

116TH CONGRESS
1ST SESSION

H. R. 1413

To amend part A of title IV of the Social Security Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2019

Mr. WENSTRUP (for himself, Mrs. WALORSKI, Mr. FERGUSON, and Mr. SMITH of Nebraska) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend part A of title IV of the Social Security Act,
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 Opportunity
5 Realignment Kickstart Act” or the “WORK Act”.

1 **SEC. 2. PROMOTING ACCOUNTABILITY BY MEASURING**
2 **WORK OUTCOMES.**

3 Section 407(a) of the Social Security Act (42 U.S.C.
4 607(a)) is amended to read as follows:

5 “(a) **PERFORMANCE ACCOUNTABILITY AND WORK**
6 **OUTCOMES.**—

7 “(1) **PURPOSE.**—The purpose of this subsection
8 is to provide for the establishment of performance
9 accountability measures to assess the effectiveness of
10 States in increasing employment, retention, and ad-
11 vancement among families receiving assistance under
12 the State program funded under this part.

13 “(2) **IN GENERAL.**—A State to which a grant
14 is made under section 403 for a fiscal year shall
15 achieve the requisite level of performance on an indi-
16 cator described in paragraph (3)(B) of this sub-
17 section for the fiscal year.

18 “(3) **MEASURING STATE PERFORMANCE.**—

19 “(A) **IN GENERAL.**—Each State, in con-
20 sultation with the Secretary, shall collect and
21 submit to the Secretary the information nec-
22 essary to measure the level of performance of
23 the State for each indicator described in sub-
24 paragraph (B), for fiscal year 2021 and each
25 fiscal year thereafter, and the Secretary shall
26 use the information collected for fiscal year

1 2021 to establish the baseline level of perform-
2 ance for each State for each such indicator.

3 “(B) INDICATORS OF PERFORMANCE.—

4 The indicators described in this subparagraph,
5 for a fiscal year, are the following:

6 “(i) The percentage of individuals who
7 were work-eligible individuals as of the
8 time of exit from the program, who are in
9 unsubsidized employment during the 2nd
10 quarter after the exit.

11 “(ii) The percentage of individuals
12 who were work-eligible individuals who
13 were in unsubsidized employment in the
14 2nd quarter after the exit, who are also in
15 unsubsidized employment during the 4th
16 quarter after the exit.

17 “(iii) The median earnings of individ-
18 uals who were work-eligible individuals as
19 of the time of exit from the program, who
20 are in unsubsidized employment during the
21 2nd quarter after the exit.

22 “(iv) The percentage of individuals
23 who have not attained 24 years of age, are
24 attending high school or enrolled in an
25 equivalency program, and are work-eligible

1 individuals or were work-eligible individ-
2 uals as of the time of exit from the pro-
3 gram, who obtain a high school degree or
4 its recognized equivalent while receiving as-
5 sistance under the State program funded
6 under this part or within 1 year after the
7 exit.

8 “(C) LEVELS OF PERFORMANCE.—

9 “(i) AGREEMENT ON REQUISITE PER-
10 FORMANCE LEVEL FOR EACH INDI-
11 CATOR.—

12 “(I) IN GENERAL.—For each
13 State submitting a State plan pursu-
14 ant to section 402(a), the Secretary
15 and the State shall negotiate the req-
16 uisite level of performance for the
17 State with respect to each indicator
18 described in subparagraph (B), for
19 each of fiscal years 2021 through
20 2024, and in the case of each of fiscal
21 years 2022 through 2024, shall do so
22 before the beginning of the respective
23 fiscal year.

24 “(II) REQUIREMENTS IN ESTAB-
25 LISHING PERFORMANCE LEVELS.—In

1 establishing the requisite levels of per-
2 formance, the State and the Secretary
3 shall—

4 “(aa) take into account how
5 the levels involved compare with
6 the levels established for other
7 States; and

8 “(bb) ensure the levels in-
9 volved are adjusted, using the ob-
10 jective statistical model referred
11 to in clause (iii), based on—

12 “(AA) the differences
13 among States in economic
14 conditions, including dif-
15 ferences in unemployment
16 rates or employment losses
17 or gains in particular indus-
18 tries; and

19 “(BB) the characteris-
20 ties of participants on entry
21 into the program, including
22 indicators of prior work his-
23 tory, lack of educational or
24 occupational skills attain-
25 ment, or other factors that

1 may affect employment and
2 earnings; and

3 “(CC) take into account
4 the extent to which the lev-
5 els involved promote contin-
6 uous improvement in per-
7 formance by each State.

8 “(ii) REVISIONS BASED ON ECONOMIC
9 CONDITIONS AND INDIVIDUALS RECEIVING
10 ASSISTANCE DURING THE FISCAL YEAR.—
11 The Secretary shall, in accordance with the
12 objective statistical model referred to in
13 clause (iii), revise the requisite levels of
14 performance for a State and a fiscal year
15 to reflect the economic conditions and
16 characteristics of the relevant individuals
17 in the State during the fiscal year.

18 “(iii) STATISTICAL ADJUSTMENT
19 MODEL.—The Secretary shall use an objec-
20 tive statistical model to make adjustments
21 to the requisite levels of performance for
22 the economic conditions and characteristics
23 of the relevant individuals, and shall con-
24 sult with the Secretary of Labor to develop
25 a model that is the same as or similar to

1 the model described in section
2 116(b)(3)(A)(viii) of the Workforce Inno-
3 vation and Opportunity Act (29 U.S.C.
4 3141(b)(3)(A)(viii)).

5 “(iv) DEFINITION OF EXIT.—In this
6 subsection, the term ‘exit’ means, with re-
7 spect to a State program funded under
8 this part, ceases to a receive a benefit
9 under the program.

10 “(D) STATE OPTION TO ESTABLISH COM-
11 MON EXIT MEASURES.—Notwithstanding sub-
12 paragraph (C)(iv) of this paragraph, a State
13 that has not provided the notification under
14 section 121(b)(1)(C)(ii) of the Workforce Inno-
15 vation and Opportunity Act to exclude the State
16 program funded under this part as a mandatory
17 one-stop partner may adopt an alternative defi-
18 nition of ‘exit’ for the purpose of creating com-
19 mon exit measures to improve alignment with
20 workforce programs operated under title I of
21 such Act.

22 “(E) REGULATIONS.—In order to ensure
23 nationwide comparability of data, the Secretary,
24 after consultation the Secretary of Labor and
25 with States, shall issue regulations governing

1 the establishment of the performance account-
2 ability system under this subsection and a tem-
3 plate for performance reports to be used by all
4 States consistent with subsection (b).”.

5 **SEC. 3. EXPANSION OF AUTHORITY TO TRANSFER FUNDS**
6 **TO OTHER PROGRAMS.**

7 Section 404(d) of the Social Security Act (42 U.S.C.
8 604(d)) is amended—

9 (1) in paragraph (1)—

10 (A) by striking “30” and inserting “50”;

11 and

12 (B) by adding at the end the following:

13 “(C) Title I of the Workforce Innovation
14 and Opportunity Act.”;

15 (2) in paragraph (3), by adding at the end the
16 following:

17 “(C) FUNDS TRANSFERRED TO THE
18 WIOA.—In the case of funds transferred under
19 paragraph (1)(C) of this subsection—

20 “(i) all of the funds will be used to
21 support families eligible for assistance
22 under the State program funded under this
23 part; and

24 “(ii) not more than 15 percent of the
25 funds will be reserved for statewide work-

1 force investment activities referred to in
2 section 128(a)(1) of the Workforce Innova-
3 tion and Opportunity Act.”; and

4 (3) by adding at the end the following:

5 “(4) EXCLUSION OF STATES EXCLUDING THE
6 STATE JOBS PROGRAM AS A MANDATORY ONE-STOP
7 PARTNER UNDER THE WIOA.—The authority pro-
8 vided by this subsection may not be exercised by a
9 State that has provided the notification referred to
10 in section 407(a)(3)(D).”.

11 **SEC. 4. MODIFICATIONS TO STATE PLANS.**

12 Section 402 of the Social Security Act (42 U.S.C.
13 602) is amended—

14 (1) in subsection (a)(1)(A), by adding at the
15 end the following:

16 “(ix) Describe coordination with other
17 programs, including whether the State in-
18 tends to exercise authority provided by sec-
19 tion 404(d) of this Act to transfer any
20 funds paid to the State under this part,
21 provide assurance that, in the case of a
22 transfer to carry out a program under title
23 I of the Workforce Innovation and Oppor-
24 tunity Act, the State will comply with sec-
25 tion 404(d)(3)(C) of this Act and coordi-

1 nate with the one-stop delivery system
2 under the Workforce Innovation and Op-
3 portunity Act, and describe how the State
4 will coordinate with the programs involved
5 to provide services to families receiving as-
6 sistance under the program referred to in
7 clause (i) of this subparagraph.”; and

8 (2) by adding at the end the following:

9 “(d) 2-YEAR PLAN.—A plan submitted pursuant to
10 this section shall be designed to be implemented during
11 a 2-year period.

12 “(e) COMBINED PLAN ALLOWED.—A State may sub-
13 mit to the Secretary and the Secretary of Labor a com-
14 bined State plan that meets the requirements of sub-
15 sections (a) and (d) and that is for programs and activities
16 under the Workforce Innovation and Opportunity Act.”.

17 **SEC. 5. EFFECTIVE DATE.**

18 The amendments made by this Act shall take effect
19 on October 1, 2019.

○