

115TH CONGRESS
1ST SESSION

S. 1255

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 SENATE OF THE UNITED STATES

MAY 25, 2017

Mr. MURPHY (for himself, Ms. HASSAN, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Finance

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 2017”.

6 **SEC. 2. FINDINGS AND SENSE OF THE SENATE.**

7 (a) FINDINGS.—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 2015 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 (b) SENSE OF THE SENATE.—It is the sense of Sen-
20 ate that the United States Congress must address the un-
21 fair exclusion of professional and hardworking home care
22 providers who are not eligible to receive Social Security
23 or Medicare because they provide paid care to a family
24 member with a disability under programs operated at the

1 State and local level for general health and welfare protec-
 2 tion.

3 **SEC. 3. DEEMED WAGES FOR CAREGIVERS OF DEPENDENT**
 4 **RELATIVES.**

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

8 “DEEMED WAGES FOR CAREGIVERS OF DEPENDENT
 9 RELATIVES

10 “SEC. 235. (a) DEFINITIONS.—For purposes of this
 11 section—

12 “(1)(A) Subject to subparagraph (B), the term
 13 ‘qualifying month’ means, in connection with an in-
 14 dividual, any month—

15 “(i) beginning after the date which is 60
 16 months prior to the date of the enactment of
 17 the Social Security Caregiver Credit Act of
 18 2017, and

19 “(ii) during which such individual was en-
 20 gaged for not less than 80 hours in providing
 21 care to a dependent relative without monetary
 22 compensation.

23 “(B) The term ‘qualifying month’ does not in-
 24 clude any month ending after the date on which
 25 such individual attains retirement age (as defined in
 26 section 216(l)).

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

3 “(A) a child, grandchild, niece, or nephew
4 (of such individual or such individual’s spouse
5 or domestic partner), or a child to which the in-
6 dividual or the individual’s spouse or domestic
7 partner is standing in loco parentis, who is
8 under the age of 12, or

9 “(B) a child, grandchild, niece, or nephew
10 (of such individual or such individual’s spouse
11 or domestic partner), a child to which the indi-
12 vidual or the individual’s spouse or domestic
13 partner is standing in loco parentis, a parent,
14 grandparent, sibling, aunt, or uncle (of such in-
15 dividual or his or her spouse or domestic part-
16 ner), or such individual’s spouse or domestic
17 partner, if such child, grandchild, niece, neph-
18 ew, parent, grandparent, sibling, aunt, uncle,
19 spouse, or domestic partner is a chronically de-
20 pendent individual.

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

23 “(i) is dependent on a daily basis on verbal
24 reminding, physical cueing, supervision, or
25 other assistance provided to the individual by

1 another person in the performance of at least
 2 two of the activities of daily living (described in
 3 subparagraph (B)) or instrumental activities of
 4 daily living (described in subparagraph (C)),
 5 and

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

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

13 “(i) Eating.

14 “(ii) Bathing.

15 “(iii) Dressing.

16 “(iv) Toileting.

17 “(v) Transferring in and out of a bed or
 18 in and out of a chair.

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

23 “(i) Meal planning and preparation.

24 “(ii) Managing finances.

1 “(iii) Shopping for food, clothing, or other
2 essential items.

3 “(iv) Performing essential household
4 chores.

5 “(v) Communicating by phone or other
6 form of media.

7 “(vi) Traveling around and participating in
8 the community.

9 “(b) DEEMED WAGES OF CAREGIVER.—(1)(A) For
10 purposes of determining entitlement to and the amount
11 of any monthly benefit for any month after December
12 2017, or entitlement to and the amount of any lump-sum
13 death payment in the case of a death after such month,
14 payable under this title on the basis of the wages and self-
15 employment income of any individual, and for purposes
16 of section 216(i)(3), such individual shall be deemed to
17 have been paid during each qualifying month (in addition
18 to wages or self-employment income actually paid to or
19 derived by such individual during such month) at an
20 amount per month equal to—

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

1 preceding the calendar year in which such month oc-
2 curs; and

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

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

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

16 “(c) RULES AND REGULATIONS.—

17 “(1) Not later than one year after the date of
18 the enactment of this section, the Commissioner of
19 Social Security shall promulgate such regulations as
20 are necessary to carry out this section and to pre-
21 vent fraud and abuse with respect to the benefits
22 under this section, including regulations establishing
23 procedures for the application and certification re-
24 quirements described in paragraph (2).

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

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

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

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

16 “(iii) such other information as the
17 Commissioner may require to verify the
18 status of the dependent relative; and

19 “(B) for every qualifying month or period
20 of up to 12 consecutive qualifying months that
21 occurs after the first period of 12 consecutive
22 qualifying months, the individual certifies, in
23 such form and manner as the Commissioner
24 shall require, that the information provided in

1 the individual’s application for benefits under
 2 this section has not changed.”.

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

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

7 (2) by inserting “and 235(b)(1)(A)(i),” after
 8 “1977),”.

9 **SEC. 4. PROMOTING STATE PROGRAMS TO PROVIDE MED-**
 10 **ICAL TRAINING TO CAREGIVERS.**

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

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

○