

108TH CONGRESS
2D SESSION

H. R. 3998

To expand au pair exchange visitor programs to include the provision of in-home independent living services for adults with disabilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2004

Mr. COOPER (for himself and Mr. FOLEY) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To expand au pair exchange visitor programs to include the provision of in-home independent living services for adults with disabilities, 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 “Au Pair Program Ex-
5 pansion Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Since their inception in 1986, au pair ex-
9 change visitor programs have become some of the

1 most successful cultural exchange programs in the
2 history of the United States.

3 (2) Au pair exchange visitor programs welcome
4 approximately 12,000 au pairs into the United
5 States per year.

6 (3) Permanently authorized in 1997, au pair
7 exchange visitor programs historically only included
8 a child care component for participants.

9 (4) The success of au pair exchange visitor pro-
10 grams in helping to meet the child care needs of
11 families in the United States demonstrates the pro-
12 grams' capacity to fulfill a demand for in-home as-
13 sistance while also providing a valuable cultural ex-
14 perience for au pair participants.

15 (5) Currently, there is a critical shortage of
16 providers of in-home independent living services for
17 adults with low or moderate levels of disability. Al-
18 though these adults only require moderate levels of
19 assistance with basic activities of daily living, the
20 shortage of providers forces many of these adults to
21 rely unnecessarily on expensive skilled care services
22 or to live in an institutional setting at great cost.

23 (6) The expansion of au pair exchange visitor
24 programs to include the provision of in-home inde-
25 pendent living services for adults with disabilities

1 would not only improve the quality of life for such
2 adults but would expand opportunities for foreign
3 students to participate in such programs.

4 (7) Due to the complexities of such an expansion,
5 a pilot program using sponsors that are already
6 designated by the Department of State to conduct
7 an au pair exchange program is the appropriate
8 way to gauge the merits of undertaking such expansion
9 on a permanent basis.

10 **SEC. 3. PILOT PROGRAM EXPANDING AU PAIR PROGRAM**
11 **TO INCLUDE IN-HOME ASSISTANCE PROGRAMS FOR ADULTS WITH DISABILITIES.**
12

13 (a) ESTABLISHMENT OF PILOT PROGRAM; TERMINATION.—Not later than 180 days after the date of the
14 enactment of this Act, the Secretary of State shall establish
15 a pilot program under which sponsors designated by
16 the Department of State to conduct an au pair exchange
17 visitor program may place foreign nationals participating
18 in such program in positions that require the foreign national
19 to provide in-home independent living services to an
20 adult with disabilities rather than child care services. Only
21 sponsors designated by the Department of State to conduct
22 an au pair exchange visitor program on the date of
23 the enactment of this Act may participate in such pilot
24

1 program. Such pilot program shall terminate not earlier
2 than 5 years after the date on which it is commenced.

3 (b) REGULATIONS.—In promulgating regulations
4 under subsection (a), the Secretary of State—

5 (1) shall define “in-home independent living
6 services” to include only home support services such
7 as—

8 (A) personal care (such as walking, bath-
9 ing, dressing, and assistance with eating);

10 (B) homemaker services (shopping, meal
11 preparation, and light housekeeping); and

12 (C) performance of routine household
13 chores (cleaning and yard work) and to exclude
14 the provision of medical care or other services
15 that are required to be delivered by licensed
16 health professionals or under the direction of a
17 physical or occupational therapist;

18 (2) shall ensure that all cultural exchange and
19 educational aspects of the existing au pair exchange
20 visitor programs are unimpaired;

21 (3) may include provisions expanding the age
22 range of au pair candidates desiring to provide in-
23 home independent living services to adults with dis-
24 abilities; and

1 (4) shall establish standards to ensure that for-
2 eign nationals placed pursuant to the pilot program
3 receive appropriate training to prepare them for
4 their work with adults with disabilities.

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