



## **SECURE Benefits Act**

*(Status Eligibility Conformation and Updated Requirements for Earned Benefits Act)*

### **Section-by-Section Review**

#### ***Sec. 1 Short Title (Name)***

- “Status Eligibility Conformation and Updated Requirements for Earned Benefits Act” or the *SECURE Benefits Act*

#### ***Sec. 2 Temporary work authorization***

- Establishes a system for the Department of Homeland Security (DHS) to share work-authorization data with the Social Security Administration (SSA) and Internal Revenue Service (IRS). This will allow the IRS to verify whether noncitizens on temporary work visas who are claiming certain individual refundable tax credits (listed later in the bill) have current, valid work authorization.
- The intent of the legislation is to address a loophole: currently, immigrants on temporary work visas, granted by DHS, can/will obtain work-authorized Social Security numbers (SSNs) from the SSA, which are required to claim these tax credits. However, work-authorized SSNs do not expire if the individual does not or cannot renew their DHS work authorization. As a result, some immigrants will overstay their visa, residing illegally in the U.S., and may continue claiming refundable tax credits even without valid work authorization using their non-expirable work-authorized SSN.

#### ***Sec. 3 Child Tax Credit Identification Requirements***

- Amends the IRC to require that both spouses have work authorized Social Security numbers.
- Requires that taxpayers that have temporary work authorized SSNs must have up to date work authorization with DHS in order to claim the Child Tax Credit (CTC).
- Institutes penalties for knowingly claiming the CTC while having expired work authorization, laid out in detail in Sec.6663A.

#### ***Sec. 6663A Imposition of Penalty for Invalid Work Authorization for Purposes of Child Tax Credit***

- Defines how the penalty system will work.
- Allows for a Reasonable Cause exception.
- The following sections dealing with the other individual refundable tax credits will reference this penalty system.

#### *Sec. 4 **Earned Income Credit Identification Requirements***

- Closes a loophole in the Earned Income Tax Credit (EITC) where unauthorized individuals with pre-2003 issued SSNs can claim this credit, despite their SSN eligibility requirements in place.
  - This is an old loophole that is not really connected to the temporary work-authorized SSN issue, except for it being a loophole abused by illegals, but it is worth closing, hence the subsection.
- Requires that taxpayers that have temporary work-authorized SSNs must have up to date work authorization with DHS in order to claim the EITC.
- References Sec.6663A to include penalties for fraudulently claiming the EITC.

#### *Sec. 5 **Savers Credit***

- Requires that taxpayers that have temporary work-authorized SSNs must have up to date work authorization with DHS in order to claim the Savers Credit.
- References Sec.6663A to include penalties for fraudulently claiming the Savers Credit.

#### *Sec. 6 **Saver's Match***

- Requires that taxpayers that have temporary work-authorized SSNs must have up to date work authorization with DHS in order to receive the Saver's Match when it comes into effect in 2027.
- References Sec.6663A to include penalties for fraudulently requesting and receiving the Saver's Match.

#### *Sec. 7 **American Opportunity and Lifetime Learning Credits***

- Requires that taxpayers that have temporary work authorized SSNs must have up to date work authorization with DHS in order to claim the credit.
- References Sec.6663A to include penalties for fraudulently claiming the credit with invalid work authorization.

#### *Sec. 8 **Math Error Authority***

- Gives the IRS the ability to deny claims that violate the above sections.