the state and local governments. The

mandate for a study, combined with a report back to Congress, should also carry a charge for model comprehensive legislation. Meanwhile, on-going efforts that have already been authorized must be coordinated and focused at the highest levels of government. The Social Security card does not, and should not, become a national identification card. But it can be substantially improved.

EMPLOYER SANCTIONS

The Immigration Subcommittee is focusing on the employer sanctions provision of the IRCA legislation. Because a recent General Accounting Office report has found evidence of discrimination, especially against Hispanics, calls are being made for the repeal of the sanctions provision.

One of the ways to ameliorate the concerns raised by job discrimination allegedly caused by employer sanctions is to implement and improve the technology related to identification. In this way, employers can rely on the forms of identification presented by the prospective applicant.

Efforts to improve identification should center around the social security card and the driver's license. Already much activity is occurring. But, regrettably, it is going off in several different directions. A good start would be for the Attorney General to coordinate the firearms purchaser program with the INS. Then the Drug Czar could use his considerable powers of coordination in the drug legislation to bring some of its provisions together. Maybe OMB can get involved. At some point the Congress should address the subject comprehensively, as was contemplated in 1973 when the Kennedy Amendment was added to the Crime Control Act. This government and this society have too much at stake to do otherwise.

PREPARED STATEMENT OF LOUIS D. ENOFF

Mr. Chairman and members of the committee: I am happy to be here today to respond to your request for our views on S. 214 and title II of S. 2453, which would require development of a prototype of a new Social Security card. The bill requires that the new card be durable, tamper resistant, employ security technologies such as magnetic stripes, holograms and integrated circuits, provide a more reliable means of verifying employment eligibility under the Immigration Reform and Control Act (IRCA) of 1986, and contain features allowing it to be utilized as a voter registration card. The Secretary of Health and Human Services would also be required to report on ways to improve the current Social Security card application process.

GROWING USE OF SOCIAL SECURITY NUMBER (SSN) AS AN IDENTIFIER

I will address each of the requirements of S. 214, but before doing so, I would like to begin with a brief review of the growth in use of the SSN for purposes other than Social Security and summarize the anti-counterfeiting features of the current Social Security card and our current procedures for issuing SSNs.

At the time the Social Security card was devised in the 1930's, its only purpose was to show that a number had been issued to the individual and to provide the employer with the proper SSN for reporting earnings for the individual. In large part because some 30 million numbers had to be issued in a very short time, it was decided that SSNs should be issued based only on a person's statement about his name, date of birth, and other identifying information.

However, in spite of the narrowly intended purpose of the SSN and the lack of verification of identity in the number issuance process in the past, use of the familiar Social Security number as a convenient means of identifying people in record-keeping has grown over the years. Also, the computer revolution which took hold in the 1960's provided the incentive for the widespread use by government agencies of the SSN as a means of identifying people in their records. For example, in 1962, the Internal Revenue Service adopted the SSN as its official taxpayer identification number.

The first explicit statutory authority to issue SSNs came in 1972 when Congress required that SSA issue SSNs to all legally admitted aliens authorized to work in this country and take affirmative steps to issue SSNs to anyone receiving or applying for a benefit paid for by Federal funds.

Legislation in 1976 further enlarged the sphere of authorized SSN use to include entities outside of the Federal Government—for example, by States in the administration of their driver's license laws. The 1976 legislation also made it a violation of the Social Security Act to misuse the SSN for any purpose.

Finally, legislation enacted in 1983, required prospectively that new and replacement Social Security cards be made of banknote paper and (to the maximum extent practicable) be a card which cannot be counterfeited.

CURRENT PROCEDURES FOR ISSUING SSN'S

Present regulations contain the following evidentiary requirements to secure an SSN:

- All applicants for SSNs—regardless of age—are required to provide necessary documentary evidence of age, identity, and citizenship or alien status. For example, for a new SSN, an applicant must submit acceptable evidence of age, such as a birth certificate, baptismal record, or immigration or naturalization records and a document that establishes the applicant's identity; and
- A personal interview is conducted with all SSN applicants aged 18 and older who apply for new numbers.

However, because these more stringent documentation requirements were implemented only in 1978, 60 percent of SSN records today are based strictly on the statements that were made by the numberholder at the time he or she applied for an SSN.

CURRENT COUNTERFEIT-RESISTANT SOCIAL SECURITY CARD

With respect to implementation of the 1983 requirements, since SSA did not have expertise regarding measures to prevent counterfeiting, we consulted with the Bureau of Engraving and Printing, the Government Printing Office, and the Secret Service regarding the anti-counterfeiting features to be incorporated in the new card. The new card incorporates the following security features.

- The stock is a blue tint marbleized random pattern. Any attempt to erase or remove data is easily detectable because the tint is erasable.
- Planchets (small multi-colored discs) are randomly placed on the paper stock and can be seen with the naked eye.
- Intaglio printing of the type used in U.S. currency is used for some printing on the card and provides a "raised effect" that can be felt.

As you know, Mr. Chairman, the card also has other security features to resist successful counterfeiting. Approximately 40 percent of active cardholders have been issued the new card. This percentage is higher than expected in 1983 because of the Federal income tax requirement that children over age 2 have an SSN in order to be claimed as a dependent for tax purposes. Normally, only about 7 million original and about up to 9 million replacement cards are issued each year. Thus, unless people were required to apply for a new card, it would take many years for it to be issued to even half the population and a lifetime before everyone had it.

GAO CONCLUSIONS

Now let me turn to the requirement that the new Social Security card be made more durable, include sophisticated technology, and be a reliable work authorization document under IRCA. As you know, GAO recently found that discrimination in hiring by employers has occurred due to the work authorization provisions of IRCA. Let me say at the outset that we are very concerned about the pattern of discrimination that GAO has reported, and we believe that it needs to be dealt with effectively so that all people authorized to work in this country have a fair and equal opportunity to earn a living. However, we have a number of concerns about the effectiveness of using the Social Security card as a work authorization document and about the impact of such use on the ability of the Social Security Administration (SSA) to carry out its primary responsibility for administering the Social Security program.

GAO's basic conclusion regarding work authorization documents is that if the Congress chooses to retain employer sanctions and improve the current verification system, three principles for improving the system while reducing discrimination need to be kept in mind. These principles are: (1) reducing the number of work eligibility documents, (2) making such documents more counterfeit resistant and less vulnerable to fraudulent use, and (3) applying the work eligibility documents to all workers.

GAO further states that alternatives for reducing the number of work eligibility documents range from the Immigration and Naturalization Service's (INS) current plan to significantly reduce the number of cards it issues to a plan that would re-

quire a single work eligibility card for both aliens and citizens. The two alternatives for a single eligibility card GAO mentions are: (1) a revised Social Security card with sophisticated features to discourage counterfeiting or fraudulent use, and (2) a state driver's license with a verified Social Security number.

USE OF THE SOCIAL SECURITY CARD AS A WORK ELIGIBILITY DOCUMENT

For any document to be reasonably reliable for work authorization, the document must satisfy three criteria:

- be difficult to counterfeit;
- allow verification that the person presenting the document is, in fact, the individual to whom it was issued; and
- be difficult to obtain fraudulently.

In evaluating the feasibility of using the Social Security card as an eligibility card, we need to see how it measures up to these criteria.

METHODS TO REDUCE COUNTERFEITING

As you noted in your remarks introducing S. 214, the current Social Security card is extremely difficult to counterfeit well. But for the same reason that most of us will accept a counterfeit \$20 bill—lack in experience and expertise in identifying a counterfeit—copies of counterfeit Social Security cards are accepted by employers.

To be effective as the only work eligibility document, the Social Security card would have to contain features that would allow employers to easily detect counterfeit cards. GAO evaluated humanly readable security features that could be added to the current Social Security card in its March 1988 report, required by IRCA, on technological alternatives for making the card more resistant to counterfeiting. GAO found that a variety of design, paper, ink, and printing techniques are available to make the card more counterfeit resistant. Some type of each of these security features is already incorporated in the current Social Security card, and some of these features are fairly obvious to the naked eye. However, employers would have to conscientiously look for them and be educated in how to recognize counterfeit cards. Under current law, employers are only required to make a good faith effort to ensure that documents are genuine, and they are not required to be document experts.

GAO also evaluated plastic and polyester card technologies. These technologies are 2 to 10 times more expensive than paper cards but can accept holograms, which are obvious to the eye, and data storage devices such as magnetic stripes, integrated circuits, and lasers. One drawback of plastic or polyester cards is that they wear out and have to be replaced every few years.

Also, data storage devices all require the use of electronic equipment, such as off-line readers that merely validate the card or on-line systems linked to a central data base, to validate the card and the data it contains. The magnetic stripe on a plastic card is the technology most in use today, but magnetic stripe readers cost \$100-\$150, which would be a considerable outlay for many employers who would have no other use for the equipment. Also, the commercial availability of readers and coding equipment for magnetic stripes reduces the resistance of this technology to counterfeiting. GAO also pointed out that rapid advances in card technology may quickly obsolete any hi-tech anti-counterfeiting efforts.

METHODS TO IDENTIFY SOCIAL SECURITY CARDHOLDERS

Perhaps the biggest drawback to using the current Social Security cards as the only employment eligibility card is that the current Social Security card is of no use as a personal identifier because it contains only a name, a Social Security number, and a space for a signature after the card is received by mail. Thus, anyone can fraudulently present a Social Security card issued to another person. Recognizing this, IRCA specifies that the Social Security card may be presented as evidence of eligibility to work, but only if a driver's license or another document approved by the Attorney General is presented as proof of the identity of the job applicant.

Changing the Social Security card by adding a photograph and requiring that it be signed when issued might make it more effective as a personal identifier, but people intent on fraud can modify their appearance or reproduce signatures with practice. In addition, pictures on the card would require updating from time to time because of changes in appearance with age.

More effective personal identifiers, such as fingerprints, require verification techniques that are expensive and that cannot be applied by nonexperts. A technology that is emerging for linking users to documents is the Personal Identification

Number or PIN. Automatic teller machines in particular have popularized this technology. Drawbacks to incorporating a PIN in a work eligibility document are that card readers and on-line access to a data base matching the PIN with a unique code in a magnetic stripe on the card are necessary. Also, police have found that many users write their PIN on the card or elsewhere in their wallet or purse in case they should forget it.

Given the costs of applying advanced technologies and the fact they can be compromised, the photograph and physical description data—age, height, weight, eye color—remain the most effective general personal identification methods. The driver's license is the best example of widespread use of this technology today. This is also the technology used in the new alien cards INS is issuing.

PREVENTING FRAUDULENT APPLICATIONS FOR SOCIAL SECURITY CARDS

Even if the Social Security card were enhanced to make it more effective as a personal identifier, there still would be a problem of assuring that the card was properly issued to an individual. This is because the documents a Social Security card applicant must present to establish identity—primarily the birth certificate and immigration forms—are relatively easy to alter, counterfeit, or obtain fraudulently.

In regard to the requirement of S. 214 that a study be done of ways to improve the Social Security application process, the HHS Inspector General studied the problem of fraud in the SSN application process and has recommended that the States make birth certificates more counterfeit resistant and take steps to restrict the availability of legitimate copies for fraudulent purposes. I should note that SSA's new service, in cooperation with the states, through which parents can request a Social Security number for their newborn child at the same time they register the birth is extremely popular and obviously avoids the possibility of fraud in the issuance of the original Social Security card. However, the problems of possible fraud in cards already issued and in applications for replacement cards continue.

As a result of the lack of any secure personal identification documents on which to base issuance of a new, more secure Social Security card, establishing such a card as the only work eligibility document could, unfortunately, play into the hands of those who produce and sell the identity documents that are needed to apply for a Social Security card. Also, the potential for Social Security cards to be issued on the basis of fraudulent documentation should be weighed in any decision regarding the amount of money to be invested in enhancing the security of the Social Security card against counterfeiting.

In summary, the Social Security card does not measure up well against the criteria for a reliable personal identification document, because of two major weaknesses:

- The card is not an effective personal identifier, and
- The base documents required to obtain a Social Security card are very vulnerable to fraud.

LOGISTICS OF REISSUANCE OF SOCIAL SECURITY CARDS

Laying aside for a moment the issues involved in preventing counterfeiting and fraud, let me discuss the logistics that would be involved in issuing new Social Security cards containing enhancements so that they could be used as the only verification of employment eligibility.

To be effective, a new card would have to be issued relatively quickly to all workers. Otherwise, job applicants could present earlier versions of the Social Security card and claim they had not yet been issued a new card. The process of verifying identities and reissuing everyone a new, more secure card would be very costly—over a billion dollars, depending on the security features and issuance procedures. As GAO pointed out in its March 29 report, the cost and logistics of issuing any single work eligibility document to all workers would be a major undertaking.

Issuing new cards to everyone would also be burdensome on the public, as individuals would be required to satisfactorily establish their identity and citizenship or legal alien status before being issued a new card.

The workload that would result from the issuance of new Social Security cards to all Americans would serve primarily purposes other than the administration of the Social Security program and would be a tremendous challenge for the Agency and its employees. The volume of interviews required to reissue 250 million Social Security cards in 5 or even 10 years could not be handled in SSA's current 1,300 offices, both because they are not physically large enough and because people needing help with Social Security problems would suffer. I might also mention that GAO suggest-

ed that one way to reduce the cost and logistical problems of reissuance would be to issue a new Social Security card over a 4-year period in conjunction with renewal of State driver's licenses.

Also, since designation of the Social Security card as the national work eligibility document would serve immigration control, rather than Social Security purposes, the cost of the card and reissuance should not be borne by the Social Security trust funds.

USE OF THE STATE DRIVER'S LICENSE AS A WORK ELIGIBILITY DOCUMENT

Now, let me provide some observations on the other option for a single work eligibility document that GAO mentioned—driver's licenses with verified Social Security numbers. The March 29 GAO report noted that the Secretary of Health and Human Services had responsibility under IRCA for studying the feasibility, costs, and privacy considerations of an SSN validation system for employers. In the course of the 2-year study, SSA reexamined in detail the possibilities for verifying SSNs, including reissuance of cards that would be read by machine. What the study found is that realistic revision of the Social Security card would largely duplicate a system that already exists: the State driver's license system. As noted earlier, IRCA recognizes the driver's license as a primary personal identification document in this country and requires that it, or another identity document, be presented to employers if the Social Security card is used as evidence of work eligibility.

In addition to a photograph of the driver, State driver's licenses show a wide variety of other identifying information, such as weight, height, age, color of eyes, hair, etc. Moreover, driver's licenses generally must be renewed every 4 years, so that the photograph and identifying information are updated periodically. Each State also furnishes photo-identification cards for nondrivers who need an official form of identification.

Use of the SSN in State driver's license systems is already authorized by Federal law, and 29 states currently use the SSN as the driver's license number or show it on the license. In 1988, 18 States required the SSN; in 11 States providing the SSN was voluntary, but nearly universal.

It would also be possible for SSA to validate SSNs for new State driver's licenses on a completely automated basis. Driver's licensing officials in the states currently query, via computer terminals, the National Drivers Register data base of persons whose licenses have been revoked, suspended, or denied about 75,000 times daily to identify problem applicants for licenses. A similar query system to validate SSNs would be possible.

The advantages of placing verified SSNs on driver's licenses is that almost everyone already has a license, or, for those who do not drive, can obtain from all state Motor vehicle Administrations a photo-identification card, and both documents contain the types of identification features that would be needed on a new Social Security card if it were designated as the only work eligibility document. Also, driver's license systems are paid for by user fees; there would be no new large cost either for users or taxpayers. Equally important, there would be no additional burden of reissuance or sense of Government intrusion for the public.

The states would, of course, have to be willing to participate with SSA in verifying SSNs and coding the driver's license of an alien who is not authorized to work. The Social Security cards of some aliens now have a legend "Not for Work Purposes" on their Social Security cards because they did not have INS documents authorizing them to work in the United States when they applied for their Social Security cards.

As the Secretary of HHS suggested in his 1988 report, serious consideration should be given to placing verified SSNs on State driver's licenses as a way of improving the work authorization system at less cost.

THE SOCIAL SECURITY CARD AS THE VOTER REGISTRATION CARD

Mr. Chairman, all of us share your concern that voter registration procedures not discourage people who are eligible to vote from doing so. As you know, the National Voter Registration Act has been passed by the House and is pending now before the Senate. This measure would enable a person applying for a driver's license to register at the same time to vote in Presidential and congressional elections. The Administration is opposed to this bill because it would impose mandatory voter registration procedures on the States. However, the Administration has no objection to linking the issuance of driver's licenses to voter registration. In fact, the process used to issue driver's licenses may be better equipped to play a role in voter registration than is the Social Security card issuance process because people must periodically

reapply for a driver's license. Frequently this reapplication coincides with the need to reregister to vote, such as when a person moves, either within a State or from one state to another. The Social Security card, on the other hand, is reissued only when the original card has been lost or when a person's name has changed, and neither of these events coincide with events that prompt a person to register to vote.

PRIVACY CONCERNS

In addition to the practical problems with the idea of making the Social Security card a more secure identifier for work eligibility, voter registration or other purposes, the Administration has always had fundamental concerns about the possibility of the Social Security card and number becoming a universal identifier in this country. These concerns center around questions of individual privacy and the increased possibility of the invasion of that privacy if all records pertaining to an individual could be accessed under one number. IRCA recognized this potential and explicitly provided that the Act not be construed as in any way authorizing the issuance or use of national identification cards. The Administration remains opposed to the establishment of a national identification card.

CONCLUSION

In conclusion, Mr. Chairman, the Administration opposes S. 214. Development of a prototype of a new Social Security card incorporating the technological features specified in S. 214 is not needed to carry out the mission of SSA. The Administration believes there are more cost effective strategies for addressing IRCA-related discrimination. GAO discussed all technological alternatives for a new Social Security card in its 1988 report required by IRCA. For that report, GAO researched available technologies and discussed them with both manufacturers and users. The March 1988 GAO report specifically discusses plastic and polyester cards, and the possibility of using magnetic stripe, holograms, integrated circuit, and laser storage technology. Based on its finding in studying technological alternatives to the current Social Security card, GAO recommended that the card not be changed, except to make it resistant to color copiers which has been done.

GAO said that it reached this conclusion because (1) there is no practical way of proving the identity of applicants for Social Security cards, (2) more sophisticated technology is relatively expensive and in some cases still under development, and (3) rapid advances in technology may make today's technology obsolete relatively soon. For the same reason, GAO said, what is counterfeit resistant today may not be tomorrow. GAO also said that the cost of reissuance of a new card to everyone should be considered. As you well know, Mr. Chairman, SSA could not possibly take on the task of such reissuance without hiring thousands of additional staff and ensuring that a workload did not interfere with providing service to the millions of people who depend on SSA.

PREPARED STATEMENT OF GENE McNARY

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to appear before you today to express the views of the Department of Justice on the proposal to develop a prototype counterfeit resistant Social Security card.

S. 214 and Title II of S. 2453 call for the study and development of a new prototype Social Security card that is virtually tamper-proof. It is specifically noted that such a card could be used as a more reliable means of verifying eligibility for employment pursuant to Section 274A of the Immigration and Nationality Act (the "Act") as amended by the Immigration Reform and Control Act of 1986 (IRCA). That section makes it unlawful for a person or other entity to knowingly employ, or to recruit or refer for a fee for employment in the United States, an alien who is unauthorized with respect to such employment.

The proliferation of counterfeit documents is one of the major problems confronted by immigration officers who enforce Section 274A of the Act. Currently, unauthorized aliens can circumvent this prohibition by procuring entire sets of documents, including Alien Registration cards; Social Security cards; Voter Registration cards; and, drivers' licenses. This practice is facilitated by counterfeitors who are sophisticated white-collar criminals.

A major concern of the drafters of IRCA was the establishment of a national identification card, a step to which we continue to be unalterably opposed. After hours of debate, Congress correctly decided not to authorize such a card. At the same time,

section 274A(c) of the Act, which strictly prohibits the issuance, use or establishment of a national identity card, does authorize the creation of an "Employment Authorization Document" (EAD). We have to work to find a way to produce the latter, without violating the restriction of the former. Care should be taken and there should be further analysis by the statutorily mandated task force on such matters as to inclusion of a fingerprint or picture on the card.

The Administration believes there are more cost-effective measures that would address the problems of fraud and discrimination associated with Section 274A. These include improving employer education and the development of a standardized "Employment Authorization Document" by INS. This document will substantially reduce the number of types of documents now acceptable for proof of employment authorization which have been issued by INS and are still in circulation. When this measure is fully implemented, there will be a maximum of three documents which will substantiate employment authorization. These documents will all be counterfeit-resistant and verifiable.

From our viewpoint, the INS effort to deter employment of unauthorized aliens ultimately requires a reciprocal exchange of information. Whether or not the production and use of a tamper-proof Social Security card is an appropriate solution to the current problems of fraud and discrimination, we believe that more information regarding the Social Security numbers issued to aliens residing in the United States could be effective in decreasing the number of unauthorized aliens in the work force.

We also look forward to working closely with you in the Congress to develop cost effective methods that will help combat fraud and deter illegal immigration into this country, while protecting the rights of all persons residing in the United States.

This concludes my prepared statement. I will now be pleased to answer any questions you may have.

PREPARED STATEMENT OF SENATOR DANIEL PATRICK MOYNIHAN

I think it a rather simple proposition that a plastic, counterfeit-proof Social Security card would reduce fraud and enhance public confidence in our Social Security system.

The current paper card is easily counterfeited, to the untrained eye, and the use of counterfeit Social Security cards is costly to the public. According to estimates by the Department of Health and Human Services and the Department of Transportation, crimes based on false identification, which frequently involve counterfeit and fraudulently obtained Social Security cards, cost Americans more than \$15 billion annually. The Domestic Mail Manual of the U.S. Postal Service directs postal employees not to accept Social Security cards as identification for purposes of cashing a money order.

The mere fact of such unfettered misuse of the Social Security card detracts from the integrity of the Social Security system. But also, the card is a symbol of the program, a concrete symbol that is the first point of contact most people have with Social Security. The current paper card does not instill much confidence in or identification with the system. Most people lose them, or throw them away after the card has become worn and torn. We should have a durable, plastic card that people can carry around in their wallets and feel that they have something, a card that gives them a sense of membership in the Social Security system.

It was in 1979 that I first introduced legislation for the development of a counterfeit-resistant Social Security card, and after a few tries at passage I got my bill language included in the Social Security Amendments of 1983. What a disappointment when late that year the Social Security Administration began issuing the new card. The new paper card looks much like the old, in fact much like the original card issued back in 1936. And the average person could not distinguish a counterfeit from the real article.

A plastic, counterfeit-proof Social Security card—one easily identified as genuine—could be manufactured at a very small cost. Today, a plastic credit card with a hologram and magnetic stripe costs about 2 or 3 cents to make.

In March 1988 the General Accounting Office released a report on ways to improve the integrity of the Social Security card, particularly for employment eligibility verification purposes under the Immigration Reform and Control Act of 1986 (IRCA). The report was required by an amendment to the immigration bill, which I offered. The report points out the present card's vulnerability to fraud and identifies a number of counterfeit-resistant technologies that could be used to enhance the card's integrity, such as holograms and magnetic stripes.

The purpose of this hearing is to further explore the issues in this area, particularly in light of last month's GAO report which found that the employer sanction provisions of IRCA have resulted in a widespread pattern of employment discrimination against Hispanics and others. Apparently, many employers feel they cannot reliably determine a job applicant's eligibility for employment under IRCA. It could be there is a role here for a Social Security card with a magnetic stripe or other technology that could be used for employment eligibility verification purposes. It is at any rate an avenue to explore as we consider the development of a durable, counterfeit-resistant Social Security card.

Attachment.

[The Washington Post, April 18, 1990]

SOCIAL SECURITY FACES GROWING FRAUD

[BY JACK ANDERSON AND DALE VAN ATTA]

Fraudulent use of Social Security numbers is creating a billion-dollar crime wave. Government investigators are finding a growing use of Social Security numbers to illegally obtain government financial aid and loans and even to buy guns. A growth industry for the sale of counterfeit cards has emerged.

Files are full of examples, such as the Virginia man who used a fraudulent Social Security number first to obtain a driver's license, then to buy firearms, which were shipped to New York where they fell into the hands of drug dealers.

Investigators predict that this type of fraud will be a growing concern during the rest of this decade.

Last year, the inspector general at the Department of Health and Human Services helped authorities to obtain more than 1,000 convictions related to illegal use of Social Security numbers.

The Social Security crime blotter reads like this:

- Four people in New Jersey, through a combination of false numbers and fictitious companies, obtained a \$500,000 bank loan and \$1 million in the sale of company stock.
- An Ohio woman used false names and Social Security numbers to get government benefits, evade police and pass thousands of dollars in bad checks.
- One of the more elaborate schemes was hatched in California. Two residents fraudulently collected thousands of dollars in Supplemental Security Income payments, a program run by the Social Security Administration.

The two Californians, Henry Nguyen and Ona Rady, operated Universal Resources Development Center in Oakland and advertised that they would help non-English-speaking Laotian and Vietnamese refugees apply for Supplemental Security payments.

The pair falsified the applicants' medical conditions and eligibility factors, routed the funds to their own address and deposited them into their personal accounts.

One Laotian refugee went to Nguyen and Rady when her son was denied medical benefits for asthma. The pair filed an application for her, claiming she was deaf and her son retarded. Other claims were filed using medical information from a Mexican clinic when actually the claimants had never been to Mexico.

All told, the offenders pleaded guilty to collecting \$70,900 in Social Security benefits from 23 recipients.

This burgeoning scandal comes amid growing debate over Social Security finances. Sen. Daniel Patrick Moynihan (D-NY) has roiled the waters by proposing a cut in the Social Security payroll tax. Moynihan and other lawmakers are exposing the sham accounting methods of the Federal Government that enable Social Security trust funds to be counted as revenue, and thus create illusory reductions in the budget deficit. The White House prefers the status quo.

PREPARED STATEMENT OF ANDREW M. STROJNY

Mr. Chairman and Members of the Subcommittee: My name is Andrew M. Strojny, Acting Special Counsel for Immigration Related Unfair Employment Practices. After the resignation of former Special Counsel Lawrence J. Siskind in May, 1989, I was designated Acting Special Counsel by President Bush, pursuant to section 102 of the Immigration Reform and Control Act (IRCA).

Thank you for the opportunity to testify on the proposal, contained in Title II of S. 2453 and S. 214, for a counterfeit-resistant, Social Security card.

In its third report on the implementation of employer sanctions, the General Accounting Office (GAO) suggested that reducing the number of work eligibility documents could cut down on discrimination caused by employer sanctions. GAO stated that to be most effective, this solution must also make the documents harder to counterfeit and apply to all members of the workforce. GAO also cautioned that reducing the number of documents would raise many concerns, including civil liberty, cost, and logistics issues.

I agree with GAO that reducing the number of work eligibility documents would likely reduce employer confusion on how to verify an employee's work eligibility, and thereby reduce discrimination caused by sanctions. But I also note GAO's words of caution: a system of a Federally issued work authorization card, be it in the form of a counterfeit-resistant Social Security card, a new work authorization card, or some other alternative, will be a major change in the relationship between the Government and its citizenry. If employer sanctions are working, it will impose a simple rule for employers and job applicants—no card, no work.

An examination of what GAO calls the "Social Security card option" illustrates some reasonable concerns. Under this option the only acceptable document to prove work authorization would be a Social Security card. It envisions issuance of a new counterfeit-resistant Social Security card with the holder's photograph. It is a change from the current worker eligibility verification system. Currently a Social Security card, other than one which has printed on its face "not valid for employment purposes," is one of a number of documents that may be used to establish authorization to work in the United States. It has been our experience that most employers do not demand to see a Social Security card unless a new hire volunteers it for I-9 purposes.

It is for this reason that use of the Social Security card as a universal work authorization document is different from the current use of the Social Security card. Now employers are interested in getting the number, primarily for tax purposes, not in seeing the card. Had I been required to produce my Social Security card for inspection when I was hired by the Department of Justice, I would be unemployed today. I lost my Social Security card over 20 years ago.

Besides the civil liberties questions that are raised by this option, there are a number of practical considerations that need to be considered. One is the question of how to handle the people, who have lost their new counterfeit-resistant picture Social Security cards. The Social Security Administration already issues 7 to 8 million replacement cards each year. And these are just the people who opt to get a replacement. Under this option, should they be fired, laid off, or quit, they could not get a new job until they were issued a replacement card. If people cannot obtain or change employment without having a Social Security card, many more people would likely seek replacements for lost cards.

One way around this problem would be to issue temporary receipts that could be used as proof of work authorization until the new card could be issued. However, unless these receipts also had a picture and were counterfeit resistant, they would recreate the very problem the Social Security card option was meant to cure—use of counterfeit documents to prove work authorization. Now individuals would not be using counterfeit Social Security cards, they would be using counterfeit receipts instead.

Another problem this option raises is the opportunity for unscrupulous employers to maintain a captive labor force. To ensure that employees do not leave their employ, all employers would have to do is demand custody of their employees' Social Security cards. To sophisticated employees this should not present a problem, particularly if they had access to legal assistance. But to the unsophisticated this could present a very real problem. This Department's Civil Rights Division has prosecuted a number of involuntary servitude cases involving farm workers suggesting that this group in particular might be vulnerable to this type of practice.

If this option is to succeed, the Social Security Administration will need to see documentary proof that an individual is work authorized prior to issuing a Social Security card. It is not only unclear what this documentary proof would be, but also unclear that this does not merely change the entity to whom counterfeit documents will be presented, i.e., they will now be presented to the Social Security Administration rather than to employers.

I do not pretend to have raised all the questions that need examination before this or some other prototype work authorization card system is developed. The GAO report itself raises additional issues, primarily concerning cost, that also need examination. But simply because a single card system has the virtue of simplicity, does not mean it is a simple solution.

There are alternatives to the GAO's options that may reduce, if not completely eradicate the problems GAO identifies. For example, one could reduce the number of work authorization documents. Individuals who claim to be citizens would be required to prove it.

If INS can expeditiously limit the number of work authorization documents it issues to aliens, we believe this alone would go a long way toward reducing employer confusion.

This leaves the problem of how citizens can prove their work authorization. One can cut down on the number of documents by requiring individuals who claim to be citizens to affirmatively prove it. Three documents come mind which do this: a U.S. Passport, which establishes both identity and citizenship; a voter registration card, which establishes citizenship; and a birth certificate, which establishes citizenship. There may be others. Obviously, documents which prove identity would also be required in addition to some of these documents.

This concludes my prepared statement. I will be pleased to answer any questions you may have.