

117TH CONGRESS
2D SESSION

H. R. 7323

To amend the Workforce Innovation Opportunity Act to codify the Department of Labor’s Reentry Employment Opportunities grants, authorizing a competitive grant program that aims to assist justice-involved adults and youth returning from incarceration with achieving academic success, employment, reducing the involvement of youth in crime and violence, and avoiding recidivism.

IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 2022

Mr. ESPAILLAT introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Workforce Innovation Opportunity Act to codify the Department of Labor’s Reentry Employment Opportunities grants, authorizing a competitive grant program that aims to assist justice-involved adults and youth returning from incarceration with achieving academic success, employment, reducing the involvement of youth in crime and violence, and avoiding recidivism.

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 “Expanding Reentry
3 Employment Assistance Act”.

4 **SEC. 2. REENTRY EMPLOYMENT OPPORTUNITIES.**

5 Subtitle D of title I (29 U.S.C. 3221 et seq.), as
6 amended by this Act, is further amended by inserting after
7 section 172, as added by the preceding section, the fol-
8 lowing:

9 **“SEC. 173. REENTRY EMPLOYMENT OPPORTUNITIES.**

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

11 “(1) to improve the employment, earnings, and
12 skill attainment, and reduce recidivism, of adults
13 and youth who have been involved with the justice
14 system;

15 “(2) to prompt innovation and improvement in
16 the reentry of justice-involved individuals into the
17 workforce so that successful initiatives can be estab-
18 lished or continued and replicated; and

19 “(3) to further develop the evidence on how to
20 improve employment, earnings, and skill attainment,
21 and reduce recidivism of justice-involved individuals,
22 through rigorous evaluations of specific services pro-
23 vided, including how they affect different popu-
24 lations and how they are best combined and
25 sequenced.

1 “(b) REENTRY EMPLOYMENT COMPETITIVE GRANTS,
2 CONTRACTS, AND COOPERATIVE AGREEMENTS AUTHOR-
3 IZED.—

4 “(1) IN GENERAL.—From the amounts appro-
5 priated under subsection (h)(1) and not reserved
6 under subsection (h)(2), the Secretary—

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

12 “(B) may use not more than 30 percent of
13 such amounts to award funds under subpara-
14 graph (A) to eligible entities that are national
15 or regional intermediaries to—

16 “(i) implement the reentry projects
17 described in subparagraph (A); or

18 “(ii) provide such funds to other eligi-
19 ble entities—

20 “(I) to implement such reentry
21 projects; and

22 “(II) to monitor and support
23 such entities.

24 “(2) AWARD PERIODS.—The Secretary shall
25 award funds under this section for an initial period

1 of not more than 4 years, and may renew such
2 awards for additional 4-year periods.

3 “(3) PRIORITY.—In awarding funds under this
4 section, the Secretary shall give priority to eligible
5 entities whose applications submitted under sub-
6 section (c) demonstrate a commitment to use such
7 funds to implement reentry projects—

8 “(A) that will serve high-crime or high-
9 poverty areas;

10 “(B) that will enroll in such reentry
11 projects eligible youth or eligible adults—

12 “(i) prior to the release of such indi-
13 viduals from incarceration in a correctional
14 institution; or

15 “(ii) not later than 90 days after such
16 release;

17 “(C) whose strategy and design are evi-
18 dence-based;

19 “(D) that establish partnerships with—

20 “(i) businesses; or

21 “(ii) institutions of higher education
22 to provide project participants with pro-
23 grams of study leading to recognized post-
24 secondary credentials in in-demand occupa-
25 tions;

1 “(E) that provide training services that are
2 designed to meet the basic requirements of an
3 employer (including a group of employers) and
4 are conducted with a commitment by the em-
5 ployer to employ individuals upon successful
6 completion of the training; or

7 “(F) that demonstrate a track record and
8 ongoing commitment of developing, imple-
9 menting, and refining reentry programs that in-
10 clude employment, education, training, and sup-
11 port services for adults and youth with current
12 or prior justice system involvement.

13 “(c) APPLICATION.—

14 “(1) FORM AND PROCEDURE.—To be qualified
15 to receive funds under this section, an eligible entity
16 shall submit an application at such time, and in
17 such manner, as determined by the Secretary, and
18 containing the information described in paragraph
19 (2).

20 “(2) CONTENTS.—An application submitted by
21 an eligible entity under paragraph (1) shall contain
22 the following:

23 “(A) A description of the eligible entity, in-
24 cluding the experience of the eligible entity in

1 providing employment and training services for
2 justice-involved individuals.

3 “(B) A description of the needs that will
4 be addressed by the reentry project supported
5 by the funds received under this section, and
6 the target participant population and the geo-
7 graphic area to be served.

8 “(C) A description of the proposed employ-
9 ment and training activities and supportive
10 services, if applicable, to be provided under
11 such reentry project, and how such activities
12 and services will prepare participants for em-
13 ployment in in-demand industry sectors and oc-
14 cupations within the geographic area to be
15 served by such reentry project.

16 “(D) The anticipated schedule for carrying
17 out the activities proposed under the reentry
18 project.

19 “(E) A description of—

20 “(i) the partnerships the eligible enti-
21 ty will establish with agencies and entities
22 within the criminal justice system, local
23 boards and one-stops, community-based or-
24 ganizations, and employers (including local
25 businesses) to provide participants of the

1 reentry project with work-based learning,
2 job placement, and recruitment (if applica-
3 ble); and

4 “(ii) how the eligible entity will co-
5 ordinate its activities with other services
6 and benefits available to justice-involved
7 individuals in the geographic area to be
8 served by the reentry project.

9 “(F) A description of the manner in which
10 individuals will be recruited and selected for
11 participation for the reentry project.

12 “(G) A detailed budget and a description
13 of the system of fiscal controls, and auditing
14 and accountability procedures, that will be used
15 to ensure fiscal soundness for the reentry
16 project.

17 “(H) A description of the expected levels of
18 performance to be achieved with respect to the
19 performance measures described in subsection
20 (e).

21 “(I) A description of the evidence-based
22 practices the eligible entity will use in adminis-
23 tration of the reentry project.

24 “(J) An assurance that the eligible entity
25 will collect, disaggregate by race, ethnicity, gen-

1 der and other participant characteristics, and
2 report to the Secretary the data required with
3 respect to the reentry project carried out by the
4 eligible entity for purposes of the evaluation
5 under subsection (f).

6 “(K) Any other information required by
7 the Secretary.

8 “(d) USES OF FUNDS.—

9 “(1) IN GENERAL.—An eligible entity that re-
10 ceives funds under this section shall use such funds
11 to implement a reentry project for eligible adults, eli-
12 gible youth, or both that provides one or more of the
13 following services:

14 “(A) Supportive services.

15 “(B) For participants who are eligible
16 youth, one or more of the program elements
17 listed in subparagraphs (A) through (N) of sec-
18 tion 129(c)(2).

19 “(C) One or more of the individualized ca-
20 reer services listed in subclause (I) through
21 (IX) of section 134(c)(2)(A)(xii).

22 “(D) Follow-up services after placement in
23 unsubsidized employment as described in sec-
24 tion 134(c)(2)(A)(xiii).

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

5 “(F) Apprenticeship programs.

6 “(G) Education in digital literacy skills.

7 “(H) Mentoring.

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

11 “(J) Assistance in obtaining employment
12 as a result of the establishment and develop-
13 ment by the eligible entity of relationships and
14 networks with large and small employers.

15 “(K) Assistance with driver’s license rein-
16 statement and fees for driver’s licenses and
17 other necessary documents for employment.

18 “(L) Provision of or referral to substance
19 abuse treatment services, provided that funds
20 awarded under this section are only used to
21 provide such services to participants who are
22 unable to obtain such services through other
23 programs providing such services.

24 “(M) Assistance in obtaining employment
25 as a result of the coordination by the eligible

1 entity with employers to develop customized
2 training programs and on-the-job training.

3 “(2) ADMINISTRATIVE COST LIMIT.—An eligible
4 entity may not use more than 10 percent of the
5 funds received under this section for administrative
6 costs, including for costs related to collecting infor-
7 mation, analysis, and coordination for purposes of
8 subsection (e) or (f).

9 “(e) LEVELS OF PERFORMANCE.—

10 “(1) ESTABLISHMENT OF LEVELS.—

11 “(A) IN GENERAL.—The Secretary shall
12 establish expected levels of performance for re-
13 entry projects funded this section for—

14 “(i) each of the primary indicators of
15 performance for adults and youth de-
16 scribed in section 116(b); and

17 “(ii) the additional performance indi-
18 cators described in paragraph (2).

19 “(B) UPDATES.—The levels established
20 under subparagraph (A) shall be updated for
21 each 4-year award period.

22 “(2) ADDITIONAL INDICATORS OF PERFORM-
23 ANCE.—In addition to the indicators described in
24 paragraph (1)(A)(i), the Secretary—

1 “(A) shall establish an indicator of per-
2 formance for projects funded under this section
3 with respect participant recidivism; and

4 “(B) may establish other performance indi-
5 cators for such projects as the Secretary deter-
6 mines appropriate.

7 “(3) AGREEMENT ON PERFORMANCE LEVELS.—
8 In establishing and updating performance levels
9 under paragraph (1), the Secretary shall reach
10 agreement on such levels with the eligible entities re-
11 ceiving awards under this section that will be subject
12 to such levels, based on factors including—

13 “(A) the expected performance levels of
14 each such eligible entity described in the appli-
15 cation submitted under subsection (c)(2)(H);

16 “(B) local economic conditions of the geo-
17 graphic area to be served by each such eligible
18 entity, including differences in unemployment
19 rates and job losses or gains in particular in-
20 dustries; and

21 “(C) the characteristics of the participants
22 of the projects when the participants enter the
23 project involved, including—

24 “(i) criminal records and indicators of
25 poor work history;

- 1 “(ii) lack of work experience;
- 2 “(iii) lack of educational or occupa-
- 3 tional skills attainment;
- 4 “(iv) low levels of literacy or English
- 5 proficiency;
- 6 “(v) disability status;
- 7 “(vi) homelessness; and
- 8 “(vii) receipt of public assistance.

9 “(4) FAILURE TO MEET PERFORMANCE LEV-
 10 ELS.—In the case of an eligible entity that fails to
 11 meet the performance levels established under para-
 12 graph (1) for the reentry project involved for any
 13 award year, the Secretary shall provide technical as-
 14 sistance to the eligible entity, including the develop-
 15 ment of a performance improvement plan.

16 “(f) EVALUATION OF REENTRY PROJECTS.—

17 “(1) IN GENERAL.—Not later than 5 years
 18 after the first award of funds under this section is
 19 made, the Secretary (acting through the Chief Eval-
 20 uation Officer) shall meet the following require-
 21 ments:

22 “(A) DESIGN AND CONDUCT OF EVALUA-
 23 TION.—Design and conduct an evaluation to
 24 evaluate the effectiveness of the reentry projects
 25 funded under this section, which meets the re-

1 quirements of paragraph (2), and includes an
2 evaluation of each of the following:

3 “(i) The effectiveness of such projects
4 in assisting individuals with finding em-
5 ployment and maintaining employment at
6 the second quarter and fourth quarter
7 after unsubsidized employment is obtained.

8 “(ii) The effectiveness of such projects
9 in assisting individuals with earning recog-
10 nized postsecondary credentials.

11 “(iii) The effectiveness of such
12 projects in relation to their cost, including
13 the extent to which the projects improve
14 reentry outcomes, including in wages
15 earned, benefits provided by employers, ca-
16 reer advancement, measurable skills gains,
17 credentials earned, housing, health, and re-
18 cidivism of participants in comparison to
19 comparably situated individuals who did
20 not participate in such projects.

21 “(iv) The effectiveness of specific
22 services and interventions provided and of
23 the overall project design.

24 “(v) If applicable, the extent to which
25 such projects meet the needs of various de-

1 mographic groups, including people of dif-
2 ferent geographic locations, ages, races,
3 national origins, sex, and criminal records,
4 and individuals with disabilities.

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

16 “(vii) Limitations or barriers to edu-
17 cation and employment as a result of occu-
18 pational or educational licensing restric-
19 tions, access to financial aid, and access to
20 housing.

21 “(viii) The quality and effectiveness of
22 technical assistance provided by the Sec-
23 retary for implementing such projects.

1 “(ix) Other elements that the Chief
2 Evaluation Officer may determine to be
3 appropriate.

4 “(B) DATA ACCESSIBILITY.—Make avail-
5 able, on the publicly accessible website of the
6 Department of Labor, data collected during the
7 course of evaluation under this subsection, in
8 an aggregated format that does not provide per-
9 sonally identifiable information.

10 “(2) DESIGN REQUIREMENTS.—An evaluation
11 under this subsection—

12 “(A) shall—

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

18 “(ii) include analysis of participant
19 feedback and outcome and process meas-
20 ures; and

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

25 “(B) may not—

1 “(i) collect personally identifiable in-
2 formation, except to the extent such infor-
3 mation is necessary to conduct the evalua-
4 tion; or

5 “(ii) reveal or share personally identi-
6 fiable information.

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

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

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

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

25 “(g) ANNUAL REPORT.—

1 “(1) CONTENTS.—Subject to paragraph (2),
2 the Secretary shall post, using transparent, linked,
3 open, and interoperable data formats, on its publicly
4 accessible website an annual report on—

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

8 “(B) the percentage of such individuals
9 who successfully completed the requirements of
10 such projects; and

11 “(C) the performance of eligible entities on
12 such projects as measured by the performance
13 indicators set forth in subsection (e).

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

19 “(h) AUTHORIZATION OF APPROPRIATIONS; RES-
20 ERVATIONS.—

21 “(1) AUTHORIZATION OF APPROPRIATIONS.—
22 There are authorized to be appropriated to carry out
23 this section—

24 “(A) \$250,000,000 for fiscal year 2023;

25 “(B) \$300,000,000 for fiscal year 2024;

1 “(C) \$350,000,000 for fiscal year 2025;
2 “(D) \$400,000,000 for fiscal year 2026;
3 “(E) \$450,000,000 for fiscal year 2027;
4 and
5 “(F) \$500,000,000 for fiscal year 2028.

6 “(2) RESERVATION OF FUNDS.—Of the funds
7 appropriated under paragraph (1) for a fiscal year,
8 the Secretary—

9 “(A) may reserve not more than 5 percent
10 for the administration of grants, contracts, and
11 cooperative agreements awarded under this sec-
12 tion, of which not more than 2 percent may be
13 reserved for the provision of—

14 “(i) technical assistance to eligible en-
15 tities that receive funds under this section;
16 and

17 “(ii) outreach and technical assistance
18 to eligible entities desiring to receive such
19 funds, including assistance with application
20 development and submission; and

21 “(B) shall reserve not less than 1 percent
22 and not more than 2.5 percent for the evalua-
23 tion activities under subsection (f) or to support
24 eligible entities with any required data collec-

1 tion, analysis, and coordination related to such
2 evaluation activities.

3 “(i) DEFINITIONS.—In this section:

4 “(1) CHIEF EVALUATION OFFICER.—The term
5 ‘Chief Evaluation Officer’ means the head of the
6 independent evaluation office located organization-
7 ally in the Office of the Assistant Secretary for Pol-
8 icy of the Department of Labor.

9 “(2) COMMUNITY SUPERVISION.—The term
10 ‘community supervision’ means mandatory oversight
11 (including probation and parole) of a formerly incar-
12 cerated person—

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

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

16 “(3) CORRECTIONAL INSTITUTION.—The term
17 ‘correctional institution’ has the meaning given the
18 term in section 225(e).

19 “(4) ELIGIBLE ENTITY.—The term ‘eligible en-
20 tity’ means—

21 “(A) a private nonprofit organization
22 under section 501(c)(3) of the Internal Revenue
23 Code of 1986, including a community-based or
24 faith-based organization;

25 “(B) a local board;

1 “(C) a State or local government;

2 “(D) an Indian or Native American entity
3 eligible for grants under section 166;

4 “(E) a labor organization or joint labor-
5 management organization; or

6 “(F) a consortium of the entities described
7 in subparagraphs (A) through (E).

8 “(5) ELIGIBLE ADULT.—The term ‘eligible
9 adult’ means a justice-involved individual who—

10 “(A) is age 25 or older; and

11 “(B) in the case of an individual that was
12 previously incarcerated, was released from in-
13 carceration not more than 3 years prior to en-
14 rollment in a project funded under this section.

15 “(6) ELIGIBLE YOUTH.—The term ‘eligible
16 youth’ means a justice-involved individual who is not
17 younger than age 14 or older than age 24.

18 “(7) HIGH-CRIME.—The term ‘high-crime’,
19 when used with respect to a geographic area, means
20 an area with crime rates that are higher than the
21 rate for the overall city (for urban areas) or of non-
22 metropolitan area in the State (for rural areas), as
23 such terms are used by the Bureau of Labor Statis-
24 tics.

1 “(8) HIGH-POVERTY.—The term ‘high-poverty’,
2 when used with respect to a geographic area, means
3 an area with a poverty rate of at least 25 percent
4 as determined based on the most recently available
5 data from the American Community Survey con-
6 ducted by the Bureau of the Census.”.

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