

111TH CONGRESS
2D SESSION

H. R. 4458

To increase public safety and reduce recidivism rates by creating a 3-year pilot program under which the Attorney General provides grants to correctional facilities to establish a 40-hour work week curriculum of responsible activities for incarcerated individuals.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2010

Mr. WEINER introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To increase public safety and reduce recidivism rates by creating a 3-year pilot program under which the Attorney General provides grants to correctional facilities to establish a 40-hour work week curriculum of responsible activities for incarcerated individuals.

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 “The Inmate Work,
5 Education, and Responsibility Curriculum Act of 2009”
6 or the “I-WERC Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) More than 2,300,000 people are incarcerated
4 ated in Federal, State, Tribal, or local correction fa-
5 cilities in the United States, with an average stay of
6 30 months.

7 (2) Of the individuals now in prison, 97 percent
8 will eventually be released into communities. More
9 than 700,000 of these individuals are released into
10 communities every year.

11 (3) A Bureau of Justice Statistics Report found
12 67.5 percent of people released from correctional fa-
13 cilities in 1994 were arrested again within the 3-year
14 period after their release from incarceration.

15 (4) Many of the men and women who will leave
16 correction facilities each year have mental health
17 and alcohol or substance use disorders, have low lev-
18 els of education and job training, and face signifi-
19 cant barriers to employment.

20 (5) A number of studies have shown that at
21 every stage of the criminal justice process—from ar-
22 rest, pretrial, conviction, to incarceration—81 per-
23 cent of those incarcerated in Federal facilities, and
24 77 percent of those housed in local jails have alcohol
25 and drug use problems, or were under the influence
26 of alcohol or drugs when they committed their of-

1 fenses. However, only 13 percent of these individuals
2 receive drug and alcohol treatment while they are in-
3 carcerated according to the Office of National Drug
4 Control Policy.

5 (6) Substance use disorder treatment has been
6 proven to reduce drug use, recidivism, unemploy-
7 ment, and homelessness, according to several stud-
8 ies, and every dollar invested in substance use dis-
9 order treatment saves taxpayers \$7.46 in other so-
10 cial costs.

11 (7) Individuals reentering society from incarcer-
12 ation have significant educational needs. Fewer than
13 half of those released have a high school education
14 or higher. The typical Louisiana inmate has a fifth
15 grade literacy level.

16 (8) Prison inmates interviewed as part of the
17 Department of Justice's Serious and Violent Of-
18 fender Reentry Initiative evaluation identified edu-
19 cation as topping their list of most vital needs for
20 a successful reentry into the community from prison.

21 (9) According to a recent study of releases from
22 the Indiana Department of Corrections, recidivism,
23 education, and employment are closely linked. As the
24 level of education goes up, the likelihood of employ-

1 ment increases. As employment increases, the likeli-
2 hood of recidivism decreases.

3 (10) According to the National Center for Edu-
4 cation Statistics, more prison inmates were on wait-
5 ing lists for vocational training programs than were
6 enrolled in such programs when sampled as part of
7 the National Assessment of Adult Literacy in 2004.

8 (11) State, Tribal, and local governments have
9 not been able to maintain prison education programs
10 in the face of a prison population that has nearly
11 doubled in the past decade. As a result, according to
12 the National Institute for Literacy, the percentage
13 of incarcerated individuals participating in correc-
14 tional education programs is declining.

15 (12) A study funded by the Department of
16 Education found that participation in correctional
17 education programs lowers the likelihood of an indi-
18 vidual being incarcerated again by 29 percent, and
19 that for every dollar spent on education, more than
20 two dollars in reduced prison costs would be re-
21 turned to taxpayers. The Federal Bureau of Prisons
22 also found a 33 percent drop in recidivism among
23 people detained in Federal facilities who participate
24 in vocational and apprenticeship training.

1 (13) According to the National Institute of Jus-
2 tice, 60 percent of formerly incarcerated individuals
3 are unemployed after 1 year of release. Unemploy-
4 ment can contribute to the likelihood of repeating
5 criminal conduct.

6 (14) Job training and placement programs for
7 formerly incarcerated people have been shown in a
8 number of studies to improve employment outcomes
9 and reduce recidivism.

10 **SEC. 3. PURPOSE.**

11 The purpose of this Act is to increase public safety
12 and reduce recidivism rates by establishing a grant pro-
13 gram under which the Attorney General provides competi-
14 tive grants to State, Tribal, and local corrections agencies
15 to help finance a 40-hour work week curriculum of self-
16 improvement activities for incarcerated individuals that
17 promotes responsibility, education, family, work, and par-
18 enthood.

19 **SEC. 4. PILOT PROGRAM TO MAKE GRANTS TO STATE,**
20 **TRIBAL, AND LOCAL CORRECTIONS AGEN-**
21 **CIES.**

22 (a) GRANTS AUTHORIZED.—For the purpose de-
23 scribed in section 3, the Attorney General shall establish
24 a 3-year pilot program under which the Attorney General
25 is authorized to make grants on a competitive basis to

1 State, Tribal, and local corrections agencies to fund a 40-
2 hour work week curriculum of self-improvement activities
3 for inmates that promote responsibility, education, family,
4 work, and parenthood in accordance with the provisions
5 of this section.

6 (b) APPLICATION.—

7 (1) IN GENERAL.—Each State, Tribal, or local
8 corrections agency seeking a grant under this section
9 shall submit an application to the Attorney General
10 at such time, in such manner, and containing such
11 information as the Attorney General may require.

12 (2) CONTENTS.—Each application submitted
13 pursuant to paragraph (1) shall—

14 (A) describe and outline the 40-hour work
15 week curriculum that each applicant plans to
16 implement under the grant, including what ac-
17 tivities a participant will be expected to attend
18 as part of such curriculum;

19 (B) list the prisons or jail facilities where
20 the 40-hour work week curriculum will be im-
21 plemented;

22 (C) detail the number of people who will
23 participate in the curriculum and how such peo-
24 ple will be chosen to participate;

(D) state the budget plan of the applicant for implementation of the grant, as well as an identification of sources for the matching requirement imposed under section 7; and

(E) explain the standards for determining the performance of an incarcerated individual participating in the 40-hour work week curriculum.

(c) USE OF FUNDS.—

(1) 40-HOUR WORK WEEK CURRICULUM.—A grant awarded to a State, Tribal, or local corrections agency under this section shall be used to establish a 40-hour work week curriculum that includes a minimum of 3 of the following coordinated activities:

(A) Working toward and acquiring a General Equivalency Diploma (in this section referred to as “GED”), under which GED classes must be included in the curriculum for all incarcerated individuals lacking a high school diploma or GED.

(B) Literacy training.

(C) College courses.

(D) Vocational training and education under which—

1 (i) such training and education shall
2 be in accordance with State and local laws
3 prohibiting currently and formerly incar-
4 cerated people from engaging in certain
5 trades or occupations; and

6 (ii) facilities shall provide job training
7 for positions that are currently in high de-
8 mand to meet workforce needs.

9 (E) Civic or citizenship education.

10 (F) Special education.

11 (G) Cognitive skills training.

12 (H) Job and skills training, which shall be
13 in accordance with State and local laws prohib-
14 iting currently and formerly incarcerated people
15 from engaging in certain trades or occupations.

16 (I) Clinically appropriate substance use
17 disorder services, including prevention and
18 treatment services and appropriate recovery
19 support services.

20 (J) Mental health treatment.

21 (K) Anger management or conflict resolu-
22 tion programs.

23 (L) Prison work and other prison jobs.

24 (M) Restorative justice activities, including
25 community service, victim restitution, victim-of-

fender dialogue, and groups or classes focusing on accountability, victim impact, or both.

(N) Mentoring sessions.

(O) Life skills training, including parenting classes, financial management, entrepreneurship training, health education, and career development.

(2) APPLICATION OF STATE AND FEDERAL LICENSING REQUIREMENTS; COORDINATION WITH STATE SUBSTANCE ABUSE AGENCIES.—All curriculum activities and providers must comport with applicable State and Federal licensing requirements. Grantees must ensure that all substance use disorder services, including prevention, treatment, and recovery support services, are provided in coordination with the State substance abuse agency.

(3) ADDITIONAL AUTHORIZED ACTIVITIES.—In addition to the activities described in paragraph (1), a demonstration grant awarded to a State, Tribal, or local corrections agency under this section may be used—

(A) to pay teachers, counselors, therapists, and other specialists to work with incarcerated people as part of the 40-hour work week curriculum established under this section;

(B) to make grants to nonprofit organizations, educational facilities, or other community partners to implement programs that provide one or more of the approved 40-hour work week curriculum activities;

(C) to pay for the costs associated with undertaking the initial assessments for participants required under section 5(a); and

(D) to pay for security and administrative costs associated with providing activities within the authorized curriculum.

SEC. 5. PARTICIPATION REQUIREMENTS.

(a) ASSESSMENTS.—Any incarcerated person who is required to, or volunteers to, participate in the 40-hour work week curriculum funded by a grant awarded under section 4 shall be subject to an assessment, using validated assessment tools, of the person’s mental, physical, intellectual, and vocational abilities in order to formulate an initial curriculum for such person.

(b) PARTICIPATION.—

(1) REQUIRED PARTICIPANTS.—Corrections officials may require each incarcerated person who is within 3 years of the release date or date of parole eligibility for such person to participate in the 40-

1 hour work week curriculum funded by a grant under
2 section 4.

3 (2) VOLUNTARY PARTICIPANTS.—Corrections
4 officials may expand the 40-hour work week cur-
5 riculum so funded to other incarcerated persons who
6 on a voluntary basis wish to participate in such cur-
7 riculum but are not yet within 3 years of their re-
8 lease date or parole eligibility date.

9 (3) CONSULTATION.—Corrections officials may
10 consult with the applicable parole board when identi-
11 fying participants for the 40-hour work week cur-
12 riculum so funded.

13 (c) INCENTIVES FOR PARTICIPATING INMATES.—
14 Under a 40-hour work week curriculum funded by a grant
15 awarded under section 4, an incarcerated person who par-
16 ticipates in such curriculum may receive rewards for suc-
17 cessful completion of such curriculum, including—

18 (1) good time credit;

19 (2) monetary compensation;

20 (3) additional and more flexible visitation
21 rights, consistent with public safety and in accord-
22 ance with visitation guidelines;

23 (4) letters of recommendation for when the in-
24 carcerated person leaves the correctional institution
25 involved; and

1 (5) other incentives as are allowed under the
2 appropriate State law.

3 (d) REQUIRED INFORMATION TO BE SUPPLIED TO
4 PARTICIPATING INDIVIDUALS.—Any incarcerated person
5 who participates in a 40-hour work week curriculum fund-
6 ed by a grant awarded under section 4 shall receive infor-
7 mation on how such person can restore any legal, civil,
8 or employment rights, including voting rights, under the
9 laws of the State in which such person is going to be re-
10 leased.

11 **SEC. 6. RESEARCH GRANT.**

12 The Attorney General is authorized to award a grant
13 to the National Institute of Justice to design and conduct
14 a study of the 40-hour work week curriculums funded by
15 grants awarded under section 4 to determine the success
16 or failure of such curriculums.

17 **SEC. 7. MATCHING REQUIREMENT.**

18 (a) IN GENERAL.—The Attorney General may not
19 make a grant to a State, Tribal, or local corrections agen-
20 cy under section 4 unless the State, Tribal, or local correc-
21 tions agency agrees that with respect to the costs incurred
22 by the State, Tribal, or local corrections agency in car-
23 rying out the 40-hour work week curriculum for which the
24 grant was awarded, the State, Tribal, or local corrections
25 agency will make available (directly or through donations

1 from public or private entities) non-Federal contributions
2 in an amount equal to 50 percent of such costs.

3 (b) IN-KIND CONTRIBUTIONS.—The recipient of a
4 grant awarded under section 4 may meet the matching
5 requirement under subsection (A) by making in-kind con-
6 tributions of goods or services that are directly related to
7 the purpose for which such grant was awarded.

8 **SEC. 8. SUBMISSION OF REPORTS TO CONGRESS.**

9 Not later than January 31 of each year (before
10 2014), the Attorney General shall submit to the Com-
11 mittee on the Judiciary of the Senate and the Committee
12 on the Judiciary of the House of Representatives a report
13 on the success or failure of the curriculums developed
14 under this bill during the preceding year.

15 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) IN GENERAL.—There are authorized to be appro-
17 priated \$160,000,000 for each of the fiscal years 2011,
18 2012, and 2013 to carry out the provisions of this Act.

19 (b) RESEARCH GRANT.—Of the amounts appro-
20 priated in subsection (a), \$5,000,000 for each of fiscal
21 years 2011, 2012, and 2013 shall be used to carry out
22 the research grant established under section 6.

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