

113TH CONGRESS
2D SESSION

H. R. 5024

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

JULY 8, 2014

Mrs. LOWEY (for herself, Ms. SCHAKOWSKY, Ms. MOORE, Ms. KAPTUR, Ms. DELAURO, Mr. GRIJALVA, Ms. KUSTER, Ms. SCHWARTZ, and Mr. MCDERMOTT) 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 2014”.

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 2013 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 2033.

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 Title II of the Social Security Act is amended by add-
22 ing after section 234 (42 U.S.C. 434) the following new
23 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) who is under the age of
18 12, or

19 “(B) a child, grandchild, niece, or nephew
20 (of such individual or such individual’s spouse
21 or domestic partner), a parent, aunt, or uncle
22 (of such individual or his or her spouse or do-
23 mestic partner), or such individual’s spouse or
24 domestic partner, if such child, grandchild,
25 niece, nephew, parent, aunt, uncle, spouse, or

1 domestic partner is a chronically dependent in-
2 dividual.

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

5 “(i) is dependent on a daily basis on verbal
6 reminding, physical cueing, supervision, or
7 other assistance provided to the individual by
8 another person in the performance of at least
9 two of the activities of daily living (described in
10 subparagraph (B)), and

11 “(ii) without the assistance described in
12 clause (i), could not perform such activities of
13 daily living.

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

16 “(i) Eating.

17 “(ii) Bathing.

18 “(iii) Dressing.

19 “(iv) Toileting.

20 “(v) Transferring in and out of a bed or
21 in and out of a chair.

22 “(b) DEEMED WAGES OF CAREGIVER.—(1)(A) For
23 purposes of determining entitlement to and the amount
24 of any monthly benefit for any month after December
25 2014, or entitlement to and the amount of any lump-sum

1 death payment in the case of a death after such month,
2 payable under this title on the basis of the wages and self-
3 employment income of any individual, and for purposes
4 of section 216(i)(3), such individual shall be deemed to
5 have been paid during each qualifying month (in addition
6 to wages or self-employment income actually paid to or
7 derived by such individual during such month) at an
8 amount per month equal to—

9 “(i) in the case of a qualifying month during
10 which no wages or self-employment income were ac-
11 tually paid to or derived by such individual, 50 per-
12 cent of the average amount of wages and self-em-
13 ployment income otherwise credited to individuals
14 for such month under this title; and

15 “(ii) in the case of any other qualifying month,
16 the excess of the amount determined under clause (i)
17 over $\frac{1}{2}$ of the wages or self-employment income ac-
18 tually paid to or derived by such individual during
19 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 “(c) IDENTIFICATION REQUIREMENTS.—A qualifying
4 month shall not be taken into account under this section
5 with respect to an individual unless such individual pro-
6 vides the Commissioner of Social Security with the name
7 and identifying information of the dependent relative with
8 respect to whom the individual was engaged in providing
9 care during such month, and other information as the
10 Commissioner may require to verify the status of the de-
11 pendent relative, on whatever application may be required
12 to obtain benefits under this section.”.

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