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(Original Signature of Member)

114TH CONGRESS
1ST SESSION

H. R. _____

To amend the Internal Revenue Code of 1986 to prevent claims of the earned income tax credit by individuals receiving work authorizations pursuant to deferred action programs, and for other purposes

IN THE HOUSE OF REPRESENTATIVES

Mr. MARCHANT introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Internal Revenue Code of 1986 to prevent claims of the earned income tax credit by individuals receiving work authorizations pursuant to deferred action programs, and for other purposes

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fairness for Americans
5 in Internal Revenue Refunds Act”.

1 **SEC. 2. PREVENTION OF CLAIMS OF EARNED INCOME TAX**
2 **CREDIT BY INDIVIDUALS RECEIVING WORK**
3 **AUTHORIZATIONS PURSUANT TO DEFERRED**
4 **ACTION PROGRAMS.**

5 (a) IN GENERAL.—Section 32(m) of the Internal
6 Revenue Code of 1986 is amended—

7 (1) by striking “Solely for purposes of” and in-
8 serting the following:

9 “(1) IN GENERAL.—Solely for purposes of”,
10 and

11 (2) by striking “a social security number issued
12 to an individual” and all that follows and inserting
13 “a specified social security number.”, and

14 (3) by adding at the end the following new
15 paragraphs:

16 “(2) SPECIFIED SOCIAL SECURITY NUMBER.—
17 For purposes of this section—

18 “(A) IN GENERAL.—The term ‘specified
19 social security number’ means a social security
20 number issued to an individual by the Social
21 Security Administration.

22 “(B) EXCEPTIONS.—Such term shall not
23 include—

24 “(i) any social security number issued
25 pursuant to subclause (II) (or that portion
26 of subclause (III) that relates to subclause

1 (II) of section 205(c)(2)(B)(i) of the So-
2 cial Security Act, and

3 “(ii) any social security number issued
4 pursuant to a work authorization obtained
5 pursuant to—

6 “(I) the memorandum of the Sec-
7 retary of Homeland Security dated
8 June 15, 2012, and entitled ‘Exer-
9 cising Prosecutorial Discretion with
10 Respect to Individuals Who Came to
11 the United States as Children’,

12 “(II) the memorandum of the
13 Secretary of Homeland Security dated
14 November 20, 2014, and entitled ‘Ex-
15 ercising Prosecutorial Discretion with
16 Respect to Individuals Who Came to
17 the United States as Children and
18 with Respect to Certain Individuals
19 Who Are the Parents of U.S. Citizens
20 or Permanent Residents’, or

21 “(III) any other program not
22 specifically established by law which
23 provides a class of individuals not oth-
24 erwise legally present in the United
25 States deferred action on removal.

1 “(C) SPECIAL RULES WITH RESPECT TO
2 CERTAIN BENEFICIARIES OF DEFERRED AC-
3 TION.—

4 “(i) TREATMENT UPON GRANT OF
5 CITIZENSHIP.—A social security number
6 otherwise described in subparagraph
7 (B)(ii) shall cease to be treated as issued
8 pursuant to a work authorization described
9 in such subparagraph if, and only if, the
10 individual to whom such social security
11 number is issued becomes a citizen of the
12 United States.

13 “(ii) NO RETROACTIVE EFFECT UPON
14 GRANT OF CITIZENSHIP.—In the case of a
15 social security number to which clause (i)
16 applies, such social security number shall
17 be treated as a specified social security
18 number only to the extent that such num-
19 ber is included on returns of tax which re-
20 late to taxable years ending after the date
21 on which such individual becomes a citizen
22 of the United States.”.

23 (b) COORDINATION WITH DEPARTMENT OF HOME-
24 LAND SECURITY AND SOCIAL SECURITY ADMINISTRA-
25 TION.—

1 (1) DEPARTMENT OF HOMELAND SECURITY.—

2 The Secretary of Homeland Security shall—

3 (A) ensure that the Commissioner of Social
4 Security receives sufficient information in a
5 timely manner to determine that a social secu-
6 rity account number described in section
7 32(m)(2)(B)(ii) of the Internal Revenue Code
8 of 1986 is being issued pursuant to a program
9 referred to in such section;

10 (B) ensure that any document issued to an
11 individual under such a program, including any
12 document attesting to the individual's author-
13 ization for employment and any document at-
14 testing to the deferral of action on any removal
15 of that individual, has a notation that the indi-
16 vidual was provided such document pursuant to
17 such a program; and

18 (C) take all other appropriate actions to
19 coordinate with the Secretary of the Treasury
20 and the Commissioner of Social Security in car-
21 rying out section 32(m) of the Internal Revenue
22 Code of 1986 and this paragraph.

23 (2) SOCIAL SECURITY ADMINISTRATION.—Sec-
24 tion 205(c)(2) of the Social Security Act (42 U.S.C.

1 405(c)(2)) is amended by adding at the end the fol-
2 lowing new subparagraph:

3 “(I) The Commissioner of Social Security
4 shall—

5 “(i) maintain a record of all social se-
6 curity account numbers described in sec-
7 tion 32(m)(2)(B)(ii) of the Internal Rev-
8 enue Code of 1986 and the names of the
9 individuals to whom such numbers were
10 issued;

11 “(ii) in any case in which a social se-
12 curity account number so described would
13 be disclosed by the Commissioner to the
14 Secretary of the Treasury or to the Com-
15 missioner of the Internal Revenue Service,
16 identify such number as being so de-
17 scribed; and

18 “(iii) take all other appropriate ac-
19 tions to coordinate with the Secretary of
20 the Treasury and the Secretary of Home-
21 land Security in carrying out section 32(m)
22 of the Internal Revenue Code of 1986 and
23 section 2(b)(1) of the Fairness for Ameri-
24 cans in Internal Revenue Refunds Act.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall apply to any return of tax, and any
3 amendment or supplement to any return of tax, which is
4 filed after the date of the enactment of this Act.