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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To amend title XX of the Social Security Act to provide for nursing home worker training grants.

IN THE HOUSE OF REPRESENTATIVES

Mr. HORSFORD introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title XX of the Social Security Act to provide for nursing home worker training grants.

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 “Nursing Home Work-
5 force Support and Expansion Act of 2021”.

6 **SEC. 2. NURSING HOME WORKER TRAINING GRANTS.**

7 Section 2041 of the Social Security Act (42 U.S.C.
8 1397m) is amended to read as follows:

1 **“SEC. 2041. NURSING HOME WORKER TRAINING GRANTS.**

2 “(a) IN GENERAL.—

3 “(1) STATE ENTITLEMENT.—

4 “(A) IN GENERAL.—Each State shall be
5 entitled to receive from the Secretary for each
6 fiscal year specified in subsection (e)(1) a grant
7 in an amount equal to the amount allotted to
8 the State under subparagraph (B).

9 “(B) STATE ALLOTMENTS.—

10 “(i) IN GENERAL.—Subject to clauses
11 (ii) and (iii), the amount allotted to a
12 State under this subparagraph for a fiscal
13 year shall be—

14 “(I) the number of State resi-
15 dents who have attained 65 years of
16 age or are under a disability (as de-
17 fined in section 216(i)(1)), as deter-
18 mined by the Secretary using the
19 most recent version of the American
20 Community Survey published by the
21 Bureau of the Census or a successor
22 data set; divided by

23 “(II) the total number of such
24 residents of all States.

25 “(ii) LIMITATION.—The amount allot-
26 ted to a State under this subparagraph for

1 a fiscal year shall be not less than 0.25
2 percent of the available amount for the fis-
3 cal year.

4 “(iii) ADJUSTMENT OF STATE ALLOT-
5 MENTS.—Subject to clause (ii), the Sec-
6 retary shall proportionately increase or de-
7 crease the amounts allotted under this sub-
8 paragraph for a fiscal year as necessary to
9 ensure that the available amount for the
10 fiscal year is allotted among the States.

11 “(iv) REDETERMINATIONS.—

12 “(I) FREQUENCY.—The Sec-
13 retary shall make the determination
14 referred to in clause (i)(I) every 5
15 years.

16 “(II) LIMITATION.—Subject to
17 clause (ii), the amount allotted to a
18 State under this subparagraph, on the
19 basis of such a determination, for a
20 fiscal year after fiscal year 2026 shall
21 be—

22 “(aa) not less than 90 per-
23 cent of the amount of the grant
24 made to the State under this

1 subparagraph for the then pre-
2 ceding fiscal year; and

3 “(bb) not more than 110
4 percent of the amount referred to
5 in item (aa).

6 “(2) GRANTS TO INDIAN TRIBES AND TRIBAL
7 ORGANIZATIONS.—

8 “(A) IN GENERAL.—The Secretary, in con-
9 sultation with the Secretary of the Interior,
10 shall make grants in accordance with this sec-
11 tion to Indian tribes and tribal organizations
12 who operate at least 1 eligible setting.

13 “(B) GRANT FORMULA.—The Secretary, in
14 consultation with the Secretary of the Interior,
15 shall devise a formula for distributing among
16 Indian tribes and tribal organizations the
17 amount required to be reserved by subsection
18 (e)(1) for each fiscal year.

19 “(3) SUB-GRANTS.—A State, Indian tribe, or
20 tribal organization to which an amount is paid under
21 this section may use the amount to make sub-grants
22 to local organizations, including community organi-
23 zations, local non-profits, elder rights and justice
24 groups, and workforce development boards for any

1 purpose described in paragraph (1) or (2) of sub-
2 section (b).

3 “(b) USE OF FUNDS.—

4 “(1) REQUIRED USES.—A State to which an
5 amount is paid under this section shall use the
6 amount to—

7 “(A) provide wage subsidies to eligible in-
8 dividuals;

9 “(B) provide student loan repayment or
10 tuition assistance to eligible individuals for a
11 degree or certification in a field relevant to
12 their position referred to in subsection
13 (f)(1)(A);

14 “(C) guarantee affordable and accessible
15 child care for eligible individuals, including help
16 with referrals, co-pays, or other direct assist-
17 ance; and

18 “(D) provide assistance where necessary
19 with obtaining appropriate transportation, in-
20 cluding public transportation if available, or gas
21 money if public transportation is unavailable or
22 impractical based on work hours or location.

23 “(2) AUTHORIZED USES.—A State to which an
24 amount is paid under this section may use the
25 amount to—

1 “(A) establish a reserve fund for financial
2 assistance to eligible individuals in emergency
3 situations;

4 “(B) provide in-kind resource donations,
5 such as interview clothing and conference at-
6 tendance fees;

7 “(C) provide assistance with programs and
8 activities, including legal assistance, deemed
9 necessary to address arrest or conviction
10 records that are an employment barrier;

11 “(D) support employers operating an eligi-
12 ble setting in the State in providing employees
13 with not less than 2 weeks of paid leave per
14 year; or

15 “(E) provide other support services the
16 Secretary deems necessary to allow for success-
17 ful recruitment and retention of workers.

18 “(3) PROVISION OF FUNDS ONLY FOR THE
19 BENEFIT OF ELIGIBLE INDIVIDUALS IN ELIGIBLE
20 SETTINGS.—A State to which an amount is paid
21 under this section may provide the amount to only
22 an eligible individual or a partner organization serv-
23 ing an eligible individual.

24 “(4) NONSUPPLANTATION.—A State to which
25 an amount is paid under this section shall not use

1 the amount to supplant the expenditure of any State
2 funds for recruiting or retaining employees in an eli-
3 gible setting.

4 “(5) OBLIGATION DEADLINE.—A State, Indian
5 tribe, or tribal organization shall remit to the Sec-
6 retary for reallocation under this section any amount
7 paid under this section for a fiscal year that is not
8 obligated within 2 years after the end of the fiscal
9 year.

10 “(c) ADMINISTRATION.—A State to which a grant is
11 made under this section shall reserve not more than 10
12 percent of the grant to—

13 “(1) administer subgrants in accordance with
14 this section;

15 “(2) provide technical assistance and support
16 for applying for and accessing such a subgrant op-
17 portunity;

18 “(3) publicize the availability of the subgrants;

19 “(4) carry out activities to increase the supply
20 of eligible individuals; and

21 “(5) provide technical assistance to help sub-
22 grantees find and train individuals to provide the
23 services for which they are contracted.

24 “(d) REPORTS.—

1 “(1) STATE REPORTS.—Not less frequently
2 than annually, each State to which a grant has been
3 made under this section shall transmit to the Sec-
4 retary a written report describing the activities un-
5 dertaken by the State pursuant to this section dur-
6 ing the period covered by the report, which shall in-
7 clude—

8 “(A) the total amount expended in the
9 State for each type of use described in para-
10 graph (1) or (2) of subsection (b);

11 “(B) the total number of non-State organi-
12 zations in the State to which grant funds were
13 provided, and the amount so provided to each
14 such organization;

15 “(C) the change in the number of individ-
16 uals working in each job category described in
17 subsection (f)(1)(A) in an eligible setting in the
18 State;

19 “(D) the average duration of employment
20 for each such job category;

21 “(E) the average annual wage of workers
22 in each job category described in subsection
23 (f)(1)(A) in an eligible setting in the State;

24 “(F) the average amount of paid time off
25 to which a worker in each job category de-

1 scribed in subsection (f)(1)(A) in an eligible set-
2 ting in the State is entitled by their contract;
3 and

4 “(G) such other data elements as the Sec-
5 retary deems relevant.

6 “(2) REPORT TO THE CONGRESS.—Not later
7 than 3 years after the date of the enactment of this
8 section, and every 4 years thereafter, the Secretary
9 shall submit to the Congress a written report out-
10 lining how the States have used the grants made
11 under this section during the period covered by the
12 report, which shall include—

13 “(A) the total amount expended in each
14 State for each type of use described in para-
15 graph (1) or (2) of subsection (b);

16 “(B) the total number of non-State organi-
17 zations in each State to which grant funds were
18 provided, and the amount so provided to each
19 such organization;

20 “(C) the change in the number of individ-
21 uals working in each job category described in
22 subsection (f)(1)(A) in an eligible setting;

23 “(D) the average duration of employment
24 for each such job category, by State;

1 “(E) the average annual wage of workers
2 in each job category described in subsection
3 (f)(1)(A) in an eligible setting;

4 “(F) the average amount of paid time off
5 to which a worker in each job category de-
6 scribed in subsection (f)(1)(A) in an eligible set-
7 ting is entitled by their contract; and

8 “(G) such other data elements as the Sec-
9 retary deems relevant.

10 “(e) APPROPRIATION.—Out of any funds in the
11 Treasury not otherwise appropriated, there is appro-
12 priated to the Secretary \$400,000,000 for each of fiscal
13 years 2022 through 2025 to carry out this section, of
14 which 2 percent shall be reserved for grants to Indian
15 tribes and tribal organizations.

16 “(f) DEFINITIONS.—In this section:

17 “(1) AVAILABLE AMOUNT.—The term ‘available
18 amount’ means, with respect to a fiscal year, the
19 amount specified in subsection (e) that remains after
20 the reservation required by such subsection for the
21 fiscal year, plus all amounts remitted to the Sec-
22 retary under subsection (b)(5) that have not been
23 reallocated under subsection (a)(1)(B)(iii).

24 “(2) ELIGIBLE INDIVIDUAL.—The term ‘eligible
25 individual’ means an individual who—

1 “(A)(i) is a qualified home health aide, as
2 defined in section 484.80(a) of title 42, Code of
3 Federal Regulations;

4 “(ii) is a nurse aide approved by the State
5 as meeting the requirements of sections
6 483.150 through 483.154 of such title, and is
7 listed in good standing on the State nurse aide
8 registry;

9 “(iii) is a personal care aide approved by
10 the State, and furnishes personal care services,
11 as defined in section 440.167 of such title;

12 “(iv) is a qualified hospice aide, as defined
13 in section 418.76 of such title; or

14 “(v) is a licensed practical nurse or a li-
15 censed or certified social worker; or

16 “(vi) is receiving training to be certified or
17 licensed as such an aide, nurse, or social work-
18 er; and

19 “(B) provides (or, in the case of a trainee,
20 intends to provide) services as such an aide,
21 nurse, or social worker in an eligible setting.

22 “(3) ELIGIBLE SETTING.—The term ‘eligible
23 setting’ means—

24 “(A) a skilled nursing facility, as defined
25 in section 1819;

1 “(B) a nursing facility, as defined in sec-
2 tion 1919;

3 “(C) a home health agency, as defined in
4 section 1891;

5 “(D) a facility approved to deliver home or
6 community-based services authorized under
7 State options described in subsection (c) or (i)
8 of section 1915 or, as relevant, demonstration
9 projects authorized under section 1115;

10 “(E) a hospice, as defined in section 1814;
11 or

12 “(F) a tribal assisted living facility.

13 “(4) TRIBAL ORGANIZATION.—The term ‘tribal
14 organization’ has the meaning given the term in sec-
15 tion 4 of the Indian Self-Determination and Edu-
16 cation Assistance Act.”.