

103^D CONGRESS
1ST SESSION

H. R. 2540

To amend title II of the Social Security Act to provide for an increase of up to 5 in the number of years disregarded in determining average annual earnings on which benefit amounts are based upon a showing of preclusion from remunerative work during such years occasioned by need to provide child care or care to a chronically dependent relative.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 1993

Mr. HUGHES (for himself and 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 provide for an increase of up to 5 in the number of years disregarded in determining average annual earnings on which benefit amounts are based upon a showing of preclusion from remunerative work during such years occasioned by need to provide child care or care to a chronically dependent relative.

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
5 Caregiver Act of 1993”.

1 **SEC. 2. INCREASE IN NUMBER OF YEARS DISREGARDED.**

2 (a) IN GENERAL.—Section 215(b)(2) of the Social
3 Security Act (42 U.S.C. 415(b)(2)) is amended—

4 (1) by striking the period at the end of clause
5 (ii) of subparagraph (A) and inserting a comma;

6 (2) by striking “Clause (ii), once” after and
7 below clause (ii) of subparagraph (A) and inserting
8 the following:

9 “and reduced further to the extent provided in subpara-
10 graph (B). Clause (ii), once”;

11 (3) by striking “If an individual” in the matter
12 following clause (ii) of subparagraph (A) and all that
13 follows through the end of subparagraph (A);

14 (4) by redesignating subparagraph (B) as sub-
15 paragraph (F); and

16 (5) by inserting after subparagraph (A) the fol-
17 lowing new subparagraphs:

18 “(B) Subject to subparagraph (C), in any case in
19 which—

20 “(i) in any calendar year which is included in
21 an individual’s computation base years—

22 “(I) such individual is living with a child
23 (of such individual or his or her spouse) under
24 the age of 12, or

25 “(II) such individual is living with a child
26 (of such individual or his or her spouse), a par-

1 ent (of such individual or his or her spouse), or
2 such individual's spouse while such child, par-
3 ent, or spouse is a chronically dependent indi-
4 vidual,

5 “(ii) such calendar year is not disregarded pur-
6 suant to subparagraphs (A) and (E) (in determining
7 such individual's benefit computation years) by rea-
8 son of the reduction in the number of such individ-
9 ual's elapsed years under subparagraph (A), and

10 “(iii) at any time during or after such calendar
11 year and on or before the date of the application by
12 such individual for benefits based on such individ-
13 ual's wages and self-employment income, such indi-
14 vidual submits to the Secretary, in such form as the
15 Secretary shall prescribe by regulations, a written
16 statement that the requirements of clause (i) are
17 met with respect to such calendar year,

18 then the number by which such elapsed years are reduced
19 under this paragraph pursuant to subparagraph (A) shall
20 be increased by one (up to a combined total not exceeding
21 5) for each such calendar year.

22 “(C)(i)(I) No calendar year shall be disregarded by
23 reason of subparagraph (B) (in determining such individ-
24 ual's benefit computation years) unless the individual had
25 less than the applicable dollar amount (in effect for such

1 calendar year under this clause) of earnings as described
2 in section 203(f)(5) for such year.

3 “(II) Except as otherwise provided in subclause (III),
4 the applicable dollar amount in effect under this clause
5 for any calendar year is \$2,000.

6 “(III) In each calendar year after 1993, the Sec-
7 retary shall determine and publish in the Federal Register,
8 on or before November 1 of such calendar year, the appli-
9 cable dollar amount which shall be effective under this
10 clause for the next calendar year. Such dollar amount shall
11 be equal to the larger of the applicable dollar amount
12 which is effective under this clause for the calendar year
13 in which such determination is made or, subject to
14 subclause (VII), the product described in subclause (IV).

15 “(IV) The product described in this subclause is the
16 product derived by multiplying the applicable dollar
17 amount which is effective under this clause for the cal-
18 endar year in which the determination under subclause
19 (III) is made, by the ratio of the amount described in
20 subclause (V) to the amount described in subclause (VI).

21 “(V) The amount described in this subclause is the
22 deemed average total wages (as defined in section
23 209(k)(1)) for the calendar year before the calendar year
24 in which the determination under subclause (III) is made.

1 “(VI) The amount described in this subclause is the
2 deemed average total wages (as defined in section
3 209(k)(1)) for 1992 or, if later, the calendar year before
4 the most recent calendar year in which a determination
5 resulting in an increase in the applicable dollar amount
6 was made under subclause (III).

7 “(VII) If the product described in subclause (IV) is
8 not a multiple of \$1.00, such product shall be rounded
9 to the next higher multiple of \$1.00 in any case in which
10 such product is a multiple of \$0.50 but not of \$1.00, and
11 to the nearest multiple of \$1.00 in any other case.

12 “(ii) No calendar year shall be disregarded by reason
13 of subparagraph (B) (in determining such individual’s
14 benefit computation years) in connection with a child re-
15 ferred to in subparagraph (B)(i)(I) (and not referred to
16 in subparagraph (B)(i)(II)) unless the individual was liv-
17 ing with the child substantially throughout the period in
18 such year in which the child was alive and under the age
19 of 12 in such year.

20 “(iii) No calendar year shall be disregarded by reason
21 of subparagraph (B) (in determining such individual’s
22 benefit computation years) in connection with a child, par-
23 ent, or spouse referred to in subparagraph (B)(i)(II) un-
24 less the individual was living with such child, parent, or
25 spouse substantially throughout a period of 180 consecu-

1 tive days in such year throughout which such child, par-
2 ent, or spouse was a chronically dependent individual.

3 “(iv) The particular calendar years to be disregarded
4 under this subparagraph (in determining such benefit
5 computation years) shall be those years (not otherwise dis-
6 regarded under subparagraph (A)) which, before the appli-
7 cation of subsection (f), meet the conditions of the preced-
8 ing provisions of this subparagraph.

9 “(v) This subparagraph shall apply only to the extent
10 that its application would not result in a lower primary
11 insurance amount.

12 “(D)(i) For purposes of this paragraph, the term
13 ‘chronically dependent individual’ means an individual
14 who—

15 “(I) is dependent on a daily basis on another
16 person who is living with the individual and is assist-
17 ing the individual without monetary compensation in
18 the performance of at least 2 of the activities of
19 daily living (described in clause (ii)), and

20 “(II) without such assistance could not perform
21 such activities of daily living.

22 “(ii) The ‘activities of daily living’, referred to in
23 clause (i), are the following:

24 “(I) Eating.

25 “(II) Bathing.

1 “(III) Dressing.

2 “(IV) Toileting.

3 “(V) Transferring in and out of a bed or in and
4 out of a chair.

5 “(E) The number of an individual’s benefit computa-
6 tion years as determined under this paragraph shall in no
7 case be less than 2.”.

8 **SEC. 3. EFFECTIVE DATE AND RELATED PROVISIONS.**

9 (a) IN GENERAL.—The amendments made by this
10 Act shall apply only with respect to computation base
11 years after 1982, and only with respect to benefits payable
12 for months after December 1993.

13 (b) NOTICE AND PROCEDURES.—

14 (1) 60-DAY GRACE PERIOD AFTER INITIAL ISSU-
15 ANCE OF FINAL REGULATIONS FOR CURRENT BENE-
16 FICIARIES AND APPLICANTS.—The requirements of
17 clause (iii) of section 215(b)(2)(B) of the Social Se-
18 curity Act (as amended by this Act) shall be treated
19 as satisfied, in the case of a statement—

20 (A) which is filed by an individual who is,
21 as of the date of the first issuance in final form
22 of the regulations required under such clause, a
23 recipient of monthly benefits under section
24 202(a) or 223 of the Social Security Act, or an
25 applicant for such benefits, and

1 (B) with respect to which the requirements
2 of such clause would be met but for the date of
3 the filing of such statement,
4 if such statement is submitted to the Secretary of
5 Health and Human Services not later than 60 days
6 after the date of the first issuance in final form of
7 such regulations.

8 (2) NOTICE REQUIREMENTS.—

9 (A) NOTICE TO CURRENT BENEFICIARIES
10 AND APPLICANTS.—The Secretary of Health
11 and Human Services shall issue, not later than
12 the date of the first issuance in final form of
13 the regulations required under clause (iii) of
14 section 215(b)(2)(B) of the Social Security Act
15 (as amended by this Act), regulations establish-
16 ing procedures to ensure that—

17 (i) persons who are, as of such date,
18 recipients of monthly benefits under sec-
19 tion 202(a) or 223 of the Social Security
20 Act, or applicants for such benefits, are
21 fully informed of the amendments made by
22 this Act; and

23 (ii) such persons are invited to com-
24 ply, and given a reasonable opportunity to
25 comply, with the requirements of section

1 215(b)(2)(B)(iii) of the Social Security Act
2 (as amended by this Act), as provided in
3 paragraph (1).

4 Upon receiving from a recipient described in
5 clauses (i) and (ii) a written statement referred
6 to in clause (iii) of section 215(b)(2)(B) of the
7 Social Security Act (as amended by this Act)
8 with respect to which the requirements of such
9 clause are treated as satisfied, the Secretary
10 shall redetermine the amount of such benefits
11 to the extent necessary to take into account the
12 amendments made by this Act (and if such re-
13 determination results in an increase in such
14 amount the increase shall be effective as pro-
15 vided in subsection (a)).

16 (B) NOTICE TO FUTURE APPLICANTS.—
17 Such regulations required under subparagraph
18 (A) shall also provide procedures to ensure that
19 applicants for benefits under section 202(a) or
20 223 of the Social Security Act are given the op-
21 portunity, at the time of their application, to in-
22 dicate and verify any additional years which
23 may be disregarded under section 215(b)(2)(B)
24 of the Social Security Act (as amended by this
25 Act).

