

AMENDMENT TO RULES COMMITTEE PRINT 115-

85

OFFERED BY MR. KING OF IOWA

Page 191, after line 12, insert the following:

1 **TITLE VI—CLARIFICATION THAT**
2 **WAGES PAID TO UNAUTHOR-**
3 **IZED ALIENS MAY NOT BE DE-**
4 **DUCTED FROM GROSS IN-**
5 **COME**

6 **SEC. 601. CLARIFICATION THAT WAGES PAID TO UNAU-**
7 **THORIZED ALIENS MAY NOT BE DEDUCTED**
8 **FROM GROSS INCOME.**

9 (a) IN GENERAL.—Subsection (c) of section 162 of
10 the Internal Revenue Code of 1986 (relating to illegal
11 bribes, kickbacks, and other payments) is amended by
12 adding at the end the following new paragraph:

13 “(4) WAGES PAID TO OR ON BEHALF OF UNAU-
14 THORIZED ALIENS.—

15 “(A) IN GENERAL.—No deduction shall be
16 allowed under subsection (a) for any wage paid
17 to or on behalf of an unauthorized alien, as de-
18 fined under section 274A(h)(3) of the Immigra-

1 tion and Nationality Act (8 U.S.C.
2 1324a(h)(3)).

3 “(B) WAGES.—For the purposes of this
4 paragraph, the term ‘wages’ means all remuneration for employment, including the cash
5 value of all remuneration (including benefits)
6 paid in any medium other than cash.

7 “(C) SAFE HARBOR.—If a person or other
8 entity is participating in the E-Verify Program
9 described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility
10 Act of 1996 (8 U.S.C. 1324a note) and obtains
11 confirmation of identity and employment eligibility in compliance with the terms and conditions
12 of the program with respect to the hiring
13 (or recruitment or referral) of an employee,
14 subparagraph (A) shall not apply with respect
15 to wages paid to such employee.

16 “(D) BURDEN OF PROOF.—In the case of
17 any examination of a return in connection with
18 a deduction under this section by reason of this
19 paragraph, the Secretary shall bear the burden
20 of proving that wages were paid to or on behalf
21 of an unauthorized alien.

1 “(E) LIMITATION ON TAXPAYER AUDIT.—
2 The Secretary may not commence an audit or
3 other investigation of a taxpayer solely on the
4 basis of a deduction taken under this section by
5 reason of this paragraph.”.

6 (b) SIX-YEAR LIMITATION ON ASSESSMENT AND
7 COLLECTION.—Subsection (c) of section 6501 of the In-
8 ternal Revenue Code of 1986 (relating to exceptions) is
9 amended by adding at the end the following new para-
10 graph:

11 “(12) DEDUCTION CLAIMED FOR WAGES PAID
12 TO UNAUTHORIZED ALIENS.—In the case of a return
13 of tax on which a deduction is shown in violation of
14 section 162(c)(4), any tax under chapter 1 may be
15 assessed, or a proceeding in court for the collection
16 of such tax may be begun without assessment, at
17 any time within 6 years after the return was filed.”.

18 (c) USE OF DOCUMENTATION FOR ENFORCEMENT
19 PURPOSES.—Section 274A of the Immigration and Na-
20 tionality Act (8 U.S.C. 1324a) is amended—

21 (1) in subparagraph (b)(5), by inserting “, sec-
22 tion 162(c)(4) of the Internal Revenue Code of
23 1986,” after “enforcement of this Act”;

1 (2) in subparagraph (d)(2)(F), by inserting “,
2 section 162(c)(4) of the Internal Revenue Code of
3 1986,” after “enforcement of this Act”; and

4 (3) in subparagraph (d)(2)(G), by inserting
5 “section 162(c)(4) of the Internal Revenue Code of
6 1986 or” after “or enforcement of”.

7 (d) AVAILABILITY OF INFORMATION.—

8 (1) IN GENERAL.—The Commissioner of Social
9 Security, the Secretary of the Department of Home-
10 land Security, and the Secretary of the Treasury,
11 shall jointly establish a program to share informa-
12 tion among such agencies that may or could lead to
13 the identification of unauthorized aliens (as defined
14 under section 274A(h)(3) of the Immigration and
15 Nationality Act), including any no-match letter, any
16 information in the earnings suspense file, and any
17 information in the investigation and enforcement of
18 section 162(c)(4) of the Internal Revenue Code of
19 1986.

20 (2) DISCLOSURE BY SECRETARY OF THE
21 TREASURY.—

22 (A) IN GENERAL.—Subsection (i) of sec-
23 tion 6103 of the Internal Revenue Code of 1986
24 is amended by adding at the end the following
25 new paragraph:

1 “(9) PAYMENT OF WAGES TO UNAUTHORIZED
2 ALIENS.—Upon request from the Commissioner of
3 the Social Security Administration or the Secretary
4 of the Department of Homeland Security, the Sec-
5 retary shall disclose to officers and employees of
6 such Administration or Department—

7 “(A) taxpayer identity information of em-
8 ployers who paid wages with respect to which a
9 deduction was not allowed by reason of section
10 162(c)(4), and

11 “(B) taxpayer identity information of indi-
12 viduals to whom such wages were paid,
13 for purposes of carrying out any enforcement activi-
14 ties of such Administration or Department with re-
15 spect to such employers or individuals.”.

16 (B) RECORDKEEPING.—Paragraph (4) of
17 section 6103(p) of such Code is amended—

18 (i) by striking “(5), or (7)” in the
19 matter preceding subparagraph (A) and in-
20 serting “(5), (7), or (9)”, and

21 (ii) by striking “(5) or (7)” in sub-
22 paragraph (F)(ii) and inserting “(5), (7),
23 or (9)”.

24 (e) EFFECTIVE DATE.—

1 (1) Except as provided in paragraph (2), this
2 Act and the amendments made by this Act shall
3 take effect on the date of the enactment of this Act.

4 (2) The amendments made by subsections (a)
5 and (b) shall apply to taxable years beginning after
6 December 31, 2017.

