

116TH CONGRESS  
1ST SESSION

# S. 1443

To amend the Internal Revenue Code of 1986 to provide a nonrefundable credit for working family caregivers.

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## IN THE SENATE OF THE UNITED STATES

MAY 14, 2019

Ms. ERNST (for herself, Mr. BENNET, Mrs. CAPITO, Ms. WARREN, Ms. BALDWIN, Mr. KING, Mr. BLUMENTHAL, Mr. TESTER, and Mr. COONS) 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 provide a nonrefundable credit for working family 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 “Credit for Caring Act  
5 of 2019”.

6 **SEC. 2. CREDIT FOR WORKING FAMILY CAREGIVERS.**

7 (a) IN GENERAL.—Subpart A of part IV of sub-  
8 chapter A of chapter 1 of the Internal Revenue Code of

1 1986 is amended by inserting after section 25D the fol-  
 2 lowing new section:

3 **“SEC. 25E. WORKING FAMILY CAREGIVERS.**

4       “(a) ALLOWANCE OF CREDIT.—In the case of an eli-  
 5 gible caregiver, there shall be allowed as a credit against  
 6 the tax imposed by this chapter for the taxable year an  
 7 amount equal to 30 percent of the qualified expenses paid  
 8 by the taxpayer during the taxable year to the extent that  
 9 such expenses exceed \$2,000.

10       “(b) LIMITATION.—

11           “(1) IN GENERAL.—The amount allowed as a  
 12 credit under subsection (a) for the taxable year shall  
 13 not exceed \$3,000.

14           “(2) ADJUSTMENT FOR INFLATION.—In the  
 15 case of any taxable year beginning after 2019, the  
 16 dollar amount contained in paragraph (1) shall be  
 17 increased by an amount equal to the product of—

18                   “(A) such dollar amount, and

19                   “(B) the medical care cost adjustment de-  
 20 termined under section 213(d)(10)(B)(ii) for  
 21 the calendar year in which the taxable year be-  
 22 gins, determined by substituting ‘2018’ for  
 23 ‘1996’ in subclause (II) thereof.

1 If any increase determined under the preceding sen-  
2 tence is not a multiple of \$50, such increase shall  
3 be rounded to the next lowest multiple of \$50.

4 “(c) ELIGIBLE CAREGIVER.—For purposes of this  
5 section, the term ‘eligible caregiver’ means an individual  
6 who—

7 “(1) during the taxable year pays or incurs  
8 qualified expenses in connection with providing care  
9 for a qualified care recipient, and

10 “(2) has earned income (as defined in section  
11 32(c)(2)) for the taxable year in excess of \$7,500.

12 “(d) QUALIFIED CARE RECIPIENT.—For purposes of  
13 this section—

14 “(1) IN GENERAL.—The term ‘qualified care re-  
15 cipient’ means, with respect to any taxable year, any  
16 individual who—

17 “(A) is the spouse of the eligible caregiver,  
18 or any other person who bears a relationship to  
19 the eligible caregiver described in any of sub-  
20 paragraphs (A) through (H) of section  
21 152(d)(2), and

22 “(B) has been certified, before the due  
23 date for filing the return of tax for the taxable  
24 year, by a licensed health care practitioner (as  
25 defined in section 7702B(c)(4)) as being an in-

1           dividual with long-term care needs described in  
2           paragraph (3) for a period—

3                   “(i) which is at least 180 consecutive  
4                   days, and

5                   “(ii) a portion of which occurs within  
6                   the taxable year.

7           “(2) PERIOD FOR MAKING CERTIFICATION.—  
8           Notwithstanding paragraph (1)(B), a certification  
9           shall not be treated as valid unless it is made within  
10          the 39½-month period ending on such due date (or  
11          such other period as the Secretary prescribes).

12          “(3) INDIVIDUALS WITH LONG-TERM CARE  
13          NEEDS.—An individual is described in this para-  
14          graph if the individual meets any of the following re-  
15          quirements:

16                   “(A) The individual is at least 6 years of  
17                   age and—

18                           “(i) is unable to perform (without  
19                           substantial assistance from another indi-  
20                           vidual) at least 2 activities of daily living  
21                           (as defined in section 7702B(c)(2)(B)) due  
22                           to a loss of functional capacity, or

23                           “(ii) requires substantial supervision  
24                           to protect such individual from threats to  
25                           health and safety due to severe cognitive

1           impairment and is unable to perform, with-  
2           out reminding or cuing assistance, at least  
3           1 activity of daily living (as so defined) or  
4           to the extent provided in regulations pre-  
5           scribed by the Secretary (in consultation  
6           with the Secretary of Health and Human  
7           Services), is unable to engage in age ap-  
8           propriate activities.

9           “(B) The individual is at least 2 but not  
10          6 years of age and is unable due to a loss of  
11          functional capacity to perform (without sub-  
12          stantial assistance from another individual) at  
13          least 2 of the following activities: eating, trans-  
14          ferring, or mobility.

15          “(C) The individual is under 2 years of age  
16          and requires specific durable medical equipment  
17          by reason of a severe health condition or re-  
18          quires a skilled practitioner trained to address  
19          the individual’s condition to be available if the  
20          individual’s parents or guardians are absent.

21          “(e) QUALIFIED EXPENSES.—For purposes of this  
22 section—

23          “(1) IN GENERAL.—Subject to paragraph (4),  
24          the term ‘qualified expenses’ means expenditures for  
25          goods, services, and supports that—

1           “(A) assist a qualified care recipient with  
2           accomplishing activities of daily living (as de-  
3           fined in section 7702B(c)(2)(B)) and instru-  
4           mental activities of daily living (as defined in  
5           section 1915(k)(6)(F) of the Social Security  
6           Act (42 U.S.C. 1396n(k)(6)(F))), and

7           “(B) are provided solely for use by such  
8           qualified care recipient.

9           “(2) ADJUSTMENT FOR OTHER TAX BENE-  
10          FITS.—The amount of qualified expenses otherwise  
11          taken into account under paragraph (1) with respect  
12          to an individual shall be reduced by the sum of any  
13          amounts paid for the benefit of such individual for  
14          the taxable year which are—

15               “(A) taken into account under section 21  
16               or 213, or

17               “(B) excluded from gross income under  
18               section 129, 223(f), or 529A(c)(1)(B).

19          “(3) GOODS, SERVICES, AND SUPPORTS.—For  
20          purposes of paragraph (1), goods, services, and sup-  
21          ports (as defined by the Secretary) shall include—

22               “(A) human assistance, supervision, cuing  
23               and standby assistance,

24               “(B) assistive technologies and devices (in-  
25               cluding remote health monitoring),

1           “(C) environmental modifications (includ-  
2           ing home modifications),

3           “(D) health maintenance tasks (such as  
4           medication management),

5           “(E) information,

6           “(F) transportation of the qualified care  
7           recipient,

8           “(G) nonhealth items (such as incontinence  
9           supplies), and

10           “(H) coordination of and services for peo-  
11           ple who live in their own home, a residential  
12           setting, or a nursing facility, as well as the cost  
13           of care in these or other locations.

14           “(4) QUALIFIED EXPENSES FOR ELIGIBLE  
15           CAREGIVERS.—For purposes of paragraph (1), the  
16           following shall be treated as qualified expenses if  
17           paid or incurred by an eligible caregiver:

18           “(A) Expenditures for respite care for a  
19           qualified care recipient.

20           “(B) Expenditures for counseling, support  
21           groups, or training relating to caring for a  
22           qualified care recipient.

23           “(C) Lost wages for unpaid time off due to  
24           caring for a qualified care recipient as verified  
25           by an employer.

1           “(D) Travel costs of the eligible caregiver  
2           related to caring for a qualified care recipient.

3           “(E) Expenditures for technologies, as de-  
4           termined by the Secretary, that assist an eligi-  
5           ble caregiver in providing care for a qualified  
6           care recipient.

7           “(5) HUMAN ASSISTANCE.—The term ‘human  
8           assistance’ includes the costs of a direct care worker.

9           “(6) DOCUMENTATION.—An expense shall not  
10          be taken into account under this section unless the  
11          eligible caregiver substantiates such expense under  
12          such regulations or guidance as the Secretary shall  
13          provide.

14          “(7) MILEAGE RATE.—For purposes of this sec-  
15          tion, the mileage rate for the use of a passenger  
16          automobile shall be the standard mileage rate used  
17          to calculate the deductible costs of operating an  
18          automobile for medical purposes. Such rate may be  
19          used in lieu of actual automobile-related travel ex-  
20          penses.

21          “(8) COORDINATION WITH ABLE ACCOUNTS.—  
22          Qualified expenses for a taxable year shall not in-  
23          clude contributions to an ABLE account (as defined  
24          in section 529A).

1       “(f) PHASE OUT BASED ON ADJUSTED GROSS IN-  
2 COME.—For purposes of this section—

3           “(1) IN GENERAL.—The amount of the credit  
4 allowable under subsection (a) shall be reduced (but  
5 not below zero) by \$100 for each \$1,000 (or fraction  
6 thereof) by which the taxpayer’s modified adjusted  
7 gross income exceeds the threshold amount.

8           “(2) MODIFIED ADJUSTED GROSS INCOME.—  
9 The term ‘modified adjusted gross income’ means  
10 adjusted gross income increased by any amount ex-  
11 cluded from gross income under section 911, 931, or  
12 933.

13           “(3) THRESHOLD AMOUNT.—The term ‘thresh-  
14 old amount’ means—

15               “(A) \$150,000 in the case of a joint re-  
16 turn, and

17               “(B) \$75,000 in any other case.

18           “(4) INDEXING.—In the case of any taxable  
19 year beginning in a calendar year after 2019, each  
20 dollar amount contained in paragraph (3) shall be  
21 increased by an amount equal to the product of—

22               “(A) such dollar amount, and

23               “(B) the cost-of-living adjustment deter-  
24 mined under section (1)(f)(3) for the calendar  
25 year in which the taxable year begins, by sub-

1           stituting ‘calendar year 2018’ for ‘calendar year  
2           2016’ in subparagraph (A)(ii) thereof.

3           “(5) ROUNDING RULE.—If any increase deter-  
4           mined under paragraph (4) is not a multiple of \$50,  
5           such increase shall be rounded to the next lowest  
6           multiple of \$50.

7           “(g) IDENTIFICATION OF ELIGIBLE CAREGIVER  
8 WITH CARE RECIPIENT (QUALIFIED CARE RECIPIENT)  
9 IDENTIFICATION REQUIREMENT.—No credit shall be al-  
10 lowed under this section to a taxpayer with respect to any  
11 qualified care recipient unless the taxpayer includes the  
12 name and taxpayer identification number of such indi-  
13 vidual, and the identification number of the licensed health  
14 care practitioner certifying such individual, on the return  
15 of tax for the taxable year.”.

16           (b) CLERICAL AMENDMENT.—The table of sections  
17 for subpart A of part IV of subchapter A of chapter 1  
18 of such Code is amended by inserting after the item relat-  
19 ing to section 25D the following new item:

“Sec. 25E. Working family caregivers.”.

20           (c) EFFECTIVE DATE.—The amendments made by  
21 this section shall apply to taxable years beginning after  
22 December 31, 2018.

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