

119TH CONGRESS
1ST SESSION

S. 2974

To amend the Internal Revenue Code of 1986 to require taxpayers claiming the child and earned income tax credits, and their qualifying children, to have a valid social security number for employment purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 3, 2025

Mrs. HYDE-SMITH introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to require taxpayers claiming the child and earned income tax credits, and their qualifying children, to have a valid social security number for employment 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 “Status Eligibility Con-
5 firmation and Updated Requirements for Earned Benefits
6 Act of 2025” or the “SECURE Benefits Act of 2025”.

1 **SEC. 2. TEMPORARY WORK AUTHORIZATION.**

2 (a) IN GENERAL.—Section 205(c)(2) of the Social
3 Security Act (42 U.S.C. 405(c)(2)) is amended by adding
4 at the end the following new subparagraph:

5 “(I) TEMPORARY WORK-AUTHORIZED SOCIAL SECU-
6 RITY NUMBER.—

7 “(i) IN GENERAL.—In the case of an individual
8 who has been issued a temporary work authorization
9 by the Secretary of Homeland Security, the Commis-
10 sioner shall—

11 “(I) assign a temporary work-authorized
12 social security number to such individual; and

13 “(II) in a manner consistent with subpara-
14 graph (G), issue a social security card to such
15 individual which, on the face of such card, indi-
16 cates that the temporary work-authorized social
17 security number is valid solely with respect to
18 such employment, and for such period, as
19 granted by the Department of Homeland Secu-
20 rity pursuant to their temporary work author-
21 ization.

22 “(ii) INFORMATION SHARING.—

23 “(I) TEMPORARY WORK-AUTHORIZA-
24 TIONS.—The Secretary of Homeland Security
25 shall share with the Commissioner any informa-
26 tion with respect to the status of any temporary

1 work authorization which has been issued by
2 the Secretary of Homeland Security for the
3 purpose of administering this subparagraph, in-
4 cluding—

5 “(aa) the expiration date for such
6 temporary work authorization;

7 “(bb) any reauthorization of such
8 temporary work authorization;

9 “(cc) whether such temporary work
10 authorization is restricted to specific em-
11 ployers or employment circumstances; and

12 “(dd) any changes or adjustments
13 with respect to such temporary work au-
14 thorization which have been reported to the
15 Secretary of Homeland Security.

16 “(II) COORDINATION WITH INTERNAL REV-
17 ENUE SERVICE.—The Commissioner shall share
18 with the Secretary (as defined in section
19 7701(a)(11)(B) of the Internal Revenue Code
20 of 1986) any information provided to the Com-
21 missioner pursuant to subclause (I), including
22 any temporary work-authorized social security
23 number which has been issued by the Commis-
24 sioner pursuant to a temporary work authoriza-
25 tion.

1 “(iii) DEFINITIONS.—In this subparagraph:

2 “(I) COMMISSIONER.—The term ‘Commis-
3 sioner’ means the Commissioner of Social Secu-
4 rity.

5 “(II) TEMPORARY WORK AUTHORIZA-
6 TION.—The term ‘temporary work authoriza-
7 tion’ means work authorization granted to an
8 alien within a class of aliens described in sub-
9 section (b) or (c) of section 274a.12 of title 8,
10 Code of Federal Regulations, as in effect on the
11 date of the enactment of this subparagraph, the
12 validity of which is dependent upon the mainte-
13 nance of nonimmigrant or other temporary
14 legal status.”.

15 (b) CONFORMING AMENDMENT.—Section
16 205(c)(2)(B)(i)(I) of the Social Security Act (42 U.S.C.
17 405(c)(2)(B)(i)(I)) is amended by inserting “subject to
18 subparagraph (I),” before “to aliens at the time”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect on January 1, 2027.

21 **SEC. 3. CHILD TAX CREDIT IDENTIFICATION REQUIRE-**
22 **MENTS.**

23 (a) IN GENERAL.—Paragraph (7) of section 24(h) of
24 the Internal Revenue Code of 1986 is amended—

1 (1) by striking “or, in the case of a joint re-
 2 turn, the social security number of at least 1
 3 spouse” in subparagraph (A)(i) and inserting “the
 4 social security number of both spouses, in the case
 5 of a joint return”, and

6 (2) by adding at the end the following new sub-
 7 paragraph:

8 “(C) ADDITIONAL REQUIREMENTS FOR
 9 NONCITIZENS WITH TEMPORARY WORK AU-
 10 THORIZATION.—

11 “(i) IN GENERAL.—In the case of an
 12 individual with a temporary work-author-
 13 ized social security number pursuant to
 14 section 205(c)(2)(I) of the Social Security
 15 Act, such temporary work-authorized social
 16 security number shall be treated as a social
 17 security number for purposes of subpara-
 18 graph (B) only if the Secretary confirms in
 19 coordination with the Secretary of Home-
 20 land Security that the individual has a
 21 valid temporary work authorization (as de-
 22 fined in section 205(c)(2)(I)(iii)(II) of such
 23 Act) as of the date of filing the return for
 24 the taxable year.

1 “(ii) DOCUMENTATION.—The Sec-
 2 retary, in consultation with the Secretary
 3 of Homeland Security, shall prescribe the
 4 form and manner of documentation re-
 5 quired to be provided for purposes of
 6 clause (i).”.

7 (b) PENALTY.—

8 (1) IN GENERAL.—Part II of subchapter A of
 9 chapter 68 of the Internal Revenue Code of 1986 is
 10 amended by inserting after section 6663 the fol-
 11 lowing new section:

12 **“SEC. 6663A. IMPOSITION OF PENALTY FOR INVALID WORK**
 13 **AUTHORIZATION FOR PURPOSES OF CHILD**
 14 **TAX CREDIT.**

15 “(a) IMPOSITION OF PENALTY.—If any claim of cred-
 16 it under section 24 on a return is due to fraud relating
 17 to an expired or invalid temporary work authorization (as
 18 defined in section 205(c)(2)(I)(iii)(II) of the Social Secu-
 19 rity Act), there shall be added to the tax an amount equal
 20 to the greater of—

21 “(1) the amount of the credit so claimed, or

22 “(2) \$5,000.

23 “(b) REASONABLE CAUSE EXCEPTION.—No penalty
 24 shall be imposed under subsection (a) if it is shown that
 25 there was a reasonable cause for the taxpayer’s claim of

1 credit and the taxpayer acted in good faith with respect
2 to such credit.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions for part II of subchapter A of chapter 68 of
5 the Internal Revenue Code of 1986 is amended by
6 inserting after the item relating to section 6663 the
7 following new item:

“Sec. 6663A. Imposition of penalty for invalid work authorization for purposes
of child tax credit.”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to taxable years beginning after
10 December 31, 2026.

11 **SEC. 4. EARNED INCOME CREDIT IDENTIFICATION RE-**
12 **QUIREMENTS.**

13 (a) IN GENERAL.—Subsection (m) of section 32 of
14 the Internal Revenue Code of 1986 is amended—

15 (1) by striking “clause (II) (or that portion of
16 clause (III) that relates to clause (II)) of section
17 205(c)(2)(B)(i) of the Social Security Act” and in-
18 serting “subclause (II) (or that portion of subclause
19 (III) that relates to subclause (II)) of section
20 205(c)(2)(B)(i) of the Social Security Act, or any
21 other social security number which does not indicate
22 that the individual to whom the number is issued is
23 authorized to work in the United States”,

(2) by striking “NUMBERS.—Solely” and inserting “NUMBERS.—

“(1) IN GENERAL.—Solely”, and

(3) by adding at the end the following new paragraph:

“(2) ADDITIONAL REQUIREMENTS FOR NON-CITIZENS WITH TEMPORARY WORK AUTHORIZATION.—

“(A) IN GENERAL.—In the case of an individual with a temporary work-authorized social security number pursuant to section 205(c)(2)(I) of the Social Security Act, such individual shall not be treated as an eligible individual or a qualifying child for purposes of this section unless the Secretary confirms in coordination with the Secretary of Homeland Security that the individual has a valid temporary work authorization (as defined in section 205(c)(2)(I)(iii)(II) of such Act) as of the date of filing the return for the taxable year.

“(B) DOCUMENTATION.—The Secretary, in consultation with the Secretary of Homeland Security, shall prescribe the form and manner of documentation required to be provided for purposes of subparagraph (A).”.

1 (b) PENALTY.—Section 6663A of the Internal Rev-
 2 enue Code of 1986, as added by section 3, is amended—

3 (1) by striking “section 24” in subsection (a)
 4 and inserting “section 24 or 32”,

5 (2) by striking “**CHILD TAX**” in the heading
 6 and inserting “**CHILD OR EARNED INCOME**”, and

7 (3) by adding at the end the following new sub-
 8 section:

9 “(c) PENALTIES TO BE AGGREGATED.—In the case
 10 of penalties imposed under subsection (a) with respect to
 11 more than 1 credit described in such subsection, the
 12 amount added to the tax pursuant to this section shall
 13 be sum of all such penalties.”.

14 (c) EFFECTIVE DATE.—The amendments made by
 15 this section shall apply to taxable years beginning after
 16 December 31, 2026.

17 **SEC. 5. SAVERS CREDIT.**

18 (a) IN GENERAL.—Section 25B of the Internal Rev-
 19 enue Code of 1986 is amended by adding at the end the
 20 following new subsection:

21 “(g) IDENTIFICATION REQUIREMENT.—

22 “(1) IN GENERAL.—No credit shall be allowed
 23 under subsection (a) with respect to an eligible indi-
 24 vidual unless the individual includes such individ-

1 ual’s social security number on the return of tax for
2 the taxable year.

3 “(2) SOCIAL SECURITY NUMBER DEFINED.—
4 For purposes of this subsection, the term ‘social se-
5 curity number’ has the meaning given such term in
6 section 24(h)(7).”.

7 (b) PENALTY.—Section 6663A of the Internal Rev-
8 enue Code of 1986, as added and amended by this Act,
9 is further amended—

10 (1) by striking “section 24 or 32” in subsection

11 (a) and inserting “section 24, 25B, or 32”, and

12 (2) by striking “**CHILD OR EARNED INCOME**
13 **CREDIT**” in the heading and inserting “**CERTAIN**
14 **CREDITS**”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall apply to taxable years beginning after
17 December 31, 2026.

18 **SEC. 6. SAVER’S MATCH.**

19 (a) IN GENERAL.—Subsection (c) of section 6433 of
20 the Internal Revenue Code of 1986 is amended by adding
21 at the end the following new paragraph:

22 “(4) IDENTIFICATION REQUIREMENT.—

23 “(A) IN GENERAL.—An individual shall
24 not be treated as an eligible individual unless
25 the individual includes such individual’s social

1 security number on the return of tax for the
2 taxable year.

3 “(B) SOCIAL SECURITY NUMBER DE-
4 FINED.—For purposes of this subsection, the
5 term ‘social security number’ has the meaning
6 given such term in section 24(h)(7).”.

7 (b) PENALTY.—Section 6663A of the Internal Rev-
8 enue Code of 1986, as added and amended by this Act,
9 is further amended by inserting “, or of a matching con-
10 tribution under section 6433,” after “32”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to taxable years beginning after
13 December 31, 2026.

14 **SEC. 7. PENALTY FOR INVALID WORK AUTHORIZATION FOR**
15 **PURPOSES OF AMERICAN OPPORTUNITY AND**
16 **LIFETIME LEARNING CREDITS.**

17 (a) IN GENERAL.—Section 6663A of the Internal
18 Revenue Code of 1986, as added and amended by this Act,
19 is further amended by inserting “, 25A” after “24”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 this section shall apply to taxable years beginning after
22 December 31, 2026.

23 **SEC. 8. MATH ERROR AUTHORITY.**

24 (a) EARNED INCOME CREDIT.—Subparagraph (F) of
25 section 6213(g)(2) of the Internal Revenue Code of 1986

1 is amended by striking “taxpayer identification number”
 2 and inserting “social security number”.

3 (b) CHILD TAX CREDIT.—

4 (1) IN GENERAL.—Subparagraph (I) of section
 5 6213(g)(2) of the Internal Revenue Code of 1986 is
 6 amended by striking “TIN” and inserting “social se-
 7 curity number”.

8 (2) AGE AND CREDIT DETERMINATIONS.—Sub-
 9 paragraph (L) of section 6213(g)(2) of such Code is
 10 amended—

11 (A) by striking “a TIN” and inserting “a
 12 TIN or social security number, as applicable,”
 13 and

14 (B) by striking “such TIN” both places it
 15 appears and inserting “such TIN or social secu-
 16 rity number”.

17 (c) SAVERS CREDIT.—Section 6213(g) of such Code
 18 is amended by striking “and” at the end of subparagraph
 19 (Z), by striking the period at the end of subparagraph
 20 (AA) and inserting “, and”, and by inserting after sub-
 21 paragraph (AA) the following new subparagraph:

22 “(BB) an omission of a correct social secu-
 23 rity number required under section 25B(g) (re-
 24 lating to savers credit).”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 2026.

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