

S.3534

YouthBuild Transfer Act (Enrolled as Agreed to or Passed by Both House and Senate)

*One Hundred Ninth Congress
of the
United States of America
AT THE SECOND SESSION*

Begun and held at the City of Washington on Tuesday, the third day of January, two thousand and six

An Act

To amend the Workforce Investment Act of 1998 to provide for a YouthBuild program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `YouthBuild Transfer Act'.

SEC. 2. YOUTHBUILD PROGRAM.

(a) Establishment of YouthBuild Program in the Department of Labor- Subtitle D of title I of the Workforce Investment Act of 1998 is amended by inserting before section 174 (29 U.S.C. 2919) the following new section:

` SEC. 173A. YOUTHBUILD PROGRAM.

- ` (a) Statement of Purpose- The purposes of this section are--
- ` (1) to enable disadvantaged youth to obtain the education and employment skills necessary to achieve economic self-sufficiency in occupations in demand and postsecondary education and training opportunities;
 - ` (2) to provide disadvantaged youth with opportunities for meaningful work and service to their communities;
 - ` (3) to foster the development of employment and leadership skills and commitment to community development among youth in low-income communities; and
 - ` (4) to expand the supply of permanent affordable housing for homeless individuals and low-income families by utilizing the energies and talents of disadvantaged youth.

- ˘ (b) Definitions- In this section:
 - ˘ (1) ADJUSTED INCOME- The term `adjusted income' has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).
 - ˘ (2) APPLICANT- The term `applicant' means an eligible entity that has submitted an application under subsection (c).
 - ˘ (3) ELIGIBLE ENTITY- The term `eligible entity' means a public or private nonprofit agency or organization (including a consortium of such agencies or organizations), including--
 - ˘ (A) a community-based organization;
 - ˘ (B) a faith-based organization;
 - ˘ (C) an entity carrying out activities under this title, such as a local board;
 - ˘ (D) a community action agency;
 - ˘ (E) a State or local housing development agency;
 - ˘ (F) an Indian tribe or other agency primarily serving Indians;
 - ˘ (G) a community development corporation;
 - ˘ (H) a State or local youth service or conservation corps; and
 - ˘ (I) any other entity eligible to provide education or employment training under a Federal program (other than the program carried out under this section).
 - ˘ (4) HOMELESS INDIVIDUAL- The term `homeless individual' has the meaning given the term in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302).
 - ˘ (5) HOUSING DEVELOPMENT AGENCY- The term `housing development agency' means any agency of a State or local government, or any private nonprofit organization, that is engaged in providing housing for homeless individuals or low-income families.
 - ˘ (6) INCOME- The term `income' has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).
 - ˘ (7) INDIAN; INDIAN TRIBE- The terms `Indian' and `Indian tribe' have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).
 - ˘ (8) INDIVIDUAL OF LIMITED ENGLISH PROFICIENCY- The term `individual of limited English proficiency' means an eligible participant under this section who meets the criteria set forth in section 203(10) of the Adult Education and Family Literacy Act (20 U.S.C. 9202(10)).
 - ˘ (9) LOW-INCOME FAMILY- The term `low-income family' means a family described in section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)).
 - ˘ (10) QUALIFIED NATIONAL NONPROFIT AGENCY- The term `qualified national nonprofit agency' means a nonprofit agency that--
 - ˘ (A) has significant national experience providing services consisting of training, information, technical assistance, and data management to YouthBuild programs or similar projects; and
 - ˘ (B) has the capacity to provide those services.

` (11) REGISTERED APPRENTICESHIP PROGRAM- The term `registered apprenticeship program' means an apprenticeship program--

` (A) registered under the Act of August 16, 1937 (commonly known as the `National Apprenticeship Act'; 50 Stat. 664, chapter 663; 20 U.S.C. 50 et seq.); and

` (B) that meets such other criteria as may be established by the Secretary under this section.

` (12) TRANSITIONAL HOUSING- The term `transitional housing' means housing provided for the purpose of facilitating the movement of homeless individuals to independent living within a reasonable amount of time. The term includes housing primarily designed to serve deinstitutionalized homeless individuals and other homeless individuals who are individuals with disabilities or members of families with children.

` (13) YOUTHBUILD PROGRAM- The term `YouthBuild program' means any program that receives assistance under this section and provides disadvantaged youth with opportunities for employment, education, leadership development, and training through the rehabilitation or construction of housing for homeless individuals and low-income families, and of public facilities.

` (c) YouthBuild Grants-

` (1) AMOUNTS OF GRANTS- The Secretary is authorized to make grants to applicants for the purpose of carrying out YouthBuild programs approved under this section.

` (2) ELIGIBLE ACTIVITIES- An entity that receives a grant under this subsection shall use the funds made available through the grant to carry out a YouthBuild program, which may include the following activities:

` (A) Education and workforce investment activities including--

` (i) work experience and skills training (coordinated, to the maximum extent feasible, with preapprenticeship and registered apprenticeship programs) in the rehabilitation and construction activities described in subparagraphs (B) and (C);

` (ii) occupational skills training;

` (iii) other paid and unpaid work experiences, including internships and job shadowing;

` (iv) services and activities designed to meet the educational needs of participants, including--

` (I) basic skills instruction and remedial education;

` (II) language instruction educational programs for individuals with limited English proficiency;

` (III) secondary education services and activities, including tutoring, study skills training, and dropout prevention activities, designed to lead to the attainment of a secondary school diploma, General Education Development (GED) credential, or other State-recognized equivalent (including recognized

alternative standards for individuals with disabilities);

` (IV) counseling and assistance in obtaining postsecondary education and required financial aid; and

` (V) alternative secondary school services;

` (v) counseling services and related activities, such as comprehensive guidance and counseling on drug and alcohol abuse and referral;

` (vi) activities designed to develop employment and leadership skills, which may include community service and peer-centered activities encouraging responsibility and other positive social behaviors, and activities related to youth policy committees that participate in decision-making related to the program;

` (vii) supportive services and provision of need-based stipends necessary to enable individuals to participate in the program and supportive services to assist individuals, for a period not to exceed 12 months after the completion of training, in obtaining or retaining employment, or applying for and transitioning to postsecondary education; and

` (viii) job search and assistance.

` (B) Supervision and training for participants in the rehabilitation or construction of housing, including residential housing for homeless individuals or low-income families, or transitional housing for homeless individuals.

` (C) Supervision and training for participants in the rehabilitation or construction of community and other public facilities, except that not more than 10 percent of funds appropriated to carry out this section may be used for such supervision and training.

` (D) Payment of administrative costs of the applicant, except that not more than 15 percent of the amount of assistance provided under this subsection to the grant recipient may be used for such costs.

` (E) Adult mentoring.

` (F) Provision of wages, stipends, or benefits to participants in the program.

` (G) Ongoing training and technical assistance that are related to developing and carrying out the program.

` (H) Follow-up services.

` (3) APPLICATION-

` (A) FORM AND PROCEDURE- To be qualified to receive a grant under this subsection, an eligible entity shall submit an application at such time, in such manner, and containing such information as the Secretary may require.

^ (B) MINIMUM REQUIREMENTS- The Secretary shall require that the 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 (as of the date of submission of the application) and projections on career opportunities in growing industries;

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

^ (iii) a description of the applicant and a statement of its qualifications, including a description of the applicant's relationship with local boards, one-stop operators, local unions, entities carrying out registered apprenticeship programs, other community groups, and employers, and the applicant's past experience, if any, with rehabilitation or construction of housing or public facilities, and with youth education and employment training programs;

^ (iv) a description of the proposed site for the proposed program;

^ (v) a description of the educational and job training activities, work opportunities, postsecondary education and training opportunities, and other services that will be provided to participants, and how those activities, opportunities, and services will prepare youth for employment in occupations in demand in the labor market area described in clause (i);

^ (vi) a description of the proposed rehabilitation or construction activities to be undertaken under the grant and the anticipated schedule for carrying out such activities;

^ (vii) a description of the manner in which eligible youth will be recruited and selected as participants, including a description of arrangements that will be made with local boards, one-stop operators, community- and faith-based organizations, State educational agencies or local educational agencies (including agencies of Indian tribes), public assistance agencies, the courts of jurisdiction, agencies operating shelters for homeless individuals and other agencies that serve youth who are homeless individuals, foster care agencies, and other appropriate public and private agencies;

^ (viii) a description of the special outreach efforts that will be undertaken to recruit eligible young women (including young women with dependent children) as participants;

^ (ix) a description of the specific role of employers in the proposed program, such as their role in developing the

proposed program and assisting in service provision and in placement activities;

` (x) a description of how the proposed program will be coordinated with other Federal, State, and local activities and activities conducted by Indian tribes, such as local workforce investment activities, vocational education programs, adult and language instruction educational programs, activities conducted by public schools, activities, conducted by community colleges, national service programs, and other job training provided with funds available under this title;

` (xi) assurances that there will be a sufficient number of adequately trained supervisory personnel in the proposed program;

` (xii) a description of results to be achieved with respect to common indicators of performance for youth and lifelong learning, as identified by the Secretary;

` (xiii) a description of the applicant's relationship with local building trade unions regarding their involvement in training to be provided through the proposed program, the relationship of the proposed program to established registered apprenticeship programs and employers, and the ability of the applicant to grant industry-recognized skill certification through the program;

` (xiv) a description of activities that will be undertaken to develop the leadership skills of participants;

` (xv) a detailed budget and a description of the system of fiscal controls, and auditing and accountability procedures, that will be used to ensure fiscal soundness for the proposed program;

` (xvi) a description of the commitments for any additional resources (in addition to the funds made available through the grant) to be made available to the proposed program from--

` (I) the applicant;

` (II) recipients of other Federal, State or local housing and community development assistance who will sponsor any part of the rehabilitation, construction, operation and maintenance, or other housing and community development activities undertaken as part of the proposed program; or

` (III) entities carrying out other Federal, State, or local activities or activities conducted by Indian tribes, including vocational education programs, adult and language instruction educational programs, and job training provided with funds available under this title;

offender, a youth who is an individual with a disability, a child of incarcerated parents, or a migrant youth; and
` (iii) a school dropout.

` (B) EXCEPTION FOR INDIVIDUALS NOT MEETING INCOME OR EDUCATIONAL NEED REQUIREMENTS- Not more than 25 percent of the participants in such program may be individuals who do not meet the requirements of clause (ii) or (iii) of subparagraph (A), but who--

` (i) are basic skills deficient, despite attainment of a secondary school diploma, General Education Development (GED) credential, or other State-recognized equivalent (including recognized alternative standards for individuals with disabilities); or

` (ii) have been referred by a local secondary school for participation in a YouthBuild program leading to the attainment of a secondary school diploma.

` (2) PARTICIPATION LIMITATION- An eligible individual selected for participation in a YouthBuild program shall be offered full-time participation in the program for a period of not less than 6 months and not more than 24 months.

` (3) MINIMUM TIME DEVOTED TO EDUCATIONAL SERVICES AND ACTIVITIES- A YouthBuild program receiving assistance under subsection (c) shall be structured so that participants in the program are offered--

` (A) education and related services and activities designed to meet educational needs, such as those specified in clauses (iv) through (vii) of subsection (c)(2)(A), during at least 50 percent of the time during which the participants participate in the program; and

` (B) work and skill development activities such as those specified in clauses (i), (ii), (iii), and (viii) of subsection (c)(2)(A), during at least 40 percent of the time during which the participants participate in the program.

` (4) AUTHORITY RESTRICTION- No provision of this section may be construed to authorize any agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution (including a school) or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system.

` (5) STATE AND LOCAL STANDARDS- All educational programs and activities supported with funds provided under subsection (c) shall be consistent with applicable State and local educational standards.