

117TH CONGRESS  
1ST SESSION

# H. R. 4544

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2021

Mr. WENSTRUP (for himself and Mrs. WALORSKI) 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

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## 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 2023 and each  
25 fiscal year thereafter, and the Secretary shall  
26 use the information collected for fiscal year

1           2023 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 INDIC-  
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), begin-  
19 ning with fiscal year 2024, and shall  
20 do so before the beginning of the fis-  
21 cal year involved.

22 “(II) REQUIREMENTS IN ESTAB-  
23 LISHING PERFORMANCE LEVELS.—In  
24 establishing the requisite levels of per-

1                   formance, the State and the Secretary  
2                   shall—

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

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

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

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

the establishment of the performance accountability system under this subsection and a template for performance reports to be used by all States consistent with subsection (b).”.

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

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

(1) in paragraph (1)—

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

and

(B) by adding at the end the following:

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

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

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

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

“(ii) not more than 15 percent of the 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, 2022.

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