



March 18, 2024

Brent Parton  
Principal Deputy Assistant Secretary for Employment and Training, Labor  
U.S. Department of Labor  
Employment and Training Administration  
200 Constitution Avenue NW  
Washington, D.C. 20210

**Brian Patrick Kennedy**  
Speaker Pro Tempore  
Rhode Island General  
Assembly  
President, NCSL

**Sabrina N. Lewellen**  
Deputy Director - Senate  
Assistant Secretary of the  
Senate  
Arkansas General Assembly  
Staff Chair, NCSL

**Tim Storey**  
Chief Executive Officer  
NCSL

Re: Comment on National Apprenticeship System Enhancements Docket ID No. ETA-2023-0004-0001

Dear Mr. Parton,

On behalf of the National Conference of State Legislatures (NCSL), the bipartisan organization representing the legislatures of our nation's states, commonwealths, and territories, please consider these comments regarding the Department of Labor's Notice of Proposed Rulemaking (NPRM) that seeks to revise and modernize the National Apprenticeship System's regulations governing Registered Apprenticeships. NCSL recognizes the importance and the promotion of a robust national program and the department's desire to complement state approaches to workforce. However, this NPRM raises questions and concerns for states that require further clarification. NCSL urges the Employment and Training Administration (ETA) to evaluate the NPRM's fiscal and policy impacts on states to avoid preempting existing state regulations, imposing burdensome requirements or costly mandates on state apprenticeship programs. NCSL strongly encourages ETA to consider extending the comment period of this proposed rule to allow states and stakeholder groups more time to clarify potential impacts. In addition, we urge you to consider the following:

#### Allow for State Innovation

States value apprenticeships as a crucial aspect of their training and workforce pipeline and a flexible tool to address local workforce markets. The NPRM proposes uniformity for state plans and a series of minimum standards for state administering agencies. This unilateral one-size-fits-all approach ignores current state practices and policies that have been successfully implemented. For example, Maryland through its [Apprenticeship 2030 Commission](#) and Indiana's expansion of apprenticeships for youth, are two states that are leaders in innovative approaches to apprenticeships. Any final rule must provide enough flexibility for state innovations that are currently working. NCSL has concerns that such revisions and the creation of new regulations in the name of uniformity—like the new regulations on becoming a registered or certified apprenticeship—may overburden state agencies depending on how rigid the Department is in evaluating state programs.

#### Avoid Narrow Definition of Apprentice

Additionally, the NPRM proposes new definitions of terms critically important to the industry. The definition of the term "apprentice" is narrowed to a person participating in a program subject to the requirements of 29 CFR parts 29 and 30 which is narrower than current regulations that define apprentice as an individual participating in any apprenticeship program. Narrowing such definitions could adversely affect states.

## Increased Consultation

It is unclear if national associations representing state and local officials were consulted by the Department during the NPRM drafting process. These associations are directly responsible for the policy decisions impacting apprenticeship programs and this consultation is vitally important and necessary pursuant to [Executive Order 13132](#). Pursuant to this executive order, federal agencies are to give states “maximum administrative discretion possible” and any regulatory preemption of state law should be kept to a minimum. It is also unclear whether the Department has taken inventory of current state apprenticeship practices or considered how state economies and workforces will be impacted by enacting these overarching and numerous changes. NCSL advocates that, given the significant state impact, states be given the opportunity to provide direct and enhanced consultation on these items.

NCSL welcomes the opportunity to work with ETA to ensure that apprenticeships remain an innovative and integral part of workforce development for states and looks forward to continuing the dialogue as ETA reviews and finalizes the proposed rule on national apprenticeship system enhancements. If you have any questions, please do not hesitate to contact NCSL staff member Deanna Ross (202)-624-8680.

Sincerely,

A handwritten signature in blue ink that reads "Tim Storey". The signature is written in a cursive style with a long horizontal line extending from the top of the "T".

**Tim Storey**

Chief Executive Officer

National Conference of State Legislatures