

United States Senate

WASHINGTON, DC 20510

August 26, 2019

The Honorable Patrick Pizzella
Acting Secretary
Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

RE: DOL Docket Number. ETA-2019-000, RIN 1205-AB85, Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations

Dear Acting Secretary Pizzella:

We write in strong opposition to the U.S. Department of Labor's ("Department" or DOL) proposed rule to create Industry-Recognized Apprenticeship Programs (IRAPs or "Industry Programs"), and to request a 60-day extension of the public comment period for the Notice of Proposed Rulemaking (NPRM). The NPRM would undermine important standards around wages, training structure and quality, and equal opportunity employment, would create uncertainty for the regulated community by establishing a confusing, unnecessary, and duplicative program, and disregards congressional intent to "safeguard the welfare of apprentices."¹

In enacting the National Apprenticeship Act of 1937, Congress authorized and directed the Secretary of Labor to formulate and promote labor standards to safeguard the health, safety, and welfare of apprentices.² The Department's regulations implementing the Act establish such standards and prescribe policies and procedures for the registration of acceptable apprenticeship programs with the Department.³ Under the Department's longstanding regulations, apprenticeship programs seeking the Department's approval, support, and financial assistance must commit to providing apprentices with a number of crucial protections and benefits.

The Department's proposal, however, would not guarantee most of these benefits to apprentices who participate in IRAPs instead of registered apprenticeships. This NPRM would enable so-called Industry Programs to circumvent the quality assurance standards and protections of the registered apprenticeship system. Instead, the Department proposes to authorize new, nongovernmental Standards Recognition Entities (SREs) to establish, recognize, and monitor the quality of IRAPs—with minimal accountability to the federal government, states, or apprentices themselves. We are especially concerned that the Department's purported hallmarks of quality for IRAPs do not include some of the most crucial standards required of registered apprenticeship programs. In particular, this proposal would not require IRAPs to guarantee: minimum hours or specific requirements for on-the-job training and classroom-based instruction, nationally recognized stackable and portable credentials of value, workplace safety and equal opportunity protections beyond those already required by law, or guaranteed wage progression.

¹ 29 U.S.C. § 50

² See 29 U.S.C. § 50

³ 29 CFR 29

It is not clear how the Department's proposal to upend registered apprenticeship is consistent with Congressional intent. The National Apprenticeship Act empowers the Department to "bring together employers and labor for the formulation of programs of apprenticeships"—that is not what the Department proposes. Rather, this rule would create a parallel system that outsources the Secretary's statutory role in overseeing the Nation's registered apprenticeship programs to unaccountable, nongovernmental entities.

The Department's proposal is yet one more attempt to undermine the Nation's registered apprenticeship system, which has existed for 80 years and enjoys broad support from Congress, workers, and industry alike. The Department undercuts the standards that have been the hallmark of registered apprenticeships by allowing IRAPs to bypass the Department's longstanding approval and quality assurance process, removing the crucial role of state governments in maintaining the integrity of programs operating within their states, substantially weakening protections and guarantees for workers, and causing confusion for businesses and industries. This is particularly troubling coming on the heels of the Department's repeated attempts to divert the annual discretionary appropriation to support the development of IRAPs, despite the Department having acknowledged on record that it must be spent exclusively on the registered apprenticeships in accordance with the law.

The Department asserts its proposed "industry-led, market-driven approach provides the flexibility necessary to scale the apprenticeship model where it is needed most and helps address America's skills gap." However, the Department has presented no evidence showing IRAPS will be effective, let alone superior, to registered apprenticeship programs. On the contrary, existing apprenticeship programs have one of the highest rates of return on investment for employers of any workforce advancement programs. Rather than invest federal taxpayer dollars in a duplicative, less rigorous, and unproven model of workforce training with little to no accountability, the Department and the Trump Administration should work with Congress and stakeholders to strengthen and modernize the registered apprenticeship system to build more pathways for workers to enter middle class jobs.

We oppose the Department's efforts to water down the quality of apprenticeship programs by removing worker protections, lowering the quality of credentials and training, and providing federal funds to unaccountable organizations to provide unproven training. We urge the Department to reconsider its proposal. We also request a 60-day extension of the public comment period for the NPRM to allow Congress, stakeholders, and the public adequate time to respond to these potential changes, as well as a Departmental briefing on the proposal as soon as possible.

Sincerely,



PATTY MURRAY
Ranking Member, Senate Committee on
Health, Education, Labor & Pensions



CHARLES E. SCHUMER
United States Senator



RICHARD J. DURBIN
United States Senator



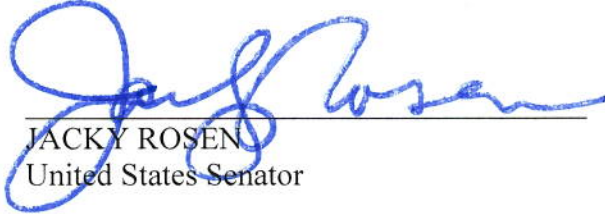
TAMMY BALDWIN
United States Senator



SHERROD BROWN
United States Senator



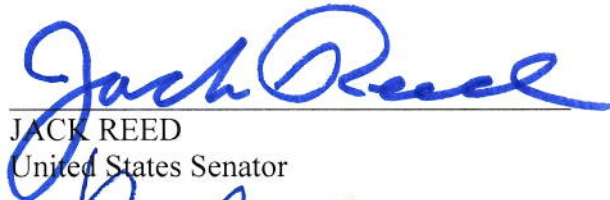
RICHARD BLUMENTHAL
United States Senator



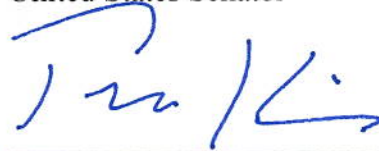
JACKY ROSEN
United States Senator



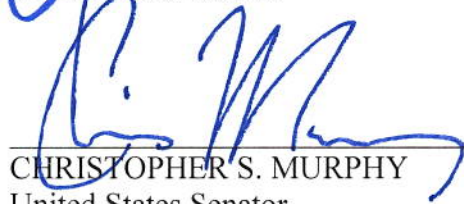
KIRSTEN GILLIBRAND
United States Senator



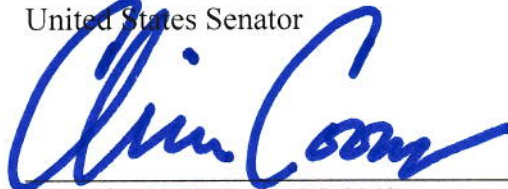
JACK REED
United States Senator



TIM Kaine
United States Senator



CHRISTOPHER S. MURPHY
United States Senator



CHRISTOPHER A. COONS
United States Senator



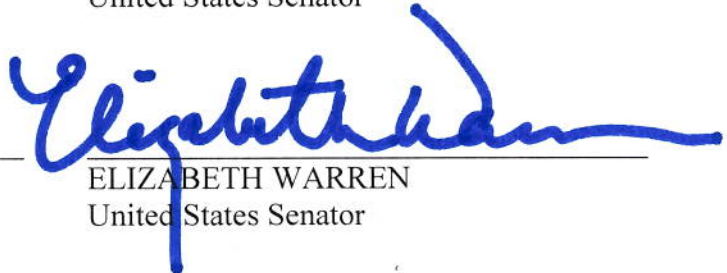
EDWARD J. MARKEY
United States Senator



MARGARET WOOD HASSAN
United States Senator




BERNARD SANDERS
United States Senator



ELIZABETH WARREN
United States Senator



SHELDON WHITEHOUSE
United States Senator



BENJAMIN L. CARDIN
United States Senator



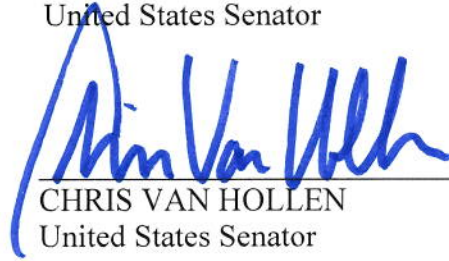
TINA SMITH
United States Senator



ROBERT P. CASEY, JR.
United States Senator



JEFFREY A. MERKLEY
United States Senator



CHRIS VAN HOLLEN
United States Senator



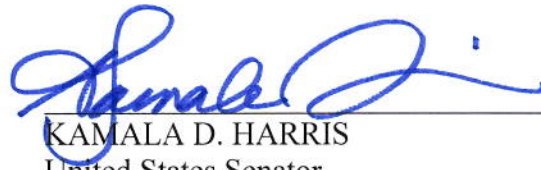
AMY KLOBUCHAR
United States Senator



GARY C. PETERS
United States Senator



CATHERINE CORTEZ MASTO
United States Senator



KAMALA D. HARRIS
United States Senator



JEANNE SHAHEEN
United States Senator



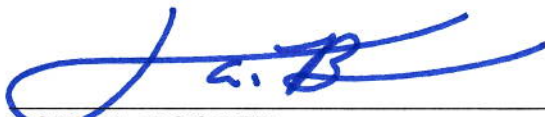
MICHAEL F. BENNET
United States Senator



ROBERT MENENDEZ
United States Senator



TAMMY DUCKWORTH
United States Senator



CORY A. BOOKER
United States Senator



MARIA CANTWELL
United States Senator



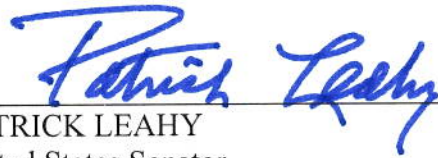
MAZIE K. HIRONO
United States Senator



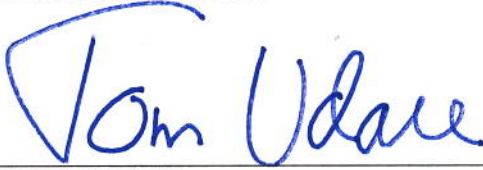
BRIAN SCHATZ
United States Senator



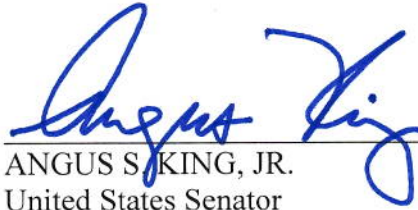
DEBBIE STABENOW
United States Senator



PATRICK LEAHY
United States Senator



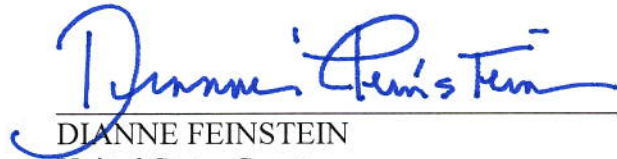
TOM UDALL
United States Senator



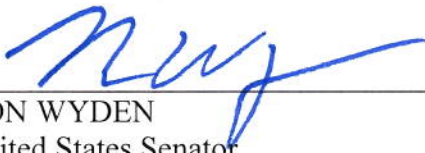
ANGUS S. KING, JR.
United States Senator



MARTIN HEINRICH
United States Senator



DIANNE FEINSTEIN
United States Senator



RON WYDEN
United States Senator



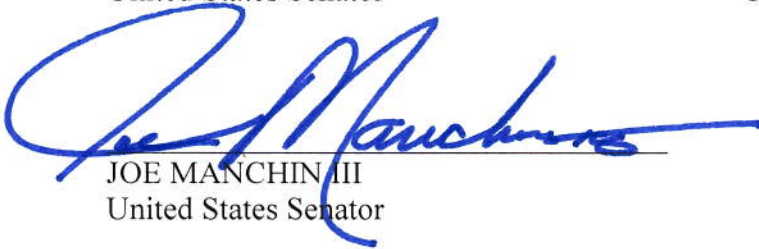
JON TESTER
United States Senator



THOMAS R. CARPER
United States Senator



MARK R. WARNER
United States Senator



JOE MANCHIN III
United States Senator