

109TH CONGRESS  
1ST SESSION

# S. 1999

To amend the Workforce Investment Act of 1998 to transfer the YouthBuild program from the Department of Housing and Urban Development to the Department of Labor, to enhance the program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 10, 2005

Mr. KERRY introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To amend the Workforce Investment Act of 1998 to transfer the YouthBuild program from the Department of Housing and Urban Development to the Department of Labor, to enhance the program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “YouthBuild Transfer  
5 Act of 2005”.

1 **SEC. 2. REPEAL OF PROVISIONS.**

2 Subtitle D of title IV of the Cranston-Gonzalez Na-  
 3 tional Affordable Housing Act (42 U.S.C. 12899 et seq.)  
 4 is hereby repealed.

5 **SEC. 3. ESTABLISHMENT OF YouthBuild PROGRAM IN THE**  
 6 **DEPARTMENT OF LABOR.**

7 The Workforce Investment Act of 1998 (Public Law  
 8 105–220) is amended by adding at the end the following:

9 **“TITLE VI—YOUTHBUILD**  
 10 **PROGRAM**

11 **“SEC. 601. YouthBuild Program.**

12 “(a) STATEMENT OF PURPOSE.—It is the purpose of  
 13 this section—

14 “(1) to enable economically disadvantaged  
 15 young adults to obtain—

16 “(A) the education and employment skills  
 17 necessary to achieve economic self-sufficiency in  
 18 occupations in demand; and

19 “(B) post-secondary education and train-  
 20 ing opportunities;

21 “(2) to provide economically disadvantaged  
 22 young adults with opportunities for meaningful work  
 23 and service to their communities;

24 “(3) to foster the development of employment  
 25 and leadership skills and commitment to community

1 development among young adults in low-income com-  
 2 munities; and

3 “(4) to expand the supply of permanent afford-  
 4 able housing for homeless individuals and members  
 5 of low- and very low-income families by utilizing the  
 6 energies and talents of economically disadvantaged  
 7 young adults.

8 “(b) DEFINITIONS.—For purposes of this section, the  
 9 following definitions shall apply:

10 “(1) ADJUSTED INCOME.—The term ‘adjusted  
 11 income’ has the meaning given the term in section  
 12 3(b) of the United States Housing Act of 1937 (42  
 13 U.S.C. 1437a(b)).

14 “(2) APPLICANT.—The term ‘applicant’ means  
 15 a public or private nonprofit or organization, includ-  
 16 ing—

17 “(A) a community-based organization;

18 “(B) a faith-based organization;

19 “(C) entities carrying out activities under  
 20 this title, such as local boards and one-stop op-  
 21 erators;

22 “(D) a community action agency;

23 “(E) a State or local housing development  
 24 agency;

1           “(F) a community development corpora-  
2           tion;

3           “(G) a State or local youth service or con-  
4           servation corps;

5           “(H) an Indian tribe; and

6           “(I) any other entity eligible to provide  
7           education and employment training under other  
8           Federal employment training programs.

9           “(3) FAITH-BASED ORGANIZATION.—The term  
10          ‘faith-based organization’ means any organization  
11          the founding, governance, or membership of which is  
12          derived from a religious institution or religiously-af-  
13          filiated entity.

14          “(4) HOMELESS INDIVIDUAL.—The term  
15          ‘homeless individual’ has the same meaning as in  
16          section 103 of the Stewart B. McKinney Homeless  
17          Assistance Act (42 U.S.C. 11302).

18          “(5) HOUSING DEVELOPMENT AGENCY.—The  
19          term ‘housing development agency’ means any agen-  
20          cy of a State or local government, or any private  
21          nonprofit organization that is engaged in providing  
22          housing for homeless or low-income families.

23          “(6) INCOME.—For purposes of this section,  
24          the term ‘income’ has the same meaning as in sec-

1       tion 3(b) of the United States Housing Act of 1937  
2       (42 U.S.C. 1437a(b)).

3           “(7) INDIAN TRIBE.—The term ‘Indian tribe’  
4       has the same meaning as in section 4(e) of the In-  
5       dian Self-Determination and Education Assistance  
6       Act (25 U.S.C. 450b(e)).

7           “(8) INDIVIDUAL OF LIMITED-ENGLISH PRO-  
8       FICIENCY.—The term ‘individual of limited-English  
9       proficiency’ means an eligible participant under this  
10      section who meets the criteria set forth in section  
11      203(10) of the Adult Education and Family Lit-  
12      eracy Act (20 U.S.C. 9202(10)).

13          “(9) LOW-INCOME FAMILY.—The term ‘low-in-  
14      come family’ has the same meaning as in section  
15      3(b) of the United States Housing Act of 1937 (42  
16      U.S.C. 1437a(b)).

17          “(10) QUALIFIED NONPROFIT OR PUBLIC AGEN-  
18      CY.—The term ‘qualified nonprofit or public agency’  
19      means any nonprofit agency that has significant  
20      prior national experience providing information,  
21      training, technical assistance, and data management  
22      to YouthBuild programs or similar projects, and  
23      that has the current capacity to provide such serv-  
24      ices.

1           “(11) RELATED FACILITIES.—The term ‘re-  
 2       lated facilities’ includes cafeterias or dining halls,  
 3       community rooms or buildings, appropriate recre-  
 4       ation facilities, and other essential service facilities.

5           “(12) REGISTERED APPRENTICESHIP.—The  
 6       term ‘registered apprenticeship’ means an appren-  
 7       ticeship program—

8                 “(A) registered under the National Ap-  
 9       prenticeship Act (29 U.S.C. 50 et seq.); and

10                “(B) that meets other criteria that may be  
 11       established by the Secretary under this section.

12           “(13) TRANSITIONAL HOUSING.—The term  
 13       ‘transitional housing’—

14                “(A) means a project that has as its pur-  
 15       pose facilitating the movement of homeless indi-  
 16       viduals and families to independent living with-  
 17       in a reasonable amount of time; and

18                “(B) includes housing primarily designed  
 19       to serve deinstitutionalized homeless individuals  
 20       and other homeless individuals with mental or  
 21       physical disabilities and homeless families with  
 22       children.

23           “(14) VERY LOW-INCOME FAMILY.—The term  
 24       ‘very low-income family’ has the same meaning as in

1 section 3(b) of the United States Housing Act of  
2 1937 (42 U.S.C. 1437a(b)).

3 “(15) YOUTHBUILD PROGRAM.—The term  
4 ‘YouthBuild program’ means any program that re-  
5 ceives assistance under this section and provides dis-  
6 advantaged youth with opportunities for employ-  
7 ment, education, leadership development, and train-  
8 ing in the construction or rehabilitation of housing  
9 for homeless individuals, members of low- and very  
10 low-income families, and public facilities.

11 “(c) YOUTHBUILD GRANTS.—

12 “(1) AMOUNT OF GRANTS.—The Secretary is  
13 authorized to make grants to applicants for the pur-  
14 pose of carrying out YouthBuild programs approved  
15 under this section.

16 “(2) ELIGIBLE ACTIVITIES.—Grants under this  
17 section shall be used to carry out YouthBuild pro-  
18 grams, which may include—

19 “(A) education and workforce investment  
20 activities, including—

21 “(i) work experience and skills train-  
22 ing, coordinated, to the maximum extent  
23 feasible, with pre-apprenticeship and reg-  
24 istered apprenticeship programs, in the

1 construction and rehabilitation activities  
2 described in subparagraphs (B) and (C);

3 “(ii) occupational skills training;

4 “(iii) other paid and unpaid work ex-  
5 periences, including internships and job  
6 shadowing;

7 “(iv) services and activities designed  
8 to meet the educational needs of partici-  
9 pants, including—

10 “(I) basic skills instruction and  
11 remedial education;

12 “(II) language instruction edu-  
13 cational programs for individuals with  
14 limited-English proficiency;

15 “(III) secondary education serv-  
16 ices and activities, including tutoring,  
17 study skills training, and drop-out  
18 prevention activities, designed to lead  
19 to the attainment of a secondary  
20 school diploma or its equivalent;

21 “(IV) counseling and assistance  
22 in obtaining post-secondary education  
23 and required financial aid; and

24 “(V) alternative secondary school  
25 services;



1           “(v) counseling services and related  
2           activities, such as comprehensive guidance  
3           and counseling on drug and alcohol abuse  
4           and referral;

5           “(vi) activities designed to develop  
6           employment and leadership skills, which  
7           may include community service and peer-  
8           centered activities encouraging responsi-  
9           bility and other positive social behaviors,  
10          and youth policy committees that partici-  
11          pate in decision-making related to the pro-  
12          gram;

13          “(vii) supportive services and need-  
14          based stipends necessary to enable individ-  
15          uals to participate in the program and, for  
16          a period not to exceed 12 months after  
17          completion of training, to assist partici-  
18          pants through supportive services in ob-  
19          taining or retraining employment or ob-  
20          taining or completing post-secondary edu-  
21          cation placement; and

22          “(viii) job search and placement as-  
23          sistance;

24          “(B) supervision and training for partici-  
25          pants in the rehabilitation or construction of

1 housing and related facilities, including residen-  
 2 tial housing for homeless individuals and low-  
 3 and very low-income families or transitional  
 4 housing for persons who are homeless;

5 “(C) supervision and training for partici-  
 6 pants in the rehabilitation or construction of  
 7 community and public facilities, which shall not  
 8 exceed 10 percent of funds appropriated to  
 9 carry out this section;

10 “(D) administrative costs of the applicant,  
 11 which may not exceed 15 percent of the amount  
 12 of assistance provided under this section;

13 “(E) adult mentoring;

14 “(F) wages, stipends, or benefits provided  
 15 to participants, the receipt of which shall not—

16 “(i) diminish the eligibility of an indi-  
 17 vidual for publicly supported child care or  
 18 health care; and

19 “(ii) be—

20 “(I) counted as employment in-  
 21 come; or

22 “(II) considered a liability under  
 23 the Federal Insurance Contributions  
 24 Act (26 U.S.C. 3101 et seq.);

“(G) ongoing training and technical assistance to grant recipients that are related to developing and carrying out the YouthBuild program; and

“(H) follow-up services.

“(3) APPLICATION.—

“(A) FORM AND PROCEDURE.—Each applicant seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(B) MINIMUM REQUIREMENTS.—The Secretary shall require that an application contain, at a minimum—

“(i) labor market information for the labor market area where the proposed program will be implemented, including both current data and projections on career opportunities in growing industries;

“(ii) a request for a grant, specifying the amount of the grant requested and its proposed uses;

“(iii) a description of—

“(I) the applicant and a statement of its qualifications, including a

1 description of the relationship of the  
2 applicant with—

3 “(aa) local boards;

4 “(bb) one-stop operators;

5 “(cc) local unions;

6 “(dd) registered apprentice-  
7 ship programs; and

8 “(ee) other community  
9 groups and employers; and

10 “(II) the past experience of the  
11 applicant with housing rehabilitation  
12 or construction, if any, and with  
13 youth education and employment  
14 training programs;

15 “(iv) a description of the proposed site  
16 for the program;

17 “(v) a description of—

18 “(I) the educational and job  
19 training activities;

20 “(II) work opportunities;

21 “(III) post-secondary education  
22 and training opportunities;

23 “(IV) other services that will be  
24 provided to participants; and

1 “(V) how these activities will pre-  
 2 pare youth for employment in occupa-  
 3 tions in demand in the area to be  
 4 served by the grant;

5 “(vi) a description of the proposed  
 6 construction or rehabilitation activities to  
 7 be undertaken and the anticipated schedule  
 8 for carrying out such activities;

9 “(vii) a description of the manner in  
 10 which eligible youths will be recruited and  
 11 selected, including a description of ar-  
 12 rangements which will be made with—

13 “(I) local boards;

14 “(II) one-stop operators;

15 “(III) community- and faith-  
 16 based organizations; and

17 “(IV) State or local educational  
 18 agencies, including agencies of—

19 “(aa) Indian tribes;

20 “(bb) public assistance agen-  
 21 cies;

22 “(cc) the courts of jurisdic-  
 23 tion for status and youth offend-  
 24 ers;

1 “(dd) shelters for homeless  
2 individuals; and

3 “(ee) other agencies that  
4 serve homeless youth, foster care  
5 agencies, and other appropriate  
6 public and private agencies;

7 “(viii) a description of the special out-  
8 reach efforts that will be undertaken to re-  
9 cruit eligible young women, including  
10 young women with dependent children;

11 “(ix) a description of the specific role  
12 of employers in the proposed program,  
13 such as their role in developing and assist-  
14 ing the proposed program, in service provi-  
15 sion, and in placement activities;

16 “(x) a description of how youth edu-  
17 cation and job training programs, local  
18 boards, one-stop operators, employers, and  
19 other key partners will collaborate in the  
20 proposed program;

21 “(xi) a description of how the pro-  
22 posed program would be coordinated with  
23 other Federal, State, and local activities  
24 and activities conducted by Indian tribes,  
25 such as—

1 “(I) vocational, adult, and lan-  
2 guage instruction educational pro-  
3 grams;

4 “(II) public schools;

5 “(III) community colleges;

6 “(IV) national service programs;

7 and

8 “(V) other job training provided  
9 with funds available under this sec-  
10 tion;

11 “(xii) assurances that there will be a  
12 sufficient number of adequately trained su-  
13 pervisory personnel in the program;

14 “(xiii) a description of results to be  
15 achieved with respect to youth and lifelong  
16 learning common indicators of perform-  
17 ance, as identified by the Secretary;

18 “(xiv) a description of the relationship  
19 of the applicant with local building trade  
20 unions regarding their involvement in  
21 training, and the relationship of the  
22 YouthBuild program with established reg-  
23 istered apprenticeship programs and em-  
24 ployers;

1 “(xv) a description of activities that  
2 will be undertaken to develop the leader-  
3 ship skills of participants;

4 “(xvi) a detailed budget and a de-  
5 scription of the system of fiscal controls  
6 and auditing and accountability procedures  
7 that will be used to ensure fiscal sound-  
8 ness;

9 “(xvii) a description of the commit-  
10 ments—

11 “(I) for any additional resources  
12 to be made available to the program  
13 from the applicant, from recipients of  
14 other Federal, State, or local housing  
15 and community development assist-  
16 ance who will sponsor any part of the  
17 construction, rehabilitation, operation  
18 and maintenance, or other housing  
19 and community development activities  
20 undertaken as part of the program; or

21 “(II) from other Federal, State,  
22 or local activities and activities con-  
23 ducted by Indian tribes, including vo-  
24 cational, adult and language instruc-  
25 tion educational programs, and job



1 training provided with funds available  
2 under this section;

3 “(xviii) identification and description  
4 of the financing proposed for any—

5 “(I) rehabilitation;

6 “(II) acquisition of the property;

7 or

8 “(III) construction;

9 “(xix) identification and description of  
10 the entity that will operate and manage  
11 the property;

12 “(xx) identification and description of  
13 the data collection systems to be used;

14 “(xxi) a certification by a public offi-  
15 cial responsible for the housing strategy of  
16 State or local government that the pro-  
17 posed activities are consistent with the  
18 housing strategy of the State or unit of  
19 general local government within which the  
20 project is located; and

21 “(xxii) a certification that the appli-  
22 cant will comply with the requirements of  
23 the Fair Housing Act (42 U.S.C. 3601 et  
24 seq.) and will affirmatively further fair  
25 housing.

1           “(4) SELECTION CRITERIA.—The Secretary  
2           shall establish selection criteria for assistance under  
3           this section, which shall include—

4                   “(A) the qualifications or potential capa-  
5                   bilities of the applicant;

6                   “(B) the potential for developing a success-  
7                   ful YouthBuild program;

8                   “(C) the need for the prospective project,  
9                   as determined by the degree of economic dis-  
10                  tress of the community from which participants  
11                  would be recruited, such as poverty, youth un-  
12                  employment, and the number of individuals who  
13                  have dropped out of high school, and of the  
14                  community in which the housing proposed to be  
15                  constructed or rehabilitated would be located,  
16                  such as incidence of homelessness, shortage of  
17                  affordable housing, and poverty;

18                  “(D) the commitment of the applicant to  
19                  providing skills training, leadership develop-  
20                  ment, and education to program participants;

21                  “(E) the focus of the prospective project  
22                  on preparing youth—

23                           “(i) for occupations in demand; and

24                           “(ii) post-secondary education and  
25                           training opportunities;

1           “(F) the extent of coordination with other  
2 entities in the workforce investment, public edu-  
3 cation, criminal justice, housing development,  
4 national service, and higher education or other  
5 systems that relate to the goal of the  
6 YouthBuild program;

7           “(G) the extent of coordination with em-  
8 ployers in the local area;

9           “(H) the inclusion of previously homeless  
10 tenants in the rental housing provided;

11           “(I) the commitment of other resources to  
12 the program by—

13           “(i) the applicant and by recipients of  
14 other Federal, State or local housing and  
15 community development assistance who  
16 will sponsor any part of the construction,  
17 rehabilitation, operation and maintenance,  
18 or other housing and community develop-  
19 ment activities undertaken as part of the  
20 program; or

21           “(ii) other Federal, State, or local ac-  
22 tivities and activities conducted by Indian  
23 tribes, including vocational, adult, and lan-  
24 guage instruction educational programs,

1 and job training provided with funds avail-  
 2 able under this section;

3 “(J) the extent to which grants are distrib-  
 4 uted—

5 “(i) to different regions including  
 6 rural areas; and

7 “(ii) to States that have not pre-  
 8 viously received YouthBuild grants; and

9 “(K) such other factors as the Secretary  
 10 determines to be appropriate for purposes of  
 11 carrying out the program established by this  
 12 section in an effective and efficient manner.

13 “(5) APPROVAL.—The Secretary shall notify  
 14 each applicant, not later than 4 months after the  
 15 date of submission of the application by that appli-  
 16 cant, whether such application is approved or not  
 17 approved.

18 “(d) USE OF HOUSING UNITS.—Residential housing  
 19 units constructed or rehabilitated using YouthBuild funds  
 20 under this section shall be available solely—

21 “(1) for rental by, or sale to, individuals or  
 22 families earning less than 80 percent of the median  
 23 adjusted income for the area; or

24 “(2) for use as transitional or permanent hous-  
 25 ing with the purpose of assisting the movement of

1 homeless individuals and families to independent liv-  
 2 ing.

3 “(e) ADDITIONAL PROGRAM REQUIREMENTS.—

4 “(1) ELIGIBLE PARTICIPANTS.—

5 “(A) IN GENERAL.—Except as provided in  
 6 subparagraph (B), an individual may partici-  
 7 pate in a YouthBuild program receiving assist-  
 8 ance under this section only if such individual  
 9 is—

10 “(i) 16 to 24 years of age, inclusive,  
 11 at the time of enrollment;

12 “(ii) a very low-income individual, a  
 13 member of a very low-income family, a fos-  
 14 ter care youth (including youth aging out  
 15 of foster care), a youth offender, a youth  
 16 with a disability, a child of incarcerated  
 17 parents, or a migrant youth; and

18 “(iii) an individual who is a school  
 19 dropout.

20 “(B) EXCEPTION FOR INDIVIDUALS NOT  
 21 MEETING INCOME OR EDUCATIONAL NEED RE-  
 22 QUIREMENTS.—Not more than 25 percent of  
 23 the participants in a YouthBuild program may  
 24 be individuals who do not meet the require-

1           ments of either clause (ii) or (iii) of subpara-  
2           graph (A), but who—

3                   “(i) are basic skills deficient, despite  
4                   attainment of a secondary school diploma  
5                   or its equivalent; or

6                   “(ii) have been referred by a local sec-  
7                   ondary school for participation in a  
8                   YouthBuild program leading to the attain-  
9                   ment of a secondary school diploma.

10                  “(C) PARTICIPATION LIMITATION.—Any  
11                  eligible individual selected for participation in a  
12                  YouthBuild program shall be offered full-time  
13                  participation for a period of not less than 6  
14                  months and not more than 24 months.

15                  “(2) MINIMUM TIME DEVOTED TO EDU-  
16                  CATIONAL SERVICES AND ACTIVITIES.—A  
17                  YouthBuild program receiving assistance under this  
18                  section shall be structured so that not less than 40  
19                  percent of the time offered to participants in the  
20                  program is devoted to educational services and ac-  
21                  tivities, such as those specified in subparagraphs  
22                  (A)(i), (B), and (C) of subsection (c)(2).

23                  “(3) AUTHORITY RESTRICTION.—No provision  
24                  of this section may be construed to authorize any  
25                  agency, officer, or employee of the United States to

1       exercise any direction, supervision, or control over  
 2       the curriculum, program of instruction, administra-  
 3       tion, or personnel of any educational institution,  
 4       school, or school system, or over the selection of li-  
 5       brary resources, textbooks, or other printed or pub-  
 6       lished instructional materials by any educational in-  
 7       stitution or school system.

8               “(4) STATE AND LOCAL STANDARDS.—

9               “(A) IN GENERAL.—All educational pro-  
 10       grams and activities supported with funds pro-  
 11       vided under this section shall be consistent with  
 12       applicable State and local educational stand-  
 13       ards.

14              “(B) ACADEMIC CREDIT.—Standards and  
 15       procedures with respect to the awarding of aca-  
 16       demic credit and certifying educational attain-  
 17       ment in programs described under subpara-  
 18       graph (A) shall be consistent with applicable  
 19       State and local educational standards.

20              “(f) MANAGEMENT AND TECHNICAL ASSISTANCE.—

21              “(1) SECRETARY ASSISTANCE.—The Secretary  
 22       may enter into contracts with a qualified nonprofit  
 23       or public agency or a private agency to provide as-  
 24       sistance to the Secretary in the management, super-

1 vision, and coordination of YouthBuild programs re-  
2 ceiving assistance under this section.

3 “(2) TECHNICAL ASSISTANCE.—

4 “(A) QUALIFIED NONPROFIT OR PUBLIC  
5 AGENCY.—The Secretary shall enter into con-  
6 tracts or grants with a qualified nonprofit or  
7 public agency or a private agency to provide ap-  
8 propriate training, information, technical assist-  
9 ance, and capacity building assistance to grant-  
10 ees assisted under this section.

11 “(B) YOUTHBUILD USA.—The Secretary  
12 may enter into contracts or grants with  
13 YouthBuild USA to provide the assistance de-  
14 scribed in subparagraph (A).

15 “(3) RESERVATION OF FUNDS.—In each fiscal  
16 year, the Secretary shall reserve 5 percent of the  
17 amounts available under this section pursuant to  
18 subsection (h) to carry out paragraph (2) of this  
19 subsection.

20 “(4) CAPACITY BUILDING GRANT.—In each fis-  
21 cal year, the Secretary may grant up to 3 percent  
22 of the amount available for activities under this sub-  
23 title to YouthBuild USA for—

24 “(A) capacity building activities; and



1                   “(B) subgrants to organizations eligible for  
2                   grants under this subtitle.

3           “(g)     SUBGRANTS     AND     CONTRACTS.—Each  
4 YouthBuild program shall carry out the services and ac-  
5 tivities under this section directly or through arrange-  
6 ments or under contracts and subgrants with local edu-  
7 cational agencies, post-secondary educational institutions,  
8 State and local housing development agencies, or with  
9 other public agencies, including agencies of Indian tribes,  
10 and private organizations.

11       “(h) AUTHORIZATION OF APPROPRIATIONS.—

12           “(1) IN GENERAL.—There are authorized to be  
13 appropriated for fiscal year 2006 and each fiscal  
14 year thereafter, such sums as may be necessary to  
15 carry out this section.

16           “(2) AVAILABILITY.—Any appropriations for  
17 any fiscal year for programs and activities carried  
18 out under this section shall be available for obliga-  
19 tion until expended.”.

20 **SEC. 4. TRANSITION PROVISIONS.**

21       “(a) IN GENERAL.—Consistent with the requirements  
22 of this section, the Secretary of Labor and the Secretary  
23 of Housing and Urban Development shall take such ac-  
24 tions as the Secretaries determine are appropriate to ac-  
25 complish the orderly transition of the YouthBuild program

1 from the authority provided under subtitle D of title IV  
 2 of the National Affordable Housing Act to the authority  
 3 provided under section 601 of the Workforce Investment  
 4 Act of 1998, as amended by section 3 of this Act.

5 (b) ADMINISTRATION OF PRIOR GRANTS.—Grants  
 6 awarded under subtitle D of title IV of the National Af-  
 7 fordable Housing Act with funds appropriated for fiscal  
 8 year 2005 or for fiscal years preceding fiscal year 2005  
 9 shall be subject to the continuing authority of the Sec-  
 10 retary of Housing and Urban Development under the stat-  
 11 utory provisions in effect on September 30, 2005, until  
 12 the authority to expend applicable funds, as specified by  
 13 the Secretary of Housing and Urban Development, has ex-  
 14 pired and the closeout of such grants has been completed.

15 (c) SAVINGS PROVISIONS.—

16 (1) ADMINISTRATIVE ACTIONS.—

17 (A) COMPLETED OR FINAL ADMINISTRA-  
 18 TIVE ACTIONS.—Any completed or final admin-  
 19 istrative action of the Secretary of Housing and  
 20 Urban Development, including appeals there-  
 21 from and payments thereunder, which relate to  
 22 the administration of the YouthBuild program  
 23 under subtitle D of title IV of the National Af-  
 24 fordable Housing Act, shall not be affected by  
 25 the enactment of this Act, but shall continue in

1 effect according to their terms until amended,  
2 modified, superseded, terminated, set aside, or  
3 revoked in accordance with law by the Secretary  
4 of Housing and Urban Development, an officer  
5 of the United States, or a court of competent  
6 jurisdiction, or by operation of law.

7 (B) PENDING ADMINISTRATIVE AC-  
8 TIONS.—Any pending administrative action re-  
9 lating to the administration of the YouthBuild  
10 program under subtitle D of title IV of the Na-  
11 tional Affordable Housing Act shall remain sub-  
12 ject to the authority of the Secretary of Hous-  
13 ing and Urban Development and shall continue  
14 to be considered, adjudicated, or otherwise re-  
15 viewed notwithstanding the enactment of this  
16 Act, and in such administrative actions, pro-  
17 ceedings shall be had, appeals taken, and judg-  
18 ments rendered and enforced in the same man-  
19 ner and with the same effect as if enactment of  
20 this Act had not occurred.

21 (C) DEFINITION OF ADMINISTRATIVE AC-  
22 TION.—For purposes of this paragraph, the  
23 term “administrative action” means orders, de-  
24 terminations, rules, regulations, personnel ac-  
25 tions, permits, agreements, grants, financial as-

1           sistance, contracts, certificates, licenses, reg-  
2           istrations, and privileges.

3           (2) PENDING CIVIL ACTIONS.—If, on or after  
4           October 1, 2005, the Secretary of Housing and  
5           Urban Development, the Department of Housing  
6           and Urban Development, or an officer thereof acting  
7           in an official capacity, is a party to a pending civil  
8           action that relates to the administration of the  
9           YouthBuild program or its functions under subtitle  
10          D of title IV of the National Affordable Housing  
11          Act, such pending action shall not abate and shall  
12          continue notwithstanding the enactment of this Act,  
13          and in such action, proceedings shall be had, appeals  
14          taken, and judgments rendered and enforced in the  
15          same manner and with the same effect as if enact-  
16          ment of this Act had not occurred.

17          (d) CONFORMING REFERENCES.—Beginning on Oc-  
18          tober 1, 2005, references relating to the YouthBuild pro-  
19          gram, and to the Secretary of Housing and Urban Devel-  
20          opment, the Department of Housing and Urban Develop-  
21          ment, its officers, employees, or agents, or to its cor-  
22          responding organizational units or functions, in connection  
23          with such program, whether in statutes, Executive Orders,  
24          rules, regulations, directives, or delegations of authority,  
25          shall be deemed to refer, as appropriate, to the Secretary

1 of Labor, the Department of Labor, its officers, employ-  
2 ees, or agents, or to its corresponding organizational units  
3 or functions, except that such conforming references shall  
4 not take effect for purposes of administration by the Sec-  
5 retary of Housing and Urban Development of prior grants  
6 under subsection (b).

7 (e) DETAIL OF PERSONNEL.—Upon request by the  
8 Secretary of Labor, the Secretary of Housing and Urban  
9 Development may provide, on a reimbursable basis, detail  
10 personnel to the Secretary of Labor who shall have experi-  
11 ence related to the administration of the YouthBuild pro-  
12 gram under subtitle D of title IV of the National Afford-  
13 able Housing Act, in order to assist in the implementation  
14 of this Act.

15 (f) TRANSFER OF RESOURCES.—The Secretary of  
16 Housing and Urban Development shall transfer to the  
17 Secretary of Labor, in accordance with section 1531 of  
18 title 31, United States Code, all property, records, staff,  
19 and resources that the Director of the Office of Manage-  
20 ment and Budget determines relate to the functions trans-  
21 ferred to the Secretary of Labor by this Act and amend-  
22 ments made by this Act.

1 **SEC. 5. CLERICAL AMENDMENT.**

2       The table of contents for the Workforce Investment  
3 Act of 1998 (Public Law 105–220) is amended by adding  
4 at the end the following:

“TITLE VI—YOUTHBUILD PROGRAM

“Sec. 601. YouthBuild program.

5 **SEC. 6. EFFECTIVE DATES.**

6       (a) REPEAL.—Section 2 of this Act, and the amend-  
7 ments made thereby, shall take effect on July 1, 2006.

8       (b) WORKFORCE INVESTMENT ACT AMENDMENTS.—  
9 Sections 3, 5, and 6 of this Act, and the amendments  
10 made thereby, shall take effect on July 1, 2006.

11       (b) TRANSITION.—Section 4 of this Act shall take ef-  
12 fect on the date of enactment of this Act.

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