

118TH CONGRESS
1ST SESSION

H. R. 3729

To amend title II of the Social Security Act to credit individuals serving as caregivers of dependent relatives with deemed wages for up to five years of such service.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2023

Mr. SCHNEIDER (for himself and Ms. MENG) introduced the following bill;
which was referred to the Committee on Ways and Means

A BILL

To amend title II of the Social Security Act to credit individuals serving as caregivers of dependent relatives with deemed wages for up to five years of such service.

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 “Social Security Care-
5 giver Credit Act of 2023”.

6 **SEC. 2. FINDINGS AND SENSE OF CONGRESS.**

7 (a) FINDINGS.—Congress finds that:

1 (1) Caregiving is an essential element of family
2 life and a vital service for children, the ill, the dis-
3 abled, and the elderly.

4 (2) The establishment of a caregiver credit
5 would bolster the economic prospects of unpaid care-
6 givers and would provide them with vital retirement
7 security.

8 (3) The 2022 Annual Report of the Board of
9 Trustees of the Federal Old-Age and Survivors In-
10 surance and Federal Disability Insurance Trust
11 Funds concluded that the combined Trust Funds
12 will be able to pay scheduled benefits in full until
13 2034.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that Congress should address the unfair exclusion
16 of professional and hardworking home care providers who
17 are not eligible to receive Social Security or Medicare be-
18 cause they provide paid care to a family member with a
19 disability under programs operated at the State and local
20 level for general health and welfare protection.

21 **SEC. 3. DEEMED WAGES FOR CAREGIVERS OF DEPENDENT**
22 **RELATIVES.**

23 (a) IN GENERAL.—Title II of the Social Security Act
24 is amended by adding after section 234 (42 U.S.C. 434)
25 the following new section:

1 “DEEMED WAGES FOR CAREGIVERS OF DEPENDENT
2 RELATIVES

3 “SEC. 235. (a) DEFINITIONS.—For purposes of this
4 section—

5 “(1)(A) Subject to subparagraph (B), the term
6 ‘qualifying month’ means, in connection with an in-
7 dividual, any month during which such individual
8 was engaged for not less than 80 hours in providing
9 care to a dependent relative without monetary com-
10 pensation.

11 “(B) The term ‘qualifying month’ does not in-
12 clude any month ending after the date on which
13 such individual attains retirement age (as defined in
14 section 216(l)).

15 “(C) For purposes of subparagraph (A), assist-
16 ance provided to a family caregiver of an eligible vet-
17 eran under section 1720G of title 38, United States
18 Code, shall not be considered monetary compensa-
19 tion for providing care to such eligible veteran.

20 “(2) The term ‘dependent relative’ means, in
21 connection with an individual—

22 “(A) a child, grandchild, niece, or nephew
23 (of such individual or such individual’s spouse
24 or domestic partner), or a child to which the in-
25 dividual or the individual’s spouse or domestic

1 partner is standing in loco parentis, who is
2 under the age of 12; or

3 “(B) a child, grandchild, niece, or nephew
4 (of such individual or such individual’s spouse
5 or domestic partner), a child to which the indi-
6 vidual or the individual’s spouse or domestic
7 partner is standing in loco parentis, a parent,
8 grandparent, sibling, aunt, or uncle (of such in-
9 dividual or his or her spouse or domestic part-
10 ner), or such individual’s spouse or domestic
11 partner, if such child, grandchild, niece, neph-
12 ew, parent, grandparent, sibling, aunt, uncle,
13 spouse, or domestic partner is a chronically de-
14 pendent individual.

15 “(3)(A) The term ‘chronically dependent indi-
16 vidual’ means an individual who—

17 “(i) is dependent on a daily basis on verbal
18 reminding, physical cueing, supervision, or
19 other assistance provided to the individual by
20 another person in the performance of at least
21 two of the activities of daily living (described in
22 subparagraph (B)) or instrumental activities of
23 daily living (described in subparagraph (C));
24 and

1 “(ii) without the assistance described in
2 clause (i), could not perform such activities of
3 daily living or instrumental activities of daily
4 living.

5 “(B) The ‘activities of daily living’ referred to
6 in subparagraph (A) means basic personal everyday
7 activities, including—

8 “(i) eating;

9 “(ii) bathing;

10 “(iii) dressing;

11 “(iv) toileting; and

12 “(v) transferring in and out of a bed or in
13 and out of a chair.

14 “(C) The ‘instrumental activities of daily living’
15 referred to in subparagraph (A) means activities re-
16 lated to living independently in the community, in-
17 cluding—

18 “(i) meal planning and preparation;

19 “(ii) managing finances;

20 “(iii) shopping for food, clothing, or other
21 essential items;

22 “(iv) performing essential household
23 chores;

24 “(v) communicating by phone or other
25 form of media; and

1 “(vi) traveling around and participating in
2 the community.

3 “(b) DEEMED WAGES OF CAREGIVER.—(1)(A) For
4 purposes of determining entitlement to and the amount
5 of any monthly benefit for any month after December
6 2023, or entitlement to and the amount of any lump-sum
7 death payment in the case of a death after such month,
8 payable under this title on the basis of the wages and self-
9 employment income of any individual, and for purposes
10 of section 216(i)(3), such individual shall be deemed to
11 have been paid during each qualifying month (in addition
12 to wages or self-employment income actually paid to or
13 derived by such individual during such month) at an
14 amount per month equal to—

15 “(i) in the case of a qualifying month during
16 which no wages or self-employment income were ac-
17 tually paid to or derived by such individual, 50 per-
18 cent of the national average wage index (as defined
19 in section 209(k)(1)) for the second calendar year
20 preceding the calendar year in which such month oc-
21 curs; and

22 “(ii) in the case of any other qualifying month,
23 the excess of the amount determined under clause (i)
24 over $\frac{1}{2}$ of the wages or self-employment income ac-

1 tually paid to or derived by such individual during
2 such month.

3 “(B) In any case in which there are more than 60
4 qualifying months for an individual, only the last 60 of
5 such months shall be taken into account for purposes of
6 this section.

7 “(2) Paragraph (1) shall not be applicable in the case
8 of any monthly benefit or lump-sum death payment if a
9 larger such benefit or payment, as the case may be, would
10 be payable without its application.

11 “(c) RULES AND REGULATIONS.—

12 “(1) Not later than 1 year after the date of the
13 enactment of this section, the Commissioner of So-
14 cial Security shall promulgate such regulations as
15 are necessary to carry out this section and to pre-
16 vent fraud and abuse with respect to the benefits
17 under this section, including regulations establishing
18 procedures for the application and certification re-
19 quirements described in paragraph (2).

20 “(2) A qualifying month shall not be taken into
21 account under this section with respect to an indi-
22 vidual unless—

23 “(A) the individual submits to the Com-
24 missioner of Social Security an application for
25 benefits under this section that includes—

1 “(i) the name and identifying infor-
2 mation of the dependent relative with re-
3 spect to whom the individual was engaged
4 in providing care during such month;

5 “(ii) if the dependent relative is not a
6 child under the age of 12, documentation
7 from the physician of the dependent rel-
8 ative explaining why the dependent relative
9 is a chronically dependent individual; and

10 “(iii) such other information as the
11 Commissioner may require to verify the
12 status of the dependent relative; and

13 “(B) for every qualifying month or period
14 of up to 12 consecutive qualifying months that
15 occurs after the first period of 12 consecutive
16 qualifying months, the individual certifies, in
17 such form and manner as the Commissioner
18 shall require, that the information provided in
19 the individual’s application for benefits under
20 this section has not changed.”.

21 (b) CONFORMING AMENDMENT.—Section 209(k)(1)
22 of such Act (42 U.S.C. 409(k)(1)) is amended—

23 (1) by striking “and” before “230(b)(2)” the
24 first time it appears; and

- 1 (2) by inserting “and 235(b)(1)(A)(i),” after
- 2 “1977),”.

○