

**AMENDMENT TO H.R. 8294, AS REPORTED
OFFERED BY MR. SMUCKER OF PENNSYLVANIA**

Strike sections 3 and 4, and insert the following:

1 SEC. 3. RULES AND REGULATIONS.

2 In accordance with chapter 5 of title 5, United States
3 Code, the Secretary of Labor may prescribe rules and reg-
4 ulations to carry out this Act.

5 SEC. 4. AMENDMENT.

6 The Act of August 16, 1937 (commonly referred to
7 as the “National Apprenticeship Act”; 50 Stat. 664, chap-
8 ter 663; 29 U.S.C. 50 et seq.) is amended to read as fol-
9 lows:

10 “SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

11 “(a) SHORT TITLE.—This Act may be cited as the
12 ‘National Apprenticeship Act’.

13 “(b) TABLE OF CONTENTS.—The table of contents
14 for this Act is as follows:

“Sec. 1. Short title; table of contents.

“Sec. 2. Purposes.

“Sec. 3. Definitions.

“Sec. 4. Transition provisions.

“Sec. 5. Disaggregation of data.

“TITLE I—PROMOTING APPRENTICESHIPS

**“Subtitle A—The Office of Apprenticeship, State Registration Agency
Approval Process**

“Sec. 111. The Office of Apprenticeship.

“Sec. 112. State apprenticeship agencies and State offices of Apprenticeship.

“Subtitle B—Process and Standards for the National Apprenticeship System

“Sec. 121. Process and Standards.

“Subtitle C—Evaluations and Research

“Sec. 131. Program evaluations and research.

“Subtitle D—General Provisions

“Sec. 141. Authorization of appropriations.

“TITLE II—MODERNIZING THE NATIONAL APPRENTICESHIP
SYSTEM FOR THE 21ST CENTURY GRANTS

“Sec. 201. Grant requirements.

“Sec. 202. Grant appropriations.

1 **“SEC. 2. PURPOSES.**

2 “(a) **AUTHORITY.**—The purposes of this Act are to
3 authorize and direct the Secretary of Labor to—

4 “(1) formulate and promote the furtherance of
5 labor standards necessary to safeguard the welfare
6 of apprentices;

7 “(2) extend the application of such standards
8 by encouraging the inclusion thereof in contracts of
9 apprenticeship (in this Act referred to as ‘appren-
10 ticeship agreements’);

11 “(3) bring together employers and labor for the
12 formulation of programs of apprenticeship;

13 “(4) cooperate with State agencies engaged in
14 the formulation and promotion of standards of ap-
15 prenticeship; and

16 “(5) cooperate with the Secretary of Education.

17 “(b) **ADDITIONAL PROGRAMS.**—In carrying out the
18 authority provided in subsection (a), the Secretary—

1 “(1) shall establish and administer the program
2 under title I; and

3 “(2) may establish and administer additional
4 programs of work-based learning as the Secretary
5 determines appropriate, which may include activities
6 to respond to the COVID–19 public health emer-
7 gency.

8 **“SEC. 3. DEFINITIONS.**

9 “In titles I and II:

10 “(1) APPRENTICE.—The term ‘apprentice’
11 means a program participant in an apprenticeship
12 program.

13 “(2) APPRENTICESHIP AGREEMENT.—The term
14 ‘apprenticeship agreement’ means a written agree-
15 ment under 121 between—

16 “(A) an apprentice; and

17 “(B) a sponsor.

18 “(3) APPRENTICESHIP HUB.—The term ‘ap-
19 prenticeship hub’ means a regional or sectoral quali-
20 fied intermediary recognized by a State apprentice-
21 ship agency or a State Office of Apprenticeship as
22 organizing and providing activities and services re-
23 lated to the development of programs under the na-
24 tional apprenticeship system.

1 “(4) APPRENTICEABLE OCCUPATION.—The
2 term ‘apprenticeable occupation’ means an occupa-
3 tion that the Secretary has determined meets the re-
4 quirements of section 121.

5 “(5) APPRENTICESHIP PROGRAM.—The term
6 ‘apprenticeship program’ means a program that
7 meets the standards described in section 121 and is
8 registered under title I.

9 “(6) COMPETENCY.—The term ‘competency’
10 means the attainment of knowledge, skills, and abili-
11 ties in a subject area.

12 “(7) DEPARTMENT.—The term ‘Department’
13 means the Department of Labor.

14 “(8) EDUCATION AND TRAINING PROVIDER.—
15 The term ‘education and training provider’ means—

16 “(A) an area career and technical edu-
17 cation school;

18 “(B) an early college high school;

19 “(C) an educational service agency;

20 “(D) a high school;

21 “(E) a local educational agency or State
22 educational agency;

23 “(F) an Indian Tribe, Tribal organization,
24 or Tribal educational agency;

25 “(G) an institution of higher education;

1 “(H) a minority-serving institution (as de-
2 scribed in any of paragraphs (1) through (7) of
3 section 371(a) of the Higher Education Act of
4 1965 (20 U.S.C. 1067q(a));

5 “(I) a provider of adult education and lit-
6 eracy activities under the Adult Education and
7 Family Literacy Act (29 U.S.C. 3271 et seq.);

8 “(J) a local agency administering plans
9 under title I of the Rehabilitation Act of 1973
10 (29 U.S.C. 720 et seq.), other than section 112
11 or part C of that title (29 U.S.C. 732, 741);

12 “(K) a related instruction provider, as ap-
13 proved by a registration agency; or

14 “(L) a consortium of entities described in
15 any of subparagraphs (A) through (K).

16 “(9) INDIAN TRIBE; TRIBAL ORGANIZATION.—
17 The terms ‘Indian Tribe’ and ‘Tribal organization’
18 have the meaning given the terms (without regard to
19 capitalization) in section 4 of the Indian Self-Deter-
20 mination and Education Assistance Act (25 U.S.C.
21 450b).

22 “(10) INTERIM CREDENTIAL.—”The term ‘in-
23 terim credential’ means a recognized post-secondary
24 credential issued to an apprentice as certification of

1 attainment of a competency necessary to receive a
2 certificate of completion of an apprenticeship.

3 “(11) JOURNEYWORKER.—The term
4 ‘journeyworker’ means a worker who has attained a
5 level of skill, abilities, and competencies recognized
6 within an industry as having mastered the skills and
7 competencies required for the occupation.

8 “(12) NATIONAL APPRENTICESHIP SYSTEM.—
9 The term ‘national apprenticeship system’ means the
10 apprenticeship programs, youth apprenticeship pro-
11 grams, and pre-apprenticeship programs that meet
12 the requirements of title I.

13 “(13) UNDER-REPRESENTED APPRENTICESHIP
14 POPULATION.—The term ‘under-represented appren-
15 ticeship population’ means a group of individuals
16 (such as a group of individuals from the same gen-
17 der or race) the members of which comprise fewer
18 than 25 percent of the individuals participating in a
19 program under the national apprenticeship system.

20 “(14) NONTRADITIONAL APPRENTICESHIP IN-
21 DUSTRY OR OCCUPATION.—The term ‘nontraditional
22 apprenticeship industry or occupation’ refers to an
23 industry sector or occupation for which there are
24 fewer than 10 percent of all apprentices in all indus-
25 tries or occupations participating.

1 “(15) PROGRAM PARTICIPANT.—The term ‘pro-
2 gram participant’ means an apprentice, a pre-ap-
3 prentice, or a youth apprentice.

4 “(16) QUALIFIED INTERMEDIARY.—

5 “(A) IN GENERAL.—The term ‘qualified
6 intermediary’ means an entity that dem-
7 onstrates expertise in building, connecting, sus-
8 taining, and measuring the performance of
9 partnerships described in subparagraph (B) and
10 serves program participants and employers
11 by—

12 “(i) connecting employers to programs
13 under the national apprenticeship system;

14 “(ii) assisting in the design and imple-
15 mentation of such programs, including cur-
16 riculum development and delivery for re-
17 lated instruction;

18 “(iii) supporting entities, sponsors, or
19 program administrators in meeting the
20 registration and reporting requirements of
21 this Act;

22 “(iv) providing professional develop-
23 ment activities;

1 “(v) connecting students or workers to
2 programs under the national apprentice-
3 ship system;

4 “(vi) developing and providing person-
5 alized program participant supports, in-
6 cluding by partnering with organizations to
7 provide access to or referrals for supportive
8 services and financial advising;

9 “(vii) providing services, resources,
10 and supports for development, delivery, ex-
11 pansion, or improvement of programs
12 under the national apprenticeship system;
13 or

14 “(viii) serving as a program sponsor.

15 “(B) PARTNERSHIPS.—The partnerships
16 described in subparagraph (A) means partner-
17 ships among entities involved in programs
18 under the national apprenticeship system, in-
19 cluding—

20 “(i) industry or sector partnerships;

21 “(ii) partnerships among employers,
22 joint labor-management organizations,
23 labor organizations, community-based or-
24 ganizations, State or local workforce devel-
25 opment boards, education and training

1 providers, social service organizations, eco-
2 nomic development organizations, Indian
3 Tribes or Tribal organizations, or one-stop
4 operators, or one-stop partners, in the
5 State workforce development system; or

6 “(iii) partnerships among one or more
7 of the entities described in clauses (i) and
8 (ii).

9 “(17) REGISTRATION AGENCY.—The term ‘reg-
10 istration agency’ means the Office of Apprenticeship,
11 a State Office of Apprenticeship or State apprentice-
12 ship agency that is responsible for—

13 “(A) approving or denying applications
14 from sponsors for registration of programs
15 under the national apprenticeship system in the
16 State or area covered by the registration agen-
17 cy; and

18 “(B) carrying out the responsibilities of
19 supporting the youth apprenticeship, pre-ap-
20 prenticeship, or apprenticeship programs reg-
21 istered by the registration agency, in accord-
22 ance with section 121.

23 “(18) RELATED INSTRUCTION.—The term ‘re-
24 lated instruction’ means an organized and system-

1 atic form of instruction that meets the requirements
2 of section 121.

3 “(19) RELATED FEDERAL PROGRAMS.—The
4 term ‘related Federal programs’ means programs or
5 activities under the following:

6 “(A) The Workforce Innovation and Op-
7 portunity Act (29 U.S.C. 3102).

8 “(B) The Wagner-Peyser Act (29 U.S.C.
9 49 et seq.).

10 “(C) The Elementary and Secondary Edu-
11 cation Act of 1965 (20 U.S.C. 6301 et seq.).

12 “(D) The Higher Education Act of 1965
13 (20 U.S.C. 1001 et seq.).

14 “(E) The Individuals with Disabilities
15 Education Act (20 U.S.C. 1400 et seq.).

16 “(F) Title I of the Rehabilitation Act of
17 1973 (29 U.S.C. 720 et seq.).

18 “(G) Title V of the Older Americans Act
19 of 1965 (42 U.S.C. 3056 et seq.).

20 “(H) Career and technical education pro-
21 grams at the postsecondary level under the Carl
22 D. Perkins Career and Technical Education Act
23 of 2006 (20 U.S.C. 2302).

24 “(I) Chapter 2 of title II of the Trade Act
25 of 1974 (19 U.S.C. 2271 et seq.).

1 “(J) Chapter 41 of title 38, United States
2 Code.

3 “(K) Employment and training activities
4 carried out under the Community Services
5 Block Grant Act (42 U.S.C. 9901 et seq.).

6 “(L) Employment and training activities
7 carried out by the Department of Housing and
8 Urban Development.

9 “(M) State unemployment compensation
10 laws (in accordance with applicable Federal
11 law).

12 “(N) Section 231 of the Second Chance
13 Act of 2007 (34 U.S.C. 60541).

14 “(O) Part A of title IV of the Social Secu-
15 rity Act (42 U.S.C. 601 et seq.).

16 “(P) Employment and training programs
17 carried out by the Small Business Administra-
18 tion.

19 “(Q) Section 6(d)(4) of the Food and Nu-
20 trition Act of 2008 (7 U.S.C. 2015(d)(4)).

21 “(20) SECRETARY.—The term ‘Secretary’
22 means the Secretary of Labor.

23 “(21) SPONSOR.—The term ‘sponsor’ means an
24 employer, joint labor-management organization,
25 trade association, professional association, labor or-

1 organization, education and training provider, or quali-
2 fied intermediary that is applying to administer and
3 operate, a program under the national apprentice-
4 ship system.

5 “(22) STATE APPRENTICESHIP AGENCY.—The
6 term ‘State apprenticeship agency’ means a State
7 agency recognized as a State apprenticeship agency
8 under section 112.

9 “(23) STATE APPRENTICESHIP COUNCIL.—The
10 term ‘State apprenticeship council’ means an entity
11 established under section 113(b)(3) to assist the
12 State apprenticeship agency.

13 “(24) STATE OFFICE OF APPRENTICESHIP.—
14 The term ‘State office of apprenticeship’ means the
15 office designated by the Secretary to administer pro-
16 grams under the national apprenticeship system in
17 such State and meets the requirements of section
18 111(b)(4).

19 “(25) STATE OR LOCAL WORKFORCE DEVELOP-
20 MENT BOARDS.—The terms ‘State workforce devel-
21 opment board’ and ‘local workforce development
22 board’ have the meanings given the terms ‘State
23 board’ and ‘local board’, respectively, in section 3 of
24 the Workforce Innovation and Opportunity Act (29
25 U.S.C. 3102).

1 “(26) STATE WORKFORCE AGENCY.—The terms
2 ‘State workforce agency’ means the State agency
3 with responsibility for workforce investment activi-
4 ties under chapters 2 and 3 of subtitle B of title I
5 of the Workforce Innovation and Opportunity Act
6 (29 U.S.C. 3121 et seq., 3131 et seq.).

7 “(27) CTE TERMS.—The terms ‘area career
8 and technical education school’, ‘articulation agree-
9 ment’, ‘credit transfer agreement’, ‘postsecondary
10 educational institution’, and ‘work-based learning’
11 have the meanings given in section 3 of the Carl D.
12 Perkins Career and Technical Education Act of
13 2006 (20 U.S.C. 2302).

14 “(28) ESEA TERMS.—The terms ‘dual or con-
15 current enrollment program’, ‘early college high
16 school’, ‘education service agency’, ‘high school’,
17 ‘local educational agency’, ‘paraprofessional’, and
18 ‘State educational agency’ have the meanings given
19 in section 8101 of the Elementary and Secondary
20 Education Act of 1965 (20 U.S.C. 7801).

21 “(29) WIOA TERMS.—The terms ‘career path-
22 way’, ‘in-demand industry sector or occupation’, ‘in-
23 dividual with a barrier to employment’, ‘institution
24 of higher education’, ‘industry or sector partnership’,
25 ‘labor market area’, ‘local area’, ‘recognized postsec-

1 ondary credential’, ‘one-stop center’, ‘one-stop oper-
2 ator’, ‘one-stop partner’, ‘State’, ‘supportive services’
3 and ‘workforce development system’ have the mean-
4 ings given in section 3 of the Workforce Innovation
5 and Opportunity Act (29 U.S.C. 3102).

6 **“SEC. 4. TRANSITION PROVISIONS.**

7 “‘The Secretary shall take such actions as the Sec-
8 retary determines to be appropriate to provide for the or-
9 derly transition to the authority of this Act (as amended
10 by the National Apprenticeship Act of 2020) from any au-
11 thority under the Act of August 16, 1937 (commonly re-
12 ferred to as the ‘National Apprenticeship Act’; 50 Stat.
13 664, chapter 663; 29 U.S.C. 50 et seq.), as in effect on
14 the day before the date of enactment of the National Ap-
15 prenticeship Act of 2020. In accordance with chapter 5
16 of title 5, United States Code, the Secretary may prescribe
17 rules and regulations to carry out this Act.

18 **“SEC. 5. DISAGGREGATION OF DATA.**

19 “‘The disaggregation of data under this Act shall not
20 be required when the number of program participants in
21 a category is insufficient to yield statistically reliable infor-
22 mation or when the results would reveal personally identi-
23 fiable information about a program participant or would
24 reveal such information when combined with other re-
25 leased information.

1 **“TITLE I—PROMOTING**
2 **APPRENTICESHIPS**
3 **“Subtitle A—The Office of Appren-**
4 **ticeship, State Registration**
5 **Agency Approval Process**

6 **“SEC. 111. THE OFFICE OF APPRENTICESHIP.**

7 “(a) RESPONSIBILITIES.—The Secretary shall be re-
8 sponsible for the administration of this Act and such func-
9 tions affecting the national apprenticeship system as the
10 Secretary shall delegate, which shall include the following:

11 “(1) APPRENTICESHIP DEVELOPMENT AND EX-
12 PANSION.—The Secretary is authorized to carry out
13 promotion and awareness activities, including the
14 following:

15 “(A) Supporting the development or scal-
16 ing of apprenticeship models nationally, pro-
17 moting the effectiveness of youth apprentice-
18 ship, pre-apprenticeship, and apprenticeship
19 programs, and providing promotional materials
20 to, among others, State apprenticeship agencies,
21 State and local workforce development systems,
22 State educational agencies, employers, trade as-
23 sociations, professional associations, industry
24 groups, labor organizations, joint labor-manage-
25 ment organizations, education and training pro-

1 viders, and prospective apprentices in such pro-
2 grams.

3 “(B) Promoting greater diversity in the
4 national apprenticeship system in underrep-
5 resented apprenticeship populations, and non-
6 traditional apprenticeship industries and occu-
7 pations, including by—

8 “(i) promoting outreach to underrep-
9 resented apprenticeship populations;

10 “(ii) engaging minority-serving insti-
11 tutions, and employers from nontraditional
12 apprenticeship industries or occupations;
13 and

14 “(iii) engaging small, medium-size,
15 and minority businesses, and employers in
16 high-skill, high-wage, and in-demand in-
17 dustry sectors and occupations that are
18 nontraditional apprenticeship industries or
19 occupations.

20 “(2) TECHNICAL ASSISTANCE ACTIVITIES.—The
21 Secretary shall—

22 “(A) provide technical assistance and dis-
23 seminate best practices as applicable to employ-
24 ers, sponsors, State apprenticeship agencies,
25 qualified intermediaries, education and training

1 or related instruction providers, or other enti-
2 ties; and

3 “(B) cooperate with the—

4 “(i) Secretary of Education on estab-
5 lishing and sharing best practices for the
6 alignment of apprenticeship programs with
7 the education system, including supporting
8 the stackability and portability of academic
9 credit and credentials earned as part of
10 such programs; and

11 “(ii) State workforce development sys-
12 tems to promote awareness of opportuni-
13 ties under the national apprenticeship sys-
14 tem.

15 “(3) STATE OFFICES OF APPRENTICESHIP.—

16 “(A) ESTABLISHMENT OF OFFICES.—

17 “(i) IN GENERAL.—The Secretary, at
18 the request of a State described in clause
19 (ii), shall establish and operate State Of-
20 fices of Apprenticeship to serve as the reg-
21 istration agency for a State described in
22 clause (ii).

23 “(ii) APPLICABLE STATES.—An appli-
24 cable State is a State—

1 “(I) in which, as of the day be-
2 fore the date of enactment of the Na-
3 tional Apprenticeship Act of 2020, the
4 Secretary has not—

5 “(aa) established a State Of-
6 fice of Apprenticeship; and

7 “(bb) is not recognized a
8 State apprenticeship agency
9 under section 112; and

10 “(II) submits the request de-
11 scribed in clause (i).

12 “(B) VACANCIES.—Subject to the avail-
13 ability of appropriations, in the case of a State
14 Office of Apprenticeship with a vacant position,
15 the Secretary shall—

16 “(i) make publicly available informa-
17 tion on such vacancy; and

18 “(ii) report to the Committee on Edu-
19 cation and Labor of the House of Rep-
20 resentatives and the Committee on Health,
21 Education, Labor, and Pensions of the
22 Senate, on the status and length of such
23 vacancy if such vacancy is not filled not
24 later than 90 days after such position has
25 become vacant.

1 “(C) RULE OF CONSTRUCTION.—Nothing
2 in this paragraph shall be construed to prohibit
3 any State described in subparagraph (A)(ii)
4 from establishing an agency or entity to pro-
5 mote programs under the national apprentice-
6 ship system in such State, in coordination with
7 the State Office of Apprenticeship operating in
8 the State, however, such agency or entity may
9 not serve as the registration agency in such
10 State unless it obtains recognition pursuant to
11 section 112.

12 “(4) QUALITY STANDARDS, APPRENTICESHIP
13 AGREEMENT, AND REGISTRATION REVIEW.—In order
14 for the Secretary to support the performance stand-
15 ards of programs under the national apprenticeship
16 system and to extend the application of such stand-
17 ards in apprenticeship agreements, not later than 1
18 year after the effective date of the National Appren-
19 ticeship Act of 2020, and not less than every 5 years
20 thereafter, the Secretary shall review, and where ap-
21 propriate, update the process for meeting the re-
22 quirements of subtitle B, including applicable regula-
23 tions and subregulatory guidance to ensure that
24 such process is easily accessible and efficient to
25 bring together employers and labor as sponsors or

1 potential sponsors of programs under the national
2 apprenticeship system.

3 “(5) APPRENTICEABLE OCCUPATIONS.—

4 “(A) PROACTIVELY APPROVED OCCUPA-
5 TIONS.—Not later than 1 year after the date of
6 enactment of the National Apprenticeship Act
7 of 2020, the Secretary shall develop regulations
8 outlining a process for proactively establishing
9 and approving standards for apprenticeable oc-
10 cupations in consultation with industry.

11 “(B) EXISTING APPRENTICEABLE OCCUPA-
12 TIONS.—In consultation with employers, the
13 Secretary shall regularly review and update the
14 requirements for each apprenticeable occupation
15 to ensure that such requirements are in compli-
16 ance with requirements under this Act, meet
17 the needs of employers in such occupation, and
18 promote the participation of small businesses.

19 “(C) NEW APPRENTICEABLE OCCUPA-
20 TION.—

21 “(i) IN GENERAL.—The Secretary
22 shall review and make a determination on
23 whether to approve an occupation as an
24 apprenticeable occupation not later than
25 45 days after receiving an application from

1 a person or current or prospective program
2 sponsor seeking such approval from the
3 Secretary.

4 “(ii) ESTIMATED TIMELINE.—If such
5 determination is not made within 45 days,
6 the Secretary shall provide the applicant
7 with a written explanation for the delay
8 and offer an estimated timeline for a deter-
9 mination.

10 “(D) INDUSTRY RECOGNIZED OCCUPA-
11 TIONAL STANDARDS.—

12 “(i) IN GENERAL.—From the funds
13 appropriated under section 141(a), the
14 Secretary shall convene, on an ongoing
15 basis, the industry sector leaders and ex-
16 perts described in clause (ii) for the pur-
17 poses of establishing or updating specific
18 frameworks of industry recognized occupa-
19 tional standards for apprenticeable occupa-
20 tions (including potential apprenticeable
21 occupations) that—

22 “(I) meet the requirements of
23 this Act; and

24 “(II) describe program scope and
25 length, related instruction, on-the-job

1 training, recognized postsecondary
2 credentials, and competencies, and rel-
3 evant timelines for review of such
4 frameworks.

5 “(ii) INDUSTRY SECTOR LEADERS AND
6 EXPERTS.—The sector leaders and experts
7 are employers, industry associations, joint
8 labor-management organizations, labor or-
9 ganizations, education and training pro-
10 viders, credential providers, program par-
11 ticipants, and other stakeholders relevant
12 to the sector or occupation for which the
13 frameworks are being established or up-
14 dated, as determined by the Secretary.

15 “(iii) PRIORITY INDUSTRY RECOG-
16 NIZED APPRENTICEABLE OCCUPATIONS.—
17 In establishing frameworks under clause
18 (i) for the first time after the effective date
19 of the National Apprenticeship Act of
20 2020, the Secretary shall prioritize the es-
21 tablishment of such standards in high-skill,
22 high-wage, or in-demand industry sectors
23 and occupations.

24 “(6) PROGRAM OVERSIGHT AND EVALUA-
25 TION.—The Secretary shall monitor State appren-

1 ticeship agencies and State Offices of Apprenticeship.
2 ship.

3 “(7) PROMOTING DIVERSITY IN THE NATIONAL
4 APPRENTICESHIP SYSTEM.—The Secretary shall pro-
5 mote diversity and ensure equal opportunity to par-
6 ticipate in programs for apprentices, youth appren-
7 tices, and pre-apprentices, including—

8 “(A) taking steps necessary to promote di-
9 versity in apprenticeable occupations under the
10 national apprenticeship system, especially in
11 high-skill, high-wage, or in-demand industry
12 sectors and occupations in areas with high per-
13 centages of low-income individuals; and

14 “(B) ensuring programs under the national
15 apprenticeship system adopt and implement
16 policies to provide for equal opportunity to par-
17 ticipate in programs under the national appren-
18 ticeship system and do not engage in discrimi-
19 nation as prohibited by section 30.3(a) of title
20 29, Code of Federal Regulations (as in effect on
21 the day before the date of enactment of the Na-
22 tional Apprenticeship Act of 2020), or engage
23 in intimidation or retaliation as prohibited by
24 section 30.17 of title 29, Code of Federal Regu-
25 lations (as in effect on the day before the date

1 of enactment of the National Apprenticeship
2 Act of 2020).

3 “(8) GRANTS AWARDS.—The Secretary shall
4 award grants under title II.

5 “(9) COORDINATION.—The Secretary shall co-
6 ordinate and align programs under the national ap-
7 prenticeship system with related Federal programs.

8 “(b) INFORMATION COLLECTION AND DISSEMINA-
9 TION.—The Secretary shall provide for data collection and
10 dissemination of information regarding programs under
11 the national apprenticeship system, including—

12 “(1) establishing and supporting a single infor-
13 mation technology infrastructure to support data
14 collection and reporting from State apprenticeship
15 agencies, State Offices of Apprenticeship, grantees
16 under title II, program sponsors, and program ad-
17 ministrators under the national apprenticeship sys-
18 tem by providing for a data infrastructure that—

19 “(A) is developed and maintained by the
20 Secretary, with input from national data and
21 privacy experts, and is informed by best prac-
22 tices related to credential transparency; and

23 “(B) best meets the needs of the national
24 apprenticeship system stakeholders reporting

1 data to the Secretary or State apprenticeship
2 agencies; and

3 “(2) making nonpersonally identifiable appren-
4 ticeship data publicly available, searchable, and com-
5 parable so that interested parties can become aware
6 of apprenticeship opportunities and of program out-
7 comes that best meets the needs of youth appren-
8 tices, pre-apprentices, and apprentices, employers,
9 education and training providers, program sponsors,
10 and relevant stakeholders, including—

11 “(A) information on program offerings
12 under the national apprenticeship system based
13 on geographical location and apprenticeable oc-
14 cupation;

15 “(B) information on education and train-
16 ing providers providing opportunities under
17 such system, including whether programs under
18 such system offer dual or concurrent enrollment
19 programs and articulation agreements;

20 “(C) information about the educational
21 and occupational credentials and related com-
22 petencies of programs under such system; and

23 “(D) using the most recent data available
24 to the Office that is consistent with national
25 standards and practices.

1 **“SEC. 112. STATE APPRENTICESHIP AGENCIES AND STATE**
2 **OFFICES OF APPRENTICESHIP.**

3 “(a) RECOGNITION OF STATE APPRENTICESHIP
4 AGENCIES.—

5 “(1) IN GENERAL.—The Secretary shall recog-
6 nize a State agency as a State apprenticeship agency
7 in accordance with this section and cooperate with
8 such State apprenticeship agency regarding the for-
9 mulation and promotion of standards of apprentice-
10 ship under subtitle B.

11 “(2) APPLICATION.—For a State desiring to
12 have a State agency recognized as a State appren-
13 ticeship agency under this section, the Governor
14 shall submit the State plan described in subsection
15 (c)—

16 “(A) to the Secretary at such time and in
17 such manner as the Secretary may require; or

18 “(B) to the State workforce board for in-
19 clusion in the the State plan under section 102
20 or 103 of the Workforce Innovation and Oppor-
21 tunity Act (20 U.S.C. 3112, 3113).

22 “(3) REVIEW AND RECOGNITION.—

23 “(A) IN GENERAL.—Not later than 90
24 days after the date on which a State submits
25 the State plan under paragraph (2), the Sec-
26 retary shall notify the State regarding whether

1 the agency of the State is recognized as a State
2 apprenticeship agency under this section.

3 “(B) DURATION OF RECOGNITION.—

4 “(i) DURATION.—The recognition of a
5 State apprenticeship agency shall be for a
6 4-year period beginning on the date the
7 State apprenticeship agency is notified
8 under subparagraph (A).

9 “(ii) NOTIFICATION.—

10 “(I) IN GENERAL.—The Sec-
11 retary shall notify a State apprentice-
12 ship agency not later than 180 days
13 before the last day of the 4-year pe-
14 riod regarding whether the State ap-
15 prenticeship agency is in compliance
16 with this section.

17 “(II) COMPLIANCE.—In the case
18 of a State apprenticeship agency that
19 is in compliance with this section, the
20 agency’s recognition under this section
21 shall be renewed for an additional 4-
22 year period and the notification under
23 subclause (I) shall include notification
24 of such renewal.

1 “(III) NONCOMPLIANCE.—In the
2 case of a State apprenticeship agency
3 that is not in compliance with this
4 section, the notification shall—

5 “(aa) specify the areas of
6 noncompliance;

7 “(bb) require corrective ac-
8 tion; and

9 “(cc) offer technical assist-
10 ance.

11 “(iii) RENEWAL AFTER CORREC-
12 TION.—If the Secretary determines that a
13 State apprenticeship agency has corrected
14 the identified areas of noncompliance
15 under this subparagraph not later than
16 180 days of notification of noncompliance,
17 the State apprenticeship agency’s recogni-
18 tion under this section shall be renewed for
19 an additional 4-year period.

20 “(C) TRANSITION PERIOD FOR STATE
21 AGENCIES.—

22 “(i) TRANSITION.—A State agency
23 that, as of the day before the date of en-
24 actment of the National Apprenticeship
25 Act of 2020, was recognized by the Sec-

1 retary for purposes of registering appren-
2 ticeship programs in accordance with the
3 Act of August 16, 1937 (50 Stat. 664,
4 chapter 663; 29 U.S.C. 50 et seq.), shall
5 continue to be recognized for 1 year after
6 the effective date of the National Appren-
7 ticeship Act of 2020.

8 “(ii) APPLICATION FOR RECOGNI-
9 TION.—Not later than 1 year after the ef-
10 fective date of the National Apprenticeship
11 Act of 2020, a State agency that, as of the
12 day before the date of enactment of the
13 National Apprenticeship Act of 2020, was
14 recognized by the Secretary for purposes of
15 registering apprenticeship programs in ac-
16 cordance with the Act of August 16, 1937
17 (50 Stat. 664, chapter 663; 29 U.S.C. 50
18 et seq.), shall submit an application under
19 paragraph (2).

20 “(iii) RECOGNITION PERIOD.—A State
21 agency described in clause (ii) shall be rec-
22 ognized as a State apprenticeship agency
23 under this section for a 4-year period be-
24 ginning on the date on which the Secretary

1 approves the application submitted by the
2 State agency under paragraph (2).

3 “(b) AUTHORITY OF A STATE APPRENTICESHIP
4 AGENCY.—

5 “(1) IN GENERAL.—For the period during
6 which a State apprenticeship agency is recognized
7 under subsection (a) and to maintain such recogni-
8 tion, the State apprenticeship agency shall carry out
9 the requirements of this Act.

10 “(2) PROGRAM RECOGNITION.—With respect to
11 a State with a State apprenticeship agency, the
12 State apprenticeship agency shall have sole authority
13 to recognize a pre-apprenticeship, youth apprentice-
14 ship, or apprenticeship program in such State, which
15 shall include—

16 “(A) determining whether such program is
17 in compliance with the standards for such pro-
18 gram under section 121;

19 “(B) in the case of such a program that is
20 in compliance with such standards, recognizing
21 the program and providing a certificate of rec-
22 ognition for such program;

23 “(C) providing technical assistance to cur-
24 rent or potential sponsors; and

1 “(D) in the case of such a program that
2 fails to meet the requirements of this Act, pro-
3 viding for the withdrawal of recognition of the
4 program in accordance with section 131(b).

5 “(3) STATE APPRENTICESHIP COUNCIL.—

6 “(A) IN GENERAL.—A State apprentice-
7 ship agency may establish and use or continue
8 the use of a State apprenticeship council if the
9 State apprenticeship council operates, or will
10 operate, under the direction of the State ap-
11 prenticeship agency, and in compliance with the
12 requirements of this Act. The State apprentice-
13 ship council shall not have authority to register
14 programs or otherwise control or direct the op-
15 erations of the State apprenticeship agency.

16 “(B) COMPOSITION.—A State apprentice-
17 ship council may be regulatory or advisory in
18 nature, and shall—

19 “(i) be composed of persons familiar
20 with apprenticeable occupations; and

21 “(ii) be fairly balanced, with an equal
22 number of—

23 “(I) representatives of employer
24 organizations (including from non-

1 traditional apprenticeship industries
2 or occupations);

3 “(II) representatives of labor or-
4 ganizations or joint labor-management
5 organizations (including from non-
6 traditional apprenticeship industries
7 or occupations); and

8 “(III) public members.

9 “(C) SPECIAL RULE.—A State apprentice-
10 ship council shall not be eligible for recognition
11 as a State apprenticeship agency.

12 “(c) STATE PLAN.—

13 “(1) IN GENERAL.—

14 “(A) IN GENERAL.—For a state appren-
15 ticeship agency to be eligible to receive allot-
16 ments under subsection (f), the State shall sub-
17 mit to the Secretary a State plan in accordance
18 with subsection (a)(2).

19 “(B) SUBSEQUENT PLANS.—

20 “(i) IN GENERAL.—Except as other-
21 wise provided in this paragraph, a State
22 plan shall be submitted to the Secretary
23 not later than 120 days prior to the end of
24 the 4-year period covered by the preceding
25 State plan.

1 “(ii) APPROVAL.—A State plan shall
2 be subject to the approval of the Secretary
3 and shall be considered to be approved at
4 the end of the 90-day period beginning on
5 the date that the plan is submitted under
6 this paragraph, unless the Secretary, dur-
7 ing the 90-day period, provides the State
8 apprenticeship agency, in writing—

9 “(I) an explanation for why the
10 State plan is inconsistent with the re-
11 quirements of this Act; and

12 “(II) an opportunity for an ap-
13 peal of such determination.

14 “(C) MODIFICATIONS.—

15 “(i) IN GENERAL.—At the end of the
16 first 2-year period of any 4-year State
17 plan, the State may submit modifications
18 to the State plan to reflect changes in
19 labor market and economic conditions or
20 other factors affecting the implementation
21 of the State plan.

22 “(ii) APPROVAL.—A modified State
23 plan submitted for review under clause (i)
24 shall be subject to the approval require-
25 ments described in subparagraph (B)(ii).

1 “(2) STATE LAWS.—The State plan shall in-
2 clude—

3 “(A) a description of any laws (including
4 regulations), policies, and operational proce-
5 dures relating to the process of recognizing pro-
6 grams under the national apprenticeship system
7 that are inconsistent with, or impose require-
8 ments in addition to, the requirements of this
9 Act; and

10 “(B) an assurance that the State will no-
11 tify the Secretary if there are any changes to
12 the State laws (including regulations), policies,
13 or procedures described in subparagraph (A)
14 that occur after the date of submission of such
15 plan.

16 “(3) TECHNICAL ASSISTANCE.—A description
17 of how the State apprenticeship agency will provide
18 technical assistance for—

19 “(A) potential sponsors, employers, quali-
20 fied intermediaries, apprentices, or any poten-
21 tial program participant in the national appren-
22 ticeship system in the State for the purposes of
23 recruitment, retention, and program develop-
24 ment or expansion; and

1 “(B) sponsors of programs registered in
2 the State that are not meeting performance
3 goals under subtitle C for purposes of assisting
4 such sponsors in meeting such goals.

5 “(4) RECIPROCITY.—An assurance that the
6 State apprenticeship agency, in the case of a pro-
7 gram recognized by a registration agency in another
8 State and seeking registration in the State of such
9 agency under this paragraph, shall recognize such
10 program in the State of such agency for purposes of
11 this Act by not later than 30 days after receipt of
12 an application for such recognition.

13 “(5) PROMOTING DIVERSITY IN THE NATIONAL
14 APPRENTICESHIP SYSTEM.—A description of how
15 the State apprenticeship agency will promote diver-
16 sity and equal employment opportunity in programs
17 under the national apprenticeship system in the
18 State that—

19 “(A) promotes diversity in apprenticeable
20 occupations offered throughout the State, and a
21 description of how such agency will promote the
22 addition of apprenticeable occupations in high-
23 skill, high-wage, or in-demand industry sectors
24 and occupations, and in nontraditional appren-
25 ticeship occupations and sectors; and

1 “(B) provides technical assistance on the
2 implementation of the requirements of section
3 111(b)(7)(B).

4 “(6) COMPLAINTS.—A description of the system
5 for the State apprenticeship agency to receive and
6 resolve complaints concerning violations of the ap-
7 prenticeship agreement, submitted by program par-
8 ticipants, sponsors, or employers.

9 “(7) STATE APPRENTICESHIP HUBS.—A de-
10 scription of how the State apprenticeship agency will
11 consider the creation and implementation of appren-
12 ticeship hubs throughout the State, in a manner
13 that takes into consideration geographic diversity,
14 that shall work with industry and sector partner-
15 ships to expand programs under the national ap-
16 prenticeship system, and apprenticeable occupations,
17 in the State.

18 “(8) STATE APPRENTICESHIP PERFORMANCE
19 OUTCOMES.—A description of how the State appren-
20 ticeship agency shall—

21 “(A) in coordination with the Secretary,
22 establish annual performance goals for the pro-
23 grams registered by the State apprenticeship
24 agency for the indicators described in section
25 131(b)(1)(A);

1 “(B) describe how the State apprenticeship
2 agency will collect performance data from pro-
3 grams registered by the agency; and

4 “(C) annually report on the outcomes of
5 each such program in relation to the State es-
6 tablished goals under subparagraph (A).

7 “(10) ALIGNMENT OF WORKFORCE ACTIVI-
8 TIES.—Each State plan shall describe how programs
9 under the national apprenticeship system in the
10 State are aligned with State workforce and edu-
11 cation activities.

12 “(11) STATE APPRENTICESHIP COUNCIL.—A
13 description of the composition, roles, and responsi-
14 bility of the State apprenticeship council, if such
15 council exists, and how the Council will comply with
16 the requirements of subsection (b)(3).

17 “(d) STATE APPRENTICESHIP AGENCY FUNDING.—
18 A State apprenticeship agency shall use funds received
19 under subsection (f)(1)(A)(ii) according to the following
20 requirements:

21 “(1) PROGRAM ADMINISTRATION.—The State
22 apprenticeship agency shall use such funds to sup-
23 port the administration of programs under the na-
24 tional apprenticeship system across the State, in-
25 cluding for—

1 “(A) staff and resources;

2 “(B) oversight and evaluation as required
3 under this Act;

4 “(C) technical assistance to program spon-
5 sors, program participants, employers, edu-
6 cation and training providers, and qualified
7 intermediaries;

8 “(D) pre-apprenticeship, youth, and ap-
9 prenticeship program recruitment and develop-
10 ment, including for—

11 “(i) engaging potential providers of
12 such programs such as employers, qualified
13 intermediaries, related instruction pro-
14 viders, and potential program participants;

15 “(ii) publicizing apprenticeship oppor-
16 tunities and benefits; and

17 “(iii) engaging State workforce and
18 education systems for collaboration and
19 alignment across systems; and

20 “(E) supporting the enrollment and ap-
21 prenticeship certification requirements to allow
22 veterans and other individuals eligible for the
23 educational assistance programs under chapters
24 30 through 36 of title 38, United States Code,
25 and any related educational assistance pro-

1 grams under laws administered by the Sec-
2 retary of Veterans Affairs, to use such assist-
3 ance for the apprenticeship program, including
4 the requirement of designating a certifying offi-
5 cial.

6 “(2) LEADERSHIP ACTIVITIES.—

7 “(A) IN GENERAL.—A State apprentice-
8 ship agency may reserve not more than 25 per-
9 cent of the funds received under subsection (f)
10 in support of State apprenticeship initiatives
11 described in this paragraph.

12 “(B) DIVERSITY.—Not less than 5 percent
13 of the amount reserved under subparagraph (A)
14 shall be used by the State apprenticeship agen-
15 cy for supporting and expanding diversity in
16 apprenticeable occupations under the national
17 apprenticeship system in the State, and pro-
18 gram participant populations in the State.

19 “(C) INCENTIVES FOR EMPLOYERS.—A
20 State apprenticeship agency may use the funds
21 reserved under subparagraph (A) to incentivize
22 employers to participate in programs under the
23 national apprenticeship system.

24 “(D) STATE-SPECIFIC INITIATIVES.—A
25 State apprenticeship agency may use the funds

1 reserved under subparagraph (A) for State-spe-
2 cific initiatives, such as the development or ex-
3 pansion of youth apprenticeship programs, pre-
4 apprenticeship programs, or apprenticeship pro-
5 grams in high-skill, high-wage, or in-demand in-
6 dustry sectors and occupations.

7 “(E) WORKFORCE ALIGNMENT.—A State
8 apprenticeship agency may use the funds re-
9 served under subparagraph (A) to engage with
10 the State’s workforce development system in
11 support of alignment with the State’s workforce
12 activities and strategic vision.

13 “(F) EDUCATION ALIGNMENT.—A State
14 apprenticeship agency may use the funds re-
15 served under subparagraph (A) to engage with
16 the State education system in support of align-
17 ment of related instruction provided under the
18 national apprenticeship system in the State
19 with academic credit granting postsecondary
20 programs.

21 “(3) STATE MATCH FOR FEDERAL INVEST-
22 MENT.—Except in the case of exceptional cir-
23 cumstances, as determined by the Secretary, in
24 order to receive a full allotment under subsection (f),
25 a State apprenticeship agency shall use matching

1 funds from non-Federal resources to carry out the
2 activities of the agency under this Act in an amount
3 not less than 15 percent of such allotment.

4 “(e) DERECOGNITION OF STATE APPRENTICESHIP
5 AGENCIES.—

6 “(1) IN GENERAL.—The Secretary may with-
7 draw recognition of a State apprenticeship agency
8 before the end of the agency’s 4-year recognition pe-
9 riod under subsection (a)(2)(B) if the Secretary de-
10 termines, after notice and an opportunity for a hear-
11 ing, that the State apprenticeship agency has failed
12 for one of the reasons described in paragraph (2),
13 and has not been in compliance with the perform-
14 ance improvement plan under paragraph (3) to rem-
15 edy such failure.

16 “(2) DERECOGNITION CRITERIA.—The recogni-
17 tion of a State apprenticeship agency under this sec-
18 tion may be withdrawn under paragraph (1) in a
19 case in which the State apprenticeship agency fails
20 to—

21 “(A) adopt or properly enforce a State
22 plan;

23 “(B) properly carry out its role as the sole
24 registration agency in the State;

1 “(C) submit a report under section
2 131(a)(1)(B) for any program year;

3 “(D) meet the State levels of performance
4 as described in subsection (b)(2)(A)(iii) for 3
5 program years, or demonstrate improvements in
6 performance during such period; or

7 “(E) otherwise fulfill or operate in compli-
8 ance with the requirements of this Act.

9 “(3) DERECOGNITION PROCESS.—

10 “(A) IN GENERAL.—If a State apprentice-
11 ship agency fails for any of the reasons de-
12 scribed in paragraph (2), the Secretary shall
13 provide technical assistance to such agency for
14 corrective action to remedy such failure, includ-
15 ing assistance in the development of a perform-
16 ance improvement plan.

17 “(B) REDUCTION OF FUNDS.—Except in
18 the case of exceptional circumstances as deter-
19 mined by the Secretary, in a case in which such
20 a State apprenticeship agency continues such
21 failure after the provision of the technical as-
22 sistance under subparagraph (A)—

23 “(i) the percentage of the funds to be
24 allotted to the State apprenticeship agency
25 under subsection (f) for each fiscal year

1 following the fiscal year in which such fail-
2 ure has been identified shall be reduced by
3 5 percentage points; and

4 “(ii) the Secretary shall provide notice
5 to the State apprenticeship agency that the
6 agency’s recognition under this section
7 may be withdrawn if the agency fails to
8 remedy the failure.

9 “(C) TERMINATION OF PROCEEDINGS.—If
10 the Secretary determines that the State appren-
11 ticeship agency’s corrective action under sub-
12 paragraph (A) has addressed the agency’s fail-
13 ure identified under paragraph (2), the Sec-
14 retary shall—

15 “(i) restore the agency’s full funding
16 allocation under this title for the next full
17 fiscal year and for each succeeding year;
18 and

19 “(ii) notify the State apprenticeship
20 agency that the agency’s recognition will
21 not be withdrawn under this section for
22 the reason for which the agency’s funding
23 under this title was most recently reduced.

24 “(D) OPPORTUNITY FOR HEARING.—

1 “(i) IN GENERAL.—In a case in which
2 a State apprenticeship agency fails to rem-
3 edy a failure identified under paragraph
4 (2), the Secretary shall—

5 “(I) notify, in writing, the State
6 apprenticeship agency of the failure of
7 the State apprenticeship agency, in-
8 cluding a description of such failure
9 and an explanation the agency’s rec-
10 ognition under this section may be
11 withdrawn as a result of such failure;
12 and

13 “(II) offer the State apprentice-
14 ship agency an opportunity to request
15 a hearing not later than 30 days after
16 the date of such notice.

17 “(ii) REFERRAL TO OFFICE OF AD-
18 MINISTRATIVE LAW JUDGES.—In a case in
19 which the State apprenticeship agency re-
20 quests a hearing under clause (i)(II), the
21 Secretary shall refer the matter to the De-
22 partment’s Office of Administrative Law
23 Judges, which shall adjudicate the matter
24 pursuant to its regulations, with an oppor-
25 tunity to appeal the Administrative Law

1 Judge's decision to the Department's Ad-
2 ministrative Review Board.

3 “(4) REQUIREMENTS AFTER WITHDRAWAL OF
4 RECOGNITION.—

5 “(A) OFFICE OF APPRENTICESHIP.—

6 “(i) PRIOR TO ORDER.—Prior to the
7 withdrawal of the recognition of a State
8 apprenticeship agency under this section,
9 the Secretary shall—

10 “(I) establish a State Office of
11 Apprenticeship using the process de-
12 scribed in section 111(b)(3); and

13 “(II) provide to the State ap-
14 prenticeship agency an order with-
15 drawing recognition of such agency
16 under this section.

17 “(ii) AFTER ORDER.—Not later than
18 30 days after the date of such order, notify
19 the sponsors of the programs under the
20 national apprenticeship system in such
21 State that were registered with the State
22 apprenticeship agency to enable each such
23 sponsor to be registered with the Secretary
24 (acting through the State Office of Ap-

1 prenticeship established under clause
2 (i)(II)).

3 “(B) STATE APPRENTICESHIP AGENCY RE-
4 QUIREMENTS.—A State agency whose recogni-
5 tion as a State apprenticeship agency under
6 this section has been withdrawn under para-
7 graph (3) shall—

8 “(i) provide to the Secretary program
9 standards, apprenticeship agreements,
10 completion records, cancellation and sus-
11 pension records, performance metrics, and
12 any other documents relating to the State’s
13 programs under the national apprentice-
14 ship system in the State;

15 “(ii) cooperate fully during the transi-
16 tion period beginning on the date of the
17 order withdrawing such recognition and
18 ending on the date on which the Secretary
19 establishes a State Office of Apprentice-
20 ship in the State; and

21 “(iii) return any unused funds re-
22 ceived under this Act.

23 “(5) REINSTATEMENT OF RECOGNITION.—A
24 State apprenticeship agency that has had its rec-
25 ognition withdrawn under this section may have

1 such recognition reinstated upon presentation of
2 adequate evidence that the State apprenticeship
3 agency has—

4 “(A) has submitted an application under
5 subsection (a)(2), and

6 “(B) has demonstrated the ability to oper-
7 ate in compliance with the requirements of this
8 Act.

9 “(f) RESERVATION AND STATE ALLOTMENTS.—

10 “(1) STATE ALLOTMENTS.—

11 “(A) IN GENERAL.—Of the amount appro-
12 priated under subsection (g) for a fiscal year—

13 “(i) $\frac{1}{3}$ shall be equally distributed
14 among each State Office of Apprenticeship,
15 outlying area, and eligible State; and

16 “(ii) $\frac{2}{3}$ shall be allotted to eligible
17 States on the basis described in subpara-
18 graph (B).

19 “(B) FORMULA.—

20 “(i) IN GENERAL.—Of the amount
21 available under subparagraph (A)(ii)—

22 “(I) 50 percent shall be allotted
23 on the basis of the relative share of
24 apprentices in each eligible State, as
25 determined on the basis of the most

1 recent satisfactory data available from
2 the Secretary, compared to the total
3 number of apprentices in all eligible
4 States; and

5 “(II) 50 percent shall be allotted
6 on the basis described in clause (ii).

7 “(ii) ALLOTMENTS.—Of the amount
8 available under clause (i)(II)—

9 “(I) $33\frac{1}{3}$ percent shall be allot-
10 ted on the basis of the relative share
11 of jobs that are available in each eligi-
12 ble State on the last business day of
13 the month, as determined on the basis
14 of the most recent satisfactory data
15 available from the Secretary, com-
16 pared to the total number of jobs
17 available in all eligible States, as so
18 determined; and

19 “(II) $33\frac{1}{3}$ percent shall be allot-
20 ted the basis of the relative number of
21 unemployed individuals in areas of
22 substantial unemployment in each
23 State, compared to the total number
24 of unemployed individuals in areas of

1 substantial unemployment in all eligi-
2 ble States; and

3 “(III) 33 $\frac{1}{3}$ percent shall be allot-
4 ted on the basis of the relative share
5 of individuals in the civilian labor
6 force in each eligible State, compared
7 to the total number of individuals in
8 the civilian labor force in all eligible
9 States.

10 “(2) DEFINITIONS.—In this subsection:

11 “(A) AREA OF SUBSTANTIAL UNEMPLOY-
12 MENT.—The term ‘area of substantial unem-
13 ployment’ has the meaning given the term in
14 section 132(b)(1)(B)(v) of the Workforce Inno-
15 vation and Opportunity Act (29 U.S.C.
16 3172(b)(1)(B)(v)).

17 “(B) ELIGIBLE STATE.—The term ‘eligible
18 State’ means a State that has a State appren-
19 ticeship agency.

20 “(C) OUTLYING AREA.—The term ‘out-
21 lying area’ means American Samoa, Guam, the
22 Commonwealth of the Northern Mariana Is-
23 lands, and the United States Virgin Islands.

1 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this sec-
3 tion—

4 “(1) \$75,000,000 for fiscal year 2021;

5 “(2) \$76,000,000 for fiscal year 2022;

6 “(3) \$77,000,000 for fiscal year 2023;

7 “(4) \$78,000,000 for fiscal year 2024; and

8 “(5) \$79,000,000 for fiscal year 2025.

9 **“Subtitle B—Process and Stand-**
10 **ards for the National Appren-**
11 **ticeship System**

12 **“SEC. 121. PROCESS AND STANDARDS.**

13 “(a) APPRENTICESHIP.—

14 “(1) APPROVAL.—For an occupation to be an
15 apprenticeable occupation under this Act, an entity
16 seeking approval for such occupation to be an
17 apprenticeable occupation shall submit an applica-
18 tion to the Secretary that demonstrates that appren-
19 ticeships under such apprenticeable occupation will
20 prepare individuals for the full range of skills and
21 competencies needed for such occupation through a
22 time-based, competency-based, or a hybrid model as
23 described in section 121(b)(1)(D).

24 “(2) ADDITIONAL APPRENTICEABLE OCCUPA-
25 TIONS.—The Secretary, in consultation with employ-

1 ers and other stakeholders in related industries, may
2 establish standards for additional apprenticeable oc-
3 cupations as necessary.

4 “(b) APPRENTICESHIP PROGRAM STANDARDS.—In
5 addition to the standards described in subsection (e), an
6 apprenticeship program shall meet the following stand-
7 ards:

8 “(1) The program has an organized and clearly
9 written plan, developed by the sponsor, that in-
10 cludes, at a minimum, the following information:

11 “(A) The employment and training to be
12 received by each apprentice participating in the
13 program, including—

14 “(i) an outline of the work processes
15 or the plan in which the apprentice will re-
16 ceive supervised work experience and on-
17 the-job learning;

18 “(ii) the allocation of the approximate
19 amount of time to be spent in each major
20 work process; and

21 “(iii) a description or timeline explain-
22 ing the periodic reviews and evaluations of
23 the apprentice’s performance on the job
24 and in related instruction.

1 “(B) A description of the organized, re-
2 lated instruction the apprentice will receive in
3 technical subjects related to the occupation,
4 which—

5 “(i) for time-based or hybrid appren-
6 ticeship programs as described in subpara-
7 graph (D), shall include not less than 144
8 hours for each year of apprenticeship, un-
9 less an alternative requirement is put forth
10 by the employer and sponsor that reflects
11 industry standards and is accepted by the
12 registration agency;

13 “(ii) may be accomplished through
14 classroom instruction, occupational or in-
15 dustry courses, instruction provided
16 through electronic media, or other instruc-
17 tion approved by the registration agency;
18 and

19 “(iii) shall be provided by one or more
20 qualified instructors that—

21 “(I) meet the requirements for a
22 vocational-technical instructor in the
23 State of registration; or

24 “(II) are subject matter experts,
25 defined for purposes of this subpara-

1 graph as individuals recognized within
2 an industry as having expertise in a
3 specific occupation.

4 “(C) A progressively increasing, clearly de-
5 fined schedule of wages to be paid to the ap-
6 prentice that is—

7 “(i) consistent with skill gains or at-
8 tainment of a recognized postsecondary
9 credential; and

10 “(ii) ensures the entry wage is not
11 less than the greater of—

12 “(I) the minimum wage required
13 under section 6(a) of the Fair Labor
14 Standards Act of 1938 (29 U.S.C.
15 206(a)); or

16 “(II) the applicable wage re-
17 quired by other applicable Federal or
18 State laws (including regulations) or
19 collective bargaining agreements.

20 “(D) The term of the apprenticeship pro-
21 gram, which may be measured using—

22 “(i) a time-based model, which re-
23 quires the completion of the industry
24 standard for on-the-job learning hours
25 (which in no case shall be less than 2,000

1 hours, unless an alternative requirement is
2 put forth by the employer and sponsor that
3 reflects industry standards and is accepted
4 by the registration agency);

5 “(ii) a competency-based model, which
6 requires the attainment of competency in
7 the occupation; or

8 “(iii) a hybrid model, which blends the
9 time-based and competency-based ap-
10 proaches.

11 “(E) The methods used to measure an ap-
12 prentice’s skills and competencies, which shall
13 include—

14 “(i) in the case of a competency-based
15 model, the individual apprentice’s success-
16 ful demonstration of acquired skills and
17 knowledge through appropriate means of
18 testing and evaluation for such com-
19 petencies, and by requiring apprentices to
20 complete a paid on-the-job learning compo-
21 nent of the apprenticeship;

22 “(ii) in the case of a time-based ap-
23 prenticeship described in subparagraph
24 (D)(i), the individual apprentice’s comple-
25 tion of the required hours of on-the-job

1 learning as described in a work process
2 schedule; or

3 “(iii) in the case of a hybrid appren-
4 ticeship described in subparagraph (D)(iii),
5 a combination of specified minimum num-
6 ber of hours of on-the-job learning and the
7 successful demonstration of competency, as
8 described in a work process schedule.

9 “(2) The program equally grants advanced
10 standing or credit to all individuals applying for the
11 apprenticeship with demonstrated competency or ac-
12 quired experience or skills, and provides commensu-
13 rate wages for any progression in standing or credit
14 so granted, including for veterans’ service-acquired
15 skills and experiences.

16 “(3) The program has minimum qualifications
17 for individuals desiring to enter the apprenticeship
18 program, with an eligible starting age for an appren-
19 tice of not less than 16 years.

20 “(4) In the case of a program that chooses to
21 issue an interim credential, the program—

22 “(A) clearly identifies each interim creden-
23 tial;

24 “(B) only issues an interim credential for
25 recognized components of an apprenticeable oc-

1 cupation and demonstrates how each interim
2 credential specifically links to the knowledge,
3 skills, and abilities associated with such compo-
4 nents; and

5 “(C) establishes the process for assessing
6 an individual apprentice’s demonstration of
7 competency and measurable skill gains associ-
8 ated with the particular interim credential.

9 “(c) PRE-APPRENTICESHIP PROGRAM STANDARDS.—
10 In addition to the standards described in subsection (e),
11 a pre-apprenticeship program shall meet the following
12 standards:

13 “(1) The program is designed to assist individ-
14 uals who do not meet minimum qualifications for an
15 apprenticeship program as described in subsection
16 (b), and prepare them to enter and succeed in ap-
17 prenticeship programs, including by providing the
18 skills and competency attainment needed to enter
19 the apprenticeship program.

20 “(2) The program includes a written plan devel-
21 oped by the sponsor that—

22 “(A) provides for work-based learning in
23 which an industry or sector partnership and a
24 related instruction provider collaborate to pro-
25 vide training that will introduce participants to

1 the skills, competencies, and materials used in
2 one or more apprenticeable occupations;

3 “(B) is based on and aligned with national,
4 State, regional, or local industry standards for
5 high-skill, high-wage, or in-demand industry
6 sectors and occupations;

7 “(C) to the extent appropriate and prac-
8 ticable, meets the related instruction require-
9 ments as described in clauses (ii) through (iv)
10 of subsection (b)(1)(C); and

11 “(D) includes mentoring, career exposure,
12 career planning, and career awareness activi-
13 ties.

14 “(d) YOUTH APPRENTICESHIP PROGRAM STAND-
15 ARDS.—In addition to the standards described in sub-
16 section (e), a youth apprenticeship program shall meet the
17 following standards:

18 “(1) The program is designed for youth appren-
19 tices who at the start of the program are enrolled
20 in high school.

21 “(2) The program includes each of the following
22 core elements:

23 “(A) The employment and training to be
24 received by each youth apprentice participating
25 in the program, including—

1 “(i) an outline of the work processes
2 or the plan in which the youth apprentice
3 will receive supervised work experience;

4 “(ii) the allocation of the approximate
5 amount of time to be spent in each major
6 work process; and

7 “(iii) a description or timeline explain-
8 ing the periodic reviews and evaluations of
9 the youth apprentice’s performance on the
10 job and in related instruction.

11 “(B) Related classroom-based instruction,
12 which may be fulfilled through dual or concur-
13 rent enrollment.

14 “(C) The term of the youth apprenticeship
15 program, as described in subsection (b)(1)(E).

16 “(D) For a competency-based or hybrid
17 youth apprenticeship program, the methods
18 used to measure skill acquisition for a youth
19 apprentice, including ongoing assessment
20 against established skill and competency stand-
21 ards as described in subsection (a)(1)(F).

22 “(E) Prepares the youth apprentice for
23 placement in further education, employment, or
24 an apprenticeship program.

1 “(3) In the case of a youth apprenticeship pro-
2 gram that chooses to issue an interim credential, the
3 program meets the requirements of subsection
4 (b)(4).

5 “(e) GENERAL REQUIREMENTS.—Each program
6 under the national apprenticeship system shall meet the
7 following standards:

8 “(1) The program has safe equipment, environ-
9 ments, and facilities for on-the-job learning and su-
10 pervision.

11 “(2) The program records and maintains all
12 records concerning the program as may be required
13 by the Secretary, the registration agency of the pro-
14 gram, or any other applicable law, including records
15 required under title 38, United States Code, in order
16 for veterans and other individuals eligible for edu-
17 cational assistance under such title to use such as-
18 sistance for enrollment in the program.

19 “(3) The program provides all individuals with
20 an equal opportunity to participate in the program
21 as described in section 111(b)(7)(B).

22 “(4) The program awards a certificate of com-
23 pletion in recognition of successful completion of the
24 program, evidenced by an appropriate certificate
25 issued by the registration agency.

1 “(5) The program provides that an individual
2 who is to become a program participant under the
3 program enters into a written apprenticeship agree-
4 ment described in subsection (g) with the sponsor of
5 the program.

6 “(f) WAIVER OR MODIFICATION AUTHORITY.—The
7 Secretary shall have authority to—

8 “(1) waive any requirements of subsections (b)
9 through (e) for small businesses or first-time spon-
10 sors who demonstrate a need for such waiver; and

11 “(2) modify the requirements of subsections (b)
12 through (e), as applicable, upon request from em-
13 ployers or other industry stakeholders.

14 “(g) APPRENTICESHIP AGREEMENTS.—To ensure
15 the standards described in subsections (a) through (e) are
16 applied to programs under the national apprenticeship
17 system, the registration agency shall require a sponsor to
18 develop an apprenticeship agreement that shall—

19 “(1) be the same for each program participant;

20 “(2) contain the names and signatures of the
21 program participant and the sponsor;

22 “(3) meet the requirements of subsection (h),
23 and any other requirements determined solely by the
24 sponsor; and

1 “(4) be submitted to the registration agency in
2 accordance with section 121(i).

3 “(h) APPRENTICESHIP AGREEMENT STANDARDS.—
4 Each agreement under subsection (g) shall contain, explic-
5 itly or by reference—

6 “(1) in the case of an apprenticeship pro-
7 gram—

8 “(A) that is time-based, a statement of the
9 number of hours to be spent by the program
10 participant in on-the-job learning and work
11 components in order to complete the program;

12 “(B) that is competency-based, a descrip-
13 tion of the skill sets to be attained by comple-
14 tion of the program, including the on-the-job
15 learning and work components; or

16 “(C) that is hybrid-based, the minimum
17 number of hours to be spent by the program
18 participant in on-the-job learning and work
19 components and in related instruction, and a
20 description of the skill sets and competencies to
21 be attained by completion of the program;

22 “(2) the number of hours and form of related
23 instruction;

24 “(3) a schedule of the work processes in the oc-
25 cupation or industry divisions in which the program

1 participant is to be educated and the approximate
2 time to be spent at each process;

3 “(4) for apprenticeships, the graduated wage
4 scale to be paid to the apprentices in the appren-
5 tices’ locality, benefits offered to the apprentices in
6 the apprentices’ locality, and how the wages and
7 benefits compare to State, local, or regional wages in
8 the related occupation;

9 “(5) assurance of compliance with section
10 111(b)(7)(B) stating that the program participant
11 will be accorded equal opportunity; and

12 “(6) the ratio of program participants to men-
13 tors, journeyworkers, or on-the-job training instruc-
14 tors, as applicable, for the apprenticeable occupa-
15 tion, that are based on evidence-based and evidence-
16 informed best practices for safety throughout the
17 work processes of the program, job site, department,
18 or plant.

19 “(i) APPRENTICESHIP REGISTRATION APPLICA-
20 TION.—The Secretary shall provide for the registration of
21 programs in which a sponsor applying to register a pro-
22 gram under the national apprenticeship system shall re-
23 quest registration of such program from a registration
24 agency by submitting the information required by the reg-
25 istration agency, including—

1 “(1) information demonstrating that each of
2 the requirements of subsections (a) through (f) will
3 be met for the program;

4 “(2) a copy of the apprenticeship agreement de-
5 scribed in subsection (g) used by the sponsor;

6 “(3) a written assurance that, if the program is
7 registered under this title, the sponsor will admin-
8 ister the program in accordance with the require-
9 ments of this title and comply with the requirements
10 of the apprenticeship agreement for each apprentice;
11 and

12 “(4) methods for reporting annually data de-
13 scribing the outcomes associated with the program
14 as required by the registration agency.

15 “(j) RECOGNITION AND REGISTRATION PROCESS.—

16 “(1) REVIEW AND APPROVAL PROCESS.—

17 “(A) PROVISIONAL APPROVAL REVIEW.—

18 An application submitted under subsection (i)
19 that the registration agency determines meets
20 the requirements described in such subsection
21 shall be registered for a provisional 1-year pe-
22 riod beginning not later than 30 days after
23 such application is submitted. During such pe-
24 riod, the registration agency shall accept and
25 record the apprenticeship agreement as evidence

1 of the program’s compliance and registration to
2 operate such program.

3 “(B) FULL APPROVAL OR EXTENDED PRO-
4 VISIONAL APPROVAL.—By the end of a provi-
5 sional registration period for a program, the
6 registration agency providing provisional ap-
7 proval under subparagraph (A) shall review the
8 program for quality and for compliance with the
9 applicable standards under this subtitle and all
10 other applicable program requirements under
11 this Act, and—

12 “(i) if a registration agency con-
13 ducting a provisional review determines
14 that the program complies with the stand-
15 ards and requirements under this Act, the
16 registration agency shall fully approve the
17 registration of the program; or

18 “(ii) if a registration agency con-
19 ducting a provisional review determines
20 that the program is not conforming to the
21 requirements or standards under this Act,
22 the registration agency may continue the
23 provisional registration of the program
24 through the first full training cycle for pro-
25 gram participants, and conduct an addi-

1 tional provisional review at the conclusion
2 of the training cycle.

3 “(C) FAILURE TO MEET REQUIRE-
4 MENTS.—If a registration agency conducting a
5 provisional review under subparagraph (A) de-
6 termines that the program is not in operation
7 or does not conform to the requirements under
8 this Act, the registration agency shall rec-
9 ommend technical assistance and corrective ac-
10 tion for the program, or deregistration, in ac-
11 cordance with procedures established under sec-
12 tion 131(b).

13 “(2) CERTIFICATE OF REGISTRATION.—

14 “(A) IN GENERAL.—A registration agency
15 that registers a program under paragraph (1)
16 shall—

17 “(i) provide the sponsor of the pro-
18 gram with a certificate of registration or
19 other written evidence of registration;

20 “(ii) provide a copy of the certificate
21 of registration; and

22 “(iii) provide a copy of the certificate
23 of registration to the Secretary of Veterans
24 Affairs or the applicable State veterans
25 agency for the purpose of aligning the reg-

1 istration process with the process for ap-
2 proving such program for eligible veterans'
3 use of supplemental educational assistance
4 benefits.

5 “(B) REGISTRATION NAME.—A program
6 shall be registered in the name of the sponsor,
7 or if a sponsor enters into a partnership with
8 an employer who registers the program, in the
9 name of the employer.

10 “(3) PROGRAM PARTICIPANT REGISTRATION.—
11 A sponsor providing a program that is registered in
12 accordance with paragraph (2) shall provide to an
13 individual seeking to be a program participant the
14 opportunity to apply through the sponsor, and
15 shall—

16 “(A) enter into a written individual ap-
17 prenticeship agreement described in subsection
18 (g) with each such individual before the com-
19 mencement of the program; and

20 “(B) individually register each program
21 participant with the registration agency by fil-
22 ing a copy of the individual apprenticeship
23 agreement with the registration agency or as
24 otherwise required by the registration agency,

1 and sharing a copy with the Secretary as appro-
2 priate, as described under subsection (i).

3 “(4) TRANSITION PROCESS FOR PREVIOUSLY
4 APPROVED PROGRAMS.—With respect to the sponsor
5 of a program that is approved for apprenticeship
6 purposes as of the day before the date of enactment
7 of the National Apprenticeship Act of 2020, a reg-
8 istration agency shall do the following:

9 “(A) If such program meets the require-
10 ments of this Act, take such steps as necessary
11 to ensure such program maintains status as a
12 program under this Act.

13 “(B) If such program does not comply
14 with the requirements of this Act, provide tech-
15 nical assistance to ensure such sponsor is in
16 compliance with this Act not later than 3 years
17 after the date of the date of enactment of this
18 Act.

19 “(k) MODIFICATIONS OR CHANGES TO YOUTH AP-
20 PRENTICESHIP, PRE-APPRENTICESHIP, OR APPRENTICE-
21 SHIP PROGRAMS.—

22 “(1) SPONSOR PROPOSAL.—Any sponsor that
23 wishes to modify a program shall submit the pro-
24 posal for such modification to the registration agen-
25 cy for the program.

1 “(2) REGISTRATION AGENCY REQUIREMENTS.—

2 “(A) IN GENERAL.—The registration agen-
3 cy shall determine whether to approve the pro-
4 posal and notify the sponsor of the determina-
5 tion by not later than 60 days after receipt of
6 the proposal.

7 “(B) APPROVAL OF PROPOSAL.—If the
8 proposal is approved, the registration agency
9 shall amend the record of the program to reflect
10 the modification , and provide the sponsor or
11 program administrator with an acknowledgment
12 of the modified program, by not later than 30
13 days after the date of approval.

14 “(C) DISAPPROVAL OF PROPOSAL.—If the
15 proposal is not approved, the registration agen-
16 cy shall—

17 “(i) notify the sponsor of the reasons
18 for the disapproval and provide the sponsor
19 with technical assistance to maintain the
20 program as originally registered;

21 “(ii) provide the sponsor with the op-
22 portunity to submit a revised modification
23 proposal, including providing appropriate
24 technical assistance to modify the proposal

1 in order to meet the requirements of this
2 Act; and

3 “(iii) in a case in which the sponsor
4 submits a revised modification proposal,
5 not later than 60 days after receipt of such
6 proposal—

7 “(I) approve the proposal; or

8 “(II) disapprove the program and
9 provide the sponsor with technical as-
10 sistance to maintain the program as
11 originally registered.

12 **“Subtitle C—Evaluations and** 13 **Research**

14 **“SEC. 131. PROGRAM EVALUATIONS AND RESEARCH.**

15 “(a) PURPOSE.—The purpose of this section is to es-
16 tablish performance accountability measures related to
17 program completion and key indicators of performance
18 under the Workforce Innovation and Opportunity Act (29
19 U.S.C. 3101 et seq.).

20 “(b) REVIEWS BY REGISTRATION AGENCIES.—

21 “(1) PERFORMANCE REVIEWS.—

22 “(A) IN GENERAL.—A registration agency
23 shall annually collect performance data for each
24 program registered under section 121 by such
25 agency, to determine—

1 “(i) the performance of the program
2 with respect to the indicators of perform-
3 ance under section 116(b)(2)(A)(i) of the
4 Workforce Innovation and Opportunity Act
5 (29 U.S.C. 3141(b)(2)(A)(i) or in the case
6 of a youth apprenticeship program, section
7 116(b)(2)(A)(ii) of such Act (29 U.S.C.
8 3141(b)(2)(A)(ii)), to the extent prac-
9 ticable and as applicable to programs
10 under the national apprenticeship system;
11 and

12 “(ii) the completion rates of the pro-
13 gram.

14 “(B) REPORTS.—The registration agency
15 for a State shall annually prepare and submit
16 to the Secretary a State performance report
17 that includes, with respect to each program reg-
18 istered under section 121 by such agency—

19 “(i) information specifying the levels
20 of performance described in subparagraph
21 (A);

22 “(ii) the percentage of program par-
23 ticipants in under-represented apprentice-
24 ship populations;

1 “(iv) the average time to completion
2 for the program as compared to the de-
3 scription in the agreement under section
4 123(b)(1);

5 “(v) the average cost per participant
6 during the most recent program year and
7 the 3 preceding program years;

8 “(vii) information on the State’s uses
9 of funds;

10 “(viii) how resources, whether finan-
11 cial, time, or other were spent on the deliv-
12 ery, improvement, and expansion of pro-
13 gram services, activities and evaluations;
14 and

15 “(ix) the disaggregation of the per-
16 formance data described in clauses (i)
17 through (v) by—

18 “(I) the program type (appren-
19 ticeship, youth apprenticeship, or pre-
20 apprenticeship program) involved; and

21 “(II) race, ethnicity, sex, age,
22 and membership in a population speci-
23 fied in section 3(24) of the Workforce
24 Innovation and Opportunity Act (29
25 U.S.C. 3102(24)).

1 “(2) REPORTS.—Not later than 60 days after
2 receiving a report under paragraph (1)(B), the Sec-
3 retary shall make such report publicly available.

4 “(3) COMPREHENSIVE PROGRAM REVIEWS.—

5 “(A) IN GENERAL.—A registration agency
6 shall periodically review each program reg-
7 istered under section 121 by such agency for
8 quality assurance and compliance with the re-
9 quirements of title I.

10 “(B) TIMING OF REVIEWS.—A review de-
11 scribed in subparagraph (A) shall occur not less
12 frequently than once every 5 years.

13 “(C) REVIEW.—The review shall be a com-
14 prehensive review regarding all aspects of the
15 program performance determining whether the
16 sponsor of the program is complying with the
17 requirements of title I.

18 “(D) REPORTS.—

19 “(i) IN GENERAL.—On completion of
20 a review under this paragraph, the reg-
21 istration agency shall prepare and submit
22 to the Secretary a report containing the re-
23 sults of the review.

24 “(ii) PUBLIC AVAILABILITY.—The
25 Secretary shall develop and make publicly

1 available a statewide summary of reports
2 submitted by each registration agency.

3 “(4) REGISTRATION AGENCY DISCRETION.—
4 The registration agency may modify the require-
5 ments of this subsection for small businesses or
6 first-time sponsors who demonstrate a need for such
7 modification.

8 “(c) SUBSEQUENT ACTION.—

9 “(1) TECHNICAL ASSISTANCE.—The registra-
10 tion agency shall provide technical assistance to the
11 sponsor and identify areas that require technical as-
12 sistance, including assistance in the development of
13 a performance improvement plan if the registration
14 agency determines, pursuant to any review under
15 subsection (a), that the youth apprenticeship, pre-
16 apprenticeship, or apprenticeship program—

17 “(A) is not in operation;

18 “(B) is not in compliance with the require-
19 ments of title I; or

20 “(C) is achieving levels of performance on
21 the indicators described in subsection (b)(1)(A)
22 that are lower than the State goals.

23 “(2) CORRECTIVE ACTION AND
24 DEREGISTRATION OF AN APPRENTICESHIP PRO-
25 GRAM.—The registration agency may take corrective

1 action, and if warranted, deregister a youth appren-
2 ticeship, pre-apprenticeship, or apprenticeship pro-
3 gram, after making a determination that the pro-
4 gram demonstrates persistent and significant failure
5 to perform successfully, which occurs when—

6 “(A) the sponsor of the program consist-
7 ently fails to register at least 1 program partici-
8 pant;

9 “(B) the program shows a pattern of poor
10 results as determined solely by the registration
11 agency on the indicators described in subsection
12 (a)(1)(A) over a period of 3 years, given the
13 characteristics of program participants and eco-
14 nomic conditions in the area served, or are
15 lower than the national or State average;

16 “(C) the program shows no indication of
17 improvement in the areas identified by the reg-
18 istration agency and in the performance im-
19 provement plan under paragraph (1); or

20 “(D) the sponsor has not administered the
21 program in accordance with the program’s reg-
22 istration, as applicable, or with the require-
23 ments of this Act.

24 “(3) NOTIFICATION AND HEARING.—If the reg-
25 istration agency makes a determination described in

1 paragraph (2), the registration agency shall notify
2 the Secretary and the sponsor of the determination
3 in writing, and permit the sponsor to request a hear-
4 ing by the Office of Administrative Law Judges. The
5 registration agency shall transmit to the Secretary a
6 report containing all pertinent facts and cir-
7 cumstances concerning the determination, including
8 findings and a recommendation for deregistration,
9 and copies of all relevant documents and records. If
10 the sponsor requests a hearing it shall be conducted
11 in accordance with the Office of Administrative Law
12 Judges regulations. A party to the proceeding may
13 petition for review of the final decision of the Ad-
14 ministrative Law Judge. If the sponsor does not re-
15 quest the hearing, the registration agency shall
16 deregister the program after the period for request-
17 ing such a hearing has expired.

18 “(4) NOTIFICATION AND TREATMENT OF AP-
19 PRENTICES.—Not later than 15 days after the reg-
20 istration agency deregisters a program, or not later
21 than 15 days after the period for requesting such a
22 hearing has expired, the sponsor or program admin-
23 istrator shall notify each program participant—

24 “(A) of such deregistration and the effec-
25 tive date;

1 “(B) that such deregistration automatically
2 deprives the program participant of individual
3 registration as part of such program, including
4 the ability to receive a certificate of completion
5 from the registration agency;

6 “(C) that the deregistration of the pro-
7 gram removes the program participant from eli-
8 gibility for any Federal financial or other assist-
9 ance, or right, privilege, or exemption under
10 Federal law, that—

11 “(i) relates to an apprentice; and

12 “(ii) requires the registration agency’s
13 approval; and

14 “(D) that all youth apprentices, pre-ap-
15 prentices, or apprentices are referred to the
16 registration agency for information about po-
17 tential transfers to other programs under the
18 national apprenticeship system.

19 “(d) EVALUATION AND RESEARCH.—For the purpose
20 of improving the management and effectiveness of the pro-
21 grams and activities carried out under this Act, the Sec-
22 retary shall conduct, through an independent entity, eval-
23 uation and research on the programs and activities carried
24 out under this title.

1 “(e) TECHNIQUES.—The research conducted under
2 this section shall utilize appropriate methodology and re-
3 search designs.

4 “(f) CONTENTS.—Such research shall address—

5 “(1) the general effectiveness of such programs
6 and activities in relation to their cost, including the
7 extent to which the programs and activities—

8 “(A) improve the skill and employment
9 competencies of participants in comparison to
10 comparably-situated individuals who did not
11 participate in such programs and activities;

12 “(B) to the extent feasible, increase the
13 levels of total employment, of attainment of rec-
14 ognized postsecondary credentials, and of meas-
15 urable skills, above the levels that would have
16 existed in the absence of such programs and ac-
17 tivities;

18 “(C) respond to the needs reflected in
19 labor market data in the local area and align
20 with high-skill, high-wage, or in-demand indus-
21 tries or occupations; and

22 “(D) demonstrate a return on investment
23 of Federal, State, local, sponsor, employer, and
24 other funding for programs under the national
25 apprenticeship system, capturing the full level

1 of investment in, and impact of, such programs
2 under the national apprenticeship system;

3 “(2) best practices in increasing underrep-
4 resented apprenticeship populations’ participation in
5 programs under the national apprenticeship system;
6 and

7 “(3) opportunities to scale up effective models
8 under the national apprenticeship system.

9 “(g) REPORTS.—

10 “(1) INDEPENDENT ENTITY.—The independent
11 entity carrying out the research under subsection (d)
12 shall prepare and submit to the Secretary a final re-
13 port containing the results of the research.

14 “(2) REPORTS TO CONGRESS.—Not later than
15 60 days after the receipt of the final report de-
16 scribed in paragraph (1), the Secretary shall submit
17 the final report to the Committee on Education and
18 Labor of the House of Representatives and the Com-
19 mittee on Health, Education, Labor, and Pensions
20 of the Senate.

21 “(h) PUBLIC ACCESS.—The Secretary shall make the
22 final report publicly available no later than 60 days after
23 the receipt of the final report.

1 **“Subtitle D—General Provisions**

2 **“SEC. 141. AUTHORIZATION OF APPROPRIATIONS.**

3 “There are authorized to be appropriated to carry out
4 sections 111 and 112—

5 “(1) \$40,000,000 for fiscal year 2021;

6 “(2) \$41,000,000 for fiscal year 2022;

7 “(3) \$42,000,000 for fiscal year 2023;

8 “(4) \$43,000,000 for fiscal year 2024; and

9 “(5) \$44,000,000 for fiscal year 2025.

10 **“TITLE II—MODERNIZING THE**
11 **NATIONAL APPRENTICESHIP**
12 **SYSTEM FOR THE 21ST CEN-**
13 **TURY GRANTS**

14 **“SEC. 201. GRANT REQUIREMENTS.**

15 “(a) PURPOSE.—The purpose of this section is to ex-
16 pand access to, and participation in, new industry-led
17 earn-and-learn programs leading to career opportunities
18 in all occupations, particularly high-wage, high-skill, and
19 high-demand occupations, including in response to the
20 COVID–19 public health emergency.

21 “(b) AUTHORIZATION OF APPRENTICESHIP GRANT
22 PROGRAM.—

23 “(1) IN GENERAL.—From the amounts author-
24 ized under section 202, the Secretary shall award

1 grants, on a competitive basis, to eligible partner-
2 ships for the purpose described in subsection (a).

3 “(2) DURATION.—The Secretary shall award
4 grants under this section for a period of—

5 “(A) not less than 1 year; and

6 “(B) not more than 4 years.

7 “(3) LIMITATIONS.—

8 “(A) AMOUNT.—A grant awarded under
9 this section may not be in an amount greater
10 than \$1,500,000.

11 “(B) NUMBER OF AWARDS.—An eligible
12 partnership or member of such partnership may
13 not be awarded more than one grant under this
14 section.

15 “(C) ADMINISTRATION COSTS.—An eligible
16 partnership awarded a grant under this section
17 may not use more than 5 percent of the grant
18 funds to pay administrative costs associated
19 with activities funded by the grant.

20 “(c) MATCHING FUNDS.—To receive a grant under
21 this section, an eligible partnership shall, through cash or
22 in-kind contributions, provide matching funds from non-
23 Federal sources in an amount equal to or greater than
24 50 percent of the amount of such grant.

25 “(d) APPLICATIONS.—

1 “(1) IN GENERAL.—To receive a grant under
2 this section, an eligible partnership shall submit to
3 the Secretary at such a time as the Secretary may
4 require, an application that—

5 “(A) identifies and designates the entity
6 within the eligible partnership responsible for
7 the administration and supervision of the earn-
8 and-learn program for which such grant funds
9 would be used;

10 “(B) identifies the businesses and institu-
11 tions of higher education that comprise the eli-
12 gible partnership;

13 “(C) identifies the source and amount of
14 the matching funds required under subsection
15 (c);

16 “(D) identifies the number of program
17 participants who will participate and complete
18 the relevant earn-and-learn program within 1
19 year of the expiration of the grant;

20 “(E) identifies the amount of time, not to
21 exceed 2 years, required for program partici-
22 pants to complete the program;

23 “(F) identifies the anticipated earnings of
24 program participants—

1 “(i) 1 year after program completion;

2 and

3 “(ii) 3 years after program comple-

4 tion;

5 “(G) describes the specific project for

6 which the application is submitted, including a

7 summary of the relevant classroom and paid

8 structured on-the-job learning students will re-

9 ceive;

10 “(H) describes how the eligible partnership

11 will finance the program after the end of the

12 grant period;

13 “(I) describes how the eligible partnership

14 will support the collection of information and

15 data for purposes of the program evaluation re-

16 quired under subsection (i); and

17 “(J) describes the alignment of the pro-

18 gram with State identified in-demand industry

19 sectors and occupations.

20 “(2) APPLICATION REVIEW PROCESS.—

21 “(A) REVIEW PANEL.—Applications sub-

22 mitted under paragraph (1) shall be read by a

23 panel of readers composed of individuals se-

24 lected by the Secretary. The Secretary shall as-

25 sure that an individual assigned under this

1 paragraph does not have a conflict of interest
2 with respect to the applications reviewed by
3 such individual.

4 “(B) COMPOSITION OF REVIEW PANEL.—
5 The panel of reviewers selected by the Secretary
6 under subparagraph (A) shall be comprised as
7 follows:

8 “(i) A majority of the panel shall be
9 individuals who are representative of busi-
10 nesses, which may include owners, execu-
11 tives with optimum hiring authority, or in-
12 dividuals representing business organiza-
13 tions or business trade associations.

14 “(ii) The remainder of the panel shall
15 be equally divided between individuals who
16 are—

17 “(I) representatives of institu-
18 tions of higher education that offer
19 programs of two years or less; and

20 “(II) representatives of State
21 workforce development boards estab-
22 lished under section 101 of the Work-
23 force Innovation and Opportunity Act
24 (29 U.S.C. 3111).

1 “(C) REVIEW OF APPLICATIONS.—The
2 Secretary shall instruct the review panel se-
3 lected by the Secretary under subparagraph (A)
4 to evaluate applications using only the criteria
5 specified in paragraph (1) and make rec-
6 ommendations with respect to—

7 “(i) the quality of the applications;

8 “(ii) whether a grant should be
9 awarded for a project under this title; and

10 “(iii) the amount and duration of
11 such grant.

12 “(D) PRIORITY AND DISTRIBUTION.—

13 “(i) PRIORITY.—In awarding grants
14 under this section, the Secretary shall give
15 priority to an eligible partnership—

16 “(I) proposing to serve a high
17 number or high percentage of partici-
18 pants who are from underrepresented
19 apprenticeship populations; or

20 “(II) providing opportunities in
21 high-wage, high-skill, or in-demand
22 sectors and occupations.

23 “(ii) GEOGRAPHIC DISTRIBUTION.—In
24 awarding grants under this section, the
25 Secretary shall, to the extent practicable,

1 ensure a geographically diverse distribution
2 of grants, including a geographically di-
3 verse distribution among regions of the
4 country and among urban, suburban, and
5 rural areas.

6 “(E) NOTIFICATION.—Not later than June
7 30 of each year, the Secretary shall notify each
8 eligible partnership submitting an application
9 under this section of—

10 “(i) the scores given the applicant by
11 the panel pursuant to this section;

12 “(ii) the recommendations of the
13 panel with respect to such application;

14 “(iii) the reasons for the decision of
15 the Secretary in awarding or refusing to
16 award a grant under this section; and

17 “(iv) modifications, if any, in the rec-
18 ommendations of the panel made to the
19 Secretary.

20 “(e) AWARD BASIS.—The Secretary shall award
21 grants under this section on the following basis—

22 “(1) the number of participants to be served by
23 the grant;

24 “(2) the anticipated income of program partici-
25 pants in relation to the regional median income;

1 “(3) the alignment of the program with State-
2 identified in-demand industry sectors; and

3 “(4) the recommendations of the readers under
4 subsection (d)(2)(C).

5 “(f) PURPOSES OF AWARDS.—The Secretary may
6 award grants, contracts, or cooperative agreements to eli-
7 gible entities on a competitive basis for any of the fol-
8 lowing purposes:

9 “(1) The creation of new earn-and-learn pro-
10 grams, including apprenticeship, pre-apprenticeship,
11 and youth apprenticeship programs, or expansion of
12 existing programs.

13 “(2) Encouraging employer participation in
14 programs under the national apprenticeship sys-
15 tem—

16 “(A) that target individuals with barriers
17 to employment in youth apprenticeship, pre-ap-
18 prenticeship, or apprenticeship programs,
19 prioritizing underrepresented apprenticeship
20 populations, such as women, minorities, long-
21 term unemployed individuals with a disability,
22 individuals with substance abuse issues, and
23 veterans;

24 “(B) that are in high-need social service-
25 related industries, sectors, or occupations, such

1 as direct care workers and early childhood edu-
2 cators;

3 “(C) that target individuals currently or
4 formerly incarcerated; or

5 “(D) among small- and medium-sized em-
6 ployers.

7 “(3) If the eligible entity is a qualified inter-
8 mediary—

9 “(A) supporting national industry and eq-
10 uity intermediaries in establishing or expanding
11 sector-based partnerships to support the deliv-
12 ery or expansion of programs under the na-
13 tional apprenticeship system to significant scale
14 in the United States—

15 “(i) in key sectors, including manufac-
16 turing, information technology, cyber secu-
17 rity, health care, insurance and finance,
18 energy, hospitality, retail, construction,
19 and other sectors identified by the Sec-
20 retary; and

21 “(ii) for underrepresented apprentice-
22 ship populations, women, minorities, indi-
23 viduals with disabilities, and individuals
24 impacted by the criminal justice system; or

1 “(B) serving programs under the national
2 apprenticeship system in a local or regional set-
3 ting.

4 “(4) Strengthen alignment between programs
5 under the national apprenticeship system and edu-
6 cation and training providers with secondary and
7 postsecondary education systems, including degree
8 and credential requirements.

9 “(g) USE OF FUNDS.—Grant funds provided under
10 this section may be used for—

11 “(1) supports including marketing, national e-
12 tools, and other expanded capacity and technical as-
13 sistance supports;

14 “(2) the purchase of appropriate equipment,
15 technology, or instructional material, aligned with
16 business and industry needs, including machinery,
17 testing equipment, hardware and software;

18 “(3) student books, supplies, and equipment re-
19 quired for enrollment;

20 “(4) the reimbursement of up to 50 percent of
21 the wages of a student participating in an earn-and-
22 learn program receiving a grant under this section;

23 “(5) the development of industry-specific pro-
24 gramming;

1 “(6) supporting the transition of industry-based
2 professionals from an industry setting to an aca-
3 demic setting;

4 “(7) industry-recognized certification exams or
5 other assessments leading to a recognized postsec-
6 ondary credential associated with the earn-and-learn
7 program;

8 “(8) any fees associated with the certifications
9 or assessments described in paragraph (7);

10 “(9) establishing or expanding partnerships
11 with organizations that provide program participants
12 access to financial planning mentoring, and sup-
13 portive services that are necessary to enable an indi-
14 vidual to participate in and complete a program
15 under the national apprenticeship system;

16 “(10) conducting outreach and recruitment ac-
17 tivities, including assessments of potential partici-
18 pants for, and enrollment of participants in a pro-
19 gram under the national apprenticeship system;

20 “(11) conducting outreach, engagement, and re-
21 cruitment with employers, industry associations,
22 labor and labor-management organizations, qualified
23 intermediaries, education and training providers,
24 State or local workforce agencies, potential sponsors,
25 communities with high numbers or percentages of

1 underrepresented apprenticeship populations, small-
2 and medium-sized businesses, or rural communities
3 to establish or expand industry or sector partner-
4 ships and opportunities under the national appren-
5 ticeship system; and

6 “(12) conducting any activities as described in
7 the application that would advance the purposes of
8 the grant.

9 “(h) TECHNICAL ASSISTANCE.—The Secretary may
10 provide technical assistance to eligible partnerships award-
11 ed under a grant under this section throughout the grant
12 period for purposes of grant management.

13 “(i) EVALUATION.—

14 “(1) IN GENERAL.—The Secretary may reserve
15 up to \$500,000 from the amounts made available
16 under section 202 in order to provide for the inde-
17 pendent evaluation, which may be conducted by a
18 third-party entity, of the grant program established
19 under this section that includes the following:

20 “(A) An assessment of the effectiveness of
21 the grant program in expanding earn-and-learn
22 program opportunities offered by employers in
23 conjunction with institutions of higher edu-
24 cation.

1 “(B) The number of students who partici-
2 pated in programs assisted under this section.

3 “(C) The percentage of students partici-
4 pating in programs assisted under this section
5 who successfully completed the program in the
6 time described in subsection (d)(1)(E).

7 “(D) The median earnings of program par-
8 ticipants—

9 “(i) 1 year after exiting the program;
10 and

11 “(ii) 3 years after exiting the pro-
12 gram.

13 “(E) The percentage of program partici-
14 pants assisted under this section who success-
15 fully receive a recognized postsecondary creden-
16 tial.

17 “(F) The number of program participants
18 served by programs receiving funding under
19 this section—

20 “(i) 2 years after the end of the grant
21 period; and

22 “(ii) 4 years after the end of the
23 grant period.

24 “(2) PUBLICATION.—The evaluation required
25 by this subsection shall be made publicly available on

1 the website of the Department within 90 days after
2 such evaluation is completed.

3 “(j) DEFINITIONS.—In this section:

4 “(1) EARN-AND-LEARN PROGRAM.—The term
5 ‘earn-and-learn program’ means an education pro-
6 gram, including an apprenticeship program, that
7 provides students with structured, sustained, and
8 paid on-the-job training and accompanying, for cred-
9 it, classroom instruction that—

10 “(A) is for a period of between 3 months
11 and 2 years; and

12 “(B) leads to, on completion of the pro-
13 gram, a recognized postsecondary credential.

14 “(2) ELIGIBLE PARTNERSHIP.—The term ‘eligi-
15 ble partnership’ shall mean a consortium that in-
16 cludes—

17 “(A) 1 or more businesses; and

18 “(B) 1 or more institutions of higher edu-
19 cation.

20 **“SEC. 202. GRANT APPROPRIATIONS.**

21 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to carry out only reg-
23 istered apprenticeship activities under this title—

24 “(1) \$200,000,000 for fiscal year 2021;

25 “(2) \$210,000,000 for fiscal year 2022;

1 “(3) \$220,000,000 for fiscal year 2023;

2 “(4) \$230,000,000 for fiscal year 2024; and

3 “(5) \$240,000,000 for fiscal year 2025.

4 “(b) SPECIAL RULE.—Of the funds made available
5 for this title, no less than \$200,000,000 shall be provided
6 from the H–1B Nonimmigrant Petitioner Account.”.

7 **SEC. 5. CONFORMING AMENDMENTS.**

8 (a) AMERICAN COMPETITIVENESS AND WORKFORCE
9 IMPROVEMENT ACT OF 1998.—Section 414(c) of the
10 American Competitiveness and Workforce Improvement
11 Act of 1998 (29 U.S.C. 2916a) is repealed.

12 (b) IMMIGRATION AND NATIONALITY ACT.—Section
13 286(s)(2) of the Immigration and Nationality Act (8
14 U.S.C. 1356(s)(2)) is amended—

15 (1) in the heading, by striking “FOR JOB
16 TRAINING” and inserting “FOR PROGRAMS UNDER
17 THE NATIONAL APPRENTICESHIP SYSTEM”; and

18 (2) by striking “for demonstration programs
19 and projects described in section 414(c) of the
20 American Competitiveness and Workforce Improve-
21 ment Act of 1998” and inserting “to carry out title
22 II of the National Apprenticeship Act”.

