

109TH CONGRESS
1ST SESSION

H. R. 3613

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

JULY 28, 2005

Mr. WICKER (for himself, Mr. McKEON, Mr. NORWOOD, Mrs. DRAKE, Mr. GARY G. MILLER of California, Mr. BONNER, Mr. TIAHRT, Mr. BURGESS, Mr. BARRETT of South Carolina, Mr. KELLER, Mr. BOUSTANY, Mr. KINGSTON, Mr. SULLIVAN, Mr. BURTON of Indiana, Mr. DAVIS of Kentucky, Mr. HASTINGS of Florida, and Mr. CONAWAY) 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”.

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.

○