

108TH CONGRESS  
2D SESSION

# S. 2029

To amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses of individual taxpayers with respect to a dependent of the taxpayer who suffers from Alzheimer's disease or related organic brain disorders.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 26, 2004

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

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## A BILL

To amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses of individual taxpayers with respect to a dependent of the taxpayer who suffers from Alzheimer's disease or related organic brain disorders.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. DEDUCTION ALLOWANCE FOR HOME HEALTH**  
 2 **CARE AND ADULT DAY AND RESPITE CARE**  
 3 **EXPENSES OF INDIVIDUALS FOR DEPEND-**  
 4 **ENTS WITH ALZHEIMER’S DISEASE OR RE-**  
 5 **LATED ORGANIC BRAIN DISORDERS.**

6 (a) IN GENERAL.—Part VII of subchapter B of chap-  
 7 ter 1 of the Internal Revenue Code of 1986 (relating to  
 8 additional itemized deductions for individuals) is amended  
 9 by redesignating section 224 as section 225 and by insert-  
 10 ing after section 223 the following new section:

11 **“SEC. 224. HOME HEALTH CARE AND ADULT DAY AND RES-**  
 12 **PITE CARE EXPENSES FOR DEPENDENTS**  
 13 **WITH ALZHEIMER’S DISEASE OR RELATED**  
 14 **ORGANIC BRAIN DISORDERS.**

15 “(a) DEDUCTION ALLOWED.—In the case of an indi-  
 16 vidual who maintains a household which includes a quali-  
 17 fied dependent of such individual, there shall be allowed  
 18 as a deduction the qualified home health care and adult  
 19 day respite care expenses of such individual with respect  
 20 to such dependent.

21 “(b) DEFINITIONS.—For purposes of this section—

22 “(1) QUALIFIED DEPENDENT.—The term  
 23 ‘qualified dependent’ means any individual (includ-  
 24 ing the spouse of the taxpayer but not including the  
 25 taxpayer) who—

1           “(A) has as his principal place of abode  
 2           the principal residence of the taxpayer, and is  
 3           a member of the taxpayer’s household, for more  
 4           than 180 days of the calendar year during  
 5           which the taxable year of the taxpayer begins,

6           “(B) is a dependent of the taxpayer (with-  
 7           in the meaning given to such term by sub-  
 8           section (a) of section 152 other than paragraph  
 9           (9) of such subsection) for such calendar year,  
 10          and

11          “(C) at the close of such calendar year,  
 12          suffers from Alzheimer’s disease (or a related  
 13          organic brain disorder) and is physically or  
 14          mentally incapable of caring for himself, as de-  
 15          termined by a physician.

16          “(2) QUALIFIED HOME HEALTH CARE AND  
 17          ADULT DAY AND RESPITE CARE EXPENSES.—The  
 18          term ‘qualified home health care and adult day and  
 19          respite care expenses’ means the excess of—

20                 “(A) the reasonable and necessary ex-  
 21                 penses paid or incurred by the taxpayer for—

22                         “(i) household services for a qualified  
 23                         dependent, and

1 “(ii) the care (including respite care)  
 2 of such dependent in the home or in an  
 3 adult day care center, over

4 “(B) the reasonable and necessary ex-  
 5 penses such taxpayer would have paid or in-  
 6 curred for household services for, and the care  
 7 of, such qualified dependent if such dependent  
 8 had been capable of caring for himself.

9 “(3) PHYSICIAN.—The term ‘physician’ has the  
 10 meaning given to such term by section 1861(r) of  
 11 the Social Security Act (42 U.S.C. 1395x(r)).

12 “(c) SPECIAL RULES.—For purposes of this sec-  
 13 tion—

14 “(1) MAINTAINING A HOUSEHOLD.—An indi-  
 15 vidual shall be treated as maintaining a household  
 16 for any period only if over half the cost of maintain-  
 17 ing the household for such period is furnished by  
 18 such individual (or, if the individual is married, by  
 19 the individual and his spouse).

20 “(2) MARRIED COUPLE MUST FILE JOINT RE-  
 21 TURN.—If the taxpayer is married at the close of  
 22 the taxable year, the deduction shall be allowed  
 23 under subsection (a) only if the taxpayer and his  
 24 spouse file a joint return under section 6013 for the  
 25 taxable year.

1       “(d) CERTIFICATION OF DIAGNOSIS BY PHYSI-  
2       CIAN.—Any determination by a physician that—

3               “(1) an individual suffers from Alzheimer’s dis-  
4       ease or a related organic brain disorder, and

5               “(2) such individual is mentally or physically  
6       incapable of caring for himself,

7       shall be certified by the physician to the Secretary at such  
8       time and in such manner as the Secretary shall by regula-  
9       tion prescribe.

10       “(e) COORDINATION WITH SECTIONS 21 AND 213.—

11       If any amount allowable as a deduction under this section  
12       would (but for this subsection) also be taken into account  
13       for purposes of determining the amount of any credit al-  
14       lowable under section 21 (relating to expenses for house-  
15       hold and dependent care services necessary for gainful em-  
16       ployment) or any deduction allowable under section 213  
17       (relating to medical, dental, etc. expenses), this section  
18       shall apply only if the taxpayer elects its application. If  
19       this section is elected with respect to any amount, such  
20       amount shall not be taken into account under section 21  
21       or 213. Such election shall be made at such time and in  
22       such manner as the Secretary shall by regulation pre-  
23       scribe.”.

24       (b) DEDUCTION ALLOWED IN ARRIVING AT AD-  
25       JUSTED GROSS INCOME.—Section 62(a) of such Code (de-

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

“Sec. 225. Cross reference.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

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