

107TH CONGRESS  
1ST SESSION

# H. R. 1950

To amend the National Apprenticeship Act to provide that applications relating to apprenticeship programs are processed in a fair and timely manner, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2001

Mr. WICKER (for himself, Mr. GARY G. MILLER of California, Mr. PENCE, Mr. RYUN of Kansas, Mr. HINOJOSA, and Mrs. NORTHUP) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the National Apprenticeship Act to provide that applications relating to apprenticeship programs are processed in a fair and timely manner, 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 “Apprenticeship En-  
5       hancement Act of 2001”.

1 **SEC. 2. PURPOSE.**

2       The purpose of this Act is to promote accountability  
3 and fairness in the approval of apprenticeship programs  
4 and registration of apprentices and to provide for the cer-  
5 tification and registration of all apprenticeship programs  
6 in a timely and efficient manner.

7 **SEC. 3. ACCOUNTABILITY IN THE APPROVAL AND REG-**  
8 **ISTRATION OF APPRENTICESHIP PROGRAMS.**

9       The National Apprenticeship Act (29 U.S.C. 50 et  
10 seq.) is amended by adding at the end the following new  
11 section:

12 **“SEC. 5. ADMINISTRATIVE PROCEDURES AND JUDICIAL RE-**  
13 **VIEW.**

14       “(a) PROCEDURES REQUIRED.—The Secretary of  
15 Labor shall ensure the following:

16               “(1) That for each apprenticeship application  
17 submitted to an entity responsible for rendering de-  
18 cisions with respect to that application (such as a  
19 State Apprenticeship Council or Bureau of Appren-  
20 ticeship and Training)—

21                       “(A) that entity shall render a decision on  
22 that application before the expiration of the pe-  
23 riod of 90 calendar days beginning on the date  
24 on which that application was submitted; or

25                       “(B) if that entity cannot comply with sub-  
26 paragraph (A), that entity shall provide written

1 notice to the applicant of the status of the ap-  
2 plication, and render a decision on that applica-  
3 tion before the expiration of the period of 120  
4 calendar days beginning on the date on which  
5 that application was submitted; or

6 “(C) if that entity cannot comply with sub-  
7 paragraph (B), the application shall be deemed  
8 a petition for review filed under paragraph (4)  
9 by the applicant on the date after the expiration  
10 of the period referred to in subparagraph (B).

11 “(2) That each decision described in paragraph  
12 (1) shall be rendered without sole regard to whether  
13 persons not directly participating in or sponsoring  
14 the application object to the application.

15 “(3) That each decision described in paragraph  
16 (1) shall be promptly provided to all concerned par-  
17 ties in a writing that sets forth clearly the factual  
18 and legal basis for the decision.

19 “(4) That any applicant aggrieved by a decision  
20 rendered under paragraph (1) shall be entitled to file  
21 a petition for review from that decision before the  
22 Secretary or the Secretary’s designee within the De-  
23 partment of Labor, which shall be independent of  
24 the entity rendering that decision.

1           “(5) That in the event of any factual dispute on  
2           a petition for review, the applicant may request an  
3           adjudicatory hearing, which shall be conducted on  
4           the record pursuant to sections 554, 556, and 557  
5           of title 5, United States Code.

6           “(6) That the Secretary (or designee, if applica-  
7           ble) shall, before the expiration of the period of 30  
8           days beginning on the date that the applicant filed  
9           the petition for review (or, if the applicant requested  
10          an adjudicatory hearing, the date of the end of that  
11          hearing), make a final determination and deliver a  
12          copy of that determination to all concerned parties.  
13          Such final determination shall be binding on the en-  
14          tity responsible for rendering the decision under  
15          paragraph (1).

16          “(7) That if the Secretary (or designee, if appli-  
17          cable) fails to make such final determination before  
18          the expiration of such period, such final determina-  
19          tion shall be deemed to be to approve the applica-  
20          tion.

21          “(b) JUDICIAL REVIEW.—A final determination  
22          under subsection (a)(6) shall be binding on the applicant  
23          unless the affected applicant files a petition for judicial  
24          review of that final determination. Judicial review of that

1 determination shall be on the record on which the final  
2 determination is based.

3 “(c) APPRENTICESHIP APPLICATION.—For purposes  
4 of this section, the term ‘apprenticeship application’ in-  
5 cludes any application for approval, certification, or reg-  
6 istration of an apprentice or apprenticeship program.”.

7 **SEC. 4. APPLICABILITY.**

8 The amendment made by section 3 of this Act shall  
9 apply to all applications filed after the date of the enact-  
10 ment of this Act.

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