

115TH CONGRESS  
1ST SESSION

# H. R. 3759

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IN THE SENATE OF THE UNITED STATES

DECEMBER 19, 2017

Received; read twice and referred to the Committee on Health, Education,  
Labor, and Pensions

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## AN ACT

To provide for the establishment and maintenance of a  
Family Caregiving Strategy, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Recognize, Assist, In-  
3 clude, Support, and Engage Family Caregivers Act of  
4 2017” or the “RAISE Family Caregivers Act”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) **ADVISORY COUNCIL.**—The term “Advisory  
8 Council” means the Family Caregiving Advisory  
9 Council convened under section 4.

10 (2) **FAMILY CAREGIVER.**—The term “family  
11 caregiver” means an adult family member or other  
12 individual who has a significant relationship with,  
13 and who provides a broad range of assistance to, an  
14 individual with a chronic or other health condition,  
15 disability, or functional limitation.

16 (3) **SECRETARY.**—The term “Secretary” means  
17 the Secretary of Health and Human Services.

18 (4) **STRATEGY.**—The term “Strategy” means  
19 the Family Caregiving Strategy set forth under sec-  
20 tion 3.

21 **SEC. 3. FAMILY CAREGIVING STRATEGY.**

22 (a) **IN GENERAL.**—The Secretary, in consultation  
23 with the heads of other appropriate Federal agencies, shall  
24 develop jointly with the Advisory Council and submit to  
25 the Committee on Health, Education, Labor, and Pen-  
26 sions and the Special Committee on Aging of the Senate,

1 the Committee on Education and the Workforce of the  
2 House of Representatives, and the State agencies respon-  
3 sible for carrying out family caregiver programs, and make  
4 publicly available on the internet website of the Depart-  
5 ment of Health and Human Services, a Family Caregiving  
6 Strategy.

7 (b) CONTENTS.—The Strategy shall identify rec-  
8 ommended actions that Federal (under existing Federal  
9 programs), State, and local governments, communities,  
10 health care providers, long-term services and supports pro-  
11 viders, and others are taking, or may take, to recognize  
12 and support family caregivers in a manner that reflects  
13 their diverse needs, including with respect to the following:

14 (1) Promoting greater adoption of person- and  
15 family-centered care in all health and long-term  
16 services and supports settings, with the person re-  
17 ceiving services and supports and the family care-  
18 giver (as appropriate) at the center of care teams.

19 (2) Assessment and service planning (including  
20 care transitions and coordination) involving family  
21 caregivers and care recipients.

22 (3) Information, education and training sup-  
23 ports, referral, and care coordination, including with  
24 respect to hospice care, palliative care, and advance  
25 planning services.

1 (4) Respite options.

2 (5) Financial security and workplace issues.

3 (6) Delivering services based on the perform-  
4 ance, mission, and purpose of a program while elimi-  
5 nating redundancies.

6 (c) DUTIES OF THE SECRETARY.—The Secretary, in  
7 carrying out subsection (a), shall oversee the following:

8 (1) Collecting and making publicly available in-  
9 formation submitted by the Advisory Council under  
10 section 4(d) to the Committee on Health, Education,  
11 Labor, and Pensions and the Special Committee on  
12 Aging of the Senate, the Committee on Education  
13 and the Workforce of the House of Representatives,  
14 and the State agencies responsible for carrying out  
15 family caregiver programs, including evidence-based  
16 or promising practices and innovative models (both  
17 domestic and foreign) regarding the provision of  
18 care by family caregivers or support for family care-  
19 givers.

20 (2) Coordinating and assessing existing Federal  
21 Government programs and activities to recognize  
22 and support family caregivers while ensuring max-  
23 imum effectiveness and avoiding unnecessary dupli-  
24 cation.

1           (3) Providing technical assistance, as appro-  
2           priate, such as disseminating identified best prac-  
3           tices and information sharing based on reports pro-  
4           vided under section 4(d), to State or local efforts to  
5           support family caregivers.

6           (d) INITIAL STRATEGY; UPDATES.—The Secretary  
7 shall—

8           (1) not later than 18 months after the date of  
9           enactment of this Act, develop, publish, and submit  
10          to the Committee on Health, Education, Labor, and  
11          Pensions and the Special Committee on Aging of the  
12          Senate, the Committee on Education and the Work-  
13          force of the House of Representatives, and the State  
14          agencies responsible for carrying out family care-  
15          giver programs, an initial Strategy incorporating the  
16          items addressed in the Advisory Council’s initial re-  
17          port under section 4(d) and other relevant informa-  
18          tion, including best practices, for recognizing and  
19          supporting family caregivers; and

20          (2) biennially update, republish, and submit to  
21          the Committee on Health, Education, Labor, and  
22          Pensions and the Special Committee on Aging of the  
23          Senate, the Committee on Education and the Work-  
24          force of the House of Representatives, and the State  
25          agencies responsible for carrying out family care-

1 giver programs the Strategy, taking into account the  
2 most recent annual report submitted under section  
3 4(d)(1)—

4 (A) to reflect new developments, chal-  
5 lenges, opportunities, and solutions; and

6 (B) to review progress based on rec-  
7 ommendations for recognizing and supporting  
8 family caregivers in the Strategy and, based on  
9 the results of such review, recommend priority  
10 actions for improving the implementation of  
11 such recommendations, as appropriate.

12 (e) PROCESS FOR PUBLIC INPUT.—The Secretary  
13 shall establish a process for public input to inform the de-  
14 velopment of, and updates to, the Strategy, including a  
15 process for the public to submit recommendations to the  
16 Advisory Council and an opportunity for public comment  
17 on the proposed Strategy.

18 (f) NO PREEMPTION.—Nothing in this Act preempts  
19 any authority of a State or local government to recognize  
20 or support family caregivers.

21 (g) RULE OF CONSTRUCTION.—Nothing in this Act  
22 shall be construed to permit the Secretary (through regu-  
23 lation, guidance, grant criteria, or otherwise) to—

24 (1) mandate, direct, or control the allocation of  
25 State or local resources;

1           (2) mandate the use of any of the best practices  
2 identified in the reports required under this Act; or

3           (3) otherwise expand the authority of the Sec-  
4 retary beyond that expressly provided to the Sec-  
5 retary in this Act.

6 **SEC. 4. FAMILY CAREGIVING ADVISORY COUNCIL.**

7           (a) **CONVENING.**—The Secretary shall convene a  
8 Family Caregiving Advisory Council to advise and provide  
9 recommendations, including identified best practices, to  
10 the Secretary on recognizing and supporting family care-  
11 givers.

12           (b) **MEMBERSHIP.**—

13           (1) **IN GENERAL.**—The members of the Advi-  
14 sory Council shall consist of—

15                   (A) the appointed members under para-  
16 graph (2); and

17                   (B) the Federal members under paragraph  
18 (3).

19           (2) **APPOINTED MEMBERS.**—In addition to the  
20 Federal members under paragraph (3), the Sec-  
21 retary shall appoint not more than 15 voting mem-  
22 bers of the Advisory Council who are not representa-  
23 tives of Federal departments or agencies and who  
24 shall include at least 1 representative of each of the  
25 following:

- 1 (A) Family caregivers.
- 2 (B) Older adults with long-term services  
3 and supports needs.
- 4 (C) Individuals with disabilities.
- 5 (D) Health care and social service pro-  
6 viders.
- 7 (E) Long-term services and supports pro-  
8 viders.
- 9 (F) Employers.
- 10 (G) Paraprofessional workers.
- 11 (H) State and local officials.
- 12 (I) Accreditation bodies.
- 13 (J) Veterans.
- 14 (K) As appropriate, other experts and ad-  
15 vocacy organizations engaged in family  
16 caregiving.

17 (3) FEDERAL MEMBERS.—The Federal mem-  
18 bers of the Advisory Council, who shall be nonvoting  
19 members, shall consist of the following:

20 (A) The Administrator of the Centers for  
21 Medicare & Medicaid Services (or the Adminis-  
22 trator’s designee).

23 (B) The Administrator of the Administra-  
24 tion for Community Living (or the Administra-



1           tor’s designee who has experience in both aging  
2           and disability).

3           (C) The Secretary of Veterans Affairs (or  
4           the Secretary’s designee).

5           (D) The heads of other Federal depart-  
6           ments or agencies (or their designees), includ-  
7           ing relevant departments or agencies that over-  
8           see labor and workforce, economic, government  
9           financial policies, community service, and other  
10          impacted populations, as appointed by the Sec-  
11          retary or the Chair of the Advisory Council.

12          (4) DIVERSE REPRESENTATION.—The Sec-  
13          retary shall ensure that the membership of the Advi-  
14          sory Council reflects the diversity of family care-  
15          givers and individuals receiving services and sup-  
16          ports.

17          (c) MEETINGS.—The Advisory Council shall meet  
18          quarterly during the 1-year period beginning on the date  
19          of enactment of this Act and at least three times during  
20          each year thereafter. Meetings of the Advisory Council  
21          shall be open to the public.

22          (d) ADVISORY COUNCIL ANNUAL REPORTS.—

23                 (1) IN GENERAL.—Not later than 12 months  
24                 after the date of enactment of this Act, and annually  
25                 thereafter, the Advisory Council shall submit to the

1 Secretary, the Committee on Health, Education,  
2 Labor, and Pensions and the Special Committee on  
3 Aging of the Senate, the Committee on Education  
4 and the Workforce of the House of Representatives,  
5 and the State agencies responsible for carrying out  
6 family caregiver programs, and make publicly avail-  
7 able on the internet website of the Department of  
8 Health and Human Services, a report concerning the  
9 development, maintenance, and updating of the  
10 Strategy, including a description of the outcomes of  
11 the recommendations and any priorities included in  
12 the initial report pursuant to paragraph (2), as ap-  
13 propriate.

14 (2) INITIAL REPORT.—The Advisory Council’s  
15 initial report under paragraph (1) shall include—

16 (A) an inventory and assessment of all fed-  
17 erally funded efforts to recognize and support  
18 family caregivers and the outcomes of such ef-  
19 forts, including analyses of the extent to which  
20 federally funded efforts are reaching family  
21 caregivers and gaps in such efforts;

22 (B) recommendations—

23 (i) to improve and better coordinate  
24 Federal programs and activities to recog-  
25 nize and support family caregivers, as well

1 as opportunities to improve the coordina-  
2 tion of such Federal programs and activi-  
3 ties with State programs; and

4 (ii) to effectively deliver services based  
5 on the performance, mission, and purpose  
6 of a program while eliminating  
7 redundancies, avoiding unnecessary dupli-  
8 cation and overlap, and ensuring the needs  
9 of family caregivers are met;

10 (C) the identification of challenges faced  
11 by family caregivers, including financial, health,  
12 and other challenges, and existing approaches  
13 to address such challenges; and

14 (D) an evaluation of how family caregiving  
15 impacts the Medicare program, the Medicaid  
16 program, and other Federal programs.

17 (e) NONAPPLICABILITY OF FACA.—The Federal Ad-  
18 visory Committee Act (5 U.S.C. App.) shall not apply to  
19 the Advisory Council.

20 **SEC. 5. FUNDING.**

21 No additional funds are authorized to be appro-  
22 priated to carry out this Act. This Act shall be carried  
23 out using funds otherwise authorized.

1 **SEC. 6. SUNSET PROVISION.**

2       The authority and obligations established by this Act  
3 shall terminate on the date that is 3 years after the date  
4 of enactment of this Act.

      Passed the House of Representatives December 18,  
2017.

Attest:

KAREN L. HAAS,  
*Clerk.*