

108TH CONGRESS
1ST SESSION

H. R. 1660

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2003

Mr. WICKER (for himself, Mr. HINOJOSA, and Mr. McKEON) introduced the following bill; which was referred to the Committee on Education and the Workforce

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 2003”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to promote accountability
8 and fairness in the approval of apprenticeship programs

1 and registration of apprentices and to provide for the cer-
2 tification and registration of all apprenticeship programs
3 in a timely and efficient manner.

4 **SEC. 3. ACCOUNTABILITY IN THE APPROVAL AND REG-**
5 **ISTRATION OF APPRENTICESHIP PROGRAMS.**

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

9 **“SEC. 5. ADMINISTRATIVE PROCEDURES AND JUDICIAL RE-**
10 **VIEW.**

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

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

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

22 “(B) if that entity cannot comply with sub-
23 paragraph (A), that entity shall provide written
24 notice to the applicant of the status of the ap-
25 plication, and render a decision on that applica-

1 tion before the expiration of the period of 120
2 calendar days beginning on the date on which
3 that application was submitted; or

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

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

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

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

23 “(5) That in the event of any factual dispute on
24 a petition for review, the applicant may request an
25 adjudicatory hearing, which shall be conducted on

1 the record pursuant to sections 554, 556, and 557
2 of title 5, United States Code.

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

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

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

24 “(c) APPRENTICESHIP APPLICATION.—For purposes
25 of this section, the term ‘apprenticeship application’ in-

1 cludes any application for approval, certification, or reg-
2 istration of an apprentice or apprenticeship program.”.

3 **SEC. 4. APPLICABILITY.**

4 The amendment made by section 3 of this Act shall
5 apply to all applications filed after the date of the enact-
6 ment of this Act.

○