

114TH CONGRESS
1ST SESSION

H. R. 2668

To establish a National Care Corps through which qualified volunteers provide care, companionship, and other services to seniors and individuals with disabilities.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2015

Ms. MICHELLE LUJAN GRISHAM of New Mexico (for herself, Mr. DOGGETT, Mr. HASTINGS, Mr. JOHNSON of Georgia, Mrs. DINGELL, and Ms. ROYBAL-ALLARD) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To establish a National Care Corps through which qualified volunteers provide care, companionship, and other services to seniors and individuals with disabilities.

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 2015”.

6 **SEC. 2. DEFINITIONS.**

7 For purposes of this Act, the following definitions
8 shall apply:

1 (1) CORPS.—The term “Corps” means the Na-
2 tional Care Corps established under section 3 of this
3 Act.

4 (2) DIRECTOR.—The term “Director” means
5 the Director of the Corps appointed under section
6 3(b)(1) of this Act.

7 (3) LOCAL CARE CORPS PROGRAM.—The term
8 “local Care Corps program” means a program fund-
9 ed with a grant awarded under section 10(b) of this
10 Act that hosts Corps volunteers and arranges for
11 them to provide approved services to individuals in
12 need.

13 (4) SECRETARY.—The term “Secretary” means
14 the Secretary of Health and Human Services.

15 **SEC. 3. ESTABLISHMENT OF NATIONAL CARE CORPS.**

16 (a) IN GENERAL.—There is established in the De-
17 partment of Health and Human Services a program to
18 be known as the “National Care Corps” through which
19 Corps volunteers provide approved services to individuals
20 in need via participation in local Care Corps programs.

21 (b) STAFF.—

22 (1) APPOINTMENT OF DIRECTOR.—The Sec-
23 retary, acting through the Administrator of the Ad-
24 ministration for Community Living, shall appoint a
25 Director of the Corps.

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

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

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

7 (C) report to the Administrator of the Ad-
8 ministration for Community Living.

9 (3) AUTHORITY TO EMPLOY STAFF.—The Di-
10 rector may employ such staff as is necessary to
11 carry out this Act.

12 **SEC. 4. SELECTION AND ELIGIBILITY OF VOLUNTEERS.**

13 (a) IN GENERAL.—

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

16 (2) NONDISCRIMINATION.—In selecting Corps
17 volunteers, the Director shall comply with all appli-
18 cable provisions of State and Federal laws and regu-
19 lations pertaining to nondiscrimination and equal
20 employment opportunity.

21 (b) ELIGIBLE INDIVIDUALS.—To be eligible to serve
22 as a volunteer in the Corps, an individual shall—

23 (1) be at least 18 years of age on or before De-
24 cember 31 of the calendar year in which the indi-
25 vidual begins participation in the Corps;

1 (2) agree to participate in the Corps for a pe-
 2 riod of not more than 24 months, consisting of not
 3 more than 2 terms of up to 12 months;

4 (3) submit an application to the Director at
 5 such time, in such manner, and containing such in-
 6 formation as the Director may require;

7 (4) pass a criminal background check as de-
 8 scribed in subsection (c); and

9 (5) agree to comply with such terms and condi-
 10 tions as the Director may require.

11 (c) CRIMINAL BACKGROUND CHECK.—

12 (1) IN GENERAL.—Before selecting any indi-
 13 vidual to serve as a volunteer in the Corps, the Di-
 14 rector shall request a criminal background check of
 15 such individual on a nationwide basis.

16 (2) VOLUNTEER PROHIBITIONS.—An individual
 17 shall be ineligible to be a Corps volunteer if—

18 (A) such individual refuses to consent to
 19 the criminal background check; or

20 (B) the criminal background check does
 21 not demonstrate to the Director's satisfaction
 22 that such individual is fit for Corps service.

23 **SEC. 5. AUTHORIZED BENEFITS FOR CORPS VOLUNTEERS.**

24 (a) IN GENERAL.—The Director shall provide for
 25 Corps volunteers to receive allowances, health insurance,

1 and post-service educational awards authorized by this
2 section.

3 (b) ALLOWANCES.—The Director shall provide each
4 Corps volunteer with such living, travel, and leave allow-
5 ances, and such housing, transportation, supplies, equip-
6 ment, and subsistence as the Director determines to be
7 necessary for the volunteer’s maintenance and to ensure
8 the volunteer’s health and capacity to serve effectively.

9 (c) HEALTH INSURANCE.—

10 (1) IN GENERAL.—The Director shall provide
11 for each Corps volunteer to receive health insurance
12 coverage.

13 (2) MINIMUM ESSENTIAL COVERAGE.—The
14 health insurance coverage described paragraph (1)
15 shall meet the requirements of section 5000A(f) of
16 the Internal Revenue Code of 1986.

17 (d) POST-SERVICE EDUCATIONAL AWARD.—

18 (1) IN GENERAL.—The Director shall establish
19 an educational award for Corps volunteers.

20 (2) AMOUNTS.—

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

1 (B) AMOUNT FOR FULL TERM OF SERV-
2 ICE.—In the case of a Corps volunteer who
3 completes a term of full-time service in the
4 Corps for a period of 12 months, as determined
5 by the Director, such volunteer shall receive an
6 educational award having a value equal to the
7 maximum amount of a Federal Pell Grant
8 under section 401 of the Higher Education Act
9 of 1965 (20 U.S.C. 1070a) that a student eligi-
10 ble for such grant may receive in the aggregate
11 (without regard to whether the funds are pro-
12 vided through discretionary or mandatory ap-
13 propriations) for the award year.

14 (C) INCENTIVE TO PURSUE A DEGREE IN
15 A HEALTH CARE PROFESSION.—In the case of
16 a Corps volunteer who commits to using his or
17 her educational award (or awards, if applicable)
18 under this subsection for completion of a de-
19 gree, a certificate, or training in a health care
20 profession, the value of such awards shall be
21 twice the value that would otherwise be applica-
22 ble under subparagraph (B).

23 (D) AMOUNT FOR OTHER PERIODS OF
24 SERVICE.—

1 (i) In the case of a Corps volunteer
2 who completes less than a 12-month term
3 of full-time service in the Corps, as deter-
4 mined by the Director, such volunteer may
5 receive a portion of the educational award
6 described in subparagraph (B) or (C) (as
7 applicable) that corresponds to the quan-
8 tity of service actually completed by the
9 volunteer.

10 (ii) In the case of a Corps volunteer
11 who completes more than 12 months of
12 full-time service in the Corps, and less
13 than 24 months of such service, as deter-
14 mined by the Director, such volunteer may
15 receive, for the portion of service exceeding
16 12 months, a portion of the educational
17 award described in subparagraph (B) or
18 (C) (as applicable) that corresponds to the
19 quantity of service actually completed by
20 the volunteer.

21 (3) USES OF AWARD.—An educational award
22 shall be used to pay—

23 (A) costs of attendance at an institution of
24 higher education; or

1 (B) government or commercial loans re-
2 ceived by an individual for the cost of attend-
3 ance at an institution of higher education.

4 (4) DEFINITIONS.—For purposes of this sub-
5 section, the following definitions shall apply:

6 (A) COST OF ATTENDANCE.—The term
7 “cost of attendance” has the meaning given
8 such term by section 472 of the Higher Edu-
9 cation Act of 1965 (20 U.S.C. 1087ll).

10 (B) INSTITUTION OF HIGHER EDU-
11 CATION.—The term “institution of higher edu-
12 cation” has the meaning given such term under
13 subsection (a) or (b) of section 101 of the
14 Higher Education Act of 1965 (20 U.S.C.
15 1001).

16 (e) FEDERAL HIRING PREFERENCE.—In the case of
17 a Corps volunteer who completes at least one term of full-
18 time service in the Corps for a total period of 12 months
19 or more, as determined by the Director, such volunteer
20 shall be eligible for appointment in the competitive service
21 in the same manner as Peace Corps volunteers as pre-
22 scribed in Executive Order Number 11103 (April 10,
23 1963).

1 (f) REGULATIONS.—The Director shall issue any reg-
2 ulations that the Director determines to be necessary to
3 carry out this section.

4 **SEC. 6. ASSIGNMENT OF CORPS VOLUNTEERS TO SENIORS**
5 **AND INDIVIDUALS WITH DISABILITIES.**

6 (a) ASSIGNMENT OF CORPS VOLUNTEERS.—

7 (1) IN GENERAL.—The Director shall assign
8 each Corps volunteer to participate in a local Care
9 Corps program.

10 (2) PRIORITY OF ASSIGNMENT.—In assigning
11 Corps volunteers to local Care Corps programs, the
12 Director shall—

13 (A) take into consideration the population
14 and geographic preferences of the volunteers;
15 and

16 (B) assign not less than 20 percent of vol-
17 unteers to programs that serve geographic
18 areas in which the Director determines there is
19 a shortage of approved services available to in-
20 dividuals in need, with consideration given to
21 low-income and minority populations.

22 (b) SERVICES PROVIDED BY CORPS VOLUNTEERS.—

23 (1) IN GENERAL.—The Director shall assign
24 Corps volunteers only for providing approved serv-

1 ices to individuals in need through participation in
2 local Care Corps programs.

3 (2) APPROVED SERVICES.—Approved services
4 are services provided directly to individuals in need
5 in home-based or community-based settings that—

6 (A) result in person-to-person, supportive
7 relationships with each individual served;

8 (B) support the achievement and mainte-
9 nance of the highest level of independent living
10 for each individual in need;

11 (C) are supported by appropriate orienta-
12 tion, training, and supervision; and

13 (D) are provided in support of, or in co-
14 ordination with, a caregiver, if applicable.

15 (3) PROHIBITED SERVICES.—In performing du-
16 ties as a Corps volunteer, no volunteer shall pro-
17 vide—

18 (A) professional medical services;

19 (B) administrative support services to a
20 local Corps program;

21 (C) care in an institutional setting;

22 (D) care prohibited under State law; or

23 (E) any other services determined by the
24 director to be inconsistent with the purposes of
25 the Corps.

1 (4) GUIDANCE REGARDING SCOPE OF SERV-
2 ICES.—The Director shall issue guidance describing
3 the scope of services that may be provided by Corps
4 volunteers. In issuing such guidance, the Director
5 shall provide for a public notice and comment period
6 of not less than 60 days before issuing the guidance
7 in final form.

8 (c) INDIVIDUAL IN NEED.—The term “individual in
9 need” means an individual who—

10 (1) is at least 65 years of age or has a dis-
11 ability as defined in section 3 of the Americans With
12 Disabilities Act of 1990 (42 U.S.C. 12102);

13 (2) has difficulty with self-care or living inde-
14 pendently; and

15 (3) meets such other criteria as the Director de-
16 termines to be appropriate.

17 **SEC. 7. TRAINING AND STANDARDS OF CONDUCT.**

18 (a) PRE-ASSIGNMENT TRAINING PROGRAM.—The
19 Director shall develop a training program that provides
20 Corps volunteers with instruction in the skills necessary
21 to carry out an assignment in a local Care Corps program.
22 Such training program shall include—

23 (1) at least 40 hours of instruction for each
24 Corps volunteer for each term (of 12 months or less)
25 to be served in the Corps by the volunteer;

1 (2) additional training for volunteers whose as-
2 signment requires further instruction; and

3 (3) any other requirements the Director deter-
4 mines to be appropriate.

5 (b) STANDARDS OF CONDUCT.—The Director shall
6 establish and enforce standards to promote proper conduct
7 and discipline within the Corps.

8 **SEC. 8. STATUS OF CORPS VOLUNTEERS UNDER FEDERAL**
9 **LAW.**

10 (a) IN GENERAL.—Except as otherwise provided in
11 this section, Corps volunteers shall not, by reason of their
12 status as volunteers, be treated as Federal employees or
13 be subject to the provisions of law relating to Federal em-
14 ployment.

15 (b) WORK-RELATED INJURIES.—

16 (1) IN GENERAL.—For purposes of subchapter
17 I of chapter 81 of title 5, United States Code, relat-
18 ing to the compensation of Federal employees for
19 work injuries, Corps volunteers shall be treated as
20 employees of the United States within the meaning
21 of the term “employee”, as defined in section 8101
22 of such title.

23 (2) SPECIAL RULE.—In the application of the
24 provisions of subchapter I of chapter 81 of title 5,
25 United States Code, to a Corps volunteer, the volun-

1 teer shall not be treated to be in the performance of
2 duty while absent from the volunteer's assigned post
3 of duty unless the absence is authorized in accord-
4 ance with procedures prescribed by the Director.

5 (c) TORT CLAIMS PROCEDURE.—A Corps volunteer
6 shall be treated an employee of the United States for pur-
7 poses of chapter 171 of title 28, United States Code, relat-
8 ing to tort claims liability and procedure.

9 **SEC. 9. REPORTING REQUIREMENTS.**

10 The Secretary of Health and Human Services, acting
11 through the Administrator of the Administration for Com-
12 munity Living, shall transmit to Congress at least once
13 in each fiscal year a report on the Corps. At minimum,
14 such report shall include—

15 (1) a description of the population served by
16 the Corps during the preceding fiscal year, includ-
17 ing—

18 (A) an estimate of the number of individ-
19 uals served in each State, disaggregated by
20 race, ethnicity, and socioeconomic status; and

21 (B) identification of the type of settings in
22 which the services were provided;

23 (2) an evaluation of Corps operations; and

24 (3) recommendations, if any, for improving
25 Corps operations.

1 **SEC. 10. LOCAL CARE CORPS PROGRAMS.**

2 (a) FUNCTIONS OF LOCAL CARE CORPS PRO-
3 GRAMS.—Local Care Corps programs shall—

4 (1) conduct in-person orientation and training
5 for Corps volunteers;

6 (2) develop and monitor volunteer assignments,
7 which shall include selecting the individuals in need
8 to be served by Corps volunteers, matching volun-
9 teers to assignments, and supervising volunteers;

10 (3) maintain records and prepare reports as re-
11 quired by the Director; and

12 (4) carry out any other activities determined to
13 be appropriate by the Director.

14 (b) GRANTS FOR LOCAL CARE CORPS PROGRAMS.—
15 The Director may award grants to qualified entities for
16 the operation of local Care Corps programs.

17 (1) QUALIFIED ENTITY.—The term “qualified
18 entity” means a public or private nonprofit entity
19 that is—

20 (A) part of an aging network, as defined
21 by section 102(5) of the Older Americans Act
22 of 1965 (42 U.S.C. 3002(5));

23 (B) a time-banking or volunteer organizing
24 agency;

25 (C) a State, county, or local government;
26 or

1 (D) any other entity determined to be ap-
2 propriate by the Director.

3 (2) APPLICATION PROCESS.—To be eligible for
4 a grant under this subsection, a qualified entity
5 shall—

6 (A) submit an application to the Director
7 at such time, in such manner, and containing
8 such information as the Director may require;
9 and

10 (B) abide by such terms and conditions as
11 the Director determines to be appropriate.

12 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) IN GENERAL.—There is authorized to be appro-
14 priated \$350,000,000 for each of the fiscal years begin-
15 ning after the date of the enactment of this Act.

16 (b) CONTINUED AVAILABILITY OF FUNDS.—
17 Amounts authorized to be appropriated under subsection
18 (a) for a fiscal year are authorized to remain available for
19 that fiscal year and the subsequent fiscal year.

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