

117TH CONGRESS  
2D SESSION

# S. 3768

To require the Secretary of Labor to implement the industry-recognized apprenticeship program process, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 7, 2022

Mr. THUNE (for himself and Mr. SCOTT of South Carolina) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To require the Secretary of Labor to implement the industry-recognized apprenticeship program process, 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 “Training America’s  
5 Workforce Act”.

1 **SEC. 2. INDUSTRY-RECOGNIZED APPRENTICESHIP PRO-**  
 2 **GRAMS.**

3 The Act of August 16, 1937 (commonly known as  
 4 the “National Apprenticeship Act”; 50 Stat. 664, chapter  
 5 63; 29 U.S.C. 50 et seq.), is amended—

6 (1) by redesignating section 4 as section 5; and

7 (2) by adding at the end the following:

8 **“SEC. 4. INDUSTRY-RECOGNIZED APPRENTICESHIP PRO-**  
 9 **GRAMS.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) INDUSTRY-RECOGNIZED APPRENTICESHIP  
 12 PROGRAM.—The term ‘industry-recognized appren-  
 13 ticeship program’—

14 “(A) means a high-quality, competency-  
 15 based apprenticeship program that is—

16 “(i) recognized by a standards rec-  
 17 ognition entity; and

18 “(ii) developed or delivered by an enti-  
 19 ty such as a trade or industry group, cor-  
 20 poration, nonprofit organization, institu-  
 21 tion of higher education, labor organiza-  
 22 tion, or labor-management organization  
 23 (among other entities, as determined ap-  
 24 propriate by the Secretary); and

25 “(B) may include a program that meets  
 26 the requirements of subparagraph (A) and

1           trains apprentices to perform construction ac-  
2           tivities.

3           “(2) SECRETARY.—The term ‘Secretary’ means  
4           the Secretary of Labor.

5           “(3) STANDARDS RECOGNITION ENTITY.—The  
6           term ‘standards recognition entity’ means a private  
7           sector or public sector entity that—

8                   “(A) is recognized by the Secretary (acting  
9                   through the Administrator of the Office of Ap-  
10                  prenticeship of the Department of Labor) for  
11                  purposes of recognizing apprenticeship pro-  
12                  grams as industry-recognized apprenticeship  
13                  programs;

14                  “(B) has a demonstrated ability to ensure  
15                  an industry-recognized apprenticeship program  
16                  meets the standards described in subsection (d);  
17                  and

18                  “(C) has the capacity to perform the over-  
19                  sight necessary to ensure the ongoing compli-  
20                  ance of an industry-recognized apprenticeship  
21                  program with such standards.

22           “(b) RECOGNITION OF INDUSTRY-RECOGNIZED AP-  
23           PRENTICESHIP PROGRAMS.—

24                   “(1) IN GENERAL.—By not later than 1 year  
25                  after the date of enactment of the Training Amer-

1        ica’s Workforce Act, the Secretary, after consulta-  
2        tion with private sector industry associations, insti-  
3        tutions of higher education, State, local, and Tribal  
4        governmental agencies, and other stakeholders the  
5        Secretary determines appropriate, shall establish a  
6        process to recognize entities as standards recognition  
7        entities for purposes of recognizing industry-recog-  
8        nized apprenticeship programs under this Act.

9            “(2) LIMITED DISCRETION.—The Secretary  
10        shall not deny recognition as a standards recognition  
11        entity to a private sector or public sector entity that  
12        meets the requirements of subparagraphs (B) and  
13        (C) of subsection (a)(3) and satisfactorily completes  
14        the process established under paragraph (1).

15            “(3) ADMINISTRATIVE FLEXIBILITY.—The Sec-  
16        retary shall ensure that the recognition process for  
17        standards recognition entities established under  
18        paragraph (1) is a flexible process with low adminis-  
19        trative and reporting burdens for the standards rec-  
20        ognition entities and industry-recognized apprentice-  
21        ship programs.

22            “(c) REQUIREMENTS.—The recognition process of  
23        standards recognition entities and the activities and proce-  
24        dures carried out by the standards recognition entities  
25        shall, to the maximum extent practicable and except as

1 otherwise explicitly provided in this section, be consistent  
2 with the requirements, activities, and procedures under  
3 subpart B of part 29 of title 29, Code of Federal Regula-  
4 tions, as such subpart was in effect on May 11, 2020.

5 “(d) STANDARDS.—Each standard recognition entity  
6 shall establish standards for the industry-recognized ap-  
7 prenticeship programs recognized by the entity that, at a  
8 minimum, ensure that each industry-recognized appren-  
9 ticeship program—

10 “(1) includes—

11 “(A) paid work;

12 “(B) on-the-job learning;

13 “(C) a mentorship component;

14 “(D) education and classroom instruction;

15 “(E) a written training plan and appren-  
16 ticeship agreement; and

17 “(F) safety and supervision components;

18 and

19 “(2) provides, during participation in or upon  
20 completion of the apprenticeship, an industry-recog-  
21 nized credential.

22 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-  
23 tion shall be construed as affecting apprenticeship pro-

1 grams registered under this Act and recognized by the  
2 Secretary of Labor.”.

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