

115TH CONGRESS
2D SESSION

H. R. 6952

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

SEPTEMBER 27, 2018

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 2018”.

6 **SEC. 2. FINDINGS.**

7 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 (4) While there is no immediate crisis, policy
15 options should be considered to extend OASDI sol-
16 vency, including by eradicating the gender wage gap,
17 increasing overall employment, or increasing the
18 minimum wage.

19 **SEC. 3. DEEMED WAGES FOR CAREGIVERS OF DEPENDENT**
20 **RELATIVES.**

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

1 “DEEMED WAGES FOR CAREGIVERS OF DEPENDENT
2 RELATIVES

3 “SEC. 235. (a) DEFINITIONS.—For purposes of this
4 section—

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

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

15 “(A) a child, grandchild, niece, or nephew
16 (of such individual or such individual’s spouse
17 or domestic partner), or a child to which the in-
18 dividual or the individual’s spouse or domestic
19 partner is standing in loco parentis, who is
20 under the age of 12, or

21 “(B) a child, grandchild, niece, or nephew
22 (of such individual or such individual’s spouse
23 or domestic partner), a child to which the indi-
24 vidual or the individual’s spouse or domestic
25 partner is standing in loco parentis, a parent,

1 aunt, or uncle (of such individual or his or her
2 spouse or domestic partner), or such individ-
3 ual's spouse or domestic partner, if such child,
4 grandchild, niece, nephew, parent, aunt, uncle,
5 spouse, or domestic partner is a chronically de-
6 pendent individual.

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 2018, 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—

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

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

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

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

9 “(c) IDENTIFICATION REQUIREMENTS.—A qualifying
 10 month shall not be taken into account under this section
 11 with respect to an individual unless such individual pro-
 12 vides the Commissioner of Social Security with the name
 13 and identifying information of the dependent relative with
 14 respect to whom the individual was engaged in providing
 15 care during such month, and other information as the
 16 Commissioner may require to verify the status of the de-
 17 pendent relative, on whatever application may be required
 18 to obtain benefits under this section.”.

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

21 (1) by striking “and” before “230(b)(2)”; and

22 (2) by inserting “and 235(b)(1)(A)(i),” after
 23 “1977),”.

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