

115TH CONGRESS
2D SESSION

S. 3608

To provide grants for local care corps programs.

IN THE SENATE OF THE UNITED STATES

OCTOBER 11, 2018

Mr. UDALL (for himself, Ms. KLOBUCHAR, and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide grants for local care corps programs.

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 “Care Corps Dem-
5 onstration Act of 2018”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of the Congress that—

8 (1) personal care services (also referred to as
9 “personal assistance services” or “personal attend-
10 ant services”)—

1 (A) provide critical support for individuals
2 with disabilities and older adults to live as inde-
3 pendently as possible in their homes and com-
4 munities, thereby avoiding unwanted and often
5 more costly institutionalization in nursing
6 homes and other facilities; and

7 (B) serve as a critical component of inde-
8 pendent living for individuals with disabilities
9 and older adults;

10 (2) direct care workers and social workers pro-
11 vide a broad range of essential services that help
12 seniors and individuals with disabilities live inde-
13 pendently in their homes and communities; and

14 (3) local care corps programs supported pursu-
15 ant to subpart XIII of part D of title III of the Pub-
16 lic Health Service Act, as added by section 3 of this
17 Act, are intended to supplement and not supplant
18 the work of individuals in these professions.

19 **SEC. 3. GRANTS FOR LOCAL CARE CORPS PROGRAMS.**

20 Part D of title III of the Public Health Service Act
21 (42 U.S.C. 254b et seq.) is amended by adding at the end
22 the following:

1 **“Subpart XIII—Local Care Corps Programs**

2 **“SEC. 340J. GRANTS FOR LOCAL CARE CORPS PROGRAMS.**

3 “(a) IN GENERAL.—The Secretary may award grants
4 to eligible entities described in subsection (b) to establish
5 and implement a local care corps program through which
6 eligible volunteers described in subsection (c) perform ap-
7 proved care services described in subsection (d).

8 “(b) ELIGIBLE ENTITIES.—To be eligible to receive
9 a grant under this section, an entity shall be a public or
10 private nonprofit entity (including any such entity that is
11 faith-based) that is—

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

14 “(2) a time-banking or volunteer organization
15 that has expertise in delivering home- and commu-
16 nity-based long-term services and supports to older
17 adults or people with disabilities;

18 “(3) a State, county, Tribal, or local govern-
19 ment;

20 “(4) a center for independent living (as defined
21 in section 702 of the Rehabilitation Act of 1973); or

22 “(5) any other entity that—

23 “(A) has expertise in delivering home- and
24 community-based long-term services and sup-
25 ports to older adults or people with disabilities;

26 or

1 “(B) partners with an organization with
2 such expertise.

3 “(c) ELIGIBLE VOLUNTEERS.—

4 “(1) ELIGIBILITY CRITERIA.—To be eligible to
5 serve as a volunteer in a local care corps program
6 funded through a grant under this section, an indi-
7 vidual shall—

8 “(A) be at least 18 years of age on or be-
9 fore December 31 of the calendar year in which
10 the individual begins participation in the pro-
11 gram;

12 “(B) agree to participate in the program
13 for a period of not more than 2 years, con-
14 sisting of not more than 2 terms of up to 1
15 year each;

16 “(C) submit an application to the grantee
17 at such time, in such manner, and containing
18 such information as the grantee may require;

19 “(D) pass a criminal background check as
20 described in paragraph (2); and

21 “(E) agree to comply with such terms and
22 conditions as the grantee may require.

23 “(2) CRIMINAL BACKGROUND CHECK.—

24 “(A) IN GENERAL.—Before selecting any
25 individual to serve as a volunteer in a local care

1 corps program funded through a grant under
2 this section, the grantee shall request a criminal
3 background check of such individual, to be per-
4 formed under similar terms and conditions as
5 background checks performed pursuant to the
6 pilot program under section 307 of the Medi-
7 care Prescription Drug, Improvement, and
8 Modernization Act of 2003 (42 U.S.C. 1395aa
9 note).

10 “(B) VOLUNTEER PROHIBITIONS.—An in-
11 dividual shall be ineligible to be a volunteer in
12 such program if—

13 “(i) the individual refuses to consent
14 to the criminal background check; or

15 “(ii) the criminal background check
16 does not demonstrate to the grantee’s sat-
17 isfaction that the individual is fit for serv-
18 ice in such program.

19 “(d) APPROVED CARE SERVICES.—

20 “(1) IN GENERAL.—In carrying out a local care
21 corps program funded through a grant under this
22 section, the grantee shall assign volunteers only for
23 providing approved care services.

24 “(2) APPROVED CARE SERVICES.—Approved
25 care services are services provided directly to individ-

1 uals in need (as defined in paragraph (5)) in home-
2 based or community-based settings that—

3 “(A) result in person-to-person, supportive
4 relationships with each individual served;

5 “(B) support the achievement and mainte-
6 nance of the highest level of independent living
7 for each individual in need;

8 “(C) are supported by appropriate orienta-
9 tion, training, and supervision;

10 “(D) are provided in support of, or in co-
11 ordination with, a caregiver, if applicable; and

12 “(E) support the autonomy, control, and
13 choice of each individual served.

14 “(3) PROHIBITED SERVICES.—In performing
15 duties as part of a local care corps program funded
16 through a grant under this section, no volunteer
17 shall provide—

18 “(A) professional medical services;

19 “(B) administrative support services of the
20 program;

21 “(C) care in an institutional setting;

22 “(D) care prohibited under State law;

23 “(E) financial services;

24 “(F) care that the volunteer has not been
25 properly trained to provide; or

1 “(G) any other services determined by the
2 Secretary to be inconsistent with the purposes
3 of local care corps programs funded under this
4 section.

5 “(4) GUIDANCE REGARDING SCOPE OF SERV-
6 ICES.—The Secretary shall issue guidance describing
7 the scope of services that may be provided by volun-
8 teers as part of a local care corps program funded
9 through a grant under this section. In issuing such
10 guidance, the Secretary shall provide for a public no-
11 tice and comment period of not less than 60 days
12 before issuing the guidance in final form.

13 “(5) INDIVIDUAL IN NEED.—In this subsection,
14 the term ‘individual in need’ means an individual
15 who—

16 “(A) is at least 60 years of age or has a
17 disability as defined in section 3 of the Ameri-
18 cans with Disabilities Act of 1990;

19 “(B) has difficulty with self-care or living
20 independently; and

21 “(C) meets such other criteria as the
22 grantee determines to be appropriate.

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

24 “(1) PREASSIGNMENT TRAINING PROGRAM.—As
25 a condition of receipt of a grant for a local care

1 corps program under this section, an eligible entity
2 shall agree to develop a training program that pro-
3 vides volunteers in such program with instruction in
4 the skills necessary to carry out an assignment in
5 the program. Such training shall include—

6 “(A) at least 40 hours of instruction for
7 each volunteer for each term (of 1 year or less)
8 to be served in such program, including—

9 “(i) training in cardiopulmonary re-
10 suscitation (CPR) and basic first aid; and

11 “(ii) training in how to recognize, pre-
12 vent, halt, and report neglect, abuse, or ex-
13 ploitation;

14 “(B) additional training for volunteers
15 whose assignment requires further instruction;
16 and

17 “(C) any other training the grantee deter-
18 mines to be appropriate.

19 “(2) STANDARDS OF CONDUCT.—As a condition
20 of receipt of a grant for a local care corps program
21 under this section, an eligible entity shall agree to
22 establish and enforce standards to promote proper
23 conduct and discipline within such program.

24 “(f) AUTHORIZED BENEFITS FOR VOLUNTEERS.—As
25 a condition of receipt of a grant for a local care corps

1 program under this section, an eligible entity shall agree
2 to the following:

3 “(1) IN GENERAL.—The eligible entity will pro-
4 vide for volunteers participating in the program to
5 receive allowances, health insurance, and postservice
6 educational awards, in accordance with this sub-
7 section.

8 “(2) ALLOWANCES.—

9 “(A) AUTHORIZATION.—The eligible entity
10 will provide for each full-time volunteer to re-
11 ceive such living, travel, and leave allowances,
12 and such housing, transportation, supplies,
13 equipment, and subsistence as the eligible entity
14 determines to be necessary for—

15 “(i) the volunteer’s maintenance; and

16 “(ii) to ensure the volunteer’s health
17 and capacity to serve effectively.

18 “(B) PRORATING LIVING ALLOWANCE FOR
19 PART-TIME VOLUNTEERS.—The amount pro-
20 vided as a living allowance under this sub-
21 section shall be prorated in the case of a partic-
22 ipant who is not a full-time volunteer.

23 “(C) TREATMENT.—An allowance provided
24 to a volunteer pursuant to this paragraph shall
25 not be considered income for the purposes of

1 determining eligibility for or benefit levels under
2 any Federal or federally assisted program based
3 on need.

4 “(3) HEALTH INSURANCE.—The eligible entity
5 will provide access to health insurance coverage that
6 qualifies as minimum essential health coverage
7 under section 5000A(f) of the Internal Revenue
8 Code of 1986 for each volunteer who is not other-
9 wise enrolled in minimum essential health coverage.

10 “(4) POSTSERVICE EDUCATIONAL AWARD.—

11 “(A) IN GENERAL.—The eligible entity will
12 establish an educational award for volunteers.

13 “(B) AMOUNTS.—

14 “(i) NUMBER OF AWARDS.—A volun-
15 teer may receive up to 2 educational
16 awards under this subsection, one for each
17 term of service as a volunteer.

18 “(ii) AMOUNT FOR FULL TERM OF
19 SERVICE.—In the case of a volunteer who
20 completes a term of full-time service in the
21 program for a period of 1 year, as deter-
22 mined by the eligible entity, such volunteer
23 shall receive an educational award having a
24 value equal to the maximum amount of a
25 Federal Pell Grant under section 401 of

1 the Higher Education Act of 1965 that a
2 student eligible for such grant may receive
3 in the aggregate (without regard to wheth-
4 er the funds are provided through discre-
5 tionary or mandatory appropriations) for
6 the award year.

7 “(iii) INCENTIVE TO PURSUE A
8 HEALTH CARE PROFESSION.—

9 “(I) INCENTIVE.—In the case of
10 a volunteer who commits to using an
11 educational award (or awards, if ap-
12 plicable) under this subsection for
13 completion of a degree, a certificate,
14 or training in a health care profession,
15 or in a social services profession re-
16 lated to the delivery of long-term serv-
17 ices and supports to older adults or
18 people with disabilities or to their
19 caregivers, the value of such awards
20 shall be twice the value that would
21 otherwise be applicable under clause
22 (ii). The eligible entity may allow the
23 volunteer to revise such commitment
24 by choosing to complete a different

1 such degree, certificate, or training
2 than the volunteer originally intended.

3 “(II) BREACH OF COMMIT-
4 MENT.—If a volunteer receives an in-
5 centive payment under subclause (I)
6 by committing to completion of a de-
7 gree, a certificate, or training, and the
8 volunteer subsequently fails after a
9 reasonable period to fulfill the com-
10 mitment, the volunteer shall be liable
11 to the eligible entity for the portion of
12 the educational award that is attrib-
13 utable to such incentive payment.

14 “(iv) AMOUNT FOR OTHER PERIODS
15 OF SERVICE.—

16 “(I) FIRST YEAR.—In the case of
17 a volunteer who completes less than a
18 1-year term of full-time service in the
19 program, as determined by the eligible
20 entity, such volunteer may receive a
21 portion of the educational award de-
22 scribed in clause (ii) or (iii) (as appli-
23 cable) that corresponds to the quan-
24 tity of service actually completed by
25 the volunteer.

1 “(II) SECOND YEAR.—In the
2 case of a volunteer who completes
3 more than 1 year of full-time service
4 in the program, and less than 2 years
5 of such service, as determined by the
6 eligible entity, such volunteer may re-
7 ceive, for the portion of service ex-
8 ceeding 1 year, a portion of the edu-
9 cational award described in clause (ii)
10 or (iii) (as applicable) that cor-
11 responds to the quantity of service ac-
12 tually completed by the volunteer.

13 “(v) LIMITATION.—In no case shall
14 the amount of an educational award under
15 this subsection exceed the actual cost of at-
16 tendance described in subparagraph (C)(i)
17 or the actual cost of loans described in
18 subparagraph (C)(ii), as applicable.

19 “(C) USES OF AWARD.—An educational
20 award under this subsection shall be used to
21 pay—

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

24 “(ii) government or commercial loans
25 received by an individual for the cost of at-

1 tendance at an institution of higher edu-
2 cation.

3 “(5) TRANSFER OF EDUCATIONAL AWARDS.—

4 “(A) IN GENERAL.—A volunteer who is eli-
5 gible to receive an educational award pursuant
6 to paragraph (4) may elect to transfer the
7 award to a designated individual.

8 “(B) APPLICABLE PROVISIONS.—The Sec-
9 retary shall apply the provisions of paragraphs
10 (2)(A)(ii), (3), (5), (6), (8)(A), and (8)(B) of
11 section 148(f) of the National and Community
12 Service Act of 1990 to the rule described in
13 subparagraph (A) in a manner that is similar
14 (as determined by the Secretary) to how such
15 provisions are applied to section 148(f)(1) of
16 such Act.

17 “(6) DEFINITIONS.—In this subsection:

18 “(A) The term ‘cost of attendance’ has the
19 meaning given such term by section 472 of the
20 Higher Education Act of 1965.

21 “(B) The term ‘full-time’ means serving
22 not fewer than 1,700 hours over a 1-year pe-
23 riod.

24 “(C) The term ‘institution of higher edu-
25 cation’ has the meaning given such term under

1 subsection (a) or (b) of section 101 of the
2 Higher Education Act of 1965.

3 “(g) 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 and training proposed to be
11 provided, and the population to be served, through
12 the entity’s local care corps program.

13 “(h) NONDISPLACEMENT.—

14 “(1) IN GENERAL.—An application submitted
15 under subsection (g)(1) shall contain assurances
16 that—

17 “(A) prior to the placement of a volunteer
18 pursuant to this section, the eligible entity will
19 consult with the appropriate State or local labor
20 organization, if any, representing employees in
21 the area who are engaged in the same or simi-
22 lar work as that proposed to be carried out by
23 the volunteer, to prevent the displacement and
24 protect the rights of such employees; and

1 “(B) the eligible entity will not displace an
2 employee, position, or volunteer, including par-
3 tial displacement such as reduction in hours,
4 wages, or employment benefits, as a result of
5 the placement of a volunteer pursuant to this
6 section.

7 “(2) GRIEVANCE PROCEDURE.—

8 “(A) IN GENERAL.—As a condition of re-
9 ceipt of a grant for a local care corps program
10 under this section, an eligible entity shall agree
11 to establish and maintain a procedure for the
12 filing and adjudication of grievances that—

13 “(i) concern alleged violations of the
14 assurances provided by the eligible entity
15 under paragraph (1), including such griev-
16 ances regarding proposed placements of
17 volunteers and displacement of workers;
18 and

19 “(ii) are brought by a labor organiza-
20 tion or other interested individuals.

21 “(B) INITIATION OF PROCEDURE.—The
22 grievance procedure of an eligible entity under
23 subparagraph (A) shall require grievances to be
24 filed not later than 1 year after the date of the

1 alleged occurrence of the event that is the sub-
2 ject of the grievance.

3 “(C) HEARING.—The grievance procedure
4 of an eligible entity under subparagraph (A)
5 shall provide for a hearing on any grievance to
6 be conducted not later than 30 days after the
7 filing of such grievance.

8 “(D) DECISION.—The grievance procedure
9 of an eligible entity under subparagraph (A)
10 shall require—

11 “(i) a decision on a grievance to be
12 made not later than 60 days after the fil-
13 ing of such grievance; and

14 “(ii) adjudication to be conducted by
15 a jointly selected arbitrator.

16 “(E) COSTS.—If a labor organization or
17 other interested individual prevails on a griev-
18 ance pursuant to the grievance procedure of an
19 eligible entity under subparagraph (A), the eli-
20 gible entity shall pay the total cost of such pro-
21 ceeding and the attorneys’ fees of such labor or-
22 ganization or individual, as the case may be. In
23 any other case, the cost of an arbitration adju-
24 dication proceeding pursuant to such procedure
25 shall be divided evenly between the parties to

1 the arbitration adjudication. A suit to enforce
2 arbitration awards pursuant to the grievance
3 procedure under subparagraph (A) may be
4 brought in any Federal district court having ju-
5 risdiction over the parties without regard to the
6 amount in controversy or the parties' citizen-
7 ship.

8 “(F) REMEDIES.—The grievance proce-
9 dure of an eligible entity under subparagraph
10 (A) shall provide for remedies including—

11 “(i) prohibition of the placement of a
12 volunteer;

13 “(ii) reinstatement of a displaced em-
14 ployee;

15 “(iii) payment of lost wages and bene-
16 fits to a displaced employee; and

17 “(iv) other equitable relief as is nec-
18 essary.

19 “(i) ADDITIONAL GRIEVANCE PROCEDURE FOR VOL-
20 UNTEERS AND INDIVIDUALS IN NEED.—In addition to the
21 grievance produce established under subsection (h)(2), as
22 a condition of receipt of a grant for a local care corps
23 program under this section, an eligible entity shall agree
24 to establish and maintain a procedure for resolving griev-
25 ances that—

1 “(1) concern the program; and

2 “(2) are brought by volunteers participating in
3 the program or individuals in need receiving services
4 through the program.

5 “(j) SUPPLEMENTATION.—

6 “(1) IN GENERAL.—Grants under this section
7 shall be used to supplement the level of State and
8 local public funds expended for services of the type
9 assisted under this section in the previous fiscal
10 year.

11 “(2) CONSIDERATION OF AGGREGATE EXPENDI-
12 TURES.—Paragraph (1) is satisfied, with respect to
13 a particular program receiving volunteer services
14 pursuant to a grant under this section, if the aggre-
15 gate expenditures for such program in the fiscal year
16 in which services are to be provided will not be less
17 than the aggregate expenditure for such program in
18 the previous fiscal year, excluding any funds for
19 services pursuant to this section.

20 “(k) COORDINATION.—The Secretary shall coordi-
21 nate the program under this section with the programs
22 of the Corporation for National and Community Service.

23 “(l) REPORTING REQUIREMENTS.—

24 “(1) REPORTS TO SECRETARY.—As a condition
25 of receipt of a grant under this section for a local

1 care corps program, an eligible entity shall agree to
2 submit annual reports to the Secretary including—

3 “(A) the number of volunteers serving in
4 the local care corps program of the eligible enti-
5 ty during the preceding fiscal year;

6 “(B) the demographic characteristics of
7 those volunteers;

8 “(C) the hours of service of those volun-
9 teers;

10 “(D) the types of services provided by
11 those volunteers;

12 “(E) a description of the population served
13 by the eligible entity through the grant during
14 the preceding fiscal year, including—

15 “(i) an estimate of the number of in-
16 dividuals served, disaggregated by race,
17 ethnicity, age, socioeconomic status, and
18 disability status; and

19 “(ii) identification of the type of set-
20 tings in which the services were provided;

21 “(F) an evaluation of program operations,
22 including screening and criminal history back-
23 ground checks of volunteers, in-person orienta-
24 tion and training programs for volunteers, re-
25 cruitment and retention of volunteers, volunteer

1 assignment and recognition, and outcomes for
2 individuals receiving services through the pro-
3 gram;

4 “(G) an evaluation of the satisfaction of
5 individuals in need who have received or are re-
6 ceiving services through the program; and

7 “(H) recommendations, if any, for improv-
8 ing programs funded under this section.

9 “(2) REPORT TO CONGRESS.—Not later than
10 the end of fiscal year 2021, the Secretary shall sub-
11 mit a report to Congress on local care corps pro-
12 grams funded under this section, including—

13 “(A) summaries of the information sub-
14 mitted to the Secretary pursuant to paragraph
15 (1); and

16 “(B) recommendations, if any, for improv-
17 ing programs funded under this section.

18 “(m) GUIDANCE.—The Secretary shall issue guid-
19 ance specifying, consistent with this section, the require-
20 ments which a local care corps program must meet to be
21 funded through a grant under this section.

1 **“SEC. 340K. AUTHORIZATION OF APPROPRIATIONS.**

2 “There is authorized to be appropriated to carry out
3 this subpart \$10,000,000 for each of fiscal years 2019
4 through 2023, to remain available until expended.”.

○