

115TH CONGRESS
1ST SESSION

H. R. 3778

To award grants for the recruitment, retention, and advancement of direct care workers.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2017

Mr. SCOTT of Virginia (for himself and Mrs. DAVIS of California) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To award grants for the recruitment, retention, and advancement of direct care workers.

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 “Direct Creation, Ad-
5 vancement, and Retention of Employment Opportunity
6 Act” or the “Direct CARE Opportunity Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) Millions of seniors and persons with disabil-
2 ities in the United States require assistance with ac-
3 tivities of daily living in order to live independently
4 and participate in their communities.

5 (2) The assistance of direct care workers allows
6 seniors and persons with disabilities to live with dig-
7 nity, safety and independence in their own homes
8 and communities and in the most integrated settings
9 appropriate to their needs and preferences.

10 (3) The Institute of Medicine has found that di-
11 rect care workers provide the bulk of services for
12 older adults in nursing homes, assisted living facili-
13 ties, and individuals' homes.

14 (4) The Bureau of Labor Statistics projects
15 that personal care aides and home health aides will
16 be two of the occupations with the most new jobs
17 created in the country by 2024.

18 (5) Many direct care workers lack access to a
19 career ladder or advanced training opportunities
20 and, according to PHI, more than half of home care
21 workers have completed no formal education beyond
22 high school, making quality, transferable training es-
23 sential to success on the job.

24 (6) According to PHI, direct care workers earn
25 a median wage of just over \$10 an hour and fre-

1 quently are not provided the workplace-based bene-
2 fits that would allow them to care for themselves
3 and their families.

4 (7) According to National Women’s Law Cen-
5 ter’s analysis of Census Bureau data, the vast ma-
6 jority of direct care workers are women, and women
7 of color represent nearly half of the direct care
8 workforce.

9 (8) According to the Federal Commission on
10 Long-Term Care, there is high turnover and work-
11 force shortages in direct care occupations, which can
12 contribute to reduced care quality.

13 (9) The Institute of Medicine found that to en-
14 sure that the United States is prepared to meet the
15 health care needs of older Americans during the
16 21st century, it is essential that the capacity of the
17 direct care workforce be enhanced in both size and
18 ability to meet their health care and quality of life
19 needs.

20 **SEC. 3. GRANTS FOR RECRUITMENT, RETENTION, AND AD-**
21 **VANCEMENT OF DIRECT CARE WORKERS.**

22 (a) **AUTHORITY TO AWARD GRANTS.**—Not later than
23 12 months after the date of enactment of this section, the
24 Secretary of Labor, in consultation with the Secretary of
25 Health and Human Services, shall award grants to not

1 more than 15 eligible entities to conduct projects for pur-
2 poses of recruiting, retaining, or providing advancement
3 opportunities to direct care workers.

4 (b) DURATION.—

5 (1) GRANT PERIOD.—A grant under this sec-
6 tion shall be for not less than 5 years.

7 (2) LENGTH OF PROJECT.—A project assisted
8 with a grant awarded under this section shall be
9 conducted for not less than 3 years.

10 (c) PROJECT PLANS.—

11 (1) IN GENERAL.—To receive a grant under
12 this section, an eligible entity shall submit to the
13 Secretary a project plan at such time and in such
14 manner as the Secretary may determine, which shall
15 contain the information described in paragraph (2).

16 (2) CONTENTS.—Each project plan submitted
17 by an eligible entity under paragraph (1) shall in-
18 clude a description of the following:

19 (A) Current or projected workforce vacan-
20 cies and supply of direct care workers in the
21 State or region to be served by the eligible enti-
22 ty, and the geographic scope of the workforce to
23 be served.

24 (B) Specific efforts and strategies that the
25 project will undertake to reduce barriers to re-

1 cruitment, retention, and advancement of direct
2 care workers, including whether such efforts
3 will include—

4 (i) assessment of the wages or other
5 compensation or benefits necessary to re-
6 cruit and retain direct care workers, con-
7 ducted in consultation with individuals em-
8 ployed as direct care workers, representa-
9 tives of such workers, individuals assisted
10 by such workers, and the families of such
11 individuals;

12 (ii) analysis of reliable data that has
13 previously been collected with respect to
14 such wages or other compensation or bene-
15 fits;

16 (iii) validation and implementation of
17 successful training models, standards, and
18 curricula (such as the models, standards,
19 and curricula used in the grants awarded
20 under section 2008(b) of the Social Secu-
21 rity Act for developing training com-
22 petencies and certification programs for di-
23 rect care workers (42 U.S.C. 1397g)) or
24 through work-based learning strategies, ca-

1 reer pathways, supervision, or mentoring;

2 or

3 (iv) any other supportive services or
4 benefits provided to create or sustain em-
5 ployment for direct care workers.

6 (C) The models, standards, and curricula
7 the eligible entity will carry out under subpara-
8 graph (B).

9 (D) Any other supportive services provided
10 to assist in the goals of the project, if applica-
11 ble.

12 (E) Identification of advancement opportu-
13 nities and strategies to expand career pathways
14 for direct care workers in the State or region to
15 be served by the eligible entity, if applicable.

16 (F) How the eligible entity will collect and
17 submit to the Secretary workforce data and
18 outcomes of the project to be assisted with the
19 grant under this section.

20 (G) How the eligible entity will consult on
21 the implementation of the project, or coordinate
22 the project with, each of the following entities,
23 to the extent that each such entity is not a part
24 of the eligible entity:

1 (i) The State agency responsible for
2 administering the State plan under title
3 XIX of the Social Security Act (or waiver
4 of the plan).

5 (ii) Local boards and State boards for
6 the State or region to be served by the eli-
7 gible entity.

8 (iii) Nonprofit organizations with
9 demonstrated experience in the recruit-
10 ment, training, employment, or career con-
11 sultation of direct care workers or the de-
12 velopment of curricula or coursework to be
13 used in the training under the project.

14 (iv) Nonprofit organizations that fos-
15 ter the professional development and col-
16 lective engagement of direct care workers,
17 including labor organizations.

18 (v) Nonprofit organizations with an
19 expertise in identifying and addressing the
20 care needs of local seniors and people with
21 disabilities and their caregivers (including
22 area agencies on aging, centers for inde-
23 pendent living, and aging and disability re-
24 source centers).

1 (vi) Nonprofit State provider associa-
2 tions that represent providers who employ
3 direct care workers, where such associa-
4 tions exist.

5 (H) How the eligible entity will consult
6 with individuals employed as direct care work-
7 ers, representatives of such workers, individuals
8 assisted by such workers, and the families of
9 such individuals throughout the project.

10 (I) Outreach efforts to individuals for par-
11 ticipation in such project, including targeted
12 outreach to recipients of assistance under a
13 State program funded under part A of title IV
14 of the Social Security Act or individuals who
15 are eligible for such assistance.

16 (3) EVALUATION.—In selecting eligible entities
17 to receive a grant under this section, the Secretary
18 shall—

19 (A) ensure—

20 (i) geographic and demographic diver-
21 sity, including rural and urban areas; and

22 (ii) that selected eligible entities will
23 serve areas where direct care, or related
24 occupations, is considered an in-demand
25 industry sector or occupation; and

1 (B) evaluate the efficacy of each project
2 plan submitted under paragraph (2)—

3 (i) for recruiting, retaining, and pro-
4 viding advancement opportunities for di-
5 rect care workers; and

6 (ii) on the methods used to recruit,
7 retain, and provide advancement opportu-
8 nities to direct care workers.

9 (d) CONSULTATION.—The Secretary shall encourage
10 each eligible entity receiving a grant under this section—

11 (1) in developing and carrying out a project
12 under this section, to consult with—

13 (A) institutions of higher education;

14 (B) entities that employ direct care work-
15 ers;

16 (C) the State Apprenticeship Agency rec-
17 ognized under the Act of August 16, 1937
18 (commonly known as the “National Apprentice-
19 ship Act”), for the State or region to be served
20 by the eligible entity or, if no such agency has
21 been recognized in the State or region, the Of-
22 fice of Apprenticeship of the Department of
23 Labor; and

24 (D) one-stop centers; and

1 (2) in carrying out a project under this section,
2 to coordinate, to the extent practicable, activities
3 under the project with activities under the grants
4 awarded under section 2008 of the Social Security
5 Act (42 U.S.C. 1397g).

6 (e) USES OF FUNDS.—Each eligible entity receiving
7 a grant under this section shall use such funds to carry
8 out a project or to continue a project commenced prior
9 to receipt of such grant that develops and implements a
10 strategy for the recruitment, retention, or advancement of
11 direct care workers, which includes the activities described
12 in subsection (c)(2), and that provides compensation to
13 each eligible direct care worker for any training received
14 under the project.

15 (f) SUPPLEMENT, NOT SUPPLANT.—An eligible enti-
16 ty receiving a grant under this Act shall use such grant
17 only to supplement, and not supplant, the amount of funds
18 that, in the absence of such grant, would be available to
19 address the recruitment, retention, and advancement of di-
20 rect care workers in the State or region served by the eligi-
21 ble entity.

22 (g) REPORTS.—

23 (1) ELIGIBLE ENTITIES.—

24 (A) IN GENERAL.—Not later 6 months
25 after the completion of each project assisted

1 with a grant under this section, the eligible en-
2 tity that received such grant shall submit to the
3 Secretary of Labor and the Secretary of Health
4 and Human Services a report on the progress
5 and outcomes of the project, which data shall
6 be disaggregated in the manner described in
7 subparagraph (B), and shall include the fol-
8 lowing:

9 (i) The number of individuals served
10 by the project, including—

11 (I) the number of individuals re-
12 cruited to be employed as an direct
13 care worker; and

14 (II) the number of individuals
15 who attained employment as an direct
16 care worker.

17 (ii) The percentage of individuals de-
18 scribed in clause (i)(II) employed as an di-
19 rect care worker in the manner described
20 in subclause (I) of section 116(b)(2)(A)(i)
21 of the Workforce Innovation and Oppor-
22 tunity Act (29 U.S.C. 3141(b)(2)(A)(i)).

23 (iii) The percentage of individuals de-
24 scribed in clause (i)(II) employed in the
25 manner described in subclause (II) of sec-

tion 116(b)(2)(A)(i) of such Act (29 U.S.C. 3141(b)(2)(A)(i)).

(iv) The number of individuals or families assisted by direct care workers.

(v) The number of direct care workers who received and completed the following training or education in the field of direct care, if applicable:

(I) Entry-level training.

(II) Advanced-level training.

(III) Continuing education.

(IV) Professional development, mentoring, or supervision.

(vi) The median earnings of individuals completing each type training or education described in clause (v), as determined in accordance with section 116(b)(2)(A)(i)(III) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141(b)(2)(A)(i)(III)).

(vii) How the project assessed satisfaction with respect to—

(I) direct care workers assisted by the project;

1 (II) individuals receiving services
2 delivered by such workers, including
3 any impact on the health care out-
4 comes of such individuals; and

5 (III) employers of such workers,
6 as determined in accordance with sec-
7 tion 116(b)(2)(A)(i)(VI) of the Work-
8 force Innovation and Opportunity Act
9 (29 U.S.C. 3141(b)(2)(A)(i)(VI)).

10 (viii) Other services, benefits, or sup-
11 ports (other than the services, benefits, or
12 supports described in clause (v)) provided
13 to assist in the recruitment, retention, and
14 advancement of direct care workers, the
15 number of individuals who accessed such
16 services, benefits, or supports, and the im-
17 pact of such services, benefits, or supports.

18 (B) DISAGGREGATION.—The data collected
19 under clauses (i) through (vi) of subparagraph
20 (A) shall be disaggregated by race, ethnicity,
21 sex, and age in accordance with section
22 116(d)(2)(B) of the Workforce Innovation and
23 Opportunity Act (29 U.S.C. 3141(d)(2)).

24 (C) SUPPLEMENTAL OUTCOMES INFORMA-
25 TION.—Eligible entities shall submit supple-

1 mental information detailing the outcomes of
2 the project, including explanations of the infor-
3 mation provided in accordance with (A).

4 (2) SECRETARIES.—Not later than 1 year after
5 the completion of each project assisted with a grant
6 under this section, the Secretary of Labor, in con-
7 sultation with the Secretary of Health and Human
8 Services, shall prepare and submit to Congress a re-
9 port containing—

10 (A) the progress and outcomes of the
11 project submitted by the eligible entity under
12 paragraph (1);

13 (B) an analysis of the workforce supply,
14 current and projected shortages, and distribu-
15 tion of direct care workers at a national, re-
16 gional, and State level; and

17 (C) recommendations for such legislative
18 or administrative action as the Secretaries de-
19 termine appropriate.

20 (3) GAO REPORT.—Not later than 1 year after
21 the completion of each project assisted with a grant
22 under this section, the Comptroller General of the
23 United States shall conduct a study and submit to
24 Congress a report including—

1 (A) an assessment of how the project as-
2 sisted in the recruitment, retention, and ad-
3 vancement of direct care workers; and

4 (B) such recommendations for legislative
5 or administrative changes as the Comptroller
6 General determines are appropriate.

7 (h) TECHNICAL ASSISTANCE.—Not later than 6
8 months after the date of enactment of this Act, the Sec-
9 retary of Labor shall provide technical assistance to eligi-
10 ble entities, for purposes of compliance with subsection
11 (g)(1) of this section, on—

12 (1) the disaggregation requirements of section
13 116(d)(2)(B) of the Workforce Innovation and Op-
14 portunity Act (29 U.S.C. 3141(d)(2)); and

15 (2) the data collection requirements of section
16 116(b)(2)(A)(i) of such Act (29 U.S.C.
17 3141(b)(2)(A)(i)).

18 (i) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated such funds as may be
20 necessary to carry out this section for each of fiscal years
21 2018 through 2022.

22 (j) DEFINITIONS.—In this Act:

23 (1) CAREER PATHWAY.—The term “career
24 pathway” has the meaning given the term in section

1 3 of the Workforce Innovation and Opportunity Act
2 (29 U.S.C. 3102).

3 (2) DIRECT CARE WORKER.—The term “direct
4 care worker” has the meaning given the term in sec-
5 tion 799B of the Public Health Service Act (42
6 U.S.C. 295p).

7 (3) ELIGIBLE ENTITY.—The term “eligible enti-
8 ty” means—

9 (A) a State;

10 (B) a nonprofit organization, labor organi-
11 zation, or an entity with shared labor-manage-
12 ment oversight—

13 (i) with an established record of re-
14 cruiting or providing training to direct care
15 workers; or

16 (ii) that established a training pro-
17 gram in consultation with an organization
18 with an established record of providing
19 training to direct care workers;

20 (C) a local board;

21 (D) a nonprofit entity carrying out a reg-
22 istered apprenticeship program;

23 (E) Indian tribe or tribal organization; or

1 (F) a consortium of entities listed in sub-
2 paragraph (A), (B), (C), (D), or (E) which may
3 include an institution of higher education.

4 (4) EMPLOY; EMPLOYER.—The terms “employ”
5 and “employer” have the meanings given the terms
6 in section 3 of the Fair Labor Standards Act (29
7 U.S.C. 203 et seq.).

8 (5) INDIAN TRIBE; TRIBAL ORGANIZATION.—
9 The terms “Indian tribe” and “tribal organization”
10 have the meanings given such terms in section 4 of
11 the Indian Self-Determination and Education Assist-
12 ance Act (25 U.S.C. 5304).

13 (6) INSTITUTION OF HIGHER EDUCATION.—The
14 term “institution of higher education” has the
15 meaning given the term in section 101(a) of the
16 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

17 (7) LOCAL BOARD.—The term “local board”
18 has the meaning given the term in section 3 of the
19 Workforce Innovation and Opportunity Act (29
20 U.S.C. 3102).

21 (8) IN-DEMAND INDUSTRY SECTOR OR OCCUPA-
22 TION.—The term “in-demand industry sector or oc-
23 cupation” has the meaning given the term in section
24 3 of the Workforce Innovation and Opportunity Act
25 (29 U.S.C. 3102).

1 (9) ONE-STOP CENTER.—The term “one-stop
2 center” has the meaning given the term in section
3 3 of the Workforce Innovation and Opportunity Act
4 (29 U.S.C. 3102).

5 (10) REGION.—The term “region” has the
6 meaning given the term in section 3 of the Work-
7 force Innovation and Opportunity Act (29 U.S.C.
8 3102).

9 (11) REGISTERED APPRENTICESHIP PRO-
10 GRAM.—The term “registered apprenticeship pro-
11 gram” has the meaning given the term in section
12 171(b) of the Workforce Innovation and Opportunity
13 Act (29 U.S.C. 3226(b)).

14 (12) SECRETARY.—The term “Secretary”
15 means the Secretary of Labor.

16 (13) STATE.—The term “State” means any
17 State of the United States or the District of Colum-
18 bia District of Columbia, and any commonwealth,
19 possession, or other territory of the United States.

20 (14) STATE BOARD.—The term “State board”
21 has the meaning given the term in section 3 of the
22 Workforce Innovation and Opportunity Act (29
23 U.S.C. 3102).

24 (15) WORK-BASED LEARNING STRATEGY.—The
25 term “work-based learning strategy” means a strat-

1 egy (which may be a registered apprenticeship) that
2 provides workers with paid work experience and cor-
3 responding classroom instruction, as appropriate, de-
4 livered in an employment relationship that both the
5 employer and worker intend to be permanent.

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