

115TH CONGRESS
1ST SESSION

H. R. 3494

To amend the Public Health Service Act to establish a National Care Corps, and to authorize grants for local care corps programs, through which qualified volunteers provide care, companionship, and other services to individuals in need, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2017

Ms. MICHELLE LUJAN GRISHAM of New Mexico introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Public Health Service Act to establish a National Care Corps, and to authorize grants for local care corps programs, through which qualified volunteers provide care, companionship, and other services to individuals in need, 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 “National Care Corps
5 Act of 2017”.

1 **SEC. 2. NATIONAL CARE CORPS; LOCAL CARE CORPS PRO-**
 2 **GRAMS.**

3 Part D of title III of the Public Health Service Act
 4 (42 U.S.C. 254b et seq.) is amended—

5 (1) by redesignating the second subpart XI (re-
 6 lating to a community-based collaborative care net-
 7 work program) as subpart XII;

8 (2) by redesignating the second section 340H
 9 (42 U.S.C. 256i) as section 340I; and

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

11 **“Subpart XIII—National Care Corps; Local Care**
 12 **Corps Programs**

13 **“SEC. 340J. NATIONAL CARE CORPS.**

14 **“(a) ESTABLISHMENT.—**

15 **“(1) IN GENERAL.—**There is established in the
 16 Department of Health and Human Services a pro-
 17 gram to be known as the ‘National Care Corps’
 18 through which Corps volunteers provide approved
 19 services to individuals in need via participation in
 20 local care corps programs.

21 **“(2) STAFF.—**

22 **“(A) APPOINTMENT OF DIRECTOR.—**The
 23 Secretary, acting through the Administrator of
 24 the Administration for Community Living, shall
 25 appoint a Director of the Corps.

1 “(B) DUTIES OF DIRECTOR.—The Director
2 shall—

3 “(i) design, develop, and administer
4 Corps programs;

5 “(ii) manage the daily operations of
6 the Corps; and

7 “(iii) report to the Administrator of
8 the Administration for Community Living.

9 “(C) AUTHORITY TO EMPLOY STAFF.—The
10 Director may employ such staff as is necessary
11 to carry out this subpart.

12 “(b) SELECTION AND ELIGIBILITY OF VOLUN-
13 TEERS.—

14 “(1) SELECTION.—The Director shall select eli-
15 gible individuals as Corps volunteers.

16 “(2) ELIGIBLE INDIVIDUALS.—To be eligible to
17 serve as a volunteer in the Corps, an individual
18 shall—

19 “(A) be at least 18 years of age on or be-
20 fore December 31 of the calendar year in which
21 the individual begins participation in the Corps;

22 “(B) agree to participate in the Corps for
23 a period of not more than 24 months, con-
24 sisting of not more than 2 terms of up to 12
25 months;

1 “(C) submit an application to the Director
2 at such time, in such manner, and containing
3 such information as the Director may require;

4 “(D) pass a criminal background check as
5 described in paragraph (3); and

6 “(E) agree to comply with such terms and
7 conditions as the Director may require.

8 “(3) CRIMINAL BACKGROUND CHECK.—

9 “(A) IN GENERAL.—Before selecting any
10 individual to serve as a volunteer in the Corps,
11 the Director shall request a criminal back-
12 ground check of such individual on a nationwide
13 basis.

14 “(B) VOLUNTEER PROHIBITIONS.—An in-
15 dividual shall be ineligible to be a Corps volun-
16 teer if—

17 “(i) such individual refuses to consent
18 to the criminal background check; or

19 “(ii) the criminal background check
20 does not demonstrate to the Director’s sat-
21 isfaction that such individual is fit for
22 Corps service.

23 “(c) AUTHORIZED BENEFITS FOR CORPS VOLUN-
24 TEERS.—

1 “(1) IN GENERAL.—The Director shall provide
2 for Corps volunteers to receive allowances, health in-
3 surance, and post-service educational awards author-
4 ized by this subsection.

5 “(2) ALLOWANCES.—The Director shall provide
6 each Corps volunteer with such living, travel, and
7 leave allowances, and such housing, transportation,
8 supplies, equipment, and subsistence as the Director
9 determines to be necessary for the volunteer’s main-
10 tenance and to ensure the volunteer’s health and ca-
11 pacity to serve effectively.

12 “(3) HEALTH INSURANCE.—The Director shall
13 provide for each Corps volunteer to receive health in-
14 surance coverage meeting the requirements of sec-
15 tion 5000A(f) of the Internal Revenue Code of 1986.

16 “(4) POST-SERVICE EDUCATIONAL AWARD.—

17 “(A) IN GENERAL.—The Director shall es-
18 tablish an educational award for Corps volun-
19 teers.

20 “(B) AMOUNTS.—

21 “(i) NUMBER OF AWARDS.—A Corps
22 volunteer may receive up to 2 educational
23 awards under this paragraph, one for each
24 term of service as a volunteer.

1 “(ii) AMOUNT FOR FULL TERM OF
2 SERVICE.—In the case of a Corps volun-
3 teer who completes a term of full-time
4 service in the Corps for a period of 12
5 months, as determined by the Director,
6 such volunteer shall receive an educational
7 award having a value equal to the max-
8 imum amount of a Federal Pell Grant
9 under section 401 of the Higher Education
10 Act of 1965 (20 U.S.C. 1070a) that a stu-
11 dent eligible for such grant may receive in
12 the aggregate (without regard to whether
13 the funds are provided through discre-
14 tionary or mandatory appropriations) for
15 the award year.

16 “(iii) INCENTIVE TO PURSUE A DE-
17 GREE IN A HEALTH CARE PROFESSION.—
18 In the case of a Corps volunteer who com-
19 mits to using his or her educational award
20 (or awards, if applicable) under this para-
21 graph for completion of a degree, certifi-
22 cate, or training in a health care profes-
23 sion, or in a social services profession re-
24 lated to the delivery of long-term services
25 and supports to individuals in need, the

1 value of such awards shall be twice the
2 value that would otherwise be applicable
3 under clause (ii).

4 “(iv) AMOUNT FOR OTHER PERIODS
5 OF SERVICE.—

6 “(I) In the case of a Corps volun-
7 teer who completes less than a 12-
8 month term of full-time service in the
9 Corps, as determined by the Director,
10 such volunteer may receive a portion
11 of the educational award described in
12 clause (ii) or (iii) (as applicable) that
13 corresponds to the quantity of service
14 actually completed by the volunteer.

15 “(II) In the case of a Corps vol-
16 unteer who completes more than 12
17 months of full-time service in the
18 Corps, and less than 24 months of
19 such service, as determined by the Di-
20 rector, such volunteer may receive, for
21 the portion of service exceeding 12
22 months, a portion of the educational
23 award described in clause (ii) or (iii)
24 (as applicable) that corresponds to the

1 quantity of service actually completed
2 by the volunteer

3 “(C) USES OF AWARD.—An educational
4 award shall be used to pay—

5 “(i) costs of attendance at an institu-
6 tion of higher education; or

7 “(ii) government or commercial loans
8 received by an individual for the cost of at-
9 tendance at an institution of higher edu-
10 cation.

11 “(D) DEFINITIONS.—For purposes of this
12 paragraph:

13 “(i) COST OF ATTENDANCE.—The
14 term ‘cost of attendance’ has the meaning
15 given such term by section 472 of the
16 Higher Education Act of 1965 (20 U.S.C.
17 10871l).

18 “(ii) INSTITUTION OF HIGHER EDU-
19 CATION.—The term ‘institution of higher
20 education’ has the meaning given such
21 term under subsection (a) or (b) of section
22 101 of the Higher Education Act of 1965
23 (20 U.S.C. 1001).

24 “(5) FEDERAL HIRING PREFERENCE.—In the
25 case of a Corps volunteer who completes at least one

1 term of full-time service in the Corps for a total pe-
2 riod of 12 months or more, as determined by the Di-
3 rector, such volunteer shall be eligible for appoint-
4 ment in the competitive service in the same manner
5 as Peace Corps volunteers as prescribed in Executive
6 Order No. 11103 (April 10, 1963).

7 “(6) REGULATIONS.—The Director shall issue
8 any regulations that the Director determines to be
9 necessary to carry out this subsection.

10 “(d) ASSIGNMENT OF CORPS VOLUNTEERS.—

11 “(1) ASSIGNMENT.—

12 “(A) IN GENERAL.—The Director shall as-
13 sign each Corps volunteer to participate in a
14 local care corps program.

15 “(B) PRIORITY OF ASSIGNMENT.—In as-
16 signing Corps volunteers to local care corps pro-
17 grams, the Director shall—

18 “(i) take into consideration the popu-
19 lation and geographic preferences of the
20 volunteers; and

21 “(ii) assign not less than 20 percent
22 of volunteers to programs that serve geo-
23 graphic areas in which the Director deter-
24 mines there is a shortage of approved serv-
25 ices available for individuals in need, with

1 priority given to low-income and minority
2 populations.

3 “(2) SERVICES PROVIDED BY CORPS VOLUN-
4 TEERS.—

5 “(A) IN GENERAL.—The Director shall as-
6 sign Corps volunteers only for providing ap-
7 proved services to individuals in need through
8 participation in local care corps programs.

9 “(B) APPROVED SERVICES.—Approved
10 services are services provided directly to individ-
11 uals in need in home-based or community-based
12 settings that—

13 “(i) result in person-to-person, sup-
14 portive relationships with each individual
15 served;

16 “(ii) support the achievement and
17 maintenance of the highest level of inde-
18 pendent living for each individual in need;

19 “(iii) are supported by appropriate
20 orientation, training, and supervision; and

21 “(iv) are provided in support of, or in
22 coordination with, a caregiver, if applica-
23 ble.

1 “(C) PROHIBITED SERVICES.—In per-
2 forming duties as a Corps volunteer, no volun-
3 teer shall provide—

4 “(i) professional medical services;

5 “(ii) administrative support services
6 to a local Corps program;

7 “(iii) financial services;

8 “(iv) care in an institutional setting;

9 “(v) care prohibited under State law;

10 or

11 “(vi) any other services determined by
12 the director to be inconsistent with the
13 purposes of the Corps.

14 “(D) GUIDANCE REGARDING SCOPE OF
15 SERVICES.—The Director shall issue guidance
16 describing the scope of services that may be
17 provided by Corps volunteers. In issuing such
18 guidance, the Director shall provide for a public
19 notice and comment period of not less than 60
20 days before issuing the guidance in final form.

21 “(e) TRAINING AND STANDARDS OF CONDUCT.—

22 “(1) PRE-ASSIGNMENT TRAINING PROGRAM.—

23 The Director shall develop a training program that
24 provides Corps volunteers with instruction in the
25 skills necessary to carry out an assignment in a local

1 care corps program. Such training program shall in-
2 clude—

3 “(A) at least 40 hours of instruction for
4 each Corps volunteer for each term (of 12
5 months or less) to be served in the Corps by the
6 volunteer;

7 “(B) additional training for volunteers
8 whose assignment requires skills that are par-
9 ticularly complex, including those necessary to
10 serve individuals with physical, cognitive, or be-
11 havioral impairments;

12 “(C) appropriate training in the prevention
13 of abuse, neglect, and exploitation; and

14 “(D) any other requirements the Director
15 determines to be appropriate.

16 “(2) STANDARDS OF CONDUCT.—The Director
17 shall establish and enforce standards to promote
18 proper conduct and discipline within the Corps.

19 “(f) STATUS OF CORPS VOLUNTEERS UNDER FED-
20 ERAL LAW.—

21 “(1) IN GENERAL.—Except as otherwise pro-
22 vided in this subsection, Corps volunteers shall not,
23 by reason of their status as volunteers, be treated as
24 Federal employees or be subject to the provisions of
25 law relating to Federal employment.

1 “(2) WORK-RELATED INJURIES.—

2 “(A) IN GENERAL.—For purposes of sub-
3 chapter I of chapter 81 of title 5, United States
4 Code, relating to the compensation of Federal
5 employees for work injuries, Corps volunteers
6 shall be treated as employees of the United
7 States within the meaning of the term ‘em-
8 ployee’, as defined in section 8101 of such title.

9 “(B) SPECIAL RULE.—In the application
10 of the provisions of subchapter I of chapter 81
11 of title 5, United States Code, to a Corps volun-
12 teer, the volunteer shall not be treated to be in
13 the performance of duty while absent from the
14 volunteer’s assigned post of duty unless the ab-
15 sence is authorized in accordance with proce-
16 dures prescribed by the Director.

17 “(3) TORT CLAIMS PROCEDURE.—A Corps vol-
18 unteer shall be treated as an employee of the United
19 States for purposes of chapter 171 of title 28,
20 United States Code, relating to tort claims liability
21 and procedure.

22 “(g) REPORTING REQUIREMENTS.—The Secretary of
23 Health and Human Services, acting through the Adminis-
24 trator of the Administration for Community Living, shall
25 transmit to Congress at least once in each fiscal year a

1 report on the Corps. At minimum, such report shall in-
2 clude—

3 “(1) a description of the population served by
4 each local care corps program during the preceding
5 fiscal year, including—

6 “(A) an estimate of the number of individ-
7 uals served in each State, disaggregated by
8 race, ethnicity, age, disability, and socio-
9 economic status; and

10 “(B) identification of the type of settings
11 in which the services were provided;

12 “(2) an evaluation of Corps operations; and

13 “(3) recommendations, if any, for improving
14 Corps operations.

15 **“SEC. 340J-1. GRANTS FOR LOCAL CARE CORPS PROGRAMS.**

16 “(a) IN GENERAL.—The Director may award grants
17 to eligible entities described in subsection (b) to establish
18 and implement a local care corps program through which
19 Corps volunteers perform approved services for individuals
20 in need as described in section 340J(d)(2).

21 “(b) ELIGIBLE ENTITIES.—To be eligible to receive
22 a grant under this section, an entity shall be a public or
23 private nonprofit entity that is—

24 “(1) part of the aging network, as defined in
25 section 102(5) of the Older Americans Act of 1965;

1 “(2) a time-banking or volunteer organizing
2 agency that has expertise in delivering home- and
3 community-based long-term services and supports to
4 individuals in need;

5 “(3) a State, county, or local government; or

6 “(4) any other entity that has expertise in de-
7 livering home- and community-based long-term serv-
8 ices and supports to individuals in need, as deter-
9 mined to be appropriate by the Secretary.

10 “(c) OTHER REQUIREMENTS.—Local care corps pro-
11 grams shall—

12 “(1) conduct in-person orientation and training
13 for Corps volunteers;

14 “(2) develop and monitor volunteer assign-
15 ments, which shall include selecting the individuals
16 in need to be served by Corps volunteers, matching
17 volunteers to assignments, and supervising volun-
18 teers;

19 “(3) maintain records and prepare reports as
20 required by the Director;

21 “(4) provide regular opportunities for Corps
22 volunteers to collaborate and engage with peer Corps
23 members focused on sharing field experiences and
24 best practices; and

1 “(5) carry out any other activities determined
2 to be appropriate by the Director.

3 “(d) APPLICATION PROCESS.—To seek a grant under
4 this section, an eligible entity shall—

5 “(1) submit an application to the Secretary at
6 such time, in such manner, and containing such in-
7 formation and assurances as the Secretary may re-
8 quire; and

9 “(2) include in such application a description of
10 the scope of the services proposed to be provided
11 through the entity’s local care corps program.

12 **“SEC. 340J-2. DEFINITIONS.**

13 “For purposes of this subpart:

14 “(1) CORPS.—The term ‘Corps’ means the Na-
15 tional Care Corps established under section 340J.

16 “(2) DIRECTOR.—The term ‘Director’ means
17 the Director of the National Care Corps appointed
18 under section 340J(a).

19 “(3) INDIVIDUAL IN NEED.—The term ‘indi-
20 vidual in need’ means an individual who—

21 “(A) is at least 65 years of age or has a
22 disability as defined in section 3 of the Ameri-
23 cans With Disabilities Act of 1990 (42 U.S.C.
24 12102);

1 “(B) has difficulty with self-care or living
2 independently; and

3 “(C) meets such other criteria as the Di-
4 rector determines to be appropriate.

5 “(4) LOCAL CARE CORPS PROGRAM.—The term
6 ‘local care corps program’ means a program funded
7 with a grant awarded under section 340J–1.

8 **“SEC. 340J–3. AUTHORIZATION OF APPROPRIATIONS.**

9 “(a) IN GENERAL.—To carry out this subpart, there
10 is authorized to be appropriated \$350,000,000 for each
11 of the fiscal years beginning after the date of the enact-
12 ment of the National Care Corps Act of 2017.

13 “(b) CONTINUED AVAILABILITY OF FUNDS.—
14 Amounts authorized to be appropriated under subsection
15 (a) for a fiscal year are authorized to remain available for
16 that fiscal year and the subsequent fiscal year.”.

○