

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2941  
OFFERED BY MR. SMUCKER OF PENNSYLVANIA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Recognizing the Role  
3 of Direct Support Professionals Act”.

**4 SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Direct support professionals play a critical  
7 role in the care provided to individuals with intellec-  
8 tual and developmental disabilities.

9 (2) Providers of home- and community-based  
10 services are experiencing difficulty hiring and retain-  
11 ing direct support professionals, with a national  
12 turnover rate of 43 percent, as identified in a 2021  
13 study by the National Core Indicators, and full-time  
14 vacancy rates increasing by 94 percent between  
15 2019 and 2021.

16 (3) High turnover rates can lead to instability  
17 for individuals receiving services, and this may result  
18 in individuals not receiving enough personalized care

1 to help them reach their goals for independent liv-  
2 ing.

3 (4) A discrete occupational category for direct  
4 support professionals will help States and the Fed-  
5 eral government—

6 (A) better interpret the shortage in the  
7 labor market of direct support professionals;  
8 and

9 (B) collect data on the high turnover rate  
10 of direct support professionals.

11 (5) The Standard Occupational Classification  
12 system is designed and maintained solely for statis-  
13 tical purposes, and is used by Federal statistical  
14 agencies to classify workers and jobs into occupa-  
15 tional categories for the purpose of collecting, calcu-  
16 lating, analyzing, or disseminating data.

17 (6) Occupations in the Standard Occupational  
18 Classification system are classified based on work  
19 performed and, in some cases, on the skills, edu-  
20 cation, or training needed to perform the work.

21 (7) Establishing a discrete occupational cat-  
22 egory for direct support professionals will—

23 (A) correct an inaccurate representation in  
24 the Standard Occupational Classification sys-  
25 tem;

1 (B) recognize these professionals for the  
2 critical and often overlooked work that they  
3 perform for the disabled community, which  
4 work is different than the work of a home  
5 health aide or a personal care aide; and

6 (C) better align the Standard Occupational  
7 Classification system with related classification  
8 systems.

9 **SEC. 3. DEFINITION OF DIRECT SUPPORT PROFESSIONAL.**

10 In this Act, the term “direct support professional”  
11 means an individual who, in exchange for compensation,  
12 provides services to an individual with an intellectual dis-  
13 ability or a developmental disability (as defined in section  
14 102 of the Developmental Disabilities Assistance and Bill  
15 of Rights Act of 2000 (42 U.S.C. 15002)) that promote  
16 such individual’s independence, including—

17 (1) services that enhance independence and  
18 community inclusion for such individual, including  
19 traveling with such individual, attending and assist-  
20 ing such individual while visiting friends and family,  
21 shopping, or socializing;

22 (2) services such as coaching and supporting  
23 such individual in communicating needs, achieving  
24 self-expression, pursuing personal goals, living inde-

1           pendently, and participating actively in employment  
2           or voluntary roles in the community;

3           (3) services such as providing assistance with  
4           activities of daily living (such as feeding, bathing,  
5           toileting, and ambulation) and with tasks such as  
6           meal preparation, shopping, light housekeeping, and  
7           laundry; or

8           (4) services that support such individual at  
9           home, work, school, or any other community setting.

10 **SEC. 4. REVISION OF STANDARD OCCUPATIONAL CLASSI-**  
11 **FICATION SYSTEM.**

12           (a) IN GENERAL.—The Director of the Office of  
13 Management and Budget (in this Act referred to as the  
14 “Director”) shall, as part of the first revision process of  
15 the Standard Occupational Classification system occurring  
16 after the date of enactment of this Act, consider estab-  
17 lishing a separate code for direct support professionals as  
18 a subset of healthcare support occupations.

19           (b) REPORT TO CONGRESS.—If the Director decides  
20 not to establish the separate code for direct support pro-  
21 fessionals described in subsection (a), the Director shall,  
22 not later than 30 days after the Director announces in  
23 the Federal Register the final decision of the revision pro-  
24 cess described in such subsection, submit to the Committee  
25 on Homeland Security and Governmental Affairs of the

- 1 Senate and the Committee on Education and the Work-
- 2 force of the House of Representatives a report explaining
- 3 why such separate code was not established.

