

117TH CONGRESS
1ST SESSION

H. R. 5094

To amend title XX of the Social Security Act to provide for nursing home worker training grants.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 24, 2021

Mr. HORSFORD (for himself, Ms. LEE of California, Mr. BOWMAN, and Mr. COHEN) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend title XX of the Social Security Act to provide for nursing home worker training grants.

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 “Nursing Home Work-
5 force Support and Expansion Act of 2021”.

6 **SEC. 2. NURSING HOME WORKER TRAINING GRANTS.**

7 Section 2041 of the Social Security Act (42 U.S.C.
8 1397m) is amended to read as follows:

9 **“SEC. 2041. NURSING HOME WORKER TRAINING GRANTS.**

10 **“(a) IN GENERAL.—**

1 “(1) STATE ENTITLEMENT.—

2 “(A) IN GENERAL.—Each State shall be
3 entitled to receive from the Secretary for each
4 fiscal year specified in subsection (e)(1) a grant
5 in an amount equal to the amount allotted to
6 the State under subparagraph (B).

7 “(B) STATE ALLOTMENTS.—

8 “(i) IN GENERAL.—Subject to clauses
9 (ii) and (iii), the amount allotted to a
10 State under this subparagraph for a fiscal
11 year shall be—

12 “(I) the number of State resi-
13 dents who have attained 65 years of
14 age or are under a disability (as de-
15 fined in section 216(i)(1)), as deter-
16 mined by the Secretary using the
17 most recent version of the American
18 Community Survey published by the
19 Bureau of the Census or a successor
20 data set; divided by

21 “(II) the total number of such
22 residents of all States.

23 “(ii) LIMITATION.—The amount allot-
24 ted to a State under this subparagraph for
25 a fiscal year shall be not less than 0.25

1 percent of the available amount for the fis-
2 cal year.

3 “(iii) ADJUSTMENT OF STATE ALLOT-
4 MENTS.—Subject to clause (ii), the Sec-
5 retary shall proportionately increase or de-
6 crease the amounts allotted under this sub-
7 paragraph for a fiscal year as necessary to
8 ensure that the available amount for the
9 fiscal year is allotted among the States.

10 “(iv) REDETERMINATIONS.—

11 “(I) FREQUENCY.—The Sec-
12 retary shall make the determination
13 referred to in clause (i)(I) every 5
14 years.

15 “(II) LIMITATION.—Subject to
16 clause (ii), the amount allotted to a
17 State under this subparagraph, on the
18 basis of such a determination, for a
19 fiscal year after fiscal year 2026 shall
20 be—

21 “(aa) not less than 90 per-
22 cent of the amount of the grant
23 made to the State under this
24 subparagraph for the then pre-
25 ceding fiscal year; and

1 “(bb) not more than 110
2 percent of the amount referred to
3 in item (aa).

4 “(2) GRANTS TO INDIAN TRIBES AND TRIBAL
5 ORGANIZATIONS.—

6 “(A) IN GENERAL.—The Secretary, in con-
7 sultation with the Secretary of the Interior,
8 shall make grants in accordance with this sec-
9 tion to Indian tribes and tribal organizations
10 who operate at least 1 eligible setting.

11 “(B) GRANT FORMULA.—The Secretary, in
12 consultation with the Secretary of the Interior,
13 shall devise a formula for distributing among
14 Indian tribes and tribal organizations the
15 amount required to be reserved by subsection
16 (e)(1) for each fiscal year.

17 “(3) SUB-GRANTS.—A State, Indian tribe, or
18 tribal organization to which an amount is paid under
19 this section may use the amount to make sub-grants
20 to local organizations, including community organi-
21 zations, local non-profits, elder rights and justice
22 groups, and workforce development boards for any
23 purpose described in paragraph (1) or (2) of sub-
24 section (b).

25 “(b) USE OF FUNDS.—

1 “(1) REQUIRED USES.—A State to which an
2 amount is paid under this section shall use the
3 amount to—

4 “(A) provide wage subsidies to eligible in-
5 dividuals;

6 “(B) provide student loan repayment or
7 tuition assistance to eligible individuals for a
8 degree or certification in a field relevant to
9 their position referred to in subsection
10 (f)(1)(A);

11 “(C) guarantee affordable and accessible
12 child care for eligible individuals, including help
13 with referrals, co-pays, or other direct assist-
14 ance; and

15 “(D) provide assistance where necessary
16 with obtaining appropriate transportation, in-
17 cluding public transportation if available, or gas
18 money if public transportation is unavailable or
19 impractical based on work hours or location.

20 “(2) AUTHORIZED USES.—A State to which an
21 amount is paid under this section may use the
22 amount to—

23 “(A) establish a reserve fund for financial
24 assistance to eligible individuals in emergency
25 situations;

1 “(B) provide in-kind resource donations,
2 such as interview clothing and conference at-
3 tendance fees;

4 “(C) provide assistance with programs and
5 activities, including legal assistance, deemed
6 necessary to address arrest or conviction
7 records that are an employment barrier;

8 “(D) support employers operating an eligi-
9 ble setting in the State in providing employees
10 with not less than 2 weeks of paid leave per
11 year; or

12 “(E) provide other support services the
13 Secretary deems necessary to allow for success-
14 ful recruitment and retention of workers.

15 “(3) PROVISION OF FUNDS ONLY FOR THE
16 BENEFIT OF ELIGIBLE INDIVIDUALS IN ELIGIBLE
17 SETTINGS.—A State to which an amount is paid
18 under this section may provide the amount to only
19 an eligible individual or a partner organization serv-
20 ing an eligible individual.

21 “(4) NONSUPPLANTATION.—A State to which
22 an amount is paid under this section shall not use
23 the amount to supplant the expenditure of any State
24 funds for recruiting or retaining employees in an eli-
25 gible setting.

1 “(5) OBLIGATION DEADLINE.—A State, Indian
2 tribe, or tribal organization shall remit to the Sec-
3 retary for reallotment under this section any amount
4 paid under this section for a fiscal year that is not
5 obligated within 2 years after the end of the fiscal
6 year.

7 “(c) ADMINISTRATION.—A State to which a grant is
8 made under this section shall reserve not more than 10
9 percent of the grant to—

10 “(1) administer subgrants in accordance with
11 this section;

12 “(2) provide technical assistance and support
13 for applying for and accessing such a subgrant op-
14 portunity;

15 “(3) publicize the availability of the subgrants;

16 “(4) carry out activities to increase the supply
17 of eligible individuals; and

18 “(5) provide technical assistance to help sub-
19 grantees find and train individuals to provide the
20 services for which they are contracted.

21 “(d) REPORTS.—

22 “(1) STATE REPORTS.—Not less frequently
23 than annually, each State to which a grant has been
24 made under this section shall transmit to the Sec-
25 retary a written report describing the activities un-

1 dertaken by the State pursuant to this section dur-
2 ing the period covered by the report, which shall in-
3 clude—

4 “(A) the total amount expended in the
5 State for each type of use described in para-
6 graph (1) or (2) of subsection (b);

7 “(B) the total number of non-State organi-
8 zations in the State to which grant funds were
9 provided, and the amount so provided to each
10 such organization;

11 “(C) the change in the number of individ-
12 uals working in each job category described in
13 subsection (f)(1)(A) in an eligible setting in the
14 State;

15 “(D) the average duration of employment
16 for each such job category;

17 “(E) the average annual wage of workers
18 in each job category described in subsection
19 (f)(1)(A) in an eligible setting in the State;

20 “(F) the average amount of paid time off
21 to which a worker in each job category de-
22 scribed in subsection (f)(1)(A) in an eligible set-
23 ting in the State is entitled by their contract;
24 and

1 “(G) such other data elements as the Sec-
2 retary deems relevant.

3 “(2) REPORT TO THE CONGRESS.—Not later
4 than 3 years after the date of the enactment of this
5 section, and every 4 years thereafter, the Secretary
6 shall submit to the Congress a written report out-
7 lining how the States have used the grants made
8 under this section during the period covered by the
9 report, which shall include—

10 “(A) the total amount expended in each
11 State for each type of use described in para-
12 graph (1) or (2) of subsection (b);

13 “(B) the total number of non-State organi-
14 zations in each State to which grant funds were
15 provided, and the amount so provided to each
16 such organization;

17 “(C) the change in the number of individ-
18 uals working in each job category described in
19 subsection (f)(1)(A) in an eligible setting;

20 “(D) the average duration of employment
21 for each such job category, by State;

22 “(E) the average annual wage of workers
23 in each job category described in subsection
24 (f)(1)(A) in an eligible setting;

1 “(F) the average amount of paid time off
 2 to which a worker in each job category de-
 3 scribed in subsection (f)(1)(A) in an eligible set-
 4 ting is entitled by their contract; and

5 “(G) such other data elements as the Sec-
 6 retary deems relevant.

7 “(e) APPROPRIATION.—Out of any funds in the
 8 Treasury not otherwise appropriated, there is appro-
 9 priated to the Secretary \$400,000,000 for each of fiscal
 10 years 2022 through 2025 to carry out this section, of
 11 which 2 percent shall be reserved for grants to Indian
 12 tribes and tribal organizations.

13 “(f) DEFINITIONS.—In this section:

14 “(1) AVAILABLE AMOUNT.—The term ‘available
 15 amount’ means, with respect to a fiscal year, the
 16 amount specified in subsection (e) that remains after
 17 the reservation required by such subsection for the
 18 fiscal year, plus all amounts remitted to the Sec-
 19 retary under subsection (b)(5) that have not been
 20 reallotted under subsection (a)(1)(B)(iii).

21 “(2) ELIGIBLE INDIVIDUAL.—The term ‘eligible
 22 individual’ means an individual who—

23 “(A)(i) is a qualified home health aide, as
 24 defined in section 484.80(a) of title 42, Code of
 25 Federal Regulations;

1 “(ii) is a nurse aide approved by the State
2 as meeting the requirements of sections
3 483.150 through 483.154 of such title, and is
4 listed in good standing on the State nurse aide
5 registry;

6 “(iii) is a personal care aide approved by
7 the State, and furnishes personal care services,
8 as defined in section 440.167 of such title;

9 “(iv) is a qualified hospice aide, as defined
10 in section 418.76 of such title; or

11 “(v) is a licensed practical nurse or a li-
12 censed or certified social worker; or

13 “(vi) is receiving training to be certified or
14 licensed as such an aide, nurse, or social work-
15 er; and

16 “(B) provides (or, in the case of a trainee,
17 intends to provide) services as such an aide,
18 nurse, or social worker in an eligible setting.

19 “(3) ELIGIBLE SETTING.—The term ‘eligible
20 setting’ means—

21 “(A) a skilled nursing facility, as defined
22 in section 1819;

23 “(B) a nursing facility, as defined in sec-
24 tion 1919;

1 “(C) a home health agency, as defined in
2 section 1891;

3 “(D) a facility approved to deliver home or
4 community-based services authorized under
5 State options described in subsection (c) or (i)
6 of section 1915 or, as relevant, demonstration
7 projects authorized under section 1115;

8 “(E) a hospice, as defined in section 1814;
9 or

10 “(F) a tribal assisted living facility.

11 “(4) TRIBAL ORGANIZATION.—The term ‘tribal
12 organization’ has the meaning given the term in sec-
13 tion 4 of the Indian Self-Determination and Edu-
14 cation Assistance Act.”.

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