

“(g) RULES.—The Secretary of Labor is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary of Labor determines necessary or appropriate to administer and manage the functions of the Department of Labor.

“(h) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS.—Except as otherwise provided in this section, the assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of Labor. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

“(i) TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this section, and to make such dispositions of assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds used, held, arising from, available to, or to be made available in connection with such functions, subject to section 1531 of title 31, United States Code, as may be necessary to carry out the provisions of this section. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the purposes of this section.

“(j) SAVINGS PROVISIONS.—

“(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

“(A) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this section; and

“(B) which are in effect at the time this section takes effect, or were final before the effective date of this section and are to become effective on or after the effective date of this section, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of Labor or other authorized official, a court of competent jurisdiction, or by operation of law.

“(2) PROCEEDINGS NOT AFFECTED.—The provisions of this section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Department of Housing and Urban Development at the time this section takes effect, with respect to functions transferred by this section but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

“(3) SUITS NOT AFFECTED.—The provisions of this section shall not affect suits commenced before the

effective date of this section, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

“(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of Housing and Urban Development, or by or against any individual in the official capacity of such individual as an officer of the Department of Housing and Urban Development, shall abate by reason of the enactment of this section.

“(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Department of Housing and Urban Development relating to a function transferred under this section may be continued by the Department of Labor with the same effect as if this section had not been enacted.

“(k) SEPARABILITY.—If a provision of this section or its application to any person or circumstance is held invalid, neither the remainder of this section nor the application of the provision to other persons or circumstances shall be affected.

“(l) TRANSITION.—The Secretary of Labor is authorized to utilize—

“(1) the services of such officers, employees, and other personnel of the Department of Housing and Urban Development with respect to functions transferred to the Department of Labor by this section; and

“(2) funds appropriated to such functions for such period of time, as may reasonably be needed to facilitate the orderly implementation of this section.

“(m) ACCOMPLISHING ORDERLY TRANSFER.—Consistent with the requirements of this section, the Secretary of Labor and the Secretary of Housing and Urban Development shall take such actions as the Secretaries determine are appropriate to accomplish the orderly transfer of functions as described in subsection (b).

“(n) ADMINISTRATION OF PRIOR GRANTS.—Notwithstanding any other provision of this Act [See Short Title of 2006 Amendment note set out under section 2801 of this title], grants awarded under subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act ([former] 42 U.S.C. 12899 et seq.) with funds appropriated for fiscal year 2006 or a preceding fiscal year shall be subject to the continuing authority of the Secretary of Housing and Urban Development under the provisions of such subtitle, as in effect on the day before the date of enactment of this Act [Sept. 22, 2006], until the authority to expend applicable funds for the grants, as specified by the Secretary of Housing and Urban Development, has expired and the Secretary has completed the administrative responsibilities associated with the grants.

“(o) REFERENCES.—A reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

“(1) the Secretary of Housing and Urban Development with regard to functions transferred under subsection (b), shall be deemed to refer to the Secretary of Labor; and

“(2) the Department of Housing and Urban Development with regard to functions transferred under subsection (b), shall be deemed to refer to the Department of Labor.

“(p) EFFECTIVE DATE.—This section takes effect on the earlier of—

“(1) the date of enactment of this Act [Sept. 22, 2006]; and

“(2) September 30, 2006.”

§ 3226a. Re-enrollment in alternative school by high-school dropout

For program year 2010 and each program year thereafter, the YouthBuild program may serve an individual who has dropped out of high school

and re-enrolled in an alternative school, if that re-enrollment is part of a sequential service strategy.

(Pub. L. 111-117, div. D, title I, (2)(E), Dec. 16, 2009, 123 Stat. 3227.)

CODIFICATION

Section was enacted as part of the Department of Labor Appropriations Act, 2010, and also as part of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010, and the Consolidated Appropriations Act, 2010, and not as part of title I of the Workforce Innovation and Opportunity Act which comprises this subchapter.

Section was formerly classified to section 2918b of this title.

§ 3227. Authorization of appropriations

(a) Native American programs

There are authorized to be appropriated to carry out section 3221 of this title (not including subsection (k) of such section)—

- (1) \$46,082,000 for fiscal year 2015;
- (2) \$49,641,000 for fiscal year 2016;
- (3) \$50,671,000 for fiscal year 2017;
- (4) \$51,795,000 for fiscal year 2018;
- (5) \$53,013,000 for fiscal year 2019; and
- (6) \$54,137,000 for fiscal year 2020.

(b) Migrant and seasonal farmworker programs

There are authorized to be appropriated to carry out section 3222 of this title—

- (1) \$81,896,000 for fiscal year 2015;
- (2) \$88,222,000 for fiscal year 2016;
- (3) \$90,052,000 for fiscal year 2017;
- (4) \$92,050,000 for fiscal year 2018;
- (5) \$94,214,000 for fiscal year 2019; and
- (6) \$96,211,000 for fiscal year 2020.

(c) Technical assistance

There are authorized to be appropriated to carry out section 3223 of this title—

- (1) \$3,000,000 for fiscal year 2015;
- (2) \$3,232,000 for fiscal year 2016;
- (3) \$3,299,000 for fiscal year 2017;
- (4) \$3,372,000 for fiscal year 2018;
- (5) \$3,451,000 for fiscal year 2019; and
- (6) \$3,524,000 for fiscal year 2020.

(d) Evaluations and research

There are authorized to be appropriated to carry out section 3224 of this title—

- (1) \$91,000,000 for fiscal year 2015;
- (2) \$98,029,000 for fiscal year 2016;
- (3) \$100,063,000 for fiscal year 2017;
- (4) \$102,282,000 for fiscal year 2018;
- (5) \$104,687,000 for fiscal year 2019; and
- (6) \$106,906,000 for fiscal year 2020.

(e) Assistance for veterans

If, as of July 22, 2014, any unobligated funds appropriated to carry out section 2913 of this title, as in effect on the day before July 22, 2014, remain available, the Secretary of Labor shall continue to use such funds to carry out such section, as in effect on such day, until all of such funds are expended.

(f) Assistance for eligible workers

If, as of July 22, 2014, any unobligated funds appropriated to carry out subsections (f) and (g) of section 2918 of this title, as in effect on the day before July 22, 2014, remain available, the

Secretary of Labor shall continue to use such funds to carry out such subsections, as in effect on such day, until all of such funds are expended.

(Pub. L. 113-128, title I, §172, July 22, 2014, 128 Stat. 1585.)

REFERENCES IN TEXT

Sections 2913 and 2918 of this title, referred to in subsections (e) and (f), were repealed by Pub. L. 113-128, title V, § 511(a), July 22, 2014, 128 Stat. 1705, effective July 1, 2015.

EFFECTIVE DATE

Section effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as a note under section 3101 of this title.

PART E—ADMINISTRATION

DEFINITION OF “SECRETARY”

In this part, “Secretary” means the Secretary of Labor, see section 3151(b)(1)(C)(ii)(II) of this title.

§ 3241. Requirements and restrictions

(a) Benefits

(1) Wages

(A) In general

Individuals in on-the-job training or individuals employed in activities under this subchapter shall be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills, and such rates shall be in accordance with applicable law, but in no event less than the higher of the rate specified in section 206(a)(1) of this title or the applicable State or local minimum wage law.

(B) Rule of construction

The reference in subparagraph (A) to section 206(a)(1) of this title shall not be applicable for individuals in territorial jurisdictions in which section 206(a)(1) of this title does not apply.

(2) Treatment of allowances, earnings, and payments

Allowances, earnings, and payments to individuals participating in programs under this subchapter shall not be considered as income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need, other than as provided under the Social Security Act (42 U.S.C. 301 et seq.).

(b) Labor standards

(1) Limitations on activities that impact wages of employees

No funds provided under this subchapter shall be used to pay the wages of incumbent employees during their participation in economic development activities provided through a statewide workforce development system.