

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

Mr. MURPHY (for himself, Mrs. GILLIBRAND, and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on

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**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.

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 2023”.

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 2022 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          (b) SENSE OF THE SENATE.—It is the sense of Sen-  
15          ate that the United States Congress must address the un-  
16          fair exclusion of professional and hardworking home care  
17          providers who are not eligible to receive Social Security  
18          or Medicare because they provide paid care to a family  
19          member with a disability under programs operated at the  
20          State and local level for general health and welfare protec-  
21          tion.

1 **SEC. 3. DEEMED WAGES FOR CAREGIVERS OF DEPENDENT**  
2 **RELATIVES.**

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

6 “DEEMED WAGES FOR CAREGIVERS OF DEPENDENT  
7 RELATIVES

8 “SEC. 235. (a) DEFINITIONS.—For purposes of this  
9 section—

10 “(1)(A) Subject to subparagraph (B), the term  
11 ‘qualifying month’ means, in connection with an in-  
12 dividual, any month during which such individual  
13 was engaged for not less than 80 hours in providing  
14 care to a dependent relative without monetary com-  
15 pensation.

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

20 “(C) For purposes of subparagraph (A), assist-  
21 ance provided to a family caregiver of an eligible vet-  
22 eran under section 1720G of title 38, United States  
23 Code, shall not be considered monetary compensa-  
24 tion for providing care to such eligible veteran.

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

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

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

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

21               “(i) is dependent on a daily basis on verbal  
22               reminding, physical cueing, supervision, or  
23               other assistance provided to the individual by  
24               another person in the performance of at least  
25               two of the activities of daily living (described in

1           subparagraph (B)) or instrumental activities of  
2           daily living (described in subparagraph (C));  
3           and

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

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

11                 “(i) eating;

12                 “(ii) bathing;

13                 “(iii) dressing;

14                 “(iv) toileting; and

15                 “(v) transferring in and out of a bed or in  
16          and out of a chair.

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

21                 “(i) meal planning and preparation;

22                 “(ii) managing finances;

23                 “(iii) shopping for food, clothing, or other  
24          essential items;

1                   “(iv) performing essential household  
2                   chores;

3                   “(v) communicating by phone or other  
4                   form of media; and

5                   “(vi) traveling around and participating in  
6                   the community.

7           “(b) DEEMED WAGES OF CAREGIVER.—(1)(A) For  
8 purposes of determining entitlement to and the amount  
9 of any monthly benefit for any month after December  
10 2023, or entitlement to and the amount of any lump-sum  
11 death payment in the case of a death after such month,  
12 payable under this title on the basis of the wages and self-  
13 employment income of any individual, and for purposes  
14 of section 216(i)(3), such individual shall be deemed to  
15 have been paid during each qualifying month (in addition  
16 to wages or self-employment income actually paid to or  
17 derived by such individual during such month) at an  
18 amount per month equal to—

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

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

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

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

14          “(c) RULES AND REGULATIONS.—

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

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

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

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

8                   “(ii) if the dependent relative is not a  
9                   child under the age of 12, documentation  
10                  from the physician of the dependent re-  
11                  lative explaining why the dependent relative  
12                  is a chronically dependent individual; and

13                  “(iii) such other information as the  
14                  Commissioner may require to verify the  
15                  status of the dependent relative; and

16           “(B) for every qualifying month or period  
17           of up to 12 consecutive qualifying months that  
18           occurs after the first period of 12 consecutive  
19           qualifying months, the individual certifies, in  
20           such form and manner as the Commissioner  
21           shall require, that the information provided in  
22           the individual’s application for benefits under  
23           this section has not changed.”.

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



1           (1) by striking “and” before “230(b)(2)” the  
2           first time it appears; and  
3           (2) by inserting “and 235(b)(1)(A)(i),” after  
4           “1977),”.