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(Original Signature of Member)

115TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Mr. SCOTT of Virginia introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**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           recruitment, 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-

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

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

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

9                               (I) Entry-level training.

10                              (II) Advanced-level training.

11                              (III) Continuing education.

12                              (IV) Professional development,  
13                   mentoring, or supervision.

14                   (vi) The median earnings of individ-  
15                   uals completing each type training or edu-  
16                   cation described in clause (v), as deter-  
17                   mined in accordance with section  
18                   116(b)(2)(A)(i)(III) of the Workforce In-  
19                   novation and Opportunity Act (29 U.S.C.  
20                   3141(b)(2)(A)(i)(III)).

21                   (vii) How the project assessed satis-  
22                   faction with respect to—

23                               (I) direct care workers assisted  
24                   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  
8       entity” 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.