

118TH CONGRESS
2D SESSION

S. 4567

To amend the Workforce Innovation and Opportunity Act regarding reentry employment opportunities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2024

Mr. CORNYN (for himself and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Workforce Innovation and Opportunity Act regarding reentry employment opportunities, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Workforce Reentry
5 Act”.

6 **SEC. 2. REENTRY EMPLOYMENT OPPORTUNITIES.**

7 (a) IN GENERAL.—Subtitle D of title I of the Work-
8 force Innovation and Opportunity Act (29 U.S.C. 3221 et
9 seq.) is amended—

1 (1) by redesignating section 172 as section 173;

2 and

3 (2) by inserting after section 171 the following:

4 **“SEC. 172. REENTRY EMPLOYMENT OPPORTUNITIES.**

5 “(a) PURPOSES.—The purposes of this section are—

6 “(1) to improve the employment, earnings, and
7 skill attainment, and reduce recidivism, of adults
8 and youth who have been involved with the justice
9 system;

10 “(2) to prompt innovation and improvement in
11 the reentry of justice-involved individuals into the
12 workforce so that successful initiatives can be estab-
13 lished or continued and replicated; and

14 “(3) to further develop the evidence on how to
15 improve employment, earnings, and skill attainment,
16 and reduce recidivism, of justice-involved individuals,
17 through rigorous evaluations of specific services pro-
18 vided, including how they affect different popu-
19 lations and how they are best combined and
20 sequenced, and disseminate such evidence to entities
21 supporting the reentry of justice-involved individuals
22 into the workforce.

23 “(b) REENTRY EMPLOYMENT COMPETITIVE GRANTS,
24 CONTRACTS, AND COOPERATIVE AGREEMENTS AUTHOR-
25 IZED.—

1 “(1) IN GENERAL.—From the amounts appro-
2 priated under section 173(e) and not reserved under
3 subsection (h), the Secretary—

4 “(A) shall, on a competitive basis, make
5 grants to, or enter into contracts or cooperative
6 agreements with, eligible entities to implement
7 reentry projects that serve eligible adults or eli-
8 gible youth;

9 “(B) may use not more than 30 percent of
10 such amounts for awards under subparagraph
11 (A) to eligible entities to serve as national or re-
12 gional intermediaries to provide such funds to
13 other eligible entities to—

14 “(i) implement reentry projects de-
15 scribed in subparagraph (A); and

16 “(ii) monitor and support such enti-
17 ties;

18 “(C) shall use 30 percent of such amounts
19 for awards under subparagraph (A) to eligible
20 entities using pay-for-performance contracts—

21 “(i) that specify a fixed amount that
22 will be paid to the entity based on the
23 achievement of specified levels of perform-
24 ance on the indicators of performance de-

1 scribed in subsections (e)(1)(A)(i) and
2 (e)(2)(A) within a defined timetable; and

3 “(ii) which may provide for bonus
4 payments to such entity to expand capacity
5 to provide effective services; and

6 “(D) shall ensure awards under this para-
7 graph are made to eligible entities from geo-
8 graphically diverse areas, in addition to the pri-
9 orities described in paragraph (4).

10 “(2) AWARD PERIODS.—The Secretary shall
11 make awards under paragraph (1) for an initial pe-
12 riod of not more than 4 years.

13 “(3) ADDITIONAL AWARDS.—The Secretary
14 may award, for a period of not more than 4 years,
15 one or more additional awards to an eligible entity
16 that received an award under paragraph (1) if the
17 eligible entity achieved the performance levels agreed
18 upon with the Secretary (as described in subsection
19 (e)(3)) for the award period immediately before the
20 additional award.

21 “(4) PRIORITY.—In making awards under para-
22 graph (1), the Secretary shall give priority to eligible
23 entities whose applications submitted under sub-
24 section (c) demonstrate a commitment to use the

1 funds from the award to implement reentry
2 projects—

3 “(A) that will serve high-poverty areas;

4 “(B) that will enroll eligible youth or eligi-
5 ble adults—

6 “(i) before the release of the eligible
7 youth or eligible adult from incarceration
8 in a correctional institution; or

9 “(ii) not later than 90 days after such
10 release;

11 “(C) that have an evidence-based strategy
12 and design;

13 “(D) that establish partnerships with—

14 “(i) businesses; or

15 “(ii) institutions of higher education
16 or providers under section 122 (as deter-
17 mined by the State where services are
18 being provided) to provide project partici-
19 pants with programs of study leading to
20 recognized postsecondary credentials (as
21 identified in a State plan under subtitle A)
22 in in-demand occupations; or

23 “(E) that provide training services, includ-
24 ing customized training and on-the-job training,
25 that are designed to meet the specific require-

1 ments of an employer (including a group of em-
2 ployers) and are conducted with a commitment
3 by the employer to employ individuals upon suc-
4 cessful completion of the preparation.

5 “(c) APPLICATION.—

6 “(1) FORM AND PROCEDURE.—To be qualified
7 to receive an award under subsection (b)(1), an eligi-
8 ble entity shall submit an application at such time,
9 and in such manner, as determined by the Secretary,
10 and containing the information described in para-
11 graph (2) and, as applicable, paragraph (3).

12 “(2) CONTENTS.—An application submitted by
13 an eligible entity under paragraph (1) shall contain
14 the following:

15 “(A) A description of the eligible entity, in-
16 cluding the experience of the eligible entity in
17 providing employment and training services for
18 justice-involved individuals.

19 “(B) A description of the needs that will
20 be addressed by the reentry project supported
21 by an award under subsection (b)(1), and the
22 target participant population and the geo-
23 graphic area to be served.

24 “(C) A description of the proposed employ-
25 ment and training activities and supportive

1 services, if applicable, to be provided under
2 such reentry project, and how such activities
3 and services will prepare participants of the re-
4 entry project for employment in in-demand in-
5 dustry sectors and occupations within the geo-
6 graphic area to be served by such reentry
7 project.

8 “(D) The anticipated schedule for carrying
9 out the activities proposed under the reentry
10 project.

11 “(E) A description of—

12 “(i) the partnerships the eligible enti-
13 ty will establish with agencies and entities
14 within the criminal justice system, local
15 boards and one-stop operators, community-
16 based organizations, and employers (in-
17 cluding employers that are located in the
18 area to be served by such reentry project)
19 to provide participants of the reentry
20 project with work-based learning, job
21 placement, and recruitment (if applicable);
22 and

23 “(ii) how the eligible entity will co-
24 ordinate its activities with other services
25 and benefits available to justice-involved

1 individuals in the geographic area to be
2 served by the reentry project.

3 “(F) A description of the manner in which
4 individuals will be recruited and selected for
5 participation for the reentry project.

6 “(G) A detailed budget and a description
7 of the system of fiscal controls, and auditing
8 and accountability procedures, that will be used
9 to ensure fiscal soundness for the reentry
10 project.

11 “(H) A description of the expected levels of
12 performance to be achieved with respect to the
13 performance measures described in subsection
14 (e).

15 “(I) A description of the evidence-based
16 practices the eligible entity will use in adminis-
17 tration of the reentry project.

18 “(J) An assurance that the eligible entity
19 will collect, disaggregate by each subpopulation
20 of individuals with barriers to employment, and
21 by race, ethnicity, sex and age, and report to
22 the Secretary the data required with respect to
23 the reentry project carried out by the eligible
24 entity for purposes of determining levels of per-

1 formance achieved and conducting the evalua-
2 tion under subsection (f).

3 “(K) An assurance that the eligible entity
4 will provide matching funds, as described in
5 subsection (d)(4).

6 “(L) A description of how the eligible enti-
7 ty plans to continue the reentry project after
8 the award period.

9 “(3) ADDITIONAL CONTENT FOR INTER-
10 MEDIARY APPLICANTS.—An application submitted
11 under paragraph (1) by an eligible entity seeking to
12 serve as a national or regional intermediary as de-
13 scribed in subsection (b)(1)(B) shall also contain the
14 following:

15 “(A) An identification and description of
16 the eligible entities that will be subgrantees of
17 such intermediary for purposes of implementing
18 the reentry projects, which shall include sub-
19 grantees in—

20 “(i) not less than 3 noncontiguous
21 metropolitan areas or rural areas; and

22 “(ii) not less than 2 States.

23 “(B) A description of the services and sup-
24 ports the intermediary will provide to the sub-
25 grantees, including administrative and fiscal

1 support to ensure the subgrantees comply with
2 all award requirements.

3 “(C) A description of how the intermediary
4 will facilitate the replication of evidence-based
5 practices or other best practices identified by
6 the intermediary across all subgrantees.

7 “(D) If such intermediary is currently re-
8 ceiving, or has previously received, funds under
9 this section as an intermediary to implement a
10 reentry project, an assurance that none of the
11 subgrantees identified under subparagraph (A)
12 were previous subgrantees of the intermediary
13 for such reentry project that failed to meet the
14 levels of performance established for such re-
15 entry project.

16 “(d) USES OF FUNDS.—

17 “(1) REQUIRED ACTIVITIES.—An eligible entity
18 that receives funds under subsection (b)(1) shall use
19 such funds to implement a reentry project for eligi-
20 ble adults or eligible youth that provides each of the
21 following:

22 “(A) One or more of the individualized ca-
23 reer services listed in subclause (I) through
24 (IX) of section 134(c)(2)(A)(xii).

1 “(B) One or more of the training services
2 listed in clauses (i) through (xi) in section
3 134(c)(3)(D), including subsidized employment
4 opportunities through transitional jobs.

5 “(C) For participants who are eligible
6 youth, one or more of the program elements
7 listed in subparagraphs (A) through (N) of sec-
8 tion 129(e)(2).

9 “(2) ALLOWABLE ACTIVITIES.—An eligible enti-
10 ty that receives funds under subsection (b)(1) may
11 use such funds to implement a reentry project for el-
12 igible adults or eligible youth that provides the fol-
13 lowing:

14 “(A) Follow-up services after placement in
15 unsubsidized employment as described in sec-
16 tion 134(e)(2)(A)(xiii).

17 “(B) Apprenticeship programs.

18 “(C) Education in digital literacy skills.

19 “(D) Mentoring.

20 “(E) Assistance in obtaining employment,
21 including as a result of the eligible entity—

22 “(i) establishing and developing rela-
23 tionships and networks with large and
24 small employers; and

1 “(ii) coordinating with employers to
2 develop customized training programs and
3 on-the-job training.

4 “(F) Assistance with driver’s license rein-
5 statement and fees for driver’s licenses and ob-
6 taining other necessary documents for employ-
7 ment.

8 “(G) Provision of or referral to evidence-
9 based mental health treatment by licensed prac-
10 titioners.

11 “(H) Provision of or referral to substance
12 use disorder treatment services, provided that
13 funds awarded under subsection (b)(1) are only
14 used to provide such services to participants
15 who are unable to obtain such services through
16 other programs providing such services.

17 “(I) Provisions of or referral to supportive
18 services, provided that no more than 5 percent
19 of funds awarded to an eligible entity under
20 subsection (b)(1) may be used to provide such
21 services to participants who are able to obtain
22 such services through other programs providing
23 such services.

24 “(3) ADMINISTRATIVE COST LIMIT.—An eligible
25 entity may not use more than 7 percent of the funds

1 received under subsection (b)(1) for administrative
2 costs, including for costs related to collecting infor-
3 mation, analysis, and coordination for purposes of
4 subsection (e) or (f).

5 “(4) MATCHING FUNDS.—

6 “(A) IN GENERAL.—Except as provided in
7 subparagraph (B), an eligible entity shall pro-
8 vide a non-Federal contribution, which may be
9 provided in cash or in kind, for the costs of the
10 project in an amount that is not less than 25
11 percent of the total amount of funds awarded to
12 the entity for such period.

13 “(B) EXCEPTION.—The Secretary may
14 waive the matching funds requirement under
15 subparagraph (A), on a case-by-case basis and
16 for not more than 20 percent of all awards
17 made under subsection (b)(1), if the eligible en-
18 tity receiving the award demonstrates signifi-
19 cant financial hardship.

20 “(e) LEVELS OF PERFORMANCE.—

21 “(1) ESTABLISHMENT OF LEVELS.—

22 “(A) IN GENERAL.—The Secretary shall
23 establish expected levels of performance for re-
24 entry projects funded under this section for—

1 “(i) each of the primary indicators of
2 performance for adults and youth de-
3 scribed in section 116(b)(2); and

4 “(ii) an indicator of performance es-
5 tablished by the Secretary with respect to
6 participant recidivism.

7 “(B) UPDATES.—The levels established
8 under subparagraph (A) shall be updated for
9 each 4-year award period.

10 “(2) AGREEMENT ON PERFORMANCE LEVELS.—
11 In establishing and updating performance levels
12 under paragraph (1), the Secretary shall reach
13 agreement on such levels with the eligible entities re-
14 ceiving awards under subsection (b)(1) that will be
15 subject to such levels based on, as the Secretary de-
16 termines relevant for each indicator of performance,
17 the following factors:

18 “(A) The expected performance levels of
19 each such eligible entity described in the appli-
20 cation submitted under subsection (c)(2)(H).

21 “(B) The local economic conditions of the
22 geographic area to be served by each such eligi-
23 ble entity, including differences in unemploy-
24 ment rates and job losses or gains in particular
25 industries.

1 “(C) The characteristics of project partici-
2 pants when entering the project involved, in-
3 cluding—

4 “(i) criminal records;

5 “(ii) indicators of poor work history;

6 “(iii) lack of work experience;

7 “(iv) lack of educational or occupa-
8 tional skills attainment;

9 “(v) low levels of literacy or English
10 proficiency;

11 “(vi) disability status;

12 “(vii) homelessness; and

13 “(viii) receipt of public assistance.

14 “(3) FAILURE TO MEET PERFORMANCE LEV-
15 ELS.—In the case of an eligible entity that fails to
16 meet the performance levels under paragraph (1),
17 the Secretary shall provide technical assistance to
18 the eligible entity, including the development of a
19 performance improvement plan.

20 “(f) EVALUATION OF REENTRY PROJECTS.—

21 “(1) IN GENERAL.—Not later than 5 years
22 after the first award of funds under subsection
23 (b)(1) is made, the Secretary (acting through the
24 Chief Evaluation Officer) shall meet each of the fol-
25 lowing requirements:

1 “(A) DESIGN AND CONDUCT OF EVALUA-
2 TION.—Design and conduct an evaluation to
3 evaluate the effectiveness of the reentry projects
4 funded under subsection (b)(1), which meets
5 the requirements of paragraph (2), and includes
6 an evaluation of each of the following:

7 “(i) The effectiveness of such projects
8 in assisting individuals with finding em-
9 ployment and maintaining employment at
10 the second quarter and fourth quarter
11 after unsubsidized employment is obtained.

12 “(ii) The effectiveness of such projects
13 in assisting individuals with earning recog-
14 nized postsecondary credentials.

15 “(iii) The effectiveness of such
16 projects in relation to their cost, including
17 the extent to which the projects improve
18 reentry outcomes, including outcomes in
19 employment, compensation (which may in-
20 clude wages earned and benefits), career
21 advancement, measurable skill gains, cre-
22 dentials earned, and recidivism of partici-
23 pants in comparison to comparably situ-
24 ated individuals who did not participate in
25 such projects.

1 “(iv) The effectiveness of specific
2 services and interventions provided and of
3 the overall project design.

4 “(v) If applicable, the extent to which
5 such projects effectively serve various de-
6 mographic groups, including people of dif-
7 ferent geographic locations, ages, races,
8 national origins, sex, and criminal records,
9 and individuals with disabilities.

10 “(vi) If applicable, the appropriate se-
11 quencing, combination, or concurrent
12 structure of services for each subpopula-
13 tion of individuals who are participants of
14 such projects, such as the order, combina-
15 tion, or concurrent structure and services
16 in which transitional jobs and occupational
17 skills development are provided to ensure
18 that such participants are prepared to fully
19 benefit from employment and training
20 services provided under the project.

21 “(vii) Limitations or barriers to edu-
22 cation and employment as a result of occu-
23 pational or educational licensing restric-
24 tions.

1 “(B) DATA ACCESSIBILITY.—Make avail-
2 able, on the publicly accessible website of the
3 Department of Labor, data collected during the
4 course of evaluation under this subsection, in
5 an aggregated format that does not disclose
6 personally identifiable information.

7 “(2) DESIGN REQUIREMENTS.—An evaluation
8 under this paragraph (1)(A)—

9 “(A) shall—

10 “(i) be designed by the Secretary (act-
11 ing through the Chief Evaluation Officer)
12 in conjunction with the eligible entities car-
13 rying out the reentry projects being evalu-
14 ated;

15 “(ii) include analysis of participant
16 feedback and outcome and process meas-
17 ures; and

18 “(iii) use designs that employ the
19 most rigorous analytical and statistical
20 methods that are reasonably feasible, such
21 as the use of control groups; and

22 “(B) may not—

23 “(i) collect personally identifiable in-
24 formation, except to the extent such infor-

1 mation is necessary to conduct the evalua-
2 tion; or

3 “(ii) reveal or share personally identi-
4 fiable information.

5 “(3) PUBLICATION AND REPORTING OF EVAL-
6 UATION FINDINGS.—The Secretary (acting through
7 the Chief Evaluation Officer) shall—

8 “(A) in accordance with a timeline deter-
9 mined to be appropriate by the Chief Evalua-
10 tion Officer, publish an interim report on such
11 evaluation;

12 “(B) not later than 90 days after the date
13 on which any evaluation is completed under this
14 subsection, publish and make publicly available
15 such evaluation; and

16 “(C) not later than 60 days after the com-
17 pletion date described in subparagraph (B),
18 submit to the Committee on Education and the
19 Workforce of the House of Representatives and
20 the Committee on Health, Education, Labor,
21 and Pensions of the Senate a report on such
22 evaluation.

23 “(g) ANNUAL REPORT.—

24 “(1) CONTENTS.—Subject to paragraph (2),
25 the Secretary shall post, using transparent, linked,

1 open, and interoperable data formats, on its publicly
2 accessible website, an annual report on—

3 “(A) the number of individuals who par-
4 ticipated in projects assisted under this section
5 for the year preceding the report;

6 “(B) the percentage of such individuals
7 who successfully completed the requirements of
8 such projects;

9 “(C) the performance during the year pre-
10 ceeding the report of eligible entities on such
11 projects as measured by the performance indi-
12 cators set forth in subsection (e); and

13 “(D) an explanation of any waivers grant-
14 ed by the Secretary of the matching require-
15 ment under subsection (d)(4).

16 “(2) DISAGGREGATION.—The information pro-
17 vided under subparagraphs (A) through (C) of para-
18 graph (1) with respect to a year shall be
19 disaggregated by each project assisted under this
20 section for such year.

21 “(h) RESERVATION OF FUNDS.—Of the funds appro-
22 priated under section 173(e) for a fiscal year, the Sec-
23 retary—

24 “(1) may reserve not more than 5 percent for
25 the administration of awards under subsection

1 (b)(1), of which not more than 2 percent of the
2 funds appropriated may be reserved for the provision
3 of—

4 “(A) technical assistance to eligible entities
5 that receive funds under such subsection; and

6 “(B) outreach and technical assistance to
7 eligible entities desiring to receive such funds,
8 including assistance with application develop-
9 ment and submission; and

10 “(2) shall reserve not less than 1 percent and
11 not more than 2.5 percent for the evaluation activi-
12 ties under subsection (f) or to support eligible enti-
13 ties with any required data collection, analysis, and
14 coordination related to such evaluation activities.

15 “(i) DEFINITIONS.—In this section:

16 “(1) AWARD.—The term ‘award’ means a
17 grant, contract, or cooperative agreement.

18 “(2) CHIEF EVALUATION OFFICER.—The term
19 ‘Chief Evaluation Officer’ means the head of the
20 independent evaluation office in the Office of the As-
21 sistant Secretary for Policy of the Department of
22 Labor.

23 “(3) COMMUNITY SUPERVISION.—The term
24 ‘community supervision’ means mandatory oversight

1 (including probation and parole) of a formerly incar-
2 cerated person—

3 “(A) who was convicted of a crime by a
4 judge or parole board; and

5 “(B) who is living outside a secure facility.

6 “(4) CORRECTIONAL INSTITUTION.—The term
7 ‘correctional institution’ has the meaning given the
8 term in section 225(e).

9 “(5) ELIGIBLE ENTITY.—The term ‘eligible en-
10 tity’ means—

11 “(A) a private nonprofit organization
12 under section 501(c)(3) of the Internal Revenue
13 Code of 1986, including a community-based or
14 faith-based organization;

15 “(B) a local board;

16 “(C) a State or local government;

17 “(D) an entity eligible for grants under
18 section 166(c);

19 “(E) a labor organization or joint labor-
20 management organization;

21 “(F) an industry or sector partnership;

22 “(G) an institution of higher education; or

23 “(H) a consortium of the entities described
24 in subparagraphs (A) through (G).

1 “(6) ELIGIBLE ADULT.—The term ‘eligible
2 adult’ means a justice-involved individual who—

3 “(A) is age 25 or older; and

4 “(B) in the case of an individual that was
5 previously incarcerated, was released from in-
6 carceration not more than 3 years before enroll-
7 ment in a project funded under subsection
8 (b)(1).

9 “(7) ELIGIBLE YOUTH.—The term ‘eligible
10 youth’ means a justice-involved individual who is not
11 younger than age 14 or older than age 24.

12 “(8) EVIDENCE-BASED.—The term ‘evidence-
13 based’, when used with respect to an activity, serv-
14 ice, strategy, or intervention, means an activity,
15 service, strategy, or intervention that—

16 “(A) demonstrates a statistically signifi-
17 cant effect on improving participant outcomes
18 or other relevant outcomes based on—

19 “(i) strong evidence from at least 1
20 well-designed and well-implemented experi-
21 mental study;

22 “(ii) moderate evidence from at least
23 1 well-designed and well-implemented
24 quasi-experimental study; or

1 “(iii) promising evidence from at least
2 1 well-designed and well-implemented cor-
3 relational study with statistical controls for
4 selection bias; or

5 “(B)(i) demonstrates a rationale based on
6 high-quality research findings or positive eval-
7 uation that such activity, strategy, or interven-
8 tion is likely to improve student outcomes or
9 other relevant outcomes; and

10 “(ii) includes ongoing efforts to examine
11 the effects of such activity, service, strategy, or
12 intervention.

13 “(9) HIGH-POVERTY.—The term ‘high-poverty’,
14 when used with respect to a geographic area, means
15 an area with a poverty rate of at least 20 percent
16 as determined based on the most recently available
17 data from the American Community Survey con-
18 ducted by the Bureau of the Census.

19 “(10) JUSTICE-INVOLVED INDIVIDUAL.—The
20 term ‘justice-involved individual’ means an individual
21 who has been convicted as a juvenile or an adult and
22 imprisoned under Federal or State law.

23 “(11) WORK-BASED LEARNING.—The term
24 ‘work-based learning’ has the meaning given the
25 term in section 3 of the Carl D. Perkins Career and

1 Technical Education Act of 2006 (20 U.S.C.
2 2302).”.

3 (b) CONFORMING AMENDMENT.—The table of con-
4 tents in section 1(b) of the Workforce Innovation and Op-
5 portunity Act (29 U.S.C. 3101 note) is amended—

6 (1) by redesignating the item relating to section
7 172 as section 173;

8 (2) by inserting after the item relating to sec-
9 tion 171, the following:

“Sec. 172. Reentry employment opportunities”.

○