

117TH CONGRESS
1ST SESSION

H. R. 4289

To amend title II of the Social Security Act to provide for long-term care insurance benefits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2021

Mr. SUOZZI 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 long-term care insurance benefits, and for other purposes.

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 “Well-Being Insurance
5 for Seniors to be at Home Act” or the “WISH Act”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) More than half of Americans entering old
9 age today will have a long-term need for constant at-
10 tendance by another person, averaging \$298,000

1 costs per person for about 2 years of serious self-
2 care disability (as defined in HIPAA), and more
3 than half will be out-of-pocket, according to the U.S.
4 Department of Health and Human Services (HHS).

5 (2) The AARP report that the population age
6 85 or older is set to double between 2015 and 2032,
7 and triple by 2050. This aging will outpace the num-
8 ber of working-age family members who can help
9 seniors financially or with unpaid care.

10 (3) Research has shown that the typical U.S.
11 senior could afford only about 12 months of nursing
12 home care, assisted living care, or extensive home
13 care using their financial wealth. Some can get by
14 using unpaid (family) care, but most rely on a com-
15 bination of paid and unpaid care.

16 (4) More than 1 in 5 middle-income seniors will
17 end up impoverished, Medicaid eligible, and using
18 Medicaid to cover their long-term services and sup-
19 ports (LTSS) costs, according to Altarum analysis
20 of HHS projections.

21 (5) Millions of older Americans—1 in 5—will
22 need LTSS for more than 5 years, with a price tag
23 that would impoverish nearly all American house-
24 holds if they faced that need. HHS projections show
25 that older adults who need LTSS for more than 5

1 years incur nearly half of all LTSS expenses and 60
2 percent of Medicaid's LTSS spending.

3 (6) An older adult with high LTSS needs is
4 about 50 percent more likely to enter Medicaid when
5 compared to seniors with similar finances earlier in
6 life.

7 (7) Long-term care insurance (LTCI) is rarely
8 available, and premiums have pushed plan-holders to
9 drop out. Only 6 percent of seniors had any private
10 coverage for LTSS expenses in 2018, leaving almost
11 all middle-class American families to exhaust their
12 nest-eggs and become impoverished before qualifying
13 for Medicaid.

14 (8) The nation urgently needs to create meth-
15 ods for ordinary Americans to be able to take re-
16 sponsibility for planning for the risk of a substantial
17 period of disability during retirement years.

18 (9) Those methods must also responsibly sup-
19 port the workforce providing supports and services.

20 (b) PURPOSE.—The purpose of this Act is to enable
21 most Americans to make plans that protect themselves
22 and their families, to enable disabled older adults to sup-
23 port themselves in their communities during periods of se-
24 rious disability, to support the workforce providing direct

1 services to elders living with disabilities, and to reduce
2 what is now necessary reliance on Medicaid.

3 **SEC. 3. LONG-TERM CARE INSURANCE BENEFITS.**

4 (a) IN GENERAL.—Title II of the Social Security Act
5 (42 U.S.C. 401 et seq.) is amended by adding at the end
6 the following:

7 **“SEC. 235. LONG-TERM CARE INSURANCE BENEFITS.**

8 “(a) IN GENERAL.—Every individual who—

9 “(1) has attained retirement age (as defined in
10 section 216(l)(1));

11 “(2) has filed an application for long-term care
12 insurance benefits;

13 “(3) is insured for long-term care insurance
14 benefits (as determined under subsection (c)) at the
15 time such individual’s application is filed; and

16 “(4) has a continual serious functional dis-
17 ability (as defined in subsection (d)) and, at the time
18 such individual’s application is filed, has had such
19 disability for a substantial period of time (as deter-
20 mined under subsection (e)),

21 shall be entitled to a long-term care insurance benefit for
22 each month beginning with the 1st month in which the
23 individual meets the criteria specified in paragraphs (1)
24 through (4), and ending with the earlier of the month in
25 which the individual dies or the 1st month in which the

1 individual no longer has a continual serious functional dis-
2 ability (as so defined).

3 “(b) BENEFIT AMOUNT.—Such individual’s long-
4 term care insurance benefit for each month shall be an
5 amount equal to the product of—

6 “(1) an estimate, to be determined by the Sec-
7 retary of Health and Human Services in consulta-
8 tion with the Department of Labor, of the median
9 cost of 6 hours per day of paid personal assistance
10 in the United States, indexed to wages in the long-
11 term care sector, multiplied by

12 “(2) the ratio (not greater than 1) of the num-
13 ber of quarters of coverage the individual has during
14 the applicable base period (as defined in subsection
15 (c)(2)) to 40.

16 “(c) DEFINITION OF INSURED STATUS.—

17 “(1) IN GENERAL.—For purposes of subsection
18 (a), an individual shall be insured for long-term care
19 insurance benefits in any month if the individual has
20 6 quarters of coverage during the applicable base pe-
21 riod.

22 “(2) APPLICABLE BASE PERIOD.—For purposes
23 of this subsection, the term ‘applicable base period’
24 means the period that begins with the 1st quarter of
25 2022.

1 “(d) DEFINITION OF CONTINUAL SERIOUS FUNC-
2 TIONAL DISABILITY.—For purposes of subsection (a), an
3 individual shall be considered to have a continual serious
4 functional disability if the person is a chronically ill indi-
5 vidual (as determined under section 7702B(e)(2) of the
6 Internal Revenue Code of 1986) and is expected to remain
7 a chronically ill individual (as so determined) for at least
8 1 year or until the individual’s death.

9 “(e) DEFINITION OF SUBSTANTIAL PERIOD.—

10 “(1) IN GENERAL.—For purposes of subsection
11 (a), a substantial period of time means—

12 “(A) in the case of an individual who, at
13 the time described in paragraph (3), has aver-
14 age indexed monthly earnings for long-term
15 care equal to or less than the dollar amount
16 representing the 40th percentile in the table es-
17 tablished under subsection (f) for such calendar
18 year, 12 months; and

19 “(B) in the case of an individual who, at
20 such time, has average indexed monthly earn-
21 ings for long-term care greater than such dollar
22 amount, 12 months plus 1 additional month for
23 each 1.25 percentile interval above the 40th
24 percentile for which the individual’s average in-

1 dixed monthly earnings for long-term care
2 would attain (as specified in such table).

3 “(2) TABLE OF EARNINGS.—

4 “(A) IN GENERAL.—The Commissioner of
5 Social Security shall establish a table, for each
6 calendar year beginning with calendar year
7 2022, setting forth—

8 “(i) the dollar amount representing
9 the 40th percentile among the average in-
10 dexed monthly earnings for long-term care
11 (as determined under subparagraph (B))
12 of each individual who has attained age 62
13 and whose primary insurance amount is
14 first computed during such calendar year
15 (or, for calendar year 2032, during any
16 previous calendar year); and

17 “(ii) the dollar amounts representing
18 percentiles over 40 (increasing linearly
19 from 40 in intervals of 1.25) among the
20 average indexed monthly earnings for long-
21 term care (as so determined) of each such
22 individual.

23 “(B) DETERMINATION OF AVERAGE IN-
24 DEXED MONTHLY EARNINGS FOR LONG-TERM
25 CARE.—For purposes of this subsection, the av-

1 erage indexed monthly earnings for long-term
2 care of an individual shall be determined under
3 section 215(b) as if such section were amend-
4 ed—

5 “(i) in paragraph (2)(A), by striking
6 ‘reduced—’ and all that follows through
7 the end and inserting ‘reduced by the num-
8 ber of benefit computation years for which
9 no wages were paid in and no self-employ-
10 ment income credited.’; and

11 “(ii) in paragraph (2)(B)(ii), by strik-
12 ing ‘1950’ and inserting ‘2021’.

13 “(3) TIME OF CALCULATION.—The time de-
14 scribed in this paragraph is—

15 “(A) in the case of an individual who has
16 40 quarters of coverage during the applicable
17 base period (as defined in subsection (c)(2))
18 prior to becoming entitled to old-age insurance
19 benefits, the time at which the individual’s pri-
20 mary insurance amount was first computed
21 with respect to the individual’s application for
22 such benefits; and

23 “(B) in the case of any other individual,
24 the time at which the individual files an appli-

1 cation for long-term care insurance benefits
2 under this section.

3 “(f) PROVISION OF INFORMATION RELATING TO OB-
4 TAINING LONG-TERM CARE.—The Commissioner of So-
5 cial Security shall provide to each individual entitled to
6 a long-term care insurance benefit under this section, as
7 soon as practicable following the first day of the first
8 month of such entitlement, information describing the
9 steps the individual may take to obtain long-term care,
10 including an explanation of the services (including care
11 planning, care management, and administrative services
12 for hired care providers, by referral or in-house, for a fee)
13 provided by, and the appropriate contact information for,
14 the Aging and Disability Resource Centers described in
15 section 202(b)(8) of the Older Americans Act of 1965 and
16 the area agencies on aging (as defined in section 102(6)
17 of such Act).

18 “(g) PROVISION OF BENEFICIARY INFORMATION BY
19 ANY PERSON.—Any person may submit applicable infor-
20 mation with respect to an individual’s application for long-
21 term care insurance benefits, an annual statement de-
22 scribed under subsection (i)(2), or any other information
23 required to be submitted by the individual under this title,
24 including, as applicable, the individual’s representative, or
25 any family member or other appropriate person.

1 “(h) TREATMENT OF LONG-TERM CARE INSURANCE
2 BENEFIT PAYMENTS.—A long-term care insurance benefit
3 payment shall not be regarded as income and shall not
4 be regarded as a resource for any month, for purposes
5 of determining the eligibility of the recipient (or the recipi-
6 ent’s spouse or family) for benefits or assistance under
7 any Federal program or under any State or local program
8 financed in whole or in part with Federal funds.

9 “(i) ADDITIONAL REQUIREMENTS.—

10 “(1) RELATING TO WAGES AND WITHHOLDING
11 RULES.—An individual entitled to a long-term care
12 insurance benefit for a month during a calendar
13 year shall, in any case in which such individual hires
14 an employee who is not a family member to provide
15 paid personal care to the individual during such
16 month, comply with all applicable State and Federal
17 laws relating to—

18 “(A) the payment of a minimum wage; and

19 “(B) the withholding of payroll taxes and
20 other employment-related taxes.

21 “(2) ANNUAL STATEMENT.—An individual enti-
22 tled to a long-term care insurance benefit for a
23 month during a calendar year shall submit a state-
24 ment to the Commissioner of Social Security at least

1 once during such calendar year, as directed by the
2 Commissioner—

3 “(A) affirming that the individual—

4 “(i) continues to have a continual se-
5 rious functional disability (as defined in
6 subsection (d)); and

7 “(ii) is in compliance with the laws
8 described in paragraph (1); and

9 “(B) specifying the country of residence of
10 the individual.

11 “(3) NONPAYMENT OF BENEFITS IN CERTAIN
12 CASES.—No long-term care insurance benefit shall
13 be payable to an individual for any month—

14 “(A) with respect to which the individual
15 fails to satisfy any of the requirements de-
16 scribed in the preceding paragraphs of this sub-
17 section; or

18 “(B) beginning after the fifth consecutive
19 year with respect to which the individual has re-
20 ported, in the annual statement required under
21 paragraph (2), a country of residence other
22 than the United States (including any territory
23 of the United States).”.

1 (b) ESTIMATES OF BENEFITS.—Section 1143(a)(2)
2 of the Social Security Act (42 U.S.C. 1320b–13) is
3 amended—

4 (1) in subparagraph (D), by striking “and” at
5 the end;

6 (2) in subparagraph (E), by striking the period
7 at the end and inserting “; and”; and

8 (3) by adding at the end the following:

9 “(F) an estimate of the potential long-term care
10 insurance benefits payable to the individual.”.

11 **SEC. 4. ESTABLISHMENT OF FEDERAL LONG-TERM CARE**
12 **INSURANCE TRUST FUND.**

13 (a) IN GENERAL.—There is hereby created on the
14 books of the Treasury of the United States a trust fund
15 to be known as the “Federal Long-Term Care Insurance
16 Trust Fund”. The Federal Long-Term Care Insurance
17 Trust Fund shall consist of such gifts and bequests as
18 may be made as provided in section 201(i)(1) of the Social
19 Security Act (42 U.S.C. 401(i)(1)) and such amounts as
20 may be appropriated to, or deposited in, the Federal Long-
21 Term Care Insurance Trust Fund as provided in this sec-
22 tion.

23 (b) APPROPRIATION.—

24 (1) IN GENERAL.—There is appropriated to the
25 Federal Long-Term Care Insurance Trust Fund out

1 of moneys in the Treasury not otherwise appro-
2 priated—

3 (A) for each of fiscal years 2022, 2023,
4 and 2024, \$12,000,000 for the initial establish-
5 ment of the Long-Term Care Insurance pro-
6 gram and payment of benefits during such fis-
7 cal years;

8 (B) \$50,000,000 for public education re-
9 lating to the Long-Term Care Insurance pro-
10 gram as described in section 6(a);

11 (C) 100 percent of the taxes imposed by
12 sections 3101(c) and 3111(c) of the Internal
13 Revenue Code of 1986 with respect to wages
14 (as defined in section 3121 of such Code) re-
15 ported to the Secretary of the Treasury pursu-
16 ant to subtitle F of such Code, as determined
17 by the Secretary of the Treasury by applying
18 the applicable rate of tax under such sections to
19 such wages;

20 (D) 100 percent of the taxes imposed by
21 section 1401(c) of such Code with respect to
22 self-employment income (as defined in section
23 1402 of such Code) reported to the Secretary of
24 the Treasury on tax returns under subtitle F of
25 such Code, as determined by the Secretary of

1 the Treasury by applying the applicable rate of
2 tax under such section to such self-employment
3 income; and

4 (E) the portion of the taxes imposed by
5 sections 3201(a), 3211(a), and 3221(a) of such
6 Code with respect to compensation (as defined
7 in section 3231 of such Code) reported to the
8 Secretary of the Treasury on tax returns under
9 subtitle F of such Code, as determined by the
10 Secretary of the Treasury by applying the ap-
11 plicable rate of tax under such sections to such
12 compensation, that relate to the taxes imposed
13 with respect to wages described in subpara-
14 graph (C).

15 (2) REPAYMENT OF INITIAL APPROPRIATION.—
16 Amounts appropriated under subparagraphs (A) and
17 (B) of paragraph (1) shall be repaid to the Treasury
18 of the United States not later than 10 years after
19 the first appropriation is made under each such sub-
20 paragraph.

21 (3) TRANSFER TO TRUST FUND.—The amounts
22 appropriated by paragraph (2) shall be transferred
23 from time to time from the general fund in the
24 Treasury to the Federal Long-Term Care Insurance
25 Trust Fund, such amounts to be determined on the

1 basis of estimates by the Secretary of the Treasury
2 of the taxes, specified in such paragraph, paid to or
3 deposited into the Treasury. Proper adjustments
4 shall be made in amounts subsequently transferred
5 to the extent prior estimates were inconsistent with
6 the taxes specified in such paragraph.

7 (c) MANAGEMENT OF TRUST FUND.—The provisions
8 of subsections (c), (d), (e), (f), (i), and (m) of section 201
9 of the Social Security Act (42 U.S.C. 401) shall apply with
10 respect to the Federal Long-Term Care Insurance Trust
11 Fund in the same manner as such provisions apply to the
12 Federal Old-Age and Survivors Insurance Trust Fund and
13 the Disability Insurance Trust Fund, except that the Man-
14 aging Trustee (within the meaning of subsection (d) of
15 such section) may invest such portion of the Federal
16 Long-Term Care Insurance Trust Fund as the Managing
17 Trustee considers appropriate in conservative market se-
18 curities.

19 (d) BENEFITS PAID FROM TRUST FUND.—Benefit
20 payments required to be made under section 3 shall be
21 made only from the Federal Long-Term Care Insurance
22 Trust Fund.

23 (e) ADMINISTRATION.—There are authorized to be
24 made available for expenditure, out of the Federal Long-
25 Term Care Insurance Trust Fund, such sums as may be

1 necessary to pay the costs of the administration of section
2 3, including start-up costs, technical assistance, outreach,
3 education, evaluation, and reporting.

4 (f) REPORT.—Not later than 5 years after the date
5 of enactment of this Act and every 5 years thereafter, the
6 Board of Trustees (as defined for purposes of title II of
7 the Social Security Act) shall submit a report to Congress
8 evaluating the impact of long-term care insurance benefits
9 under section 235 of such Act and making recommenda-
10 tions relating to potential geographical adjustments of the
11 amount of such benefits.

12 **SEC. 5. INTERNAL REVENUE CODE PROVISIONS.**

13 (a) IN GENERAL.—

14 (1) TAX ON EMPLOYEES.—Section 3101 of the
15 Internal Revenue Code of 1986 is amended—

16 (A) by redesignating subsection (c) as sub-
17 section (d), and

18 (B) by inserting after subsection (b) the
19 following:

20 “(c) LONG-TERM CARE INSURANCE.—

21 “(1) IN GENERAL.—In addition to other taxes,
22 there is hereby imposed on the income of every indi-
23 vidual a tax equal to the applicable percentage of the
24 wages (as defined in section 3121(a)) received by the

1 individual with respect to employment (as defined in
2 section 3121(b)).

3 “(2) APPLICABLE PERCENTAGE.—For purposes
4 of paragraph (1), the term ‘applicable percentage’
5 means 0.3 percent in the case of wages received in
6 any calendar year after 2021.”.

7 (2) TAX ON EMPLOYERS.—Section 3111 of such
8 Code is amended—

9 (A) by redesignating subsection (c) and (d)
10 as subsection (d) and (e), respectively, and

11 (B) by inserting after subsection (b) the
12 following:

13 “(c) LONG-TERM CARE INSURANCE.—

14 “(1) IN GENERAL.—In addition to other taxes,
15 there is hereby imposed on every employer an excise
16 tax, with respect to having individuals in his employ,
17 equal to the applicable percentage of the wages (as
18 defined in section 3121(a)) paid by the employer
19 with respect to employment (as defined in section
20 3121(b)).

21 “(2) APPLICABLE PERCENTAGE.—For purposes
22 of paragraph (1), the term ‘applicable percentage’
23 means 0.3 percent in the case of wages paid in any
24 calendar year after 2021.”.

1 (3) TAX ON SELF-EMPLOYMENT INCOME.—Sec-
2 tion 1401 of such Code is amended—

3 (A) by redesignating subsection (c) as sub-
4 section (d), and

5 (B) by inserting after subsection (b) the
6 following:

7 “(c) LONG-TERM CARE INSURANCE.—

8 “(1) IN GENERAL.—In addition to other taxes,
9 there is hereby imposed for each taxable year, on the
10 self-employment income of every individual, a tax
11 equal to the applicable percentage of the amount of
12 the self-employment income for such taxable year.

13 “(2) APPLICABLE PERCENTAGE.—For purposes
14 of paragraph (1), the term ‘applicable percentage’
15 means 0.6 percent in the case of self-employment in-
16 come in any taxable year after 2021.”.

17 (4) APPLICATION OF LONG-TERM CARE INSUR-
18 ANCE TAX TO FEDERAL, STATE, AND LOCAL EM-
19 PLOYMENT.—Section 3121(u) of such Code is
20 amended—

21 (A) in the heading, by striking “hospital
22 insurance tax” and inserting “hospital insur-
23 ance tax and long-term care insurance tax”;

24 (B) by striking “sections 3101(b) and
25 3111(b)” each place it appears and inserting

1 “subsections (b) and (c) of section 3101 and
2 subsections (b) and (c) of section 3111”; and

3 (C) in paragraph (2)(C), in the matter pre-
4 ceding clause (i), by inserting “(except for pur-
5 poses of the taxes imposed by sections 3101(c)
6 and 3111(c))” after “subparagraph (A)”.

7 (b) RAILROAD RETIREMENT TAX ACT.—

8 (1) EMPLOYEE CONTRIBUTION.—Section
9 3201(a) of such Code is amended by striking “sub-
10 sections (a) and (b)” and inserting “subsections (a),
11 (b), and (c)”.

12 (2) EMPLOYEE REPRESENTATIVE CONTRIBU-
13 TION.—Section 3211(a) of such Code is amended by
14 striking “subsections (a) and (b)” each place it ap-
15 pears and inserting “subsections (a), (b), and (c)”.

16 (3) EMPLOYER CONTRIBUTION.—Section
17 3221(a) of such Code is amended by striking “sub-
18 sections (a) and (b)” and inserting “subsections (a),
19 (b), and (c)”.

20 (4) APPLICATION OF CONTRIBUTION BASES.—
21 Section 3231(e)(2)(A)(iii) of such Code is amend-
22 ed—

23 (A) in the heading, by inserting “and long-
24 term care insurance taxes” after “Hospital in-
25 surance taxes”,

1 (B) in subclause (I), by striking “the rate
2 of tax in effect under section 3101(b)” and in-
3 sserting “the sum of the rates of tax in effect
4 under subsections (b) and (c) of section 3101”,
5 and

6 (C) in subclause (II), by striking “the rate
7 of tax in effect under section 1401(b)” and in-
8 sserting “the sum of the rates of tax in effect
9 under subsections (b) and (c) of section 1401”.

10 (5) CONFORMING AMENDMENT.—

11 (A) Section 15(a) of the Railroad Retire-
12 ment Act of 1974 (45 U.S.C. 231n(a)) is
13 amended by inserting “(other than sections
14 3201(c), 3211(c), and 3221(c))” before the pe-
15 riod at the end.

16 (c) TAXATION OF LONG-TERM CARE INSURANCE
17 BENEFITS.—The Internal Revenue Code of 1986 is
18 amended by inserting after section 86 the following:

19 **“SEC. 86A. LONG-TERM CARE INSURANCE BENEFITS.**

20 “Gross income shall not include any amount received
21 by the taxpayer by reason of entitlement to a benefit under
22 section 235 of the Social Security Act.”.

23 (d) CONFORMING AMENDMENTS.—The following sec-
24 tions of the Internal Revenue Code of 1986 are amended
25 as follows:

1 (1) Section 1402(a)(12)(B) is amended by
2 striking “subsections (a) and (b)” and inserting
3 “subsections (a), (b), and (c)”.

4 (2) Section 3121(z)(5) is amended by striking
5 “sections 3101(c) and 3111(c)” and inserting “sec-
6 tions 3101(d) and 3111(d)”.

7 (3) The last sentence of section 6051(a) is
8 amended by striking “sections 3101(c) and 3111(c)”
9 and inserting “sections 3101(d) and 3111(d)”.

10 (4) Section 6413(c) is amended—

11 (A) in paragraph (1)—

12 (i) by inserting “, section 3101(c),”
13 after “by section 3101(a)”; and

14 (ii) by striking “both” and inserting
15 “each”; and

16 (B) in paragraph (2), by inserting “or
17 3101(c)” after “3101(a)” each place it appears.

18 (e) EFFECTIVE DATE.—The amendments made by
19 this section shall apply with respect to taxable years begin-
20 ning after 2021.

21 **SEC. 6. EDUCATION AND OUTREACH.**

22 (a) PUBLIC EDUCATION PLAN.—

23 (1) IN GENERAL.—Not later than 90 days after
24 the date of enactment of this Act, the Secretary of
25 Health and Human Services, in consultation with

1 the Commissioner of Social Security, shall publish in
2 the Federal Register a 10-year plan to educate the
3 public about the likelihood of needing long-term
4 care, the nature of the experience of long-term care
5 in various situations, the costs of long-term care, the
6 availability of long-term care insurance benefits, and
7 the importance of planning and considering private
8 insurance coverage alongside family support and
9 savings (especially during the first years of a serious
10 disability). Such plan shall be modified as necessary
11 based on research on the effectiveness of various
12 strategies and modifications with experience.

13 (2) FUNDING.—There are appropriated, out of
14 the Federal Long-Term Care Insurance Trust Fund,
15 to the Secretary of Health and Human Services
16 \$50,000,000 to carry out paragraph (1).

17 (b) INDIVIDUAL NOTICES.—

18 (1) IN GENERAL.—Beginning 1 year after the
19 date of enactment of this Act and in accordance with
20 paragraph (2), the Commissioner of Social Security
21 shall provide to each eligible individual a notice that
22 specifies—

23 (A)(i) the average indexed monthly earn-
24 ings for long-term care that would be calculated
25 for the individual under paragraph (2)(B) of

1 section 235(e) of the Social Security Act if such
2 average indexed monthly earnings for long-term
3 care were calculated in the month before the
4 month such notice is provided; and

5 (ii) for purposes of applying such section
6 to the individual, the percentile in which such
7 average indexed monthly earnings for long-term
8 care of the individual would fall among the av-
9 erage indexed monthly earnings for long-term
10 care (as determined under such paragraph
11 (2)(B)) of each individual whose average in-
12 dexed monthly earnings for long-term care are
13 calculated in such month;

14 (B) the number of quarters of coverage the
15 individual has in the month before the month
16 such notice is provided for purposes of attaining
17 insured status for long-term care insurance
18 benefits under such Act; and

19 (C) in any case in which the individual has
20 a continual serious functional disability (as de-
21 fined in section 235(d) of such Act), the date
22 on which such disability began.

23 (2) TIMING.—A notice described in paragraph
24 (1) shall be provided—

25 (A) by mail—

1 (i) to each eligible individual not later
2 than 540 days of the date of enactment of
3 this Act; and

4 (ii) to each eligible individual in the
5 month the individual attains age 45, age
6 55, age 65, and retirement age (as defined
7 in section 216(l) of such Act); and

8 (B) for each eligible individual who has at-
9 tained age 35, by making such notice available
10 on the individual's account on the website of
11 the Social Security Administration, to be up-
12 dated annually.

13 (3) ELIGIBLE INDIVIDUAL.—In this subsection,
14 the term “eligible individual” means an individual—

15 (A) who has a social security account num-
16 ber; and

17 (B)(i) who has wages or net earnings from
18 self-employment; or

19 (ii) with respect to whom the Commis-
20 sioner has information that the pattern of
21 wages or self-employment income indicate a
22 likelihood of noncovered employment.

1 **SEC. 7. GAO REPORT ON PERFORMANCE OF THE WISH PRO-**
2 **GRAM.**

3 Not later than 5 years after the date of enactment
4 of this Act and every 3 years thereafter, the Comptroller
5 General shall submit a report to Congress including—

6 (1) a description of the likelihood of manipula-
7 tion of eligibility criteria by beneficiaries or bene-
8 ficiary advisors and recommendations as to the mer-
9 its of possible remedies;

10 (2) a description of the likelihood of financial
11 exploitation or elder mistreatment by others on
12 whom a beneficiary is dependent or otherwise con-
13 nected and recommendations as to the merits of pos-
14 sible remedies, including the merits of imposing a fi-
15 nancial management service or fiscal intermediary as
16 has often been implemented by states in Medicaid's
17 Cash and Counseling program; and

18 (3) a description of the marketplace and con-
19 sumer understanding of long-term insurance offer-
20 ings and recommendations as to the merits of pos-
21 sible remedies, including the merits of standardizing
22 insurance offerings to improve consumer under-
23 standing.

1 **SEC. 8. REPORT ON REMAINING LONG-TERM SUPPORTS**
2 **AND SERVICES NEEDS.**

3 Not later than 3 years after the date of enactment
4 of this Act and every 3 years thereafter, the Secretary of
5 Health and Human Services, acting through the Adminis-
6 trator of the Administration on Community Living and in
7 consultation with the Commissioner of Social Security,
8 shall submit a plan to Congress that includes—

9 (1) estimates of the long-term services and sup-
10 ports needed by individuals who are not eligible for
11 benefits under section 235 of the Social Security
12 Act, including individuals disabled in childhood, indi-
13 viduals living with disabilities before retirement age,
14 and individuals who are not insured for benefits
15 under such section; and

16 (2) proposed strategies and costs of mitigating
17 unmet needs for such individuals.

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