

116TH CONGRESS
2D SESSION

S. 4682

To provide grants for local care corps programs.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2020

Mr. UDALL (for himself, Ms. BALDWIN, Mr. VAN HOLLEN, Mr. KING, Ms. SMITH, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. HEINRICH, Mr. CARPER, and Ms. KLOBUCHAR) 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 2020”.

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

7 It is the sense of 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.

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

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

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

18 “(d) APPROVED CARE SERVICES.—

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

23 “(2) APPROVED CARE SERVICES.—Approved
24 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 professional 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 health care services;

19 “(B) monitoring of and assistance with ac-
 20 tivities of daily living;

21 “(C) administrative support services of the
 22 program;

23 “(D) care in an institutional setting;

24 “(E) care prohibited under State law;

25 “(F) financial services;

1 “(G) care that the volunteer has not been
2 properly trained to provide; or

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

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

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

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

21 “(B) has difficulty with self-care or living
22 independently; and

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

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

1 “(1) PREASSIGNMENT TRAINING PROGRAM.—As
2 a condition of receipt of a grant for a local care
3 corps program under this section, an eligible entity
4 shall agree to develop a training program that pro-
5 vides volunteers in such program with instruction in
6 the skills necessary to carry out an assignment in
7 the program. Such training shall include—

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

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

13 “(ii) training in how to recognize and
14 report neglect, abuse, or exploitation;

15 “(B) additional training for volunteers
16 whose assignment requires further instruction
17 to care for specific dementias and disabilities;
18 and

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

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

1 “(f) AUTHORIZED BENEFITS FOR VOLUNTEERS.—As
2 a condition of receipt of a grant for a local care corps
3 program under this section, an eligible entity shall agree
4 to the following:

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

10 “(2) ALLOWANCES.—

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

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

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

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

1 “(C) TREATMENT.—An allowance provided
2 to a volunteer pursuant to this paragraph shall
3 not be considered income for the purposes of
4 determining eligibility for or benefit levels under
5 any Federal or federally assisted program based
6 on need.

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

13 “(4) POSTSERVICE EDUCATIONAL AWARD.—

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

16 “(B) AMOUNTS.—

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

21 “(ii) AMOUNT FOR FULL TERM OF
22 SERVICE.—In the case of a volunteer who
23 completes a term of full-time service in the
24 program for a period of 1 year, as deter-
25 mined by the eligible entity, such volunteer

1 shall receive an educational award having a
2 value equal to the maximum amount of a
3 Federal Pell Grant under section 401 of
4 the Higher Education Act of 1965 that a
5 student eligible for such grant may receive
6 in the aggregate (without regard to wheth-
7 er the funds are provided through discre-
8 tionary or mandatory appropriations) for
9 the award year.

10 “(iii) INCENTIVE TO PURSUE A
11 HEALTH CARE PROFESSION.—

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

1 volunteer to revise such commitment
2 by choosing to complete a different
3 such degree, certificate, or training
4 than the volunteer originally intended.

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

16 “(iv) AMOUNT FOR OTHER PERIODS
17 OF SERVICE.—

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

1 tity of service actually completed by
2 the volunteer.

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

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

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

24 “(i) costs of attendance at an institu-
25 tion of higher education;

1 “(ii) costs of attendance for edu-
2 cational and training programs as deter-
3 mined by the Secretary; or

4 “(iii) government or commercial loans
5 received by an individual for the cost of at-
6 tendance at an institution of higher edu-
7 cation.

8 “(5) TRANSFER OF EDUCATIONAL AWARDS.—

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

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

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

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

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

4 “(C) The term ‘institution of higher edu-
5 cation’ has the meaning given such term under
6 subsection (a) or (b) of section 101 of the
7 Higher Education Act of 1965.

8 “(g) APPLICATION PROCESS.—To seek a grant under
9 this section, an eligible entity shall—

10 “(1) submit an application to the Secretary at
11 such time, in such manner, and containing such in-
12 formation and assurances as the Secretary may re-
13 quire; and

14 “(2) include in such application a description of
15 the scope of the services, training, and professional
16 supervision proposed to be provided, and the popu-
17 lation to be served, through the entity’s local care
18 corps program.

19 “(h) NONDISPLACEMENT.—

20 “(1) IN GENERAL.—An application submitted
21 under subsection (g)(1) shall contain assurances
22 that—

23 “(A) prior to filing the application, the eli-
24 gible entity has received consent from all appro-
25 priate State or local labor organizations, if any,

1 representing workers in the area who are en-
2 gaged in the same or similar work as that pro-
3 posed to be carried out by the volunteer, to pre-
4 vent the displacement and protect the rights of
5 such employees; and

6 “(B) the eligible entity will not displace an
7 employee, position, or volunteer, including par-
8 tial displacement such as reduction in hours,
9 wages, or employment benefits, as a result of
10 the placement of a volunteer pursuant to this
11 section.

12 “(2) GRIEVANCE PROCEDURE.—

13 “(A) IN GENERAL.—As a condition of re-
14 ceipt of a grant for a local care corps program
15 under this section, an eligible entity shall agree
16 to establish and maintain a procedure for the
17 filing and independent adjudication of griev-
18 ances that meets the same requirements of the
19 similar procedures under the National and
20 Community Services Act of 1990 and that—

21 “(i) concern alleged violations of the
22 assurances provided by the eligible entity
23 under paragraph (1), including such griev-
24 ances regarding proposed placements of

1 volunteers and displacement of workers;
2 and

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

5 “(B) INITIATION OF PROCEDURE.—The
6 grievance procedure of an eligible entity under
7 subparagraph (A) shall require grievances to be
8 filed not later than 1 year after the date of the
9 alleged occurrence of the event that is the sub-
10 ject of the grievance.

11 “(C) HEARING.—The grievance procedure
12 of an eligible entity under subparagraph (A)
13 shall provide for a hearing on any grievance to
14 be conducted not later than 30 days after the
15 filing of such grievance.

16 “(D) DECISION.—The grievance procedure
17 of an eligible entity under subparagraph (A)
18 shall require—

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

22 “(ii) adjudication to be conducted by
23 an independent, jointly selected arbitrator.

24 “(E) COSTS.—If a labor organization or
25 other interested individual prevails on a griev-

1 ance pursuant to the grievance procedure of an
2 eligible entity under subparagraph (A), the eli-
3 gible entity shall pay the total cost of such pro-
4 ceeding and the attorney’s fees of such labor or-
5 ganization or individual, as the case may be. In
6 any other case, the cost of an arbitration adju-
7 dication proceeding pursuant to such procedure
8 shall be divided evenly between the parties to
9 the arbitration adjudication. A suit to enforce
10 arbitration awards pursuant to the grievance
11 procedure under subparagraph (A) may be
12 brought in any Federal district court having ju-
13 risdiction over the parties without regard to the
14 amount in controversy or the parties’ citizen-
15 ship.

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

19 “(i) prohibition of the placement of a
20 volunteer;

21 “(ii) reinstatement of a displaced em-
22 ployee;

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

1 “(iv) other equitable relief as is nec-
2 essary.

3 “(i) ADDITIONAL GRIEVANCE PROCEDURE FOR VOL-
4 UNTEERS AND INDIVIDUALS IN NEED.—In addition to the
5 grievance produce established under subsection (h)(2), as
6 a condition of receipt of a grant for a local care corps
7 program under this section, an eligible entity shall agree
8 to establish and maintain a procedure for resolving griev-
9 ances that—

10 “(1) concern the program; and

11 “(2) are brought by volunteers participating in
12 the program or individuals in need receiving services
13 through the program.

14 “(j) SUPPLEMENTATION.—

15 “(1) IN GENERAL.—Grants under this section
16 shall be used to supplement the level of State and
17 local public funds expended for services of the type
18 assisted under this section in the previous fiscal
19 year.

20 “(2) CONSIDERATION OF AGGREGATE EXPENDI-
21 TURES.—Paragraph (1) is satisfied, with respect to
22 a particular program receiving volunteer services
23 pursuant to a grant under this section, if the aggre-
24 gate expenditures for such program in the fiscal year
25 in which services are to be provided will not be less

1 than the aggregate expenditure for such program in
2 the previous fiscal year, excluding any funds for
3 services pursuant to this section.

4 “(3) EVALUATION.—The Secretary shall evalu-
5 ate each application approved under this section and
6 provide an annual report to Congress detailing each
7 of the Secretary’s determinations that the approved
8 applications during the year did not supplant exist-
9 ing Federal or joint Federal-State programs in viola-
10 tion of this subsection.

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

14 “(l) REPORTING REQUIREMENTS.—

15 “(1) REPORTS TO SECRETARY.—As a condition
16 of receipt of a grant under this section for a local
17 care corps program, an eligible entity shall agree to
18 submit annual reports to the Secretary including—

19 “(A) the number of volunteers serving in
20 the local care corps program of the eligible enti-
21 ty during the preceding fiscal year;

22 “(B) the demographic characteristics of
23 those volunteers;

24 “(C) the hours of service of those volun-
25 teers;

1 “(D) the types of services provided by
2 those volunteers;

3 “(E) a description of the population served
4 by the eligible entity through the grant during
5 the preceding fiscal year, including—

6 “(i) an estimate of the number of in-
7 dividuals served, disaggregated by race,
8 ethnicity, age, socioeconomic status, and
9 disability status; and

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

12 “(F) an evaluation of program operations,
13 including screening and criminal history back-
14 ground checks of volunteers, in-person orienta-
15 tion and training programs for volunteers, re-
16 cruitment and retention of volunteers, volunteer
17 assignment and recognition, and outcomes for
18 individuals receiving services through the pro-
19 gram;

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

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

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

5 “(A) summaries of the information sub-
6 mitted to the Secretary pursuant to paragraph
7 (1); and

8 “(B) recommendations, if any, for improv-
9 ing programs funded under this section to more
10 directly improve the recruitment and retention
11 of the home care worker force.

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

16 **“SEC. 340J-1. AUTHORIZATION OF APPROPRIATIONS.**

17 “‘There is authorized to be appropriated to carry out
18 this subpart \$10,000,000 for each of fiscal years 2020
19 through 2024, to remain available until expended.’”.

○