

118TH CONGRESS
2D SESSION

S. 4494

To amend the Workforce Innovation and Opportunity Act to improve the provisions relating to providers of training services.

IN THE SENATE OF THE UNITED STATES

JUNE 11, 2024

Mr. CASSIDY introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Workforce Innovation and Opportunity Act to improve the provisions relating to providers of training services.

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 “WIL Act” or the
5 “Workforce Innovation Leader Act”.

6 **SEC. 2. IDENTIFICATION OF ELIGIBLE PROVIDERS.**

7 (a) ELIGIBILITY.—Section 122(a) of the Workforce
8 Innovation and Opportunity Act (29 U.S.C. 3152(a)) is
9 amended—

1 (1) by striking paragraph (1) and inserting the
2 following:

3 “(1) IN GENERAL.—Except as provided in sub-
4 section (h)—

5 “(A) the Governor, after consultation with
6 the State board, shall establish—

7 “(i) application and enforcement pro-
8 cedures and (only to the extent prescribed
9 in subsection (b)(1)) criteria regarding the
10 establishment of eligibility of providers of
11 training services to receive funds provided
12 under section 133(b) for the provision of
13 training services, with respect to programs
14 in the State; and

15 “(ii) application and enforcement pro-
16 cedures and (only to the extent prescribed
17 in subsection (b)(2)) information require-
18 ments, including levels of performance on
19 the indicators in the requirements with re-
20 spect to such programs, to maintain such
21 eligibility on the provider list described in
22 subsection (d)(1) (referred to in this sec-
23 tion as the ‘standard provider list’); and

24 “(B) the Secretary shall establish applica-
25 tion and enforcement procedures and (only to

the extent prescribed in subsection (b)(3)) information requirements, including levels of performance on the indicators in the requirements with respect to such programs, to establish and maintain such eligibility on the Workforce Innovation Leaders List described in subsection (d)(2) (referred to in this section as the ‘WIL provider list’).”; and
(2) in paragraph (3)—

(A) by striking the first sentence and inserting the following:

“(A) IN GENERAL.—

“(i) ESTABLISHING ELIGIBILITY.—A provider described in subparagraph (A) or (C) of paragraph (2) (referred to in this paragraph as a ‘covered provider’) shall comply with the application and enforcement procedures and criteria described in paragraph (1)(A)(i), as determined by the corresponding Governor, to establish eligibility by being included on the standard provider list. A covered provider shall be on the standard provider list and shall comply with the criteria described in subsection (b)(1)(B), as determined by the

1 Governor, and the application and enforce-
 2 ment procedures and criteria described in
 3 paragraph (1)(B), as determined by the
 4 Secretary, to establish eligibility by being
 5 included on the WIL provider list.

6 “(ii) MAINTAINING ELIGIBILITY.—A
 7 covered provider shall comply with the ap-
 8 plication and enforcement procedures and
 9 information requirements described in
 10 paragraph (1)(A)(ii), as determined by the
 11 Governor, to maintain eligibility on the
 12 standard provider list. A covered provider
 13 shall comply with the application and en-
 14 forcement procedures and information re-
 15 quirements described in paragraph (1)(B),
 16 as determined by the Secretary, to main-
 17 tain eligibility on the WIL provider list.

18 “(B) APPRENTICESHIP PROVIDERS.—”;

19 and

20 (B) in subparagraph (B), as so designated,
 21 by striking “the list” and all that follows
 22 through “(d)” and inserting “the standard pro-
 23 vider list”.

24 (b) CRITERIA AND INFORMATION REQUIREMENTS.—

25 Section 122(b) of the Workforce Innovation and Oppor-

1 tunity Act (29 U.S.C. 3152(b)) is amended to read as fol-
 2 lows:

3 “(b) CRITERIA AND INFORMATION REQUIRE-
 4 MENTS.—

5 “(1) GENERAL CRITERIA TO ESTABLISH ELIGI-
 6 BILITY.—The Governor shall establish criteria solely
 7 requiring each provider of training services that
 8 seeks to establish, with respect to a program—

9 “(A) eligibility under this section on the
 10 standard provider list, to demonstrate that—

11 “(i) the provider—

12 “(I) has a valid business license
 13 issued by the State or local govern-
 14 ment (as the case may be);

15 “(II) has been in business for not
 16 less than 2 years; and

17 “(III) has a Federal employer
 18 identification number issued by the
 19 Internal Revenue Service; and

20 “(ii) the program leads to a recog-
 21 nized postsecondary credential, including
 22 specifying the occupations for which the
 23 credential prepares individuals and the
 24 competencies achieved by the individuals;
 25 and

1 “(B) eligibility under this section on the
2 WIL provider list, to resubmit information to
3 make a demonstration described in clause (i)(I)
4 or (ii), but only if the information previously
5 submitted to make that demonstration is no
6 longer accurate.

7 “(2) INFORMATION REQUIREMENTS TO MAIN-
8 TAIN ELIGIBILITY ON STANDARD PROVIDER LIST.—

9 “(A) IN GENERAL.—

10 “(i) REQUIREMENTS.—The Governor
11 shall establish information requirements
12 that solely require each provider of train-
13 ing services that seeks to maintain eligi-
14 bility on the standard provider list under
15 this section to submit information as re-
16 quired under this paragraph.

17 “(ii) TIMING.—If such an eligible pro-
18 vider provides training services to a partic-
19 ipant, for which the participant uses an in-
20 dividual training account, not later than
21 the last date of the fourth quarter after
22 the participant’s exit from the program,
23 the provider shall submit information on
24 the provider’s performance on the indica-

tors described in subparagraph (B) to the Secretary.

“(B) INFORMATION.—The eligible provider shall submit information on indicators that shall consist solely of—

“(i) the percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;

“(ii) the percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;

“(iii) the median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;

“(iv) the percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent (subject to section 116(b)(2)(A)(iii)), during participation in or within 1 year after exit from the program; and

1 “(v) the percentage of program par-
 2 ticipants who, during a program year, are
 3 in an education or training program that
 4 leads to a recognized postsecondary cre-
 5 dential or employment and who are achiev-
 6 ing measurable skill gains toward such a
 7 credential or employment.

8 “(C) LEVELS OF PERFORMANCE.—The
 9 Governor shall establish levels of performance
 10 on the indicators described in subparagraph (B)
 11 for maintaining eligibility on the standard pro-
 12 vider list.

13 “(D) DETERMINATION.—The Governor
 14 shall determine whether the provider has dem-
 15 onstrated that the provider has met the levels
 16 of performance by examining the required infor-
 17 mation submitted under subparagraph (B) and
 18 any optional information submitted under para-
 19 graph (4).

20 “(3) INFORMATION REQUIREMENTS TO ESTAB-
 21 LISH AND MAINTAIN ELIGIBILITY ON WIL PROVIDER
 22 LIST.—

23 “(A) IN GENERAL.—

24 “(i) REQUIREMENTS.—The Secretary
 25 shall establish information requirements

1 (solely using indicators and levels specified
2 in this paragraph) that require each pro-
3 vider of training services that seeks to es-
4 tablish or maintain eligibility on the WIL
5 provider list under this section to submit
6 information as required under this para-
7 graph.

8 “(ii) TIMING.—If such an eligible pro-
9 vider provides training services to a partic-
10 ipant, for which the participant uses an in-
11 dividual training account, paragraph
12 (2)(A)(ii) shall apply to the provider, with
13 respect to the indicators described in sub-
14 paragraph (B) of this paragraph.

15 “(B) INFORMATION.—The eligible provider
16 shall submit information on indicators that
17 shall consist solely of—

18 “(i) the percentage of program par-
19 ticipants who complete the program;

20 “(ii) the percentage of program par-
21 ticipants who are in unsubsidized employ-
22 ment during the second quarter after exit
23 from the program;

24 “(iii) the median earnings of program
25 participants who are in unsubsidized em-

ployment during the fourth quarter after exit from the program;

“(iv) the indicators specified in clauses (i) through (iv) of paragraph (2)(B), or shall be deemed to have submitted information on those indicators if the provider has submitted a corresponding report under section 116(d)(4); and

“(v) the indicators specified in paragraph (2)(B)(v).

“(C) LEVELS OF PERFORMANCE.—The Secretary shall establish levels of performance on the indicators described in subparagraph (B) for maintaining eligibility on the WIL provider list, which levels shall be—

“(i) 80 percent, for the indicator described in subparagraph (B)(i);

“(ii) 65 percent, for the indicator described in subparagraph (B)(ii);

“(iii) median earnings that are not less than 20 percent greater than the median earnings of a high school graduate in the local area in which the program is located or in which the participant obtains employment, whichever high school grad-

uate earnings are greater, for the indicator described in subparagraph (B)(iii); and

“(iv) the levels established by the corresponding Governor under paragraph (2)(C), for the indicators described in clauses (iv) and (v) of subparagraph (B).

“(D) DETERMINATION.—The Secretary shall determine whether the provider has demonstrated that the provider met the levels of performance by examining the required information submitted under subparagraph (B) and any optional information submitted under paragraph (4). On determining that a provider on the standard provider list has met those levels of performance, the Secretary shall notify the Governor, and transmit to the Governor the information described in subsection (d)(2). The Governor shall remove the provider from the standard provider list and include the provider on the WIL provider list, accompanied by the information.

“(4) OPTIONAL INFORMATION SUBMISSIONS.—

An eligible provider that seeks to provide optional data, in addition to the information required under paragraph (2) or (3), for the website described in

1 paragraph (7) or to establish the levels of perform-
2 ance under paragraph (3)(C) may submit to the Sec-
3 retary information on the provider's performance on
4 the corresponding indicators described in paragraph
5 (2)(B) or (3)(B) from years prior to the first year
6 for which corresponding information is required
7 under paragraph (2)(B) or (3)(B), for the provider,
8 or concerning individuals who have completed train-
9 ing services through the provider without the use of
10 an individual training account.

11 “(5) SEAL.—An eligible provider who dem-
12 onstrates exceptional performance in providing train-
13 ing services by meeting the levels of performance de-
14 scribed in paragraph (3)(C) as determined by the
15 Secretary, shall be permitted to display a special seal
16 for exceptional performance, of such design as the
17 Secretary may approve, for display on all public ma-
18 terials.

19 “(6) STATE COLLECTION AND SUBMISSION OF
20 DATA.—A State may collect and submit information
21 required under paragraph (2), (3), or (4) concerning
22 a participant on an eligible provider's behalf. An eli-
23 gible provider that seeks to have the State conduct
24 that collection and submission shall submit a request
25 to the State, including information identifying the

1 participant. On receipt of the request, the State may
 2 access unemployment insurance system wage data
 3 on the participant, to collect and submit the re-
 4 quired information.

5 “(7) WEBSITE.—The Secretary shall make pub-
 6 licly available through the training provider results
 7 website of the Employment and Training Adminis-
 8 tration—

9 “(A) for a provider on the standard pro-
 10 vider list, the accompanying information de-
 11 scribed in subsection (d)(1); and

12 “(B) for a provider on the WIL provider
 13 list, the accompanying information described in
 14 subsection (d)(2), and an identifier showing
 15 that the provider has demonstrated exceptional
 16 service in providing training services.”.

17 (c) PROCEDURES.—Section 122(c) of the Workforce
 18 Innovation and Opportunity Act (29 U.S.C. 3152(c)) is
 19 amended—

20 (1) in paragraph (1)—

21 (A) by striking “(1)” and all that follows
 22 through “procedures established” and inserting
 23 the following:

24 “(1) PROCEDURES FOR ESTABLISHMENT.—A
 25 portion of the application and enforcement proce-

1 dures established by the Governor and the Sec-
2 retary”;

3 (B) in the first sentence, by inserting “,
4 which shall not require the submission of infor-
5 mation in excess of the information required to
6 determine eligibility under subsection (b)(1)(A)
7 for eligibility on the standard provider list, or
8 under paragraphs (1)(B) and (3) of subsection
9 (b) for eligibility on the WIL provider list”
10 after “provision of training services”; and

11 (C) in the second sentence, by striking “re-
12 spective roles of the State and local areas” and
13 inserting “roles of the State and the Sec-
14 retary”; and

15 (2) in paragraph (2)—

16 (A) by striking “(2)” and all that follows
17 through “The procedures established by” and
18 inserting the following:

19 “(2) PROCEDURES FOR MAINTENANCE.—A por-
20 tion of the application and enforcement procedures
21 established by”;

22 (B) by striking “the Governor” and insert-
23 ing “the Governor and the Secretary under sub-
24 section (a)”;

1 (C) by striking “biennial review and re-
 2 newal” and inserting “maintenance”; and

3 (D) by inserting “, which shall not require
 4 the submission of information in excess of the
 5 information required to maintain eligibility
 6 under paragraph (2) of subsection (b) for eligi-
 7 bility on the standard provider list, or under
 8 paragraph (3) of subsection (b) for eligibility on
 9 the WIL provider list” after “of training serv-
 10 ices”.

11 (d) LIST AND INFORMATION TO ASSIST PARTICI-
 12 PANTS IN CHOOSING PROVIDERS.—Section 122(d) of the
 13 Workforce Innovation and Opportunity Act (29 U.S.C.
 14 3152(d)) is amended—

15 (1) by striking paragraphs (1) and (2) and in-
 16 serting the following:

17 “(1) STANDARD PROVIDER LIST.—In order to
 18 facilitate and assist participants in choosing employ-
 19 ment and training activities and in choosing pro-
 20 viders of training services, the Governor shall ensure
 21 that a standard list of providers determined under
 22 paragraphs (1)(A) and (after initial establishment of
 23 eligibility) (2) of subsection (b) to be eligible under
 24 this section to offer a program in the State, is pre-
 25 pared (excluding providers later included on the

1 WIL provider list). The list shall be accompanied by
2 information identifying the recognized postsecondary
3 credential offered by the provider and information
4 submitted by the provider to make the demonstra-
5 tions described in paragraphs (1)(A) and (2) of sub-
6 section (b). The list shall be provided to the local
7 boards in the State, and made available to such par-
8 ticipants and to members of the public through the
9 one-stop delivery system in the State.

10 “(2) WIL PROVIDER LIST.—In order to offer
11 that facilitation and assistance, the Governor shall
12 ensure that a Workforce Innovation Leaders List of
13 providers determined under paragraphs (1)(B) and
14 (3) of subsection (b) to be eligible under this section
15 to offer a program in the State, is prepared. The list
16 shall be accompanied by information identifying the
17 recognized postsecondary credential offered by the
18 provider and information submitted by the provider
19 to make the demonstrations described in paragraphs
20 (1)(B) and (3) of subsection (b). The list shall be
21 provided and made available as described in para-
22 graph (1).”; and

23 (2) in paragraph (3) by striking “list” and in-
24 serting “lists”.

1 (e) COMMENTS.—Section 122(e) of the Workforce In-
 2 novation and Opportunity Act (29 U.S.C. 2152(e)) is
 3 amended—

4 (1) by striking “list” each place it appears and
 5 inserting “lists”; and

6 (2) by striking “Governor” and inserting “Gov-
 7 ernor or the Secretary, as the case may be,”.

8 (f) ENFORCEMENT.—Section 122(f)(1) of the Work-
 9 force Innovation and Opportunity Act (29 U.S.C.
 10 3152(f)(1)) is amended—

11 (1) in the matter preceding subparagraph (A)
 12 by striking “procedures” and inserting “application
 13 and enforcement procedures”;

14 (2) by redesignating subparagraphs (B) and
 15 (C) as subparagraphs (C) and (D), respectively;

16 (3) by inserting after subparagraph (A) the fol-
 17 lowing:

18 “(B) FAILURE TO SUBMIT INFORMA-
 19 TION.—Upon a determination, by an individual
 20 or entity specified in the procedures, that an el-
 21 igible provider fails to submit information re-
 22 quired by paragraph (2)(B) or (3)(B), as the
 23 case may be, of subsection (b) by the cor-
 24 responding date specified in that subsection, the
 25 eligibility of such provider to receive funds

1 through an individual training account under
 2 chapter 3 shall be terminated for a period of
 3 time that is not less than 3 years.”; and

4 (4) in subparagraph (D), by striking “subpara-
 5 graph (A) or (B)” and inserting “subparagraph (A),
 6 (B), or (C)”.

7 **SEC. 3. CONFORMING AMENDMENTS.**

8 (a) LOCAL BOARDS.—Section 107 of the Workforce
 9 Innovation and Opportunity Act (29 U.S.C. 3122) is
 10 amended—

11 (1) in subsection (d)(10)—

12 (A) by striking subparagraph (C);

13 (B) by redesignating subparagraphs (D)
 14 and (E) as subparagraphs (C) and (D), respec-
 15 tively; and

16 (C) in subparagraph (D), as so redesign-
 17 nated—

18 (i) by striking “paragraphs (2) and
 19 (3) of section 134(c)” and inserting “sec-
 20 tion 134(c)(2)”; and

21 (ii) by striking “and training serv-
 22 ices”; and

23 (2) in subsection (g)(1)(B)(i)—

24 (A) in subclause (I), by adding “and” at
 25 the end;

1 (B) by striking subclause (II); and

2 (C) by redesignating subclause (III) as
3 subclause (II).

4 (b) EMPLOYMENT AND TRAINING ACTIVITIES.—Sec-
5 tion 134 of the Workforce Innovation and Opportunity Act
6 (29 U.S.C. 3174) is amended—

7 (1) in subsection (a)(2)(B)(v)(I), by striking
8 “list” and inserting “lists”; and

9 (2) in subsection (c)(3)(F), in clauses (ii) and
10 (iii), by striking “list” and inserting “lists”.

○