



February 1, 2021

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Kevin McCarthy
Republican Leader
U.S. House of Representatives
Washington, DC 20515

Dear Speaker Pelosi, Republican Leader McCarthy and Members of the U.S. House of Representatives:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 69 chapters representing more than 21,000 members, I write to express opposition to H.R. 447, the National Apprenticeship Act of 2021.

ABC and its members are committed to providing apprenticeship programs for the construction industry that uphold the highest standards of safety and quality. Unfortunately, this bill would not achieve its goal of expanding apprenticeship opportunities and disadvantages many construction businesses throughout the country, including women-, minority-, and veteran-owned small businesses that have struggled during the COVID-19 pandemic. **ABC urges members to oppose H.R. 447, and this bill will be considered a “KEY VOTE” for our scorecard on the 117th Congress.**

ABC commented on this bill during the committee process in the last Congress, where several amendments to address serious concerns about the bill were voted down. A significant number of ABC members rely on federal registered apprenticeship programs to provide their employees with the skills needed to advance in their careers. Unfortunately, several provisions in the bill could prove detrimental for the construction workforce and potentially limit apprenticeship opportunities for hardworking Americans.

The bill allows a State Apprenticeship Agency to deny program registration reciprocity if a program does not meet the requirements of the state granting reciprocity. Allowing State Apprenticeship Agencies to deny registration to nationally registered programs would be a costly burden to place on these companies and is contradictory to the bill’s purpose of promoting additional apprenticeships throughout the United States. ABC believes that full reciprocity should be granted to nationally approved programs seeking state registration.

ABC is also concerned with the bill’s language on “related instruction,” which is defined to include classroom instruction. The bill requires sponsors to set forth in their apprenticeship agreement how a program will compensate an apprentice for “related instruction.” As sponsors are not currently required to compensate an apprentice for time spent in the classroom, a more in-depth analysis around this provision is required, as such a requirement could have severe impacts on sponsor capacity to provide apprenticeship opportunities.

The bill contains new language on pre-apprenticeship programs that could also limit the ability of participants to move forward with their career, specifically by requiring that any pre-apprenticeship program be carried out in partnership with a sponsor of a registered apprenticeship program. Pre-apprenticeship programs should not be limited to a pipeline for registered apprenticeship programs, as pre-apprenticeships can often lead to successful industry-led programs or direct employment following the participant's successful completion of the program.

Furthermore, the bill's language on apprenticeship ratios could limit the availability of apprenticeship opportunities. While the language in the bill claims to tie the ratio of apprenticeship participants to mentors, journey workers or on-the-job training instructors to evidence-based practices for safety, it allows an exception for ratios explicitly prohibited by collective bargaining agreements. CBAs are not evidence of safety reasons, but allow the unions involved in the CBA to restrict the pool of apprentices in order to keep jobs in the hands of higher-priced journey workers, which is one factor in the shortage of apprentices in the construction industry to begin with.

Finally, under Title II of the bill any entity applying for a Modernizing the National Apprenticeship System for the 21st Century Grants would be required "to the extent practicable" to partner with a labor or joint labor-management organization. This provision would needlessly impose a labor requirement where none exists under current law, together with the fact that the requirement discriminates against 87% of the industry performing on a merit shop basis. In our view, there is certainly no reason to limit these grants to labor partnerships, which will result in fewer apprentices having access to the federally registered apprenticeship system.

Any effort to modernize the current registered apprenticeship should support the safety and health of construction apprentices and provide them the flexibility to progress at their own speed while obtaining nationally recognized, portable and stackable credentials. ABC believes this bill does not address the critical needs of our nation's construction industry and would not only fail to expand apprenticeship opportunities for millions of Americans but would substantially restrict the apprenticeship opportunities currently available.

While ABC and our members will continue to lead the construction industry in recruiting, educating and upskilling the people who build the places where we live, learn, work and play, **ABC must urge a no vote on this bill and will consider it a "KEY VOTE" for our scorecard on the 117th Congress.**

Sincerely,



Kristen Swearingen
Vice President of Legislative & Political Affairs