

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.

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## 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

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## 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.”.

○