

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5288

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2014

Ms. MICHELLE LUJAN GRISHAM of New Mexico introduced the following bill;  
which was referred to the Committee on Education and the Workforce

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## 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 2014”.

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 members 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 members 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 for Com-  
24          munity Living, shall appoint a 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 for Com-  
8 munity 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 MEMBERS.**

13           (a) IN GENERAL.—

14           (1) SELECTION.—The Director shall select eli-  
15 gible individuals for membership in the Corps.

16           (2) NONDISCRIMINATION.—In selecting Corps  
17 members, the Director shall comply with all applica-  
18 ble provisions of State and Federal laws and regula-  
19 tions pertaining to nondiscrimination and equal em-  
20 ployment opportunity.

21           (b) ELIGIBLE INDIVIDUALS.—To be eligible for mem-  
22 bership 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;

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

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

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

10       (c) CRIMINAL BACKGROUND CHECK.—

11           (1) IN GENERAL.—Before selecting any indi-  
12           vidual for membership in the Corps, the Director  
13           shall request a criminal background check of such  
14           individual.

15           (2) MEMBERSHIP PROHIBITIONS.—An indi-  
16           vidual shall be ineligible to be a Corps member if—

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

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

22       **SEC. 5. AUTHORIZED BENEFITS FOR CORPS MEMBERS.**

23           (a) IN GENERAL.—The Director shall provide for  
24           members of the Corps to receive allowances, health insur-

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

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

9 (c) HEALTH INSURANCE.—

10 (1) IN GENERAL.—The Director shall provide  
11 for each Corps member 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 members.

20 (2) AMOUNTS.—

21 (A) AMOUNT FOR FULL-TIME SERVICE.—

22 In the case of a Corps member who completes  
23 a 12-month term of full-time service as deter-  
24 mined by the Director, such member shall re-  
25 ceive an educational award having a value equal

1 to the maximum amount of a Federal Pell  
2 Grant under section 401 of the Higher Edu-  
3 cation Act of 1965 (20 U.S.C. 1070a) that a  
4 student eligible for such grant may receive in  
5 the aggregate (without regard to whether the  
6 funds are provided through discretionary or  
7 mandatory appropriations) for the award year.  
8 A Corps member may receive up to 2 such  
9 awards.

10 (B) AMOUNT FOR OTHER PERIODS OF  
11 SERVICE.—In the case of a Corps member who  
12 completes less than a 12-month term of full-  
13 time service as determined by the Director,  
14 such member may receive a portion of the edu-  
15 cational award described in subparagraph (A)  
16 that corresponds to the quantity of service actu-  
17 ally completed by the member.

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

20 (A) costs of attendance at an institution of  
21 higher education; or

22 (B) government or commercial loans re-  
23 ceived by an individual for costs of attendance  
24 at an institution of higher education.

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

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

7 (B) INSTITUTION OF HIGHER EDU-  
8 CATION.—The term “institution of higher edu-  
9 cation” has the meaning given such term by  
10 section 101(a) of the Higher Education Act of  
11 1965 (20 U.S.C. 1001(a)).

12 (e) REGULATIONS.—The Director shall issue any reg-  
13 ulations that the Director determines to be necessary to  
14 carry out this section.

15 **SEC. 6. ASSIGNMENT OF CORPS MEMBERS TO SENIORS**  
16 **AND INDIVIDUALS WITH DISABILITIES.**

17 (a) ASSIGNMENT OF CORPS MEMBERS.—

18 (1) IN GENERAL.—The Director shall assign  
19 each Corps member to participate in a local Care  
20 Corps program.

21 (2) PRIORITY OF ASSIGNMENT.—In assigning  
22 Corps members to local Care Corps programs, the  
23 Director shall assign not less than 20 percent of  
24 members to programs that serve geographic areas in  
25 which the Director determines there is a shortage of

1 approved services available to individuals in need,  
2 with consideration given to low-income and minority  
3 populations.

4 (b) SERVICES PROVIDED BY CORPS MEMBERS.—

5 (1) IN GENERAL.—Corps members may only  
6 provide approved services to individuals in need  
7 through participation in local Care Corps programs.

8 (2) APPROVED SERVICES.—Approved services  
9 are services provided directly to individuals in need  
10 in home-based settings that—

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

13 (B) support the achievement and mainte-  
14 nance of the highest level of independent living  
15 for each individual in need;

16 (C) are meaningful to the Corps member;  
17 and

18 (D) are supported by appropriate orienta-  
19 tion, training, and supervision.

20 (3) PROHIBITED SERVICES.—In performing du-  
21 ties as a Corps member, no member shall provide—

22 (A) professional medical services;

23 (B) administrative support services to a  
24 local Corps program;

25 (C) care in an institutional setting;



1 (D) care prohibited under State law; or

2 (E) any other services determined by the  
3 director to be inconsistent with the purposes of  
4 the Corps.

5 (4) GUIDANCE REGARDING SCOPE OF SERV-  
6 ICES.—The Director may issue guidance describing  
7 the scope of services that may be provided by Corps  
8 members. In issuing such guidance, the Director  
9 shall provide for a public notice and comment period  
10 of not less than 30 days before issuing the guidance  
11 in final form.

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

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

17 (2) has difficulty with self-care; and

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

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

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

1           (1) at least 20 hours of instruction for each  
2 Corps member; and

3           (2) 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 MEMBERS UNDER FEDERAL**  
9 **LAW.**

10          (a) IN GENERAL.—Except as otherwise provided in  
11 this section, members of the Corps shall not, by reason  
12 of their status as members, be treated as Federal employ-  
13 ees or be subject to the provisions of law relating to Fed-  
14 eral employment.

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, members of the Corps shall be treated  
20 as employees of the United States within the mean-  
21 ing of the term “employee”, as defined in section  
22 8101 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 member of the Corps, the

1 member shall not be treated to be in the perform-  
2 ance of duty while absent from the member's as-  
3 signed post of duty unless the absence is authorized  
4 in accordance with procedures prescribed by the Di-  
5 rector.

6 (c) TORT CLAIMS PROCEDURE.—A member of the  
7 Corps shall be treated as an employee of the United States  
8 for purposes of chapter 171 of title 28, United States  
9 Code, relating to tort claims liability and procedure.

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

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

16 (1) a description of the population served by  
17 the Corps during the preceding fiscal year;

18 (2) an evaluation of Corps operations; and

19 (3) recommendations, if any, for improving  
20 Corps operations.

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

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

24 (1) conduct in-person orientation and training  
25 for Corps members;

1           (2) develop and monitor member assignments,  
2           which shall include selecting the individuals in need  
3           to be served by Corps members, matching members  
4           to assignments, and supervising members;

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

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

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

12           (1) QUALIFIED ENTITY.—The term “qualified  
13          entity” means a public or private nonprofit entity  
14          that is—

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

18                   (B) a time-banking or volunteer organizing  
19                   agency;

20                   (C) a State, county, or local government;  
21                   or

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

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

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

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

10 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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