

116TH CONGRESS
1ST SESSION

H. R. 4126

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 HOUSE OF REPRESENTATIVES

JULY 30, 2019

Mrs. LOWEY introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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”.

1 **SEC. 2. FINDINGS AND SENSE OF THE HOUSE OF REP-**
2 **RESENTATIVES.**

3 (a) FINDINGS.—Congress finds that:

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

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

11 (3) The 2018 Annual Report of the Board of
12 Trustees of the Federal Old-Age and Survivors In-
13 surance and Federal Disability Insurance Trust
14 Funds concluded that the combined Trust Funds
15 will be able to pay scheduled benefits in full until
16 2034.

17 (b) SENSE OF THE HOUSE OF REPRESENTATIVES.—

18 It is the sense of House of Representatives that the United
19 States Congress must address the unfair exclusion of pro-
20 fessional and hardworking home care providers who are
21 not eligible to receive Social Security or Medicare because
22 they provide paid care to a family member with a disability
23 under programs operated at the State and local level for
24 general health and welfare protection.

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

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

“(B) a child, grandchild, niece, or nephew (of such individual or such individual’s spouse or domestic partner), a child to which the individual or the individual’s spouse or domestic partner is standing in loco parentis, a parent, grandparent, sibling, aunt, or uncle (of such individual or his or her spouse or domestic partner), or such individual’s spouse or domestic partner, if such child, grandchild, niece, nephew, parent, grandparent, sibling, aunt, uncle, spouse, or domestic partner is a chronically dependent individual.

“(3)(A) The term ‘chronically dependent individual’ means an individual who—

“(i) is dependent on a daily basis on verbal reminding, physical cueing, supervision, or other assistance provided to the individual by another person in the performance of at least two of the activities of daily living (described in

1 subparagraph (B)) or instrumental activities of
2 daily living (described in subparagraph (C));
3 and

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

8 “(B) The ‘activities of daily living’ referred to
9 in subparagraph (A) means basic personal everyday
10 activities, including—

11 “(i) eating;

12 “(ii) bathing;

13 “(iii) dressing;

14 “(iv) toileting; and

15 “(v) transferring in and out of a bed or in
16 and out of a chair.

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

21 “(i) meal planning and preparation;

22 “(ii) managing finances;

23 “(iii) shopping for food, clothing, or other
24 essential items;

1 “(iv) performing essential household
2 chores;

3 “(v) communicating by phone or other
4 form of media; and

5 “(vi) traveling around and participating in
6 the community.

7 “(b) DEEMED WAGES OF CAREGIVER.—(1)(A) For
8 purposes of determining entitlement to and the amount
9 of any monthly benefit for any month after December
10 2019, or entitlement to and the amount of any lump-sum
11 death payment in the case of a death after such month,
12 payable under this title on the basis of the wages and self-
13 employment income of any individual, and for purposes
14 of section 216(i)(3), such individual shall be deemed to
15 have been paid during each qualifying month (in addition
16 to wages or self-employment income actually paid to or
17 derived by such individual during such month) at an
18 amount per month equal to—

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

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

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

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

14 “(3) Any assistance or support services provided to
15 caregivers under section 1720G of title 38, United States
16 Code, shall not be considered wages or self-employment
17 income for the purposes of determining entitlement to and
18 the amount of any monthly benefit payable under this sub-
19 section.

20 “(c) RULES AND REGULATIONS.—

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

1 under this section, including regulations establishing
2 procedures for the application and certification re-
3 quirements described in paragraph (2).

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

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

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

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

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

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

1 such form and manner as the Commissioner
 2 shall require, that the information provided in
 3 the individual’s application for benefits under
 4 this section has not changed.”.

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

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

9 (2) by inserting “and 235(b)(1)(A)(i),” after
 10 “1977),”.

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

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

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

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