

111TH CONGRESS  
1ST SESSION

# H. R. 769

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2009

Mrs. LOWEY introduced the following bill; which was referred to the  
Committee on Ways and Means

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## 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 2009”.

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

3 Title II of the Social Security Act is amended by add-  
 4 ing after section 234 (42 U.S.C. 434) the following new  
 5 section:

6 “DEEMED WAGES FOR CAREGIVERS OF DEPENDENT  
 7 RELATIVES

8 “SEC. 235. (a) DEFINITIONS.—For purposes of this  
 9 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  
13 two of the activities of daily living (described in  
14 subparagraph (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       “(b) DEEMED WAGES OF CAREGIVER.—(1)(A) For  
2 purposes of determining entitlement to and the amount  
3 of any monthly benefit for any month after December  
4 2008, or entitlement to and the amount of any lump-sum  
5 death payment in the case of a death after such month,  
6 payable under this title on the basis of the wages and self-  
7 employment income of any individual, and for purposes  
8 of section 216(i)(3), such individual shall be deemed to  
9 have been paid during each qualifying month (in addition  
10 to wages or self-employment income actually paid to or  
11 derived by such individual during such month) at an  
12 amount per month equal to the excess (if any) of—

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

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

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

23       “(2) Paragraph (1) shall not be applicable in the case  
24 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 “(c) CITIZENSHIP AND RESIDENCY REQUIRE-  
4 MENTS.—(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 “(d) IDENTIFICATION REQUIREMENTS.—A quali-  
22 fying month shall not be taken into account under this  
23 section with respect to an individual unless such individual  
24 provides the Commissioner of Social Security with the  
25 name and Social Security account number of the depend-

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

6 “(e) ANNUAL REIMBURSEMENT OF FEDERAL OLD-  
 7 AGE AND SURVIVORS INSURANCE TRUST FUND.—There  
 8 are authorized to be appropriated to the Federal Old-Age  
 9 and Survivors Insurance Trust Fund for the fiscal year  
 10 ending September 30, 2009, and for each fiscal year there-  
 11 after, such sums as the Commissioner of Social Security  
 12 deems necessary on account of—

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

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

20 “(3) any loss in interest to such Trust Fund re-  
 21 sulting from such payments and expenses,  
 22 in order to place such Trust Fund in the same position  
 23 at the end of such fiscal year as it would have been in  
 24 if such payments had not been made.”.

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