Bruce N. Reed
04/21/2000 05:12:38 PM

Record Type: Record

To: Irene Bueno/OPD/EOP@EOP

cc: eric p. liu/opd/eop@eop, anna richter/opd/eop@eop
Subject: Re: Presidential Designation under immigration reform law - birth certificates

A new frontier in executive action!

I don't know much about this issue, but I'm sure we can work it out -- you can explain it to me on Monday. I think I'd like the memo better if it explained what this was about -- developing a fraudproof birth certificate. On Monday, fill me in on why we think INS can do this.

Purpose : ~~breeder doc.~~ create standards birth certif. 3 years after final reg.
fraud proof
grants

INS has expertise ~~experience~~ ~~of~~ document fraud ... green card

INS is an enforcement agency.

No other agency wanted to take the lead.

Irene Bueno
04/21/2000 05:05:03 PM

Record Type: Record

To: Eric P. Liu/OPD/EOP@EOP
cc: bruce n. reed/opd/eop@eop, anna richter/opd/eop@eop
bcc: Irene Bueno/OPD/EOP,
Subject: Re: Presidential Designation under immigration reform law - birth certificates

Upon further review and discussion, OMB has determined that a formal Presidential designation is not required but memo from Bruce to the INS Commissioner would satisfy the requirement. Attached for your review is a memo drafted by OMB. Please let me know if you are okay with this draft. Thanks.

birth certificate.wp

Eric P. Liu

Eric P. Liu
04/13/2000 03:41:22 PM

Record Type: Record

To: Irene Bueno/OPD/EOP@EOP
cc: bruce n. reed/opd/eop@eop, anna richter/opd/eop@eop
bcc:
Subject: Re: Presidential Designation under immigration reform law - birth certificates

fine.

Irene Bueno

Irene Bueno
04/13/2000 03:26:22 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP@EOP, Eric P. Liu/OPD/EOP@EOP
cc: Anna Richter/OPD/EOP@EOP
Subject: Presidential Designation under immigration reform law - birth certificates

Please let me know if you are okay with the attached draft of a Presidential Designation. Here's the background. Under section 656(a) the Immigration Reform law of 1996, the President is required to designate an agency to take the lead on developing a fraud proof birth certificate. At some point, the

White House designated INS but it was never done formally. DOJ (OPD- their office that deals with regs) is requesting a formal designation before it allows INS to publish any regs which they hope to do soon. INS and OMB helped prepare this draft designation. If you are okay with it, OMB will help me run through the process here. Please let me know if you have any questions. Thanks.

birthcertificatedraft041300.

Draft 4/21/2000 5:04 PM

MEMORANDUM FOR THE COMMISSIONER OF THE IMMIGRATION AND NATURALIZATION SERVICE

FROM: Bruce Reed

SUBJECT: Selection of the Immigration and Naturalization Service to Establish Federal Birth Certification Standards

Section 656(a) of the Illegal Immigrant Responsibility and Immigration Reform Act of 1996, Pub. L. 104-208 (IIRIRA), requires the President to select one or more Federal agencies to consult with State vital statistic offices and with other appropriate Federal agencies for the purpose of developing appropriate standards for birth certificates that may be accepted for official purpose by Federal agencies.

Purpose

In compliance with the statutory requirement, the President has selected the Immigration and Naturalization Service (INS) as the lead Federal agency. The INS shall promulgate, upon the conclusion of such consultations, a regulation establishing acceptable Federal standards for certified copies of birth certificates as described in section 656(a) of IIRIRA.

Such duties and responsibilities as outlined in Section 656(a) IIRIRA and this memorandum shall be exercised subject to the concurrence of the Attorney General.

To: INTERNET[roi1@CDC.GOV]
From: Irene Bueno@ASL
Cc: INTERNET[elh1@CDC.GOV]
Bcc:
Subject: Birth Certificates
Attachment:
Date: 5/1/98 6:24 PM

Bob -

The meeting with the White House was interesting. INS did not show up but we had a good discussion with Leanne and Julie Fernandez of DPC.

Ed made a very convincing argument why it is not appropriate for HHS to issue the reg but that we should be involved in the development of the regulation. As a result, Leanne and Julie plan to issue some type of letter/something (they need to discuss with OMB what the something is) that designates the INS and HHS as the lead agencies on the consultation issue and designate INS as the agency that will promulgate the regulation. Of course, they still need to discuss with INS but DPC is leaning strongly in this direction and just want a decision to be made so they get this off their plate.

On the issue of the Brownback letter, we decided it was best not to send a letter at this since there is nothing to report. To close out your correspondence with Ex Sec, we decided that either you or would call Senator Brownback's staff to let them know that we understand that the White House will be making a decision soon and that they will be informed. We would then tell Ex Sec that this letter has been responded to by phone.

Ed will also give a heads up to the person, the NPHSIS President, who lives in KS and we suspect is behind this Brownback letter.

Please let me know if you have any questions or comments.

452-7028

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the provincial sales tax levied by the Canadian province of New Brunswick on Canadian citizens of that province who purchase goods in the United States—

(A) raises questions about a possible violation of the North American Free Trade Agreement in the discriminatory application of the tax to cross-border trade with the United States; and

(B) damages good relations between the United States and Canada; and

(2) the United States Trade Representative should move forward without further delay in seeking redress under the dispute resolution process in chapter 20 of the North American Free Trade Agreement for the violation.

SEC. 656. IMPROVEMENTS IN IDENTIFICATION-RELATED DOCUMENTS.

(a) BIRTH CERTIFICATES.—

(1) STANDARDS FOR ACCEPTANCE BY FEDERAL AGENCIES.—

(A) IN GENERAL.—

(i) GENERAL RULE.—Subject to clause (ii), a Federal agency may not accept for any official purpose a certificate of birth, unless the certificate—

(I) is a birth certificate (as defined in paragraph (3)); and

(II) conforms to the standards set forth in the regulation promulgated under subparagraph (B).

(ii) APPLICABILITY.—Clause (i) shall apply only to a certificate of birth issued after the day that is 3 years after the date of the promulgation of a final regulation under subparagraph (B). Clause (i) shall not be construed to prevent a Federal agency from accepting for official purposes any certificate of birth issued on or before such day.

(B) REGULATION.—

(i) CONSULTATION WITH GOVERNMENT AGENCIES.—The President shall select 1 or more Federal agencies to consult with State vital statistics offices, and with other appropriate Federal agencies designated by the President, for the purpose of developing appropriate standards for birth certificates that may be accepted for official purposes by Federal agencies, as provided in subparagraph (A).

(ii) SELECTION OF LEAD AGENCY.—Of the Federal agencies selected under clause (i), the President shall select 1 agency to promulgate, upon the conclusion of the consultation conducted under such clause, a regulation establishing standards of the type described in such clause.

(iii) DEADLINE.—The agency selected under clause (ii) shall promulgate a final regulation under such clause not later than the date that is 1 year after the date of the enactment of this Act.

(iv) MINIMUM REQUIREMENTS.—The standards established under this subparagraph—

(I) at a minimum, shall require certification of the birth certificate by the State or local custodian of record that issued the certificate, and shall require the use of safety paper, the seal of the issuing custodian of record, and other features designed to limit tampering, counterfeiting, and photocopying, or otherwise duplicating, the birth certificate for fraudulent purposes;

(II) may not require a single design to which birth certificates issued by all States must conform; and

(III) shall accommodate the differences between the States in the manner and form in which birth records are stored and birth certificates are produced from such records.

(2) GRANTS TO STATES.—

(A) ASSISTANCE IN MEETING FEDERAL STANDARDS.—

(i) IN GENERAL.—Beginning on the date a final regulation is promulgated under paragraph (1)(B), the Secretary of Health and Human Services, acting through the Director of the National Center for Health Statistics and after consulting with the head of any other agency designated by the President, shall make grants to States to assist them in issuing birth certificates that conform to the standards set forth in the regulation.

(ii) ALLOCATION OF GRANTS.—The Secretary shall provide grants to States under this subparagraph in proportion to the populations of the States applying to receive a grant and in an amount needed to provide a substantial incentive for States to issue birth certificates that conform to the standards described in clause (i).

(B) ASSISTANCE IN MATCHING BIRTH AND DEATH RECORDS.—

(i) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Center for Health Statistics and after consulting with the head of any other agency designated by the President, shall make grants to States to assist them in developing the capability to match birth and death records, within each State and among the States, and to note the fact of death on the birth certificates of deceased persons. In developing the capability described in the preceding sentence, a State that receives a grant under this subparagraph shall focus first on individuals born after 1950.

(ii) ALLOCATION AND AMOUNT OF GRANTS.—The Secretary shall provide grants to States under this subparagraph in proportion to the populations of the States applying to receive a grant and in an amount needed to provide a substantial incentive for States to develop the capability described in clause (i).

(C) DEMONSTRATION PROJECTS.—The Secretary of Health and Human Services, acting through the Director of the National Center for Health Statistics, shall make grants to States for a project in each of 5 States to demonstrate the feasibility of a system under which persons otherwise required to report the death of individuals to a State would be required to provide to the State's office of vital statistics sufficient information to establish the fact of death of every individual dying in the State within 24 hours of acquiring the information.

(3) BIRTH CERTIFICATE.—As used in this subsection, the term "birth certificate" means a certificate of birth—

(A) of—

(i) an individual born in the United States; or

(ii) an individual born abroad—

(I) who is a citizen or national of the United States at birth; and

(II) whose birth is registered in the United States; and

(B) that—

(i) is a copy, issued by a State or local authorized custodian of record, of an original certificate of birth issued by such custodian of record; or

(ii) was issued by a State or local authorized custodian of record and was produced from birth records maintained by such custodian of record.

(b) STATE-ISSUED DRIVERS LICENSES AND COMPARABLE IDENTIFICATION DOCUMENTS.—

(1) STANDARDS FOR ACCEPTANCE BY FEDERAL AGENCIES.—

(A) IN GENERAL.—A Federal agency may not accept for any identification-related purpose a driver's license, or other comparable identification document, issued by a State, unless the license or document satisfies the following requirements:

(i) APPLICATION PROCESS.—The application process for the license or document shall include the presentation of such evidence of identity as is required by regulations promulgated by the Secretary of Transportation after consultation with the American Association of Motor Vehicle Administrators.

(ii) SOCIAL SECURITY NUMBER.—Except as provided in subparagraph (B), the license or documeni shall contain a social security account number that car be read visually or by electronic means.

(iii) FORM.—The license or document otherwis shall be in a form consistent with requirements se forth in regulations promulgated by the Secretary c Transportation after consultation with the America Association of Motor Vehicle Administrators. The forı shall contain security features designed to limit tan pering, counterfeiting, photocopying, or otherwise dı plicating, the license or document for fraudulent pu poses and to limit use of the license or document by in postors.

452-7028

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the provincial sales tax levied by the Canadian province of New Brunswick on Canadian citizens of that province who purchase goods in the United States—

(A) raises questions about a possible violation of the North American Free Trade Agreement in the discriminatory application of the tax to cross-border trade with the United States; and

(B) damages good relations between the United States and Canada; and

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(ii) SELECTION OF LEAD AGENCY.—Of the Federal agencies selected under clause (i), the President shall select 1 agency to promulgate, upon the conclusion of the consultation conducted under such clause, a regulation establishing standards of the type described in such clause.

(iii) DEADLINE.—The agency selected under clause (ii) shall promulgate a final regulation under such clause not later than the date that is 1 year after the date of the enactment of this Act.

(iv) MINIMUM REQUIREMENTS.—The standards established under this subparagraph—

(I) at a minimum, shall require certification of the birth certificate by the State or local custodian of record that issued the certificate, and shall require the use of safety paper, the seal of the issuing custodian of record, and other features designed to limit tampering, counterfeiting, and photocopying, or otherwise duplicating, the birth certificate for fraudulent purposes;

(II) may not require a single design to which birth certificates issued by all States must conform; and

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(ii) ALLOCATION AND AMOUNT OF GRANTS.—The Secretary shall provide grants to States under this subparagraph in proportion to the populations of the States applying to receive a grant and in an amount needed to provide a substantial incentive for States to develop the capability described in clause (i).

(C) DEMONSTRATION PROJECTS.—The Secretary of Health and Human Services, acting through the Director of the National Center for Health Statistics, shall make grants to States for a project in each of 5 States to demonstrate the feasibility of a system under which persons otherwise required to report the death of individuals to a State would be required to provide to the State's office of vital statistics sufficient information to establish the fact of death of every individual dying in the State within 24 hours of acquiring the information.

(3) BIRTH CERTIFICATE.—As used in this subsection, the term "birth certificate" means a certificate of birth—

(A) of—

(i) an individual born in the United States; or

(ii) an individual born abroad—

(I) who is a citizen or national of the United States at birth; and

(II) whose birth is registered in the United States; and

(B) that—

(i) is a copy, issued by a State or local authorized custodian of record, of an original certificate of birth issued by such custodian of record; or

(ii) was issued by a State or local authorized custodian of record and was produced from birth records maintained by such custodian of record.

(b) STATE-ISSUED DRIVERS LICENSES AND COMPARABLE IDENTIFICATION DOCUMENTS.—

(1) STANDARDS FOR ACCEPTANCE BY FEDERAL AGENCIES.—

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(i) APPLICATION PROCESS.—The application process for the license or document shall include the presentation of such evidence of identity as is required by regulations promulgated by the Secretary of Transportation after consultation with the American Association of Motor Vehicle Administrators.

(ii) SOCIAL SECURITY NUMBER.—Except as provided in subparagraph (B), the license or document shall contain a social security account number that can be read visually or by electronic means.

(iii) FORM.—The license or document otherwise shall be in a form consistent with requirements set forth in regulations promulgated by the Secretary of Transportation after consultation with the American Association of Motor Vehicle Administrators. The form shall contain security features designed to limit tampering, counterfeiting, photocopying, or otherwise duplicating, the license or document for fraudulent purposes and to limit use of the license or document by impostors.

Total Pages: 15

LRM ID: MDH91

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

URGENT

Monday, July 19, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: Janet R. Forsgren (for) Assistant Director for Legislative Reference

OMB CONTACT: Melinda D. Haskins
E-Mail: Melinda_D._Haskins@omb.eop.gov
PHONE: (202)395-3923 FAX: (202)395-6148

SUBJECT: **JUSTICE Testimony on Counterfeiting and Misuse of the Social Security Card and State and Local Identity Documents**

DEADLINE: **4 P.M. Tuesday, July 20, 1999**

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. **Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.**

COMMENTS: Attached is the Justice (Hesse) testimony for the House Judiciary Committee Subcommittee on Immigration and Claims' July 22nd hearing on "counterfeiting and misuse of the Social Security card and State and local documents."

IF WE DO NOT HEAR FROM YOU BY THE COMMENT DEADLINE, WE WILL ASSUME THAT YOU HAVE NO OBJECTION.

DISTRIBUTION LIST

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62-LABOR - Robert A. Shapiro - (202) 219-8201
118-TREASURY - Richard S. Carro - (202) 622-0650
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James J. Jukes

DRAFT

U.S. Department of Justice
Immigration and Naturalization Service

425 I Street NW
Washington, DC 20536

TESTIMONY OF

JAMES HESSE
CHIEF INTELLIGENCE OFFICER
FORENSIC DOCUMENT LABORATORY

IMMIGRATION AND NATURALIZATION SERVICE

BEFORE THE
HOUSE JUDICIARY COMMITTEE
SUBCOMMITTEE ON IMMIGRATION AND CLAIMS

CONCERNING

COUNTERFEITING AND MISUSE OF THE SOCIAL SECURITY CARD
AND STATE AND LOCAL IDENTITY DOCUEMTNS

Thursday, July 22, 1999
10:00 a.m.

2141 Rayburn House Office Building

Good morning Mr. Chairman, Congresswoman Jackson-Lee, and Members of the Subcommittee. Thank you for this opportunity to appear before you today to discuss the vulnerability of documents, specifically the counterfeiting and misuse of the Social Security card and State and local identity documents. I am currently assigned to the Immigration and Naturalization Service (INS) Forensic Document Laboratory (FDL) as the Chief Intelligence Officer. The mission of the FDL is to provide support in the form of forensic examination, dissemination of intelligence information, and assistance in document training to all divisions of the INS. This includes the scientific examination of questioned documents submitted to the FDL by Immigration Inspectors, Criminal Investigators, Border Patrol Agents, Adjudicators, and General Attorneys. These questioned documents are examined by a forensic document analyst, who sends a laboratory report to the requestor when the examination has been completed. The Intelligence Staff is responsible for the collection, evaluation, analysis, and dissemination of information pertaining to fraudulent documents. When new counterfeits are discovered or new trends develop, photographic document "Alerts" are produced and disseminated Service-wide.

Since the enactment of the Immigration Reform and Control Act of 1986 (IRCA), employers have been required to verify on the Employment Eligibility Verification form (Form I-9) the identity and employment eligibility of each newly hired individual. Each individual, in turn, is required to attest to his or her status in the United States.

To counteract the potential for discrimination based upon an individual's national origin or citizenship status, anti-discrimination provisions were also enacted. Among these conditions is a provision that precludes employers from requesting individuals to present specific documentation for completion of the Form I-9. Thus, at the time, individuals could choose from among 29 documents in order to comply with the Form I-9 requirements.

In order to circumvent the verification process, some unauthorized aliens presented employers with counterfeit, altered, and/or fraudulently obtained documents. Document fraud encompasses the counterfeiting, possession, sale, and/or use of identity documents to circumvent U.S. laws. In addition to their direct use to obtain unauthorized benefits, fraudulent birth certificates, Social Security cards, and other forms of Federal, State, and local identification are also considered "breeder" documents because they are often used to support the acquisition of lawfully-issued immigration or other identity documents.

Before I get into the specifics of the vulnerability of certain documents and how large of a problem fraudulent documents continues to be, allow me to make two points regarding the use of fraudulent documents. First, there is a crime and criminal behind every single fraudulent document. There is no legitimate reason (other than for law enforcement purposes) to use a fraudulent document or to fraudulently obtain a genuine document. They are used to attempt illegal entry, obtain unauthorized benefits and employment, create new identities for criminal purposes, conceal true identities for illegal purposes, and commit criminal acts, to include acts of terrorism. Second, fraudulent documents are not used solely by the illegal migrant; they are used extensively by the criminal and terrorist as well. Once it has been detected that an individual has used a fraudulent document, that individual's identity is in question. The question for a law enforcement officer becomes: Is the individual seeking illegal work or is he/she planning criminal or terrorist activity? This is truly a serious matter and deserves our most conscientious attention. Thank you for inviting me to speak on this subject.

The impact of counterfeit documents and the fraudulent use of legitimate documents have undermined the employment verification provisions of the Immigration and Nationality Act (INA). The existing verification process can be easily thwarted by fraud. Documents suitable for use in establishing work authorization are readily available in any area where there is a market. For example, a driver's license or school I.D. is all that is needed to establish identity, and the addition of a Social Security card or birth certificate will suffice to meet the standard for establishing work eligibility. The presence of an illegal alien population willing and able to work provides a ready market for these basic documents. On the whole, driver's licenses, birth certificates and social security cards are easily counterfeited by the simplest of means.

False U.S. birth certificates, Social Security cards and State driver's licenses continue to be "breeder" documents for the procurement of genuine documents. There are many factors that must be dealt with in combating this type of fraud.

The birth certificate is the single most vulnerable document for one salient reason. It is accepted by virtually all governmental agencies as proof of identity and citizenship. Therefore, it is the key to obtaining many benefits and/or documents. It is estimated that there are over 8,000 State and local registrars' offices that issue birth certificates. Due to the fact that many of these offices produce more than one type of certificate with various endorsement or authorization seals, it is further estimated that there are over 10,000 variations of U.S. birth certificates being issued at any given time. And if one considers there have been numerous revisions by states of the birth certificates they issue over the past fifty years, then the number of different types of genuine birth certificates in circulation at this moment becomes exponentially larger. Security features in these documents run the entire gamut, from virtually none to quite secure. The problem is obvious. With so many variations in circulation, it is difficult to make an informed decision about the genuineness of the piece of paper (birth certificate) presented.

The best birth certificate to use fraudulently is a genuine birth certificate. Some states furnish a birth certificate to anyone who requests it. Other states may have issuance requirements, but these requirements can also be circumvented. Some states are experiencing malfeasance in their issuing offices. Clerks who earn $30,000 per year may be tempted to "sell" genuine birth certificates for as much as $500 each, so if they sell just one a week they can almost double their salary. It is very difficult for most people who are responsible for examining birth certificates to detect this type of fraud because the document is genuine and in many cases the document is received without the person being present. However, U.S. Immigration Officers are very adept at detecting impostors with genuine birth certificates. These officers encounter dozens of birth certificates every day and given their training, experience, knowledge of body language and interview techniques they have proven to be very effective at detecting fraud. The El Paso Intelligence Center (EPIC) receives approximately 4,000 intercepted genuine birth certificates every month.

Of course, birth certificates are also subject to alterations and counterfeiting. The biographical data is printed onto the surface of the paper and it can be removed either mechanically or chemically and replaced with data for a "new" bearer. These alterations can be quite deceptive, especially without the assistance of magnification or an ultraviolet light source. In these cases you have a genuine document but the pertinent data has been changed. This is also difficult to detect in most cases.

With the advent of document scanners, graphic software and advances in printing techniques it has become extremely easy to counterfeit documents. Security features play a big part in combating counterfeits but their effectiveness is somewhat limited by the fact that an examining officer must know what security features a particular document has to be able to look for it. This is daunting given the number of various documents in use and in some cases special equipment is necessary (i.e. ultraviolet or transmitted light) to view the feature(s). Also, many security features are *simulated* by forgers and the presence of a simulated feature may further dupe the examining official.

Document fraud is no longer a "mom and pop" operation. Document syndicates are well organized and widespread and reap millions of dollars. In November 1998, INS agents executing search warrants at two Los Angeles storage facilities netted more than two million counterfeit identity documents with an estimated street value of more than $80 million dollars. Along with numerous bogus alien registration documents, Social Security cards, Mexican birth certificates, California identity documents (i.e., driver's licenses, vehicle title certificates, proof of insurance certificates, and State identification cards), and driver's licenses for eight other states, the agents seized a large number of counterfeiting implements. The INS Forensic Document Laboratory (FDL) has linked the counterfeits seized in more than 80 other INS cases across the country to their manufacture by this Los Angeles criminal organization. The ringleader of this crime group and eight of his associates were arrested.

- Hidden word Pantograph
- Security pattern
- Serialization (unique document numbers)
- Explanation of security features printed on the document
- Embossing seal unique to issuing office

The U.S. Social Security card is a highly sought after document as the card may enable the holder to obtain various benefits and can be used to establish employment eligibility. In addition, the Social Security card is frequently used as supporting documentation to establish identity. Also, the possession of a Social Security card gives credibility to the bearer. It is often part of a counterfeit "package" which consists of a resident alien card, Social Security card and a driver's license. There are over twenty versions of the card and this has proven problematic for Immigration and other law enforcement, school, bank, and other officials who may not be familiar with the security features of each of the documents.

The Social Security card was not originally intended to serve as a national identification card. Therefore, none of the revisions of the card prior to October 1983 contained security features and some revisions actually had "NOT FOR IDENTIFICATION" printed on the card. Social Security cards issued subsequent to October 1983 contain security features which include intaglio and microline printing and security planchettes in the paper.

As with the birth certificate, the best Social Security card to obtain for fraud use is a genuine one. A Social Security card may be obtained by presenting a birth certificate or Resident Alien card.

The exact number of counterfeit Social Security cards in circulation is also unknown but they are believed to be as prevalent as counterfeit birth certificates. The FDL receives thousands of these cards every year from Border Patrol Agents who routinely intercept them at traffic checkpoints.

All fifty States, the District of Columbia, and the U.S. territories issue driver's licenses and identity cards. Originally, driver's licenses were simply issued to verify that the bearer was afforded driving privileges by the state. However, these documents have become identity documents and therefore are also being abused.

Once again it is often difficult to determine the genuineness of many licenses due to the volume in circulation. There are over one hundred "current" types of documents, 50 licenses and 50 identity cards, in circulation. However, if you factor in the older versions that are still valid, there are many more variations in circulation at any given time.

Many states have incorporated security features into their driver's licenses. This is helpful, but limited in its effectiveness. For example, police officers in Utah certainly know the security features in a Utah driver's license, but may or may not be familiar with security features, if any, in a Florida driver's license.

One can obtain a genuine driver's license in many states by producing a driver's license from another state. This is true in Virginia. So, if an individual can pass off a counterfeit Arizona driver's license in the Commonwealth of Virginia, he/she can obtain a genuine license issued in his/her name (or any name he/she chooses).

Many of the reasons driver's licenses are abused are the same as birth certificates and social security cards. They establish identity, lend credibility to the bearer and provide a benefit. Driver's licenses are also sold in counterfeit "packages" as previously mentioned.

It would be beneficial to standardize the format (layout) so all driver's licenses look the same. The background design and colors may be different but the photo and data should be laid out the same for all licenses. This is similar to the International Civil Aviation Organization (ICAO) format used in passports.

What has INS been doing? While striving to reduce the number of acceptable documents for employment verification, at the same time it is continually improving upon the security of the documents it issues. In 1996, INS had 20 versions of the Permanent Resident and Employment Authorization cards in circulation. Today there are five. The addition of the expiration date to all cards will greatly assist in deterring fraud. This allows INS to update the photograph and add the most recent security features when the individual applies for a new card.

With the introduction of the latest Permanent Resident card, INS has changed the entire concept of document security. Security features in a document assist in verifying that the document itself is genuine; but that is only part of the concern. Is the person presenting it the rightful holder? With previous cards, an examining officer relied on the printed biographical data to identify the holder. In the currently issued card, it is actually the holder's own biometrics that will provide positive identification. This feature will allow for a faster and more accurate inspection process, which will benefit the bona fide traveler and make the entire process more secure.

The INS has developed an Image Retrieval System (IRS), which is a database of the photographs, fingerprints and signatures that were used to issue the Permanent Resident cards from 1989 through 1998 (images from the current Permanent Resident cards issued since 1997 will be added to the system later this year). This system provides instant and accurate verification of lawful permanent residents. Currently, IRS terminals are only deployed at a handful of locations. However, the FDL is staffed seven days a week to respond to requests from INS offices, ports-of-entry, and consulates and embassies for verification of cardholders. The Service is attempting to allocate funds for the expansion of this system.

In cooperation with Australia, Canada, and the Netherlands, INS has also developed, the "EDISON" project, an image database of documents that assists officers in identifying documents from every country in the world.

The FDL publishes "Document Intelligence Alerts," which are photographic intelligence bulletins of counterfeit or altered documents. These bulletins, which are distributed worldwide, have proven to be extremely effective in assisting officers in the detection and interception of fraudulent documents.

The most secure document in the world can be counterfeited or altered. The true test of the security of a document is how difficult it is for a forger to successfully simulate the genuine to the point that it can fool those tasked with inspecting it. The INS has incorporated reliable and proven security features in the Permanent Resident and Employment Authorization cards to deter counterfeiting, altering, and use by impostors.

The FDL has developed advanced training programs for INS officers in the recognition of U.S. documents, detection of fraudulent documents and the detection of impostors. In FY 1998, INS officers at ports-of-entry intercepted 99,171 fraudulent documents. That's one every five minutes; and, so far in FY 1999, they are on a pace to intercept 119,595. These numbers do not include documents intercepted in the benefits programs or picked up at Border Patrol checkpoints.

Improvements can be made to the security of birth certificates, Social Security cards and driver's licenses, but those changes may take time and still do not solve the problem. The INS officers at our ports-of-entry are successful in detecting fraud due to their experience and training in document fraud. To that end the Service is close to implementing a new training program to put certified document trainers in every district office. These officers will not only conduct refresher courses for INS officers, but will also provide training in the recognition of genuine documents, detection of fraudulent documents and the detection of impostors to local DMV's, Social Security offices, police and other entitlement and enforcement agencies.

Thank you for the opportunity to appear before you today. I will take any questions you may have at this time.

From: Melinda D. Haskins on 07/19/99 04:58:15 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: SSA Testimony on Counterfeiting and Misuse of the Social Security Card -- Comments Due 4:30 P.M. Tomorrow (7/20)

Attached below is the SSA (Donnelly) testimony for the July 22nd hearing before the House Judiciary Committee Subcommittee on Immigration and Claims' on "counterfeiting and misuse of the Social Security card and State and local documents." Please provide me with comments on this testimony by 4:30 p.m. tomorrow.

(Note: Justice's testimony for this hearing will be faxed to you shortly. You will not receive an electronic version.)

EXOP: You will not receive a faxed copy of this LRM.

---------------------- Forwarded by Melinda D. Haskins/OMB/EOP on 07/19/99 04:53 PM ---------------------------

LRM ID: MDH90

ATTACHMENT (8 pages):

7-22test.wpd

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Monday, July 19, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: Janet R. Forsgren (for) Assistant Director for Legislative Reference

OMB CONTACT: Melinda D. Haskins
PHONE: (202)395-3923 FAX: (202)395-6148

SUBJECT: **Social Security Administration Testimony on Counterfeiting and Misuse of the Social Security Card and State and Local Documents**

DEADLINE: **4:30 P.M. Tuesday, July 20, 1999**

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. **Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.**

COMMENTS: Attached is the SSA (Donnelly) testimony for the House Judiciary Committee Subcommittee on Immigration and Claims' July 22nd hearing on "counterfeiting and misuse of the Social Security card and State and local documents."

IF WE DO NOT HEAR FROM YOU BY THE COMMENT DEADLINE, WE WILL ASSUME THAT YOU HAVE NO OBJECTION.

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LRM ID: MDH90 **SUBJECT:** Social Security Administration Testimony on Counterfeiting and Misuse of the Social Security Card and State and Local Documents

RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

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TO: **Melinda D. Haskins Phone: 395-3923 Fax: 395-6148**
Office of Management and Budget
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The following is the response of our agency to your request for views on the above-captioned subject:

______ **Concur**

______ **No Objection**

______ **No Comment**

______ **See proposed edits on pages** __________

______ **Other:** ______________________

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Message Sent To: ______________________

Mr. Chairman and Members of the Subcommittee:

Thank you for inviting me to testify about the documentation the Social Security Administration (SSA) uses to establish identity for Social Security program purposes. In my testimony today I will also discuss the development of the Social Security card, use of the Social Security card for employment eligibility verification purposes, and the report to Congress on options to enhance the security of the card.

History of the Social Security Card

At the time the Social Security card was initially developed in the 1930's, its only purpose was to provide a record of the Social Security number (SSN) that had been assigned to the individual so that an employer could accurately report Social Security earnings for the individual and SSA could keep track of those earnings. That is still the primary purpose for which SSA issues the card. It was never intended to serve as a personal identification document--that is, to establish that the person presenting it is actually the person whose name and SSN appear on the card. Although we have made the card counterfeit-resistant, it does not contain information that allows it to be used as proof of identity.

Over time, however, the use of the SSN and the Social Security card has greatly expanded, and the SSN and card are now used for purposes other than Social Security earnings record maintenance. Society's increasing use of computerized data has led to the use of the SSN as a personal identifier in computer records.

Prior to November 1971, all SSNs were assigned and cards issued based solely on information alleged by an individual. Because of the expanding use of the card for other purposes, there was concern about its integrity. Beginning November 1971, persons aged 55 and over applying for an SSN for the first time were required to submit evidence of identity.
Beginning in April 1974, all noncitizens applying for original SSN cards were required to provide documentary evidence of age, identity, and noncitizen status. U.S. born applicants age 18 and older applying for original SSN cards were required to submit evidence of age, identity, and U.S. citizenship. This made it more difficult to obtain a card on the basis of a false identity. In July 1974, because of our concern that individuals who had been assigned SSNs for purposes other than work might use the card to obtain unauthorized employment, we began to annotate our records to reflect the fact that a noncitizen had been assigned an SSN for nonwork purposes.

Several years later, the integrity of the SSN process was further improved. In May 1978, we began requiring all SSN applicants to provide documentary evidence of age, identity, and U.S. citizenship or noncitizen status. Generally, to obtain an original SSN and Social Security card, an applicant now must submit at least two forms of acceptable evidence. For U.S. born applicants, this is generally a birth certificate and driver's license. Noncitizens must also submit appropriate Immigration and Naturalization Service (INS) documents to establish lawful noncitizen status. Applicants for replacement Social Security cards must submit evidence of identity, and if foreign-born, evidence of current citizenship or immigration status. It must be kept in mind that the Social Security card was never meant to be an identification document. In evaluating documents submitted with applications for SSN cards, SSA applies the same strict standards used to evaluate documents submitted with claims for title II and title XVI benefits.

Applicants for an original SSN card who are age 18 or over are also required to have an in-person interview specifically to determine whether they previously were assigned SSNs. During the interview, the applicant is asked for prior names and surnames and the reasons for never before needing an SSN. For those who allege being born in the United States, SSA performs additional verification prior to the issuance of an original SSN, because most people born in the United States should have been assigned an SSN by the time they have reached age 18. For these applicants, SSA also verifies the existence of a birth certificate at the State Bureau of Vital Statistics, and initiates a search for a death certificate when there is reason to believe the applicant may be assuming a false identity. SSA also requires documentation supporting the reason(s) the applicant never had an SSN.

Breeder Documents

We must remember that, even with these improvements to the SSN card issuance process, the Social Security card is still just a record of the SSN assigned to the individual and not an identity document for Social Security purposes. Further, SSA records reflect citizenship and work authorization status only as of the time the SSN is assigned or the card is replaced. SSA updates this information only if the person applies for a replacement card.

Furthermore, the identity data contained in Social Security records are only as reliable as the evidence on which the data are based. The documents that a card applicant must present to establish age, identity, and citizenship, usually a birth certificate and immigration documents--are relatively easy to alter, counterfeit, or obtain fraudulently. These documents are commonly referred to as "breeder documents' because they can be used to obtain other documents used to establish identity: for example, a birth certificate can be used to obtain a driver's license, which, in turn, can be used to establish identity. SSA's efforts are focused on detecting these counterfeit and fraudulent documents—to the extent we prevent the issuance of an SSN card based on one of these documents, we help break the chain of fraudulently obtained documents.

Enumeration Process Improvements

Over the years, SSA has tightened its SSN policies and instituted many different systems checks to combat SSN fraud. We have progressed from an easily duplicated paper card issued from local offices to a centrally controlled and issued counterfeit resistant card. We have taken advantage of new fraud detection devices and tools and broadened the training of our employees for detecting and preventing SSN fraud. With a vigilant workforce, these measures have been highly successful; in fact, it is our front line employees who typically uncover fraud. More recently, however, schemes involving career criminals, sometimes using technologically advanced forgeries, have been uncovered. The Agency's ultimate goal is to prevent fraud. Primary to that prevention is eliminating the opportunity for fraud by ending SSA's dependence on documents presented directly to us by the public as evidence of age and citizenship/work authorization–documents which might be forged or misused by the dishonest in a fraudulent attempt to acquire an SSN.

The efforts to reach this goal target a wide range of initiatives aggressively being pursued with the INS and the State Bureaus of Vital Statistics (BVS)–the sources of documents the dishonest forge or misuse to obtain SSNs. Chief among these are our projects to enumerate newborns (right at birth in the hospital) and newly-arrived noncitizens (as they enter the country) when their identity is certain and simultaneous to the birth and work authorization certification.

Enumeration At Birth Initiative

The Enumeration at Birth (EAB) program was established in 1989 as another means of improving the SSN process. It is a valuable tool in preventing fraudulent acquisition of an SSN and a Social Security card. This program is available in all States as well as the District of Columbia, Puerto Rico, and New York City, and allows parents to indicate on the birth certificate information form whether they want an SSN assigned to their newborn child. States provide SSA with birth record information about newborns whose parents want a Social Security card for their child, and SSA then assigns an SSN and issues a card. Almost 90 percent of the original Social Security cards issued in calendar year 1998 were processed through EAB.

This process greatly reduces the potential for someone to use another person's birth certificate to obtain a Social Security card. For example, an individual who presents the birth certificate of a child enumerated under EAB would not be assigned a new SSN, since our records would screen against the date of birth and parents names shown and indicate that an SSN had already been assigned to the child named on the birth certificate. As more children are enumerated through the EAB program, there will be fewer persons without SSNs whose birth certificates could be used to obtain an SSN for someone else.

Federal income tax law requires that all persons claimed as dependents for Federal tax deduction purposes have a taxpayer identification number (now generally the SSN). This has created a strong incentive for individuals to obtain SSNs for their children at birth, thus reducing the potential for someone else's birth certificate to be used to fraudulently obtain an SSN.

Electronic Verification of Birth Certificates

We are currently working with the State Bureaus of Vital Statistics through the National Association of Public Health Statistics and Information Systems (NAPHSIS) to allow our field offices online access to State vital record data. This capability will serve as an electronic link between individual States and SSA. This system is a key step in making verification a reality.

In Tennessee, all SSA offices already access that State's vital record data online. Using the model in place in Tennessee, we are also now piloting online access to State vital records in Kentucky, Texas, Florida, and California.

Initiatives with INS and the Department of State

In addition, SSA is moving ahead with plans to have INS and the Department of State help us with enumeration. We paved the way for this initiative by publishing a regulation in October

1998 that authorized us to enter into agreements with INS and the State Department to collect enumeration data. At this point, we are in the process of working out the final details of those agreements.

We are confident that enumeration accuracy will greatly improve when this multi-phased process is fully implemented. Because this more fraud-resistant process will also be much more convenient and result in more timely receipt of an SSN, we believe that most noncitizens eligible to take advantage of the service will do so. Through INS participation in enumeration, work-authorized noncitizens will find their way cleared for early employment, an important benefit. While we expect the number of noncitizens applying for SSNs in our field offices to be minimal once this process is implemented, we will continue our efforts to guard against the submission of fraudulent documents in these cases.

We believe it is important to acknowledge that most noncitizens who request SSNs have a legitimate right to and need for SSNs so they can work. To help them and still maintain integrity in our processes, we and INS have long worked together to improve the verification process. We introduced access to an automated system--called Systematic Alien Verification for Entitlements (SAVE) in a few offices several years ago, and by January 1997, we had SAVE in every SSA office. We verify every INS document presented with an SSN application through the SAVE program, except for documents from noncitizens who have not been in the country long enough for information to be available through SAVE. Currently, for these newly arrived noncitizens, our offices follow existing procedures for evaluating INS documents and seek manual verification from INS for any that appear suspect.

Finally, while we are finalizing plans for INS participation in enumeration, we are also exploring ways to improve and shorten the verification process through automated access to more INS data. We will continue to jointly consider options for improving the way we verify noncitizen status and employment authorization.

Social Security Cards for Work Authorization

I would now like to discuss the role of the Social Security card as evidence of work authorization, which is a separate issue from personal identification. The Immigration Reform and Control Act of 1986 (IRCA) makes it illegal for an employer to knowingly hire anyone not legally permitted to work in the United States; that is, noncitizens not authorized to work by INS. Under IRCA, all employers are required to verify the identity and employment eligibility of all job applicants regardless of citizenship or national origin. Any of a variety of documents specified in the law and in INS regulations can be used for this verification. Some of these documents--such as a United States Passport--establish both employment eligibility and identity.

Others--including a Social Security card without a restrictive nonwork legend--can be used to establish employment eligibility, but must be accompanied by an identification document, such as a State driver's license. Employers do not have the authority to require employees to show their Social Security card to establish employment eligibility.
Originally, SSA issued the same type of Social Security card to everyone, whether or not they were authorized to work. Beginning in May 1982, a legend, "NOT VALID FOR EMPLOYMENT," was printed on the Social Security cards of noncitizens not authorized to work. This was due to the increasing need for persons to have SSNs for nonwork purposes and INS concern that such persons could use their SSNs for work and the employer could not determine, based on the card, if the individual was authorized to work. Currently, there are few valid reasons to be issued a nonwork Social Security number card, although one such reason is to receive local, State, or Federal benefits.

With this nonwork legend appearing on the card, employers were able, for the first time, to determine whether the individual to whom the card was issued was authorized to work at the time the card was issued. Of course, they still could not rely solely on the card to establish that the person presenting it was the person to whom the SSN was assigned. Beginning in September 1992, SSA began issuing SSN cards with the legend "VALID FOR WORK ONLY WITH INS AUTHORIZATION" to noncitizens lawfully in the United States with temporary authority to work. In these cases, employers must look at the noncitizen's INS document to determine if the noncitizen has current authorization to work in the United States.

Counterfeit-Resistant Social Security Cards

In the beginning of the Social Security program, due to the then limited purpose of the Social Security card, no special efforts were made to prevent Social Security cards from being counterfeited. However, as counterfeiting became a concern, actions were taken to address this problem. For example, legislation enacted in 1983 required that Social Security cards be made of banknote paper and--to the maximum extent practicable--be resistant to counterfeiting. SSA worked with the Bureau of Engraving, the Secret Service, and the Federal Bureau of Investigation to design a card that met these requirements. All Social Security cards issued since October 1983, incorporate a number of security features intended to make the card counterfeit-resistant and tamper-proof. It is now difficult to produce a high quality counterfeit of these cards.

Some types of humanly readable security features that make the card more counterfeit-resistant are already incorporated in the current Social Security card. However, while some of these security features have been made public, others, for obvious reasons, have not. Thus, it would be difficult to train employers to identify counterfeit Social Security cards without disclosing the very security features designed to make the card counterfeit-resistant. 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. For the same reason that most of us will unwittingly accept a counterfeit $20 bill--lack of experience, expertise, and equipment in identifying a counterfeit bill--employers may unwittingly accept counterfeit Social Security cards.

As new versions of Social Security cards have been developed since the first cards were issued in 1936, new and replacement cards have been issued prospectively because of the prohibitive cost of replacing all cards still in use. Thus, there are now 49 versions of the Social Security card in use, all of which are still valid.

Prototype SSN Card Study/Report

As you know, both welfare reform and immigration reform legislation required us to develop a prototype of a new card and to study and report on different methods of improving the Social Security card application process. In September 1997 SSA published our findings in the Report to Congress: Options for Enhancing the Social Security Card.

We developed seven card options in response to the legislative requirements. These included:

- Plastic cards
- Cards with pictures
- Cards with secure barcode stripes
- Cards with an optical memory stripe
- Magnetic stripe cards
- Magnetic stripe/picture cards
- Microprocessor/magnetic stripe/picture cards

We found that issuing any of the enhanced cards would be feasible. If mass reissuance of cards to all SSN holders were required, it would be far more costly than a prospective issuance. We also studied the feasibility of charging a user fee to offset costs to issue enhanced cards. SSA's Inspector General studied Canada's Social Insurance Number fee charging operation and concluded that to pay for the related administrative expenses SSA should charge a fee of $13 for each card (in 1997 dollars).

The cost of issuing an enhanced card to almost 300 million card holders would be staggering. Depending on the option selected, costs range from $3.8 billion to $9.2 billion, including costs for contacting all number holders, processing costs (excluding staff overhead) to issue cards, cost of the card itself, and the cost of special equipment needed to work with each card option and capture information to be included on the card. In addition, because SSA would have to establish a process to collect the user fee, at an additional cost of $1.2 billion, the total cost of issuing replacement cards ranges from $5.1 billion to $10.5 billion. And, of course, there would be concerns about privacy and the potential for the card to be used as a national identification card, an issue that must be considered carefully.

Conclusion

In conclusion, Mr. Chairman, SSA has in place a comprehensive system to check and verify documents necessary for an individual to get an SSN or file for Social Security and Supplemental Security Income benefits. The current SSN card has a number of features that make it counterfeit resistant and which make the card suitable for the purposes of reporting and tracking earnings. The card is as counterfeit and tamper resistant as all but the newest bills of U.S. currency. I would be happy to answer any questions you may have.

LRM ID: MDH91 S ECT: JUSTICE Testimony on Counterfeiting and Misuse of the Social Security Card and State and Local Identity Documents

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RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

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(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: **Melinda D. Haskins Phone: 395-3923 Fax: 395-6148**
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-7362

FROM: 7/20/99 **(Date)**
Irene Bueno **(Name)**
WH/DPC **(Agency)**
456-6558 **(Telephone)**

The following is the response of our agency to your request for views on the above-captioned subject:

_____ **Concur**

_____ **No Objection**

_____ **No Comment**

✓ **See proposed edits on pages** 7

_____ **Other:** _______________

✓ **FAX RETURN of** ~~12~~ 1 **pages, attached to this response sheet**

In October 1998, a Federal Grand Jury in Tampa, Florida indicted 10 resident aliens for receiving, possessing and using false INS documents and with furnishing false information when applying for Social Security numbers. The indictments resulted from an investigation INS conducted jointly with other Federal law enforcement agencies.

There are also many fraudulent document "mills" that operate locally and on a smaller scale. In September 1997, a Boston couple pled guilty to conspiracy and possession of document making implements with the intent to use such in the production of false identity documents and knowingly possessing counterfeit Social Security cards with intent to sell. An INS-executed search warrant at a co-conspirator's apartment netted 600 blank Social Security cards.

During the first five months of Fiscal Year 1999, INS Investigations presented for criminal prosecution 164 document fraud conspiracy cases. These cases accounted for the presentation of 247 principals for prosecution. During this same period, INS Investigations presented 44 fraud cases for prosecution of forfeiture, 39 of which were conspiracy cases. In addition, asset forfeiture was accomplished in three large-scale conspiracy investigations.

There must be something in this testimony on §656(a) of IIRIRA that requires the Fed. Gov't to develop standards on birth certificates. Can be inserted here or later on page 10.

The National Association for Public Health Statistics and Information Systems (NAPHSIS) has made recommendations for all states to standardize and improve the security of birth certificates. The recommendations include:

- That the paper that all of the State birth certificates are printed on contain a unique watermark
- The paper would be sensitized to chemicals
- Contain microprinting

THE WHITE HOUSE

WASHINGTON

FAX COVER SHEET

TO: Barbara Shadle

Fax: 305-0134

FROM: Irene B. Bueno, Special Assistant to the President for Domestic Policy

217 Old Executive Office Building
Washington, DC 20502
Phone: 202-456-6558 Fax: 202-456-5581
E-mail: irene_bueno@opd.eop.gov

DATE: 4/6/00

PAGES: 3 **INCLUDING COVER**

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[ ] **For your information or review.**
[X] **Per your request.**

COMMENTS:

FAX TRANSMISSION

WHITE HOUSE
DOMESTIC POLICY COUNCIL

TO: Robert Bach

FAX NUMBER: 305-0134 **PHONE NUMBER:** 616-7767

FROM: Julie Fernandes

FAX NUMBER: 202/456-5581 **PHONE NUMBER:** 202/456-6558

TOTAL PAGES (including this page): 5

Comments: Bob: Here are the birth certificate templates. We would like to get this designation completed by the end of next week. Please call Mac Reed in OMB General Counsel's office at 395-3563 with any questions. Thanks. julie

The substance

Memorandum of Comm of INS

Designation ~~DELEGATION~~ OF AUTHORITY TO ~~REPORT TO THE CONGRESS AND TO PUBLISH IN THE FEDERAL REGISTER PROPOSED CHANGES IN THE SOCIAL SECURITY NUMBER CARD~~

~~Memorandum for the Secretary of Health and Human Services~~

WHEREAS, section 205(c)(2)(F) of the Social Security Act (section 405(c)(2)(F) of Title 42 of the United States Code) directs the Secretary of Health and Human Services to issue social security number cards to individuals who are assigned social security numbers,

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 274A(d)(3)(A) of the Immigration and Nationality Act (the "Act") (section 1324a(d)(3)(A) of Title 8 of the United States Code) and section 301 of title 3 of the United States Code, and in order to provide for the delegation of certain functions under the Act, I hereby:

(1) Authorize you to prepare and transmit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and to the Committee on the Judiciary and the

Committee on Finance of the Senate a written report regarding the substance of any proposed change in social security number cards, to the extent required by section 274A(d)(3)(A) of the Act, and

(2) Authorize you to cause to have printed in the Federal Register the substance of any change in the social security number card so proposed and reported to the designated congressional committees, to the extent required by section 274A(d)(3)(A) of the Act.

The authority delegated by this memorandum may be further redelegated within the Department of Health and Human Services.

You are hereby authorized and directed to publish this memorandum in the Federal Register.

~~GEORGE BUSH~~

William J. Clinton

THE WHITE HOUSE

THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

JAN 9 1992

92 JAN 15 P1:47

MEMORANDUM FOR THE ~~HONORABLE PHILLIP D. BRADY~~ Staff Secretary

Subj: Designation to INS for

I am seeking the approval of the President to delegate to the Secretary of Health and Human Services, and subsequently to the Commissioner of Social Security, the authority to perform functions required by section 274A of the Immigration and Nationality Act, 8 U.S.C. §1324a, to the extent that those functions affect the issuance of Social Security number cards.

Section 274A(d)(3)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. §1324a(d)(3)(A)(iii), states that the President may not implement a "major change" in the national employment verification system unless the President notifies the Congress of the change and publishes the substance of such a change in the Federal Register. This Act also defines the term "major change" to include a change in the Social Security number card. 8 U.S.C. §1324a(d)(3)(D). The Social Security Administration, acting on a recommendation of the General Accounting Office, is prepared to add a new legend to certain Social Security number cards stating that such a card is only valid for employment purposes if the holder of the card can present a valid document issued by the Immigration and Naturalization Service authorizing him or her to work in the United States. This legend, as currently proposed, would state: "Valid For Work Only With INS Authorization." The only other legend now used on Social Security number cards states: "Not Valid for Employment."

No delegation of authority from the President to the Secretary of Health and Human Services exists that would permit me to perform the functions required by section 274A of the Immigration and Nationality Act that relate to the Social Security number or to delegate these functions to the Commissioner of Social Security since the functions are required by the Immigration and Nationality Act, not the Social Security Act. Accordingly, if changes are to be made in the Social Security number card, the Immigration and Nationality Act requires a specific delegation from the President. I am seeking approval of the attached delegation of authority for the Secretary of Health and Human Services. I have received the concurrence of both the Office of Management and Budget and the Office of Legal Counsel, Department of Justice, on the attached proposed delegation.*

If members of your staff would like to discuss this matter or to have any additional background information, please call Michael J. Astrue, General Counsel, at 245-7741.

Louis W. Sullivan, M.D.

Louis W. Sullivan, M.D.

Attachment 3563

* Mac Reed, Assistant General Counsel, Office of Management and Budget (395-~~5600~~) provided approval on February 20, 1991, and the Office of Legal Counsel, Department of Justice (514-4487) provided approval on April 8, 1991.

* OLC @ DOJ

cc:
Mr. Astrue
Mr. Reed
Office of Legal Counsel, Department of Justice

call Mac & he can review

6K

Barbara.L.Strack@usdoj.gov
04/06/2000 07:16:00 PM

Record Type: Record

To: Irene Bueno/OPD/EOP

cc:

Subject: birth cert. designation

A first draft is attached -- it certainly helps to have a model!

I've done this as a direct designation of INS, not a delegation through the AG, for 3 reasons. First, this approach tracks the statute better. Sec. 656(a) says that the President shall select "1 or more Federal agencies," unlike the usual drafting where Congress picks a person, either the AG or a Secretary. Second, we've already said in a Fed. Reg. notice announcing the public meeting on 3/8 that INS "has been designated as the lead agency for this project," so I'd rather go w/designation than delegation. Third and less importantly, as a practical matter DOJ has had nothing to do w/this project so far, other than clearing on the meeting notice.

With respect to publication in the Fed. Reg., I thought that this could be published along w/the proposed rule itself as an attachment, unless someone thinks that it should be published separately sooner. I've said that it's "authorized" to be published, not but "directed" that it be published, although the HHS model both authorizes and directs.

If you and OMB think it's important to go through the AG and style this as a delegation, I will revise accordingly. thanks for your help with this.

- birthd~1.doc

DESIGNATION OF LEAD AGENCY TO PROMULGATE STANDARDS FOR FEDERAL ACCEPTANCE OF BIRTH CERTIFICATES

Memorandum for the Commissioner, Immigration and Naturalization Service

Whereas section 656(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. 104-208 (Sept. 30, 1996) (IIRIRA) requires the development of Federal standards for certified copies of birth certificates that will be accepted for official purposes by Federal agencies and the promulgation of a regulation establishing such standards,

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 656(a)(1)(B) of IIRIRA, and in order to provide for the delegation of certain functions under IIRIRA, I hereby:

(1) Designate the Immigration and Naturalization Service to consult with State vital statistics offices and with other appropriate Federal agencies for the purpose of developing appropriate standards for birth certificates that may be accepted for official purposes by Federal agencies; and

(2) Designate the Immigration and Naturalization Service to promulgate, upon the conclusion of such consultations, a regulation establishing standards of the type described in section 656(a) of IIRIRA.

You are hereby authorized to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON

THE WHITE HOUSE

225-2129

Birth Certification - Bill Griffith - State Dept. Fellowship

H2A Reg INS -

Birth Certificate - 2 meetings talking points. INS

- inding mtge

- Consult w/ states

~~Bill Griffith~~

Paper to him

OR meeting

- Potential for consensus

Lead designate agency - HHS -

- Want to work w/us.

Irene Bueno

Example letter from OMB

HHS/INS will work jointly under (B)(i)

who else should be in the group of agencies designated?

Who promulgates the reg?

INS to do the reg.

(unless INS has a reason not to).

HHS

CDC has collaborative relationships w/states.

More a public health than an enforcement reg.

Proof of citizenship

Reg speaks a lot to what passport, INS, ~~etc.~~ DMV SSA VA can do with these.

CDC doesn't accept a "bc" for any purpose.

HHS only accepts birth certificates for Medicare.

Justice instead of INS ?

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
200 INDEPENDENCE AVE., SW
WASHINGTON, D.C. 20201

PHONE: (202) 690-6786 **FAX: (202) 690-6351**

OFFICE OF THE ASSISTANT SECRETARY FOR LEGISLATION
CONGRESSIONAL LIAISON OFFICE
ROOM 406G HUMPHREY BUILDING

TO: Leanne Shimabukro / Julie Fernandez

FROM: Irene B. Bueno
Deputy Assistant Secretary/Congressional Liaison

DATE: 4/13/98

FAX NUMBER: 456-5581

TOTAL PAGES INCLUDING COVER: 3

Birth Certificate letter

SAM BROWNBACK
KANSAS

COMMITTEES:
COMMERCE, SCIENCE, AND TRANSPORTATION
FOREIGN RELATIONS
GOVERNMENTAL AFFAIRS
JOINT ECONOMIC COMMITTEE

United States Senate

WASHINGTON, DC 20510-1606

July 2, 1997

JUL 7 PM 1:48

JUL 23 PM 4:42

The Honorable William J. Clinton
President of the United States
1600 Pennsylvania, NW
Washington, D.C. 20500

Dear Mr. President:

I have been contacted by the Secretary of Kansas State Department of Health and Environment and the President of the National Association for Public Health Statistics and Information Systems with concern over the fact that the lead agency in charge of the implementation of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 has not been appointed at this date.

Section 656 (ii) specifies that "the President shall select 1 or more Federal agencies to consult with State vital statistics offices, and with other appropriate Federal agencies designated by the President, for the purpose of developing appropriate standards for birth certificates that may be accepted for official purposes by Federal agencies." This is causing great concern in the Kansas State Department of Health and Environment, as you can imagine, due to the deadline created in the subsequent section of the Act. It gives the chosen agency one year from the date of enactment of the Act to submit those standards.

Further delay in the appointment of this agency will create an unnecessarily quickened pace for the agency and may prevent a thorough and comprehensive evaluation of the requisite standards. I would appreciate an indication of your agency selection.

Thank you for your time and consideration of this important issue. I look forward to your response.

Sincerely,

Sam Brownback
United States Senator

SB:hn

U. S. Department of Justice

Immigration and Naturalization Service

CO 703.2185

Office of Congressional Relations

425 I Street, NW.
Washington, DC 20536

MAR 19 1998

RECEIVED
98 MAR 23 AM 11:55
OFFICE OF THE SECRETARY
CORRESPONDENCE
CONTROL CENTER

The Honorable Sam Brownback
United States Senate
Washington, DC 20510

Dear Senator Brownback:

We regret the delay in responding to your letter of July 2, 1997, initially addressed to President Clinton, concerning the fact that the lead agency in charge of the implementation requirements for state issued documentation portion of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 has not been appointed.

The matter of concern is within the jurisdiction of the Health and Human Services. In an effort to be of assistance we are forwarding your inquiry to that agency for their direct response to you.

If we may be of assistance in the future, please let us know.

Sincerely,

Allen Erenbaum
Acting Director

cc: Secretary, Health and Human Services
A copy of the letter under acknowledgment attached for your appropriate attention and direct response to Senator Brownback.

e-23-98-0051

SAM BROWNBACK
KANSAS

COMMITTEES:
COMMERCE, SCIENCE, AND TRANSPORTATION
FOREIGN RELATIONS
GOVERNMENTAL AFFAIRS
JOINT ECONOMIC COMMITTEE

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U. S. Department of Justice

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Washington, DC 20536

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COMMUNICATIONS
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Washington, DC 20510

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Sincerely,

Allen Erenbaum
Acting Director

cc: Secretary, Health and Human Services
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-23-98-0061

CDC/ATSDR

Executive Controlled Correspondence

COVER SHEET

Apr 03, 1998

PRIORITY: Routine

FOLDER ID: 4772

FOLDER OWNER: Nat Ctr Health Stats

SUSPENSE DUE DATE: 04 /07/98

FLDR CREATOR Stewart, Barbara

REF #: 03/23/1998 0061

REFERED BY: ES, OS

ORIGINATOR: Brownback, Sam

JOB TITLE: U.S. Senator

AGENCY/CORP: U.S. Senate

ADDRESS: United States Senate
Washington, DC 20510

ACTION TYPE: Director Signature (Broome)

ACTION OFFICE: NCHS

SUBJECT: Illegal Immigration Reform & Immigrant Responsibility A

SYNOPSIS:

Constituents Secretary of Kansas State Department of Health and Environment and President of the National Association for Public Health Statistics and Information Systems concern that lead agency hasn't been named for implementation of the Illegal Immigr tion reform and Immigration Responsibility Act of 1996

ASSIGNEE	INSTRUCTIONS	STATUS	DUE DATE	OPEN DATE	FORWARD DATE	OVERDUE
Coker, Brenda		Done				
Redding, Yvette		Done				
Howell, Elaine	we have a short turnaround on this one!	Current	4/ 7/98			

Executive Controlled Correspondence

COVER NOTES

Apr 03, 1998

FOLDER NUMBER:	4772	**OWNER:**	Nat Ctr Health Stats
DEPARTMENT:	CDC	**STATUS:**	Open

CREATED BY:	DATE	NOTES:
Hubbard, Dale	4/ 3/98	Per TMD assign to NCHS
Stewart, Barbara	4/ 3/98	Faxed to NCHS

Please reassign to CDC -- per D. Nielsen Thank you

DEPARTMENT ... HUMAN SERVICES
EXE... ...TARY

SECRETARY'S CORRESPONDENCE

From: BROWNBACK, SAM

OS#: 03/23/1998 0061

On Behalf Of:

DOL: 07/02/1997

Type: Congressional

Dt Inc Rec'd: 03/23/1998

Code: Correspondence

Org: SENATOR - KANSAS
Add: WASHINGTON, DC

Due in OS/ES: 04/~~06~~ 10/1998

Subject:
LTR FORWARDED FROM DEPARTMENT OF JUSTICE--RE IMPLEMENTATION REQUIREMENTS FOR STATE ISSUED DOCUMENTATION PORTION OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.

Assigned to: ~~ASP~~ CDC

On: 03/23/1998

Action: Direct Reply

ES Dep: White

PC: ~~Eisinger~~ Bieler

Info Copies: CCC ASL

690 7730

Interim (Y/N):
Reply Rec'd in OS/ES:

Interim Signed:

Final Signed:

OPDIV/STAFFDIV ROUTING SECTION
(Recipient should sign & date when received)

SENT TO	DATE	TIME	RECEIVED BY	DATE	TIME
CDC	3-30				

Comment:

RECEIVED
APR - 2 1998
ES 4772
CDC EXEC SEC

File Index: PO-6 Scheduling ID: CCC: OLH

EXECUTIVE OFFICE OF THE PRESIDENT

Facsimile Transmittal Sheet

#362860

Date 8/4/97

From Helen S Castleman

Number of pages including cover 2

Fax number 514-4507 Phone Number

To: Cyndi Harden

With DOS

Regarding case we discussed

Comments Please fax a copy of DOS's response to the Senator directly to my attention. Thank you.

The attached correspondence received in the White House is faxed to your office for handling. Please return the fax with a copy of your written response or telephone report to the following address:

Ms. Sue J. Smith
Director, Office of Agency Liaison
Room 6, OEOB
The White House
Washington, D.C. 20500

Telephone No.: 202/456-7486
Fax No.: 202/456-2993

Facsimile Transmittal Form

From the CENTERS FOR DISEASE CONTROL AND PREVENTION
National Center for Health Statistics

Date: April 13

Total Pages: 7 (Including this page)

To	From
To: Irene Bueno	From: Ed Hunter
Office: ASL	Associate Director for Planning, Budget, and Legislation, NCHS
Confirmation Tel.#: 202-690-6786	Confirmation Tel.#: 301-436-7142
Fax #: 202-690-6351	Fax #: 301-436-3705

Per discussion...elh

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service
Centers for Disease Control and Prevention
National Center for Health Statistics

CDC

Computer Version · 8/92
CDC/NCHS 84.92