

Union Calendar No. 22

108TH CONGRESS
1ST SESSION

H. R. 444

[Report No. 108-35]

To amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2003

Mr. PORTER (for himself, Mr. BOEHNER, Mr. MCKEON, Ms. PRYCE of Ohio, Mr. BALLENGER, Mr. GREENWOOD, Mr. SOUDER, Mr. NORWOOD, Mr. DEMINT, Mr. ISAKSON, Mr. PLATTS, Mr. TIBERI, Mr. KELLER, Mr. WILSON of South Carolina, Mr. KLINE, Mr. BEAUPREZ, Mr. CUNNINGHAM, Mr. GREEN of Wisconsin, Mr. HAYES, Mr. MCHUGH, Mr. NETHERCUTT, Mr. OXLEY, Mr. SIMMONS, Mr. SMITH of New Jersey, Mr. TIAHRT, and Mr. WOLF) introduced the following bill; which was referred to the Committee on Education and the Workforce

MARCH 13, 2003

Additional sponsors: Mr. GILLMOR, Mr. ROGERS of Alabama, Mr. JANKLOW, Mr. BAKER, Mrs. MYRICK, Mr. MURPHY, Ms. GINNY BROWN-WAITE of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. KOLBE, Ms. DUNN, Ms. HART, Mr. FOLEY, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. OSE

MARCH 13, 2003

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]
[For text of introduced bill, see copy of bill as introduced on January 29, 2003]

A BILL

To amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work.

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 “Back to Work Incentive*
5 *Act of 2003”.*

6 **SEC. 2. GRANTS TO SUPPORT PERSONAL REEMPLOYMENT**

7 **ACCOUNTS.**

8 *Subtitle B of title I of the Workforce Investment Act*
9 *of 1998 (29 U.S.C. 2811 et seq.) is amended by inserting*
10 *after chapter 5 the following new chapter:*

11 **“CHAPTER 5A—PERSONAL**
12 **REEMPLOYMENT ACCOUNTS**

13 **“SEC. 135A. PURPOSES.**

14 *“The purposes of this chapter are to provide for the*
15 *establishment of personal reemployment accounts for cer-*
16 *tain individuals identified as likely to exhaust their unem-*
17 *ployment compensation in order to—*

1 “(1) accelerate the reemployment of such individ-
2 uals;

3 “(2) promote the retention in employment of
4 such individuals; and

5 “(3) provide such individuals with enhanced
6 flexibility, choice, and control in obtaining intensive
7 reemployment, training, and supportive services.

8 **“SEC. 135B. DEFINITION.**

9 *“In this chapter, the term ‘State’ means each of the*
10 *several States of the United States, the District of Columbia,*
11 *the Commonwealth of Puerto Rico, and the United States*
12 *Virgin Islands.*

13 **“SEC. 135C. GRANTS TO STATES.**

14 “(a) *GRANTS.—The Secretary shall—*

15 “(1) *reserve ²/₁₀ of 1 percent of the amount ap-*
16 *propriated under section 137(d) for use under section*
17 *135I; and*

18 “(2) *use the remainder of the amount appro-*
19 *priated under section 137(d) to make allotments in*
20 *accordance with subsection (b).*

21 “(b) *ALLOTMENT AMONG STATES.—*

22 “(1) *IN GENERAL.—From the amount made*
23 *available under subsection (a)(2), the Secretary shall*
24 *allot to each State an amount that is proportionate*
25 *to the relative number of unemployed individuals in*

1 *the State as compared to the total number of unem-*
2 *ployed individuals in all States in order to provide*
3 *assistance for eligible individuals in accordance with*
4 *this chapter.*

5 *“(2) SMALL STATE MINIMUM ALLOTMENT.—The*
6 *Secretary shall ensure that—*

7 *“(A) each State (other than the United*
8 *States Virgin Islands) shall receive an allotment*
9 *under paragraph (1) that is not less than $\frac{3}{10}$*
10 *of 1 percent of the amount made available under*
11 *subsection (a)(2) for the fiscal year; and*

12 *“(B) the United States Virgin Islands shall*
13 *receive an allotment under paragraph (1) that is*
14 *not less than $\frac{1}{10}$ of 1 percent of the amount*
15 *made available under subsection (a)(2) for the*
16 *fiscal year.*

17 *“(c) AVAILABILITY.—Notwithstanding section*
18 *189(g)(1), amounts made available under subsection (a) to*
19 *carry out this chapter shall be available for obligation and*
20 *expenditure beginning on the date of the enactment of the*
21 *Back to Work Incentive Act of 2003.*

22 ***“SEC. 135D. WITHIN STATE ALLOCATION.***

23 *“(a) ALLOCATION.—Of the amount allotted to a State*
24 *under section 135C—*

1 “(1) not more than 2 percent of the amount may
2 be reserved by the Governor of the State to enhance
3 the system of worker profiling described in section
4 303(j) of the Social Security Act and to establish and
5 operate a data management system, as necessary, and
6 carry out other appropriate activities to implement
7 this chapter;

8 “(2) 5 percent of the amount shall be allocated
9 by the State to local areas in accordance with the for-
10 mula described in subsection (b) for start-up costs
11 and other operating costs related to the provision of
12 assistance under this chapter; and

13 “(3) the remainder of the amount shall be pro-
14 vided to local areas consistent with the methods and
15 procedures described in section 135G(a)(4) for the es-
16 tablishment of personal reemployment accounts de-
17 scribed in section 135E for eligible individuals in
18 such local areas.

19 “(b) *FORMULA.*—A State shall allocate funds to local
20 areas in the State under subsection (a)(2) in an amount
21 that is proportionate to the relative number of unemployed
22 individuals in the local area as compared to the total num-
23 ber of unemployed individuals in the State.

24 “(c) *AVAILABILITY.*—Notwithstanding section
25 189(g)(2), amounts allotted to a State under section 135C,

1 *and amounts subsequently provided to a local area under*
2 *this section, shall be available for obligation and expendi-*
3 *ture only for the 3-year period beginning on the date of*
4 *the enactment of the Back to Work Incentive Act of 2003.*

5 ***“SEC. 135E. PERSONAL REEMPLOYMENT ACCOUNTS.***

6 *“(a) ACCOUNTS.—*

7 *“(1) IN GENERAL.—Funds provided to a local*
8 *area under section 135D shall be used to provide eli-*
9 *gible individuals with personal reemployment ac-*
10 *counts to be used in accordance with section 135F. An*
11 *eligible individual may receive only one personal re-*
12 *employment account.*

13 *“(2) AMOUNT.—The State shall establish the*
14 *amount of a personal reemployment account, which*
15 *shall be uniform throughout the State, and shall not*
16 *exceed \$3,000.*

17 *“(b) ELIGIBLE INDIVIDUALS.—*

18 *“(1) IN GENERAL.—Each State shall establish*
19 *eligibility criteria for individuals for personal reem-*
20 *ployment accounts in accordance with this subsection.*

21 *“(2) ELIGIBILITY CRITERIA REQUIREMENTS.—*

22 *“(A) IN GENERAL.—Subject to subpara-*
23 *graph (B), an individual shall be eligible to re-*
24 *ceive assistance under this chapter if, beginning*

1 *after the date of enactment of the Back to Work*
2 *Incentive Act of 2003, the individual—*

3 “(i) *is identified by the State pursuant*
4 *to section 303(j)(1) of the Social Security*
5 *Act as likely to exhaust regular unemploy-*
6 *ment compensation and in need of job*
7 *search assistance to make a successful tran-*
8 *sition to new employment or an individ-*
9 *ual’s unemployment can be attributed in*
10 *substantial part to unfair competition from*
11 *Federal Prison Industries, Inc.;*

12 “(ii) *is receiving regular unemploy-*
13 *ment compensation under any State or Fed-*
14 *eral unemployment compensation program*
15 *administered by the State; and*

16 “(iii) *is eligible for not less than 20*
17 *weeks of regular unemployment compensa-*
18 *tion described in clause (ii).*

19 “(B) *ADDITIONAL ELIGIBILITY AND PRI-*
20 *ORITY CRITERIA.—A State may establish criteria*
21 *that is in addition to the criteria described in*
22 *subparagraph (A) for the eligibility of individ-*
23 *uals to receive assistance under this chapter. A*
24 *State may also establish criteria for priority in*

1 *the provision of assistance to such eligible indi-*
2 *viduals under this chapter.*

3 “(3) *TRANSITION RULE.—*

4 “(A) *PREVIOUSLY IDENTIFIED AS LIKELY*
5 *TO EXHAUST UNEMPLOYMENT COMPENSATION.—*

6 “(i) *IN GENERAL.—At the option of the*
7 *State, and subject to clause (ii), an indi-*
8 *vidual may be eligible to receive assistance*
9 *under this chapter if the individual—*

10 “(I) *during the 13-week period*
11 *ending the week prior to the date of the*
12 *enactment of the Back to Work Incen-*
13 *tive Act of 2003, was identified by the*
14 *State pursuant to section 303(j)(1) of*
15 *the Social Security Act as likely to ex-*
16 *haust regular unemployment com-*
17 *ensation and in need of job search as-*
18 *sistance to make a successful transition*
19 *to new employment; and*

20 “(II) *otherwise meets the require-*
21 *ments of clauses (ii) and (iii) of para-*
22 *graph (2)(A).*

23 “(ii) *ADDITIONAL ELIGIBILITY AND*
24 *PRIORITY CRITERIA.—A State may establish*
25 *criteria that is in addition to the criteria*

1 *described in clause (i) for the eligibility of*
2 *individuals to receive assistance under this*
3 *chapter. A State may also establish criteria*
4 *for priority in the provision of assistance to*
5 *such eligible individuals under this chapter.*

6 “(B) *PREVIOUSLY EXHAUSTED UNEMPLOY-*
7 *MENT COMPENSATION.—At the option of the*
8 *State, an individual may be eligible to receive*
9 *assistance under this chapter if the individual—*

10 “(i) *during the 26-week period ending*
11 *the week prior to the date of the enactment*
12 *of the Back to Work Incentive Act of 2003,*
13 *exhausted all rights to any unemployment*
14 *compensation; and*

15 “(ii)(I) *is enrolled in training and*
16 *needs additional support to complete such*
17 *training, with a priority of service to be*
18 *provided to such individuals who are train-*
19 *ing for shortage occupations or high-growth*
20 *industries; or*

21 “(II) *is separated from employment in*
22 *an industry or occupation that has experi-*
23 *enced declining employment, or no longer*
24 *provides any employment, in the local labor*
25 *market during the two-year period ending*

1 on the date of the determination of eligi-
2 bility of the individual under this subpara-
3 graph.

4 “(4) *NO INDIVIDUAL ENTITLEMENT.*—Nothing in
5 this chapter shall be construed to entitle any indi-
6 vidual to receive a personal reemployment account.

7 “(c) *LOCAL ADMINISTRATION.*—

8 “(1) *INFORMATION AND ATTESTATION.*—Prior to
9 the establishment of a personal reemployment account
10 for an eligible individual under this chapter, the local
11 board, through the one-stop delivery system, shall en-
12 sure that the individual—

13 “(A) is informed of the requirements appli-
14 cable to the personal reemployment account, in-
15 cluding the allowable uses of funds from the ac-
16 count, the limitations on access to services de-
17 scribed under section 135F(a)(3)(C) and a de-
18 scription of such services, and the conditions for
19 receiving a reemployment bonus;

20 “(B) has the option to develop a personal
21 reemployment plan which will identify the em-
22 ployment goals and appropriate combination of
23 services selected by the individual to achieve the
24 employment goals; and

1 “(C) signs an attestation that the indi-
2 vidual has been given the option to develop a
3 personal reemployment plan in accordance with
4 subparagraph (B), will comply with the require-
5 ments relating to the personal reemployment ac-
6 counts under this chapter, and will reimburse
7 the account or, if the account has been termi-
8 nated, the program under this chapter, for any
9 amounts expended from the account that are not
10 allowable.

11 “(2) *PERIODIC INTERVIEWS.*—If a recipient ex-
12 hausts his or her rights to any unemployment com-
13 pensation, and the recipient has a remaining balance
14 in his or her personal reemployment account, the one-
15 stop delivery system shall conduct periodic interviews
16 with the recipient to assist the recipient in meeting
17 his or her individual employment goals.

18 **“SEC. 135F. USE OF FUNDS.**

19 “(a) *ALLOWABLE ACTIVITIES.*—

20 “(1) *IN GENERAL.*—Subject to the requirements
21 contained in paragraphs (2) and (3), a recipient may
22 use amounts in a personal reemployment account to
23 purchase one or more of the following:

1 “(A) *Intensive services, including those*
2 *types of services specified in section*
3 *134(d)(3)(C).*

4 “(B) *Training services, including those*
5 *types of services specified in section*
6 *134(d)(4)(D).*

7 “(C) *Supportive services, except for needs-*
8 *related payments.*

9 “(D) *Assistance to purchase or lease an*
10 *automobile, if such assistance is necessary to*
11 *allow the recipient to accept a bona fide offer of*
12 *employment for which there is a reasonable ex-*
13 *pectation of long-term duration.*

14 “(2) *DELIVERY OF SERVICES.—The following re-*
15 *quirements relating to delivery of services shall apply*
16 *to the program under this chapter:*

17 “(A) *Recipients may use funds from the*
18 *personal reemployment account to purchase the*
19 *services described in paragraph (1) through the*
20 *one-stop delivery system on a fee-for-service*
21 *basis, or through other providers, consistent with*
22 *safeguards described in the State and local plans*
23 *under section 135G.*

24 “(B) *The local board, through the one-stop*
25 *delivery system, may pay costs for such services*

1 *directly on behalf of the recipient, through a*
2 *voucher system, or by reimbursement to the re-*
3 *recipient upon receipt of appropriate cost docu-*
4 *mentation, consistent with safeguards described*
5 *in the State plan under section 135G.*

6 “(C) *Each local board, through the one-stop*
7 *delivery system, shall make available to recipi-*
8 *ents information on training providers specified*
9 *in section 134(d)(4)(F)(ii), information avail-*
10 *able to the one-stop delivery system on providers*
11 *of the intensive and supportive services described*
12 *in paragraph (1), and information relating to*
13 *occupations in demand in the local area.*

14 “(3) *LIMITATIONS.—The following limitations*
15 *shall apply with respect to personal reemployment ac-*
16 *counts under this chapter:*

17 “(A)(i) *Amounts in a personal reemploy-*
18 *ment account may be used for up to one year*
19 *from the date of the establishment of the account.*

20 “(ii) *No personal reemployment account*
21 *may be established beginning 2 years after the*
22 *date of the enactment of the Back to Work Incen-*
23 *tive Act of 2003.*

1 “(B) Each recipient shall submit cost docu-
2 mentation as required by the one-stop delivery
3 system.

4 “(C) For the 1-year period following the es-
5 tablishment of the account, recipients may not
6 receive intensive, supportive, or training services
7 funded under this title except on a fee-for-services
8 basis as specified in paragraph (2)(A).

9 “(D) Amounts in a personal reemployment
10 account shall be nontransferable.

11 “(b) *INCOME SUPPORT.*—A State may authorize re-
12 cipients determined eligible under section 135E(b)(3)(B) to
13 withdraw amounts from the personal reemployment account
14 on a weekly basis for purposes of income support in
15 amounts up to the average weekly amount of unemployment
16 compensation that the individual received prior to his or
17 her exhaustion of rights to unemployment compensation if
18 the individual is engaged in job search, intensive services,
19 or training that is expected to lead to employment.

20 “(c) *REEMPLOYMENT BONUS.*—

21 “(1) *IN GENERAL.*—Subject to paragraph (2)—

22 “(A) if a recipient determined eligible under
23 section 135E(b)(2) obtains full-time employment
24 before the end of the 13th week of unemployment
25 for which unemployment compensation is paid,

1 *the balance of his or her personal reemployment*
2 *account shall be provided directly to the recipi-*
3 *ent in cash; and*

4 “(B) *if a recipient determined eligible*
5 *under section 135E(b)(3) obtains full-time em-*
6 *ployment before the end of the 13th week after*
7 *the date on which the account is established, the*
8 *balance of his or her personal reemployment ac-*
9 *count shall be provided directly to the recipient*
10 *in cash.*

11 “(2) *LIMITATIONS.—The following limitations*
12 *shall apply with respect to a recipient described in*
13 *paragraph (1):*

14 “(A) *60 percent of the remaining personal*
15 *reemployment account balance shall be paid to*
16 *the recipient at the time of reemployment.*

17 “(B) *40 percent of the remaining personal*
18 *reemployment account balance shall be paid to*
19 *the recipient after 26 weeks of employment reten-*
20 *tion.*

21 “(3) *EXCEPTION REGARDING SUBSEQUENT UN-*
22 *EMPLOYMENT.—If a recipient described in paragraph*
23 *(1) subsequently becomes unemployed due to a lack of*
24 *work after receiving the portion of the reemployment*
25 *bonus specified under paragraph (2)(A), the indi-*

1 *vidual may use the amount remaining in the per-*
2 *sonal reemployment account for the purposes de-*
3 *scribed in subsection (a) but may not be eligible for*
4 *additional cash payments under this subsection.*

5 **“SEC. 135G. STATE AND LOCAL PLANS.**

6 *“(a) STATE PLAN.—In order for a State to receive an*
7 *allotment under section 135C, the Governor of the State*
8 *shall submit to the Secretary a plan for approval that in-*
9 *cludes a description of how the State intends to carry out*
10 *the personal reemployment accounts authorized under this*
11 *chapter, including—*

12 *“(1) the criteria and methods to be used for de-*
13 *termining eligibility for the personal reemployment*
14 *accounts, including whether the State intends to in-*
15 *clude the optional categories described in section*
16 *135E(b)(3), and the additional criteria and priority*
17 *for service that the State intends to apply, if any,*
18 *pursuant to section 135E(b)(2)(B);*

19 *“(2) the methods or procedures, developed in con-*
20 *sultation with local boards and chief elected officials,*
21 *to be used to provide eligible individuals information*
22 *relating to services and providers, and safeguards, de-*
23 *veloped in consultation with such boards and officials,*
24 *to ensure that funds from the personal reemployment*
25 *accounts are used for purposes authorized under this*

1 *chapter and to ensure the quality and integrity of*
2 *services and providers, consistent with the purpose of*
3 *providing such individuals with enhanced flexibility,*
4 *choice, and control in obtaining intensive reemploy-*
5 *ment, training, and supportive services;*

6 *“(3) how the State will coordinate the activities*
7 *carried out under this chapter with the employment*
8 *and training activities carried out under section 134*
9 *and other activities carried out by each local board*
10 *through the one-stop delivery system in the State; and*

11 *“(4) the methods and procedures for providing*
12 *funds to local areas under section 135D(a)(3).*

13 *“(b) LOCAL PLAN.—In order for a local area to receive*
14 *an allocation under section 135D, the local board, in part-*
15 *nership with the chief elected official for the local area in-*
16 *volved, shall submit to the Governor a plan for approval*
17 *that includes a description of how the local board intends*
18 *to carry out the personal reemployment accounts, consistent*
19 *with the requirements of this chapter and with the State*
20 *plan established under subsection (a), including—*

21 *“(1) a description of how the local board will co-*
22 *ordinate the activities carried out under this chapter*
23 *with the employment and training activities carried*
24 *out in the local area under section 134; and*

1 “(2) a description of the methods or procedures
2 to be used to provide eligible individuals information
3 relating to the jobs that are available in the local area
4 in high demand occupations and information on serv-
5 ices and providers, and the safeguards the local area
6 will initiate to ensure that funds from the personal
7 reemployment accounts are used for purposes author-
8 ized under this chapter and to ensure the quality and
9 integrity of services and providers, consistent with the
10 purpose of providing such individuals with enhanced
11 flexibility, choice, and control in obtaining intensive
12 reemployment, training, and supportive services, and
13 consistent with the State plan.

14 “(c) *STATE PLAN SUBMISSION AND APPROVAL.*—A
15 State plan submitted to the Secretary under subsection (a)
16 by a Governor shall be considered to be approved by the
17 Secretary at the end of the 30-day period beginning on the
18 date the Secretary receives the plan, unless the Secretary
19 makes a written determination during such period that the
20 plan is incomplete or otherwise inconsistent with the provi-
21 sions of this chapter.

22 “**SEC. 135H. PROGRAM INFORMATION.**

23 “The Secretary may require from States the collection
24 and reporting on such financial, performance, and other
25 program-related information as the Secretary determines is

1 *appropriate to carry out this chapter, including the evalua-*
2 *tion described in section 135I.*

3 **“SEC. 135I. EVALUATION.**

4 “(a) *EVALUATION.*—*From the amount made available*
5 *under section 135C(a)(1), the Secretary, pursuant to the*
6 *authority provided under section 172, shall, directly or*
7 *through grants, contracts, or cooperative agreements with*
8 *appropriate entities, conduct an evaluation of the activities*
9 *carried out under this chapter.*

10 “(b) *CONDUCT OF EVALUATION.*—*The evaluation shall*
11 *examine the effectiveness of such activities in achieving the*
12 *purposes described in section 135A and such other purposes*
13 *as the Secretary determines are appropriate.*

14 “(c) *REPORT.*—*The report to Congress under section*
15 *172(e) relating to the results of the evaluations required*
16 *under section 172 shall include the recommendation of the*
17 *Secretary with respect to the use of personal reemployment*
18 *accounts as a mechanism to assist individuals in obtaining*
19 *and retaining employment.”.*

20 **SEC. 3. ADMINISTRATION.**

21 *Section 117(d) of the Workforce Investment Act of 1998*
22 *(29 U.S.C. 2832(d)) is amended—*

23 (1) *in paragraph (3)(B)(i)(I), by striking “sec-*
24 *tions 128 and 133” and inserting “sections 128, 133,*
25 *and 135D”;* and

1 (2) *in paragraph (4), by inserting “, activities*
2 *authorized under section 135F” after “section 134”.*

3 **SEC. 4. DELIVERY OF SERVICES.**

4 *Section 134(c)(1) of the Workforce Investment Act of*
5 *1998 (29 U.S.C. 2864(c)(1)) is amended—*

6 (1) *in subparagraph (D), by striking “and” at*
7 *the end;*

8 (2) *in subparagraph (E), by striking the period*
9 *at the end and inserting “; and”; and*

10 (3) *by adding at the end the following:*

11 *“(F) shall provide access to personal reem-*
12 *ployment accounts in accordance to section*
13 *135E.”.*

14 **SEC. 5. AUTHORIZATION OF APPROPRIATION.**

15 *Section 137 of the Workforce Investment Act of 1998*
16 *(29 U.S.C. 2872) is amended by adding at the end the fol-*
17 *lowing:*

18 “(d) *PERSONAL REEMPLOYMENT ACCOUNTS.—*

19 “(1) *IN GENERAL.—There is authorized to be ap-*
20 *propriated \$3,600,000,000 for fiscal year 2003 to*
21 *carry out chapter 5A.*

22 “(2) *AVAILABILITY.—Amounts appropriated*
23 *pursuant to the authorization of appropriations*
24 *under paragraph (1) to carry out section 135I are*
25 *authorized to remain available until expended.”.*

1 **SEC. 6. CONFORMING AMENDMENT.**

2 *The table of contents for the Workforce Investment Act*
3 *of 1998 is amended by inserting after the items relating*
4 *to chapter 5 of subtitle B of title I the following new items:*

“CHAPTER 5A—PERSONAL REEMPLOYMENT ACCOUNTS

- “Sec. 135A. *Purposes.*
- “Sec. 135B. *Definition.*
- “Sec. 135C. *Grants to States.*
- “Sec. 135D. *Within State allocation.*
- “Sec. 135E. *Personal reemployment accounts.*
- “Sec. 135F. *Use of funds.*
- “Sec. 135G. *State and local plans.*
- “Sec. 135H. *Program information.*
- “Sec. 135I. *Evaluation.*”.

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