

115TH CONGRESS
1ST SESSION

S. 1841

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2017

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

A BILL

To amend the National Apprenticeship Act to provide that applications relating to apprenticeship programs shall be 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 2017”.

6 **SEC. 2. PURPOSE.**

7 The purposes of this Act are—

1 (1) to promote accountability and fairness in
 2 the registration of apprenticeship programs and cer-
 3 tification of apprentices; and

4 (2) to provide for the registration of all appren-
 5 ticeship programs and certification of all apprentices
 6 in a timely and efficient manner.

7 **SEC. 3. ACCOUNTABILITY IN THE REGISTRATION OF AP-**
 8 **PRENTICESHIP PROGRAMS.**

9 The Act of August 16, 1937 (commonly known as
 10 the “National Apprenticeship Act”; 50 Stat. 664, chapter
 11 663; 29 U.S.C. 50 et seq.), is amended by striking section
 12 4 and inserting the following:

13 **“SEC. 4. ADMINISTRATIVE PROCEDURES AND JUDICIAL RE-**
 14 **VIEW.**

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

17 “(1) For each application submitted under this
 18 Act, regarding an apprenticeship program or an ap-
 19 prentice, to an entity responsible for rendering deci-
 20 sions with respect to that application (such as a
 21 State Apprenticeship Agency)—

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

1 “(B) if that entity cannot comply with sub-
2 paragraph (A), that entity shall provide written
3 notice to the applicant of the status of the ap-
4 plication, and render a decision on that applica-
5 tion before the expiration of the period of 120
6 calendar days beginning on the date on which
7 that application was submitted; or

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

14 “(2) Each decision described in subparagraph
15 (A) or (B) of paragraph (1) shall not be completely
16 based on whether persons not directly participating
17 in submitting, or sponsoring, the application object
18 to the application.

19 “(3) Each decision described in subparagraph
20 (A) or (B) of paragraph (1) shall be promptly pro-
21 vided to all concerned parties in a writing that sets
22 forth clearly the factual and legal basis for the deci-
23 sion.

24 “(4)(A) Any applicant aggrieved by a decision
25 rendered under subparagraph (A) or (B) of para-

graph (1) shall be entitled to file a petition for review of that decision by an individual who—

“(i) is the Secretary or the Secretary’s designee within the Department of Labor; and

“(ii) is independent of the entity rendering that decision.

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

“(C) The Secretary (or designee, if applicable) shall, before the expiration of the period of 30 days beginning on the date that the applicant filed the petition for review (or, if the applicant requested an adjudicatory hearing, the date of the end of that hearing), make a final determination and deliver a copy of that determination to all concerned parties. Such final determination shall be binding on the entity responsible for rendering the decision under paragraph (1).

“(D) If the Secretary (or designee, if applicable) fails to make and deliver such final determination before the expiration of such period (or the date

1 of the end of that hearing), such final determination
2 shall be deemed to be to approve the application.

3 “(5)(A) Notwithstanding paragraph (1), for an
4 application submitted under this Act by an employer
5 seeking to update standards for a registered appren-
6 ticeship program, the Secretary of Labor shall
7 render a decision on that application before the expi-
8 ration of the period of 60 calendar days beginning
9 on the date on which that application was submitted.

10 “(B) The decision shall be promptly provided to
11 all concerned parties in a writing that sets forth
12 clearly the factual and legal basis for the decision.

13 “(C) If the Secretary of Labor fails to provide
14 the written decision before the expiration of such pe-
15 riod, the updated standards shall be deemed to be
16 approved.

17 “(b) JUDICIAL REVIEW.—A final determination
18 under paragraph (4)(C) or (5) of subsection (a) shall be
19 binding on the applicant unless the applicant files a peti-
20 tion for judicial review of that final determination. Judi-
21 cial review of that determination shall be on the record
22 on which the final determination is based.

23 “(c) APPLICATION.—For purposes of this section, the
24 term ‘application’ includes any application for certification

1 of an apprentice or registration of an apprenticeship pro-
2 gram.”.

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 enactment
6 of this Act.

