

110TH CONGRESS
1ST SESSION

H. R. 1161

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2007

Mrs. LOWEY 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 prospectively 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 2007”.

1 **SEC. 2. 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 “Definitions

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

10 “(1) The term ‘qualifying month’ means, in
11 connection with an individual, a month during which
12 such individual was engaged for not less than 80
13 hours in providing care to a dependent relative with-
14 out monetary compensation. Such term does not in-
15 clude any month ending after the date on which
16 such individual attains retirement age (as defined in
17 section 216(l)).

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

20 “(A) a child, grandchild, niece, or nephew
21 (of such individual or such individual’s spouse
22 or domestic partner) who is under the age of
23 12, or

24 “(B) a child, grandchild, niece, or nephew
25 (of such individual or such individual’s spouse
26 or domestic partner), a parent, aunt, or uncle

1 (of such individual or his or her spouse or do-
2 mestic partner), or such individual's spouse or
3 domestic partner, if such child, grandchild,
4 niece, nephew, parent, aunt, uncle, spouse, or
5 domestic partner is a chronically dependent in-
6 dividual.

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

9 “(i) is dependent on a daily basis on verbal
10 reminding, physical cueing, supervision, or
11 other assistance provided to the individual by
12 another person in the performance of at least 2
13 of the activities of daily living (described in sub-
14 paragraph (B)), and

15 “(ii) without the assistance described in
16 clause (i), could not perform such activities of
17 daily living.

18 “(B) The ‘activities of daily living’ referred to
19 in subparagraph (A) are the following:

20 “(i) Eating.

21 “(ii) Bathing.

22 “(iii) Dressing.

23 “(iv) Toileting.

24 “(v) Transferring in and out of a bed or
25 in and out of a chair.

1 “Deemed Wages of Caregiver

2 “(b)(1)(A) For purposes of determining entitlement
3 to and the amount of any monthly benefit for any month
4 after December 2006, or entitlement to and the amount
5 of any lump-sum death payment in the case of a death
6 after such month, payable under this title on the basis
7 of the wages and self-employment income of any indi-
8 vidual, and for purposes of section 216(i)(3), such indi-
9 vidual shall be deemed to have been paid during each
10 qualifying month (in addition to wages or self-employment
11 income actually paid to or derived by such individual dur-
12 ing such month) at an amount per month equal to the
13 excess (if any) of—

14 “(i) 50 percent of the average amount of wages
15 and self-employment income otherwise credited to in-
16 dividuals for such month under this title, over

17 “(ii) the amount of wages and self-employment
18 income actually paid to or derived by such individual
19 for such month.

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

24 “(2) Paragraph (1) shall not be applicable in the case
25 of any monthly benefit or lump-sum death payment if a

1 larger such benefit or payment, as the case may be, would
2 be payable without its application.

3 “Citizenship and Residency Requirements

4 “(c)(1) A qualifying month shall not be taken into
5 account under this section with respect to any individual
6 unless such individual—

7 “(A) is throughout the qualifying month a resi-
8 dent of the United States (as defined in paragraph
9 (2)), and

10 “(B)(i) is throughout the qualifying month a
11 citizen of the United States or an alien lawfully ad-
12 mitted for permanent residence, and

13 “(ii) in the case of an individual who was not
14 a citizen of the United States throughout the quali-
15 fying month, has resided in the United States (as
16 defined in subsection 210(i)) continuously during the
17 5 years immediately preceding the qualifying month.

18 “(2) For purposes of paragraph (1)(A), the term
19 ‘United States’ means the 50 States and the District of
20 Columbia.

21 “Identification Requirements

22 “(d) A qualifying month shall not be taken into ac-
23 count under this section with respect to an individual un-
24 less such individual provides the Commissioner of Social
25 Security with the name and social security account num-

1 ber of the dependent relative with respect to whom the
2 individual was engaged in providing care during such
3 month, and other information as the Commissioner may
4 require to verify the status of the dependent relative, on
5 whatever application may be required to obtain benefits
6 under this section.

9 "(e) There are authorized to be appropriated to the
10 Federal Old-Age and Survivors Insurance Trust Fund for
11 the fiscal year ending September 30, 2007, and for each
12 fiscal year thereafter, such sums as the Commissioner of
13 Social Security deems necessary on account of—

14 “(1) payments made under this section during
15 the second preceding fiscal year and all fiscal years
16 prior thereto to individuals entitled to benefits under
17 this section,

18 “(2) the additional administrative expenses re-
19 sulting from the payments described in paragraph
20 (1), and

21 “(3) any loss in interest to such Trust Fund re-
22 sulting from such payments and expenses,

- 1 in order to place such Trust Fund in the same position
- 2 at the end of such fiscal year as it would have been in
- 3 if such payments had not been made.”.

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