

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.

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## 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

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## 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-

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

3 “(i) is the Secretary or the Secretary’s des-  
4 ignee within the Department of Labor; and

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

7 “(B) In the event of any factual dispute con-  
8 cerning a petition for review, the applicant may re-  
9 quest an adjudicatory hearing, which shall be con-  
10 ducted on the record pursuant to sections 554, 556,  
11 and 557 of title 5, United States Code.

12 “(C) The Secretary (or designee, if applicable)  
13 shall, before the expiration of the period of 30 days  
14 beginning on the date that the applicant filed the pe-  
15 tition for review (or, if the applicant requested an  
16 adjudicatory hearing, the date of the end of that  
17 hearing), make a final determination and deliver a  
18 copy of that determination to all concerned parties.  
19 Such final determination shall be binding on the en-  
20 tity responsible for rendering the decision under  
21 paragraph (1).

22 “(D) If the Secretary (or designee, if applica-  
23 ble) fails to make and deliver such final determina-  
24 tion 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.

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