

116TH CONGRESS
1ST SESSION

S. 2317

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, and to support State medical training programs for caregivers.

IN THE SENATE OF THE UNITED STATES

JULY 30, 2019

Mr. MURPHY introduced the following bill; which was read twice and referred to the Committee on Finance

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, and to support State medical training programs for caregivers.

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 2019”.

6 **SEC. 2. FINDINGS AND SENSE OF THE SENATE.**

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 2018 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 THE SENATE.—It is the sense of Sen-
15 ate that the United States Congress must address the un-
16 fair exclusion of professional and hardworking home care
17 providers who are not eligible to receive Social Security
18 or Medicare because they provide paid care to a family
19 member with a disability under programs operated at the
20 State and local level for general health and welfare protec-
21 tion.

1 **SEC. 3. DEEMED WAGES FOR CAREGIVERS OF DEPENDENT**
 2 **RELATIVES.**

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

6 “DEEMED WAGES FOR CAREGIVERS OF DEPENDENT
 7 RELATIVES

8 “SEC. 235. (a) DEFINITIONS.—For purposes of this
 9 section—

10 “(1)(A) Subject to subparagraph (B), the term
 11 ‘qualifying month’ means, in connection with an in-
 12 dividual, any month—

13 “(i) beginning after the date which is 60
 14 months prior to the date of the enactment of
 15 the Social Security Caregiver Credit Act of
 16 2019; and

17 “(ii) during which such individual was en-
 18 gaged for not less than 80 hours in providing
 19 care to a dependent relative without monetary
 20 compensation.

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

25 “(C) For purposes of subparagraph (A)(ii), as-
 26 sistance provided to a family caregiver of an eligible

1 veteran under section 1720G of title 38, United
2 States Code, shall not be considered monetary com-
3 pensation for providing care to such eligible veteran.

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

6 “(A) a child, grandchild, niece, or nephew
7 (of such individual or such individual’s spouse
8 or domestic partner), or a child to which the in-
9 dividual or the individual’s spouse or domestic
10 partner is standing in loco parentis, who is
11 under the age of 12; or

12 “(B) a child, grandchild, niece, or nephew
13 (of such individual or such individual’s spouse
14 or domestic partner), a child to which the indi-
15 vidual or the individual’s spouse or domestic
16 partner is standing in loco parentis, a parent,
17 grandparent, sibling, aunt, or uncle (of such in-
18 dividual or his or her spouse or domestic part-
19 ner), or such individual’s spouse or domestic
20 partner, if such child, grandchild, niece, neph-
21 ew, parent, grandparent, sibling, aunt, uncle,
22 spouse, or domestic partner is a chronically de-
23 pendent individual.

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

1 “(i) is dependent on a daily basis on verbal
2 reminding, physical cueing, supervision, or
3 other assistance provided to the individual by
4 another person in the performance of at least
5 two of the activities of daily living (described in
6 subparagraph (B)) or instrumental activities of
7 daily living (described in subparagraph (C));
8 and

9 “(ii) without the assistance described in
10 clause (i), could not perform such activities of
11 daily living or instrumental activities of daily
12 living.

13 “(B) The ‘activities of daily living’ referred to
14 in subparagraph (A) means basic personal everyday
15 activities, including—

16 “(i) eating;

17 “(ii) bathing;

18 “(iii) dressing;

19 “(iv) toileting; and

20 “(v) transferring in and out of a bed or in
21 and out of a chair.

22 “(C) The ‘instrumental activities of daily living’
23 referred to in subparagraph (A) means activities re-
24 lated to living independently in the community, in-
25 cluding—

1 “(i) meal planning and preparation;

2 “(ii) managing finances;

3 “(iii) shopping for food, clothing, or other
4 essential items;

5 “(iv) performing essential household
6 chores;

7 “(v) communicating by phone or other
8 form of media; and

9 “(vi) traveling around and participating in
10 the community.

11 “(b) DEEMED WAGES OF CAREGIVER.—(1)(A) For
12 purposes of determining entitlement to and the amount
13 of any monthly benefit for any month after December
14 2019, or entitlement to and the amount of any lump-sum
15 death payment in the case of a death after such month,
16 payable under this title on the basis of the wages and self-
17 employment income of any individual, and for purposes
18 of section 216(i)(3), such individual shall be deemed to
19 have been paid during each qualifying month (in addition
20 to wages or self-employment income actually paid to or
21 derived by such individual during such month) at an
22 amount per month equal to—

23 “(i) in the case of a qualifying month during
24 which no wages or self-employment income were ac-
25 tually paid to or derived by such individual, 50 per-

1 cent of the national average wage index (as defined
 2 in section 209(k)(1)) for the second calendar year
 3 preceding the calendar year in which such month oc-
 4 curs; and

5 “(ii) in the case of any other qualifying month,
 6 the excess of the amount determined under clause (i)
 7 over $\frac{1}{2}$ of the wages or self-employment income ac-
 8 tually paid to or derived by such individual during
 9 such month.

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

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

18 “(c) RULES AND REGULATIONS.—

19 “(1) Not later than one year after the date of
 20 the enactment of this section, the Commissioner of
 21 Social Security shall promulgate such regulations as
 22 are necessary to carry out this section and to pre-
 23 vent fraud and abuse with respect to the benefits
 24 under this section, including regulations establishing

1 procedures for the application and certification re-
2 quirements described in paragraph (2).

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

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

9 “(i) the name and identifying infor-
10 mation of the dependent relative with re-
11 spect to whom the individual was engaged
12 in providing care during such month;

13 “(ii) if the dependent relative is not a
14 child under the age of 12, documentation
15 from the physician of the dependent rel-
16 ative explaining why the dependent relative
17 is a chronically dependent individual; and

18 “(iii) such other information as the
19 Commissioner may require to verify the
20 status of the dependent relative; and

21 “(B) for every qualifying month or period
22 of up to 12 consecutive qualifying months that
23 occurs after the first period of 12 consecutive
24 qualifying months, the individual certifies, in
25 such form and manner as the Commissioner

1 shall require, that the information provided in
 2 the individual’s application for benefits under
 3 this section has not changed.”.

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

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

8 (2) by inserting “and 235(b)(1)(A)(i),” after
 9 “1977),”.

10 **SEC. 4. PROMOTING STATE PROGRAMS TO PROVIDE MED-**
 11 **ICAL TRAINING TO CAREGIVERS.**

12 (a) IN GENERAL.—The Secretary of Health and
 13 Human Services is authorized to make grants to States
 14 to support State programs that provide medical training
 15 to individuals who provide care to dependent relatives
 16 without monetary compensation.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There
 18 are authorized to be appropriated such sums as may be
 19 necessary to carry out this section.

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