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. ROY-BAL-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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Care Corps Act of 2015”.

SECTION 2. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:
2

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

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

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

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

SEC. 3. ESTABLISHMENT OF NATIONAL CARE CORPS.

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

(b) STAFF.—

(1) APPOINTMENT OF DIRECTOR.—The Sec-
etary, acting through the Administrator of the Ad-
ministration for Community Living, shall appoint a
Director of the Corps.
(2) DUTIES OF DIRECTOR.—The Director shall—

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

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

(C) report to the Administrator of the Administration for Community Living.

(3) AUTHORITY TO EMPLOY STAFF.—The Director may employ such staff as is necessary to carry out this Act.

SEC. 4. SELECTION AND ELIGIBILITY OF VOLUNTEERS.

(a) IN GENERAL.—

(1) SELECTION.—The Director shall select eligible individuals as Corps volunteers.

(2) NONDISCRIMINATION.—In selecting Corps volunteers, the Director shall comply with all applicable provisions of State and Federal laws and regulations pertaining to nondiscrimination and equal employment opportunity.

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

(1) be at least 18 years of age on or before December 31 of the calendar year in which the individual begins participation in the Corps;
(2) agree to participate in the Corps for a period of not more than 24 months, consisting of not more than 2 terms of up to 12 months;

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

(4) pass a criminal background check as described in subsection (c); and

(5) agree to comply with such terms and conditions as the Director may require.

(c) CRIMINAL BACKGROUND CHECK.—

(1) IN GENERAL.—Before selecting any individual to serve as a volunteer in the Corps, the Director shall request a criminal background check of such individual on a nationwide basis.

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

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

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

SEC. 5. AUTHORIZED BENEFITS FOR CORPS VOLUNTEERS.

(a) IN GENERAL.—The Director shall provide for Corps volunteers to receive allowances, health insurance,
and post-service educational awards authorized by this section.

(b) Allowances.—The Director shall provide each Corps volunteer with such living, travel, and leave allowances, and such housing, transportation, supplies, equipment, and subsistence as the Director determines to be necessary for the volunteer’s maintenance and to ensure the volunteer’s health and capacity to serve effectively.

(e) Health Insurance.—

(1) In General.—The Director shall provide for each Corps volunteer to receive health insurance coverage.

(2) Minimum Essential Coverage.—The health insurance coverage described paragraph (1) shall meet the requirements of section 5000A(f) of the Internal Revenue Code of 1986.

(d) Post-Service Educational Award.—

(1) In General.—The Director shall establish an educational award for Corps volunteers.

(2) Amounts.—

(A) Number of Awards.—A Corps volunteer may receive up to 2 educational awards under this subsection, one for each term of service as a volunteer.
(B) Amount for full term of service.—In the case of a Corps volunteer who completes a term of full-time service in the Corps for a period of 12 months, as determined by the Director, such volunteer shall receive an educational award having a value equal to the maximum amount of a Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) that a student eligible for such grant may receive in the aggregate (without regard to whether the funds are provided through discretionary or mandatory appropriations) for the award year.

(C) Incentive to pursue a degree in a health care profession.—In the case of a Corps volunteer who commits to using his or her educational award (or awards, if applicable) under this subsection for completion of a degree, a certificate, or training in a health care profession, the value of such awards shall be twice the value that would otherwise be applicable under subparagraph (B).

(D) Amount for other periods of service.—
(i) In the case of a Corps volunteer who completes less than a 12-month term of full-time service in the Corps, as determined by the Director, such volunteer may receive a portion of the educational award described in subparagraph (B) or (C) (as applicable) that corresponds to the quantity of service actually completed by the volunteer.

(ii) In the case of a Corps volunteer who completes more than 12 months of full-time service in the Corps, and less than 24 months of such service, as determined by the Director, such volunteer may receive, for the portion of service exceeding 12 months, a portion of the educational award described in subparagraph (B) or (C) (as applicable) that corresponds to the quantity of service actually completed by the volunteer.

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

(A) costs of attendance at an institution of higher education; or
(B) government or commercial loans received by an individual for the cost of attendance at an institution of higher education.

(4) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) **COST OF ATTENDANCE.**—The term “cost of attendance” has the meaning given such term by section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

(B) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given such term under subsection (a) or (b) of section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(e) **FEDERAL HIRING PREFERENCE.**—In the case of a Corps volunteer who completes at least one term of full-time service in the Corps for a total period of 12 months or more, as determined by the Director, such volunteer shall be eligible for appointment in the competitive service in the same manner as Peace Corps volunteers as prescribed in Executive Order Number 11103 (April 10, 1963).
(f) REGULATIONS.—The Director shall issue any reg-
ulations that the Director determines to be necessary to
carry out this section.

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

(a) Assignment of Corps Volunteers.—

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

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

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

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

(b) Services Provided by Corps Volunteers.—

(1) IN GENERAL.—The Director shall assign
Corps volunteers only for providing approved serv-
ices to individuals in need through participation in local Care Corps programs.

(2) Approved Services.—Approved services are services provided directly to individuals in need in home-based or community-based settings that—

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

(B) support the achievement and maintenance of the highest level of independent living for each individual in need;

(C) are supported by appropriate orientation, training, and supervision; and

(D) are provided in support of, or in coordination with, a caregiver, if applicable.

(3) Prohibited Services.—In performing duties as a Corps volunteer, no volunteer shall provide—

(A) professional medical services;

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

(C) care in an institutional setting;

(D) care prohibited under State law; or

(E) any other services determined by the director to be inconsistent with the purposes of the Corps.
(4) Guidance regarding scope of services.—The Director shall issue guidance describing the scope of services that may be provided by Corps volunteers. In issuing such guidance, the Director shall provide for a public notice and comment period of not less than 60 days before issuing the guidance in final form.

(c) Individual in need.—The term “individual in need” means an individual who—

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

(2) has difficulty with self-care or living independently; and

(3) meets such other criteria as the Director determines to be appropriate.

SEC. 7. TRAINING AND STANDARDS OF CONDUCT.

(a) Pre-assignment training program.—The Director shall develop a training program that provides Corps volunteers with instruction in the skills necessary to carry out an assignment in a local Care Corps program. Such training program shall include—

(1) at least 40 hours of instruction for each Corps volunteer for each term (of 12 months or less) to be served in the Corps by the volunteer;
(2) additional training for volunteers whose ass-

ignment requires further instruction; and

(3) any other requirements the Director deter-

mines to be appropriate.

(b) Standards of Conduct.—The Director shall

establish and enforce standards to promote proper conduct

and discipline within the Corps.

SEC. 8. STATUS OF CORPS VOLUNTEERS UNDER FEDERAL

LAW.

(a) In General.—Except as otherwise provided in
	his section, Corps volunteers shall not, by reason of their

status as volunteers, be treated as Federal employees or

be subject to the provisions of law relating to Federal em-

ployment.

(b) Work-Related Injuries.—

(1) In General.—For purposes of subchapter

I of chapter 81 of title 5, United States Code, relat-

ing to the compensation of Federal employees for

work injuries, Corps volunteers shall be treated as

employees of the United States within the meaning

of the term “employee”, as defined in section 8101

of such title.

(2) Special Rule.—In the application of the

provisions of subchapter I of chapter 81 of title 5,

United States Code, to a Corps volunteer, the volun-
teer shall not be treated to be in the performance of duty while absent from the volunteer’s assigned post of duty unless the absence is authorized in accordance with procedures prescribed by the Director.

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

**SEC. 9. REPORTING REQUIREMENTS.**

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

(1) a description of the population served by the Corps during the preceding fiscal year, including—

(A) an estimate of the number of individuals served in each State, disaggregated by race, ethnicity, and socioeconomic status; and

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

(2) an evaluation of Corps operations; and

(3) recommendations, if any, for improving Corps operations.
SEC. 10. LOCAL CARE CORPS PROGRAMS.

(a) FUNCTIONS OF LOCAL CARE CORPS PROGRAMS.—Local Care Corps programs shall—

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

(2) develop and monitor volunteer assignments, which shall include selecting the individuals in need to be served by Corps volunteers, matching volunteers to assignments, and supervising volunteers;

(3) maintain records and prepare reports as required by the Director; and

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

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

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

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

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

(C) a State, county, or local government; or
(D) any other entity determined to be appropriate by the Director.

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

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

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

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated $350,000,000 for each of the fiscal years beginning after the date of the enactment of this Act.

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