

109TH CONGRESS  
2D SESSION

# H. R. 6181

To amend the National and Community Service Act of 1990 to establish a National Infrastructure Corps to address the Nation's infrastructure needs and provide employment opportunities for unemployed individuals.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2006

Mr. CLAY (for himself and Mr. OWENS) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the National and Community Service Act of 1990 to establish a National Infrastructure Corps to address the Nation's infrastructure needs and provide employment opportunities for unemployed individuals.

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 “National Infrastruc-  
5 ture Corps Act of 2006”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) The United States is suffering a worsening  
2           crisis in public infrastructure, including a lack or in-  
3           sufficiency of railroad, mass transportation, power,  
4           water control, river navigation, port, oil refining, and  
5           hospital infrastructure facilities.

6           (2) The “infrastructure report card” issued by  
7           the American Society of Civil Engineers estimates  
8           the need for \$1,700,000,000,000 in investments to  
9           repair and replace obsolescent and broken-down in-  
10          frastructure facilities in the United States.

11          (3) The Nation’s infrastructure crisis became  
12          dramatically apparent after the breakdown of water  
13          control, transportation, and power infrastructure fa-  
14          cilities in the Gulf States following Hurricanes  
15          Katrina and Rita.

16          (4) Each \$1,000,000,000 of Federal funding in-  
17          vested in infrastructure facilities creates approxi-  
18          mately 50,000 jobs and \$6,000,000,000 in economic  
19          activity.

20          (5) The United States continues to suffer high  
21          rates of unemployment in urban and rural areas, es-  
22          pecially among males in their twenties, and individ-  
23          uals and households continue to experience decreases  
24          in wages and real income.

1           (6) Regional, State, and local infrastructure re-  
2       building projects require a great deal of semi-skilled  
3       and labor-intensive employment.

4           (7) These projects include the necessary repair  
5       and rebuilding of large numbers of the Nation's "up-  
6       stream" dams, which could provide employment to  
7       100,000 individuals, and the replacement of the 10  
8       obsolete locks and dams on the Ohio River Mainstem  
9       system, which would generate approximately 20,000  
10      jobs over a multi-year period.

11          (8) The Urban Youth Corps administered by  
12      the Departments of Housing and Urban Develop-  
13      ment and Transportation, the National Civilian  
14      Community Corps, and other volunteer programs of  
15      the Corporation for National and Community Serv-  
16      ice have greatly contributed to public works and dis-  
17      aster response projects.

18          (9) The authority of the Corporation for Na-  
19      tional and Community Service should be expanded to  
20      provide employment opportunities and reverse trends  
21      in urban unemployment through the establishment  
22      of a National Infrastructure Corps modeled after the  
23      Community Conservation Corps created at the out-  
24      set of the Great Depression.

1 **SEC. 3. ESTABLISHMENT OF NATIONAL INFRASTRUCTURE**  
2 **CORPS.**

3 (a) IN GENERAL.—Title I of the National and Com-  
4 munity Service Act of 1990 (42 U.S.C. 12501 et seq.) is  
5 amended by adding at the end the following:

6 **“Subtitle J—National**  
7 **Infrastructure Corps**

8 **“SEC. 199AA. DEFINITIONS.**

9 “In this subtitle, the following definitions apply:

10 “(1) CORPS.—The term ‘Corps’ means the Na-  
11 tional Infrastructure Corps established by section  
12 199BB.

13 “(2) ELIGIBLE PROJECT.—The term ‘eligible  
14 project’ means a project for the construction or re-  
15 pair of an economic infrastructure facility in the  
16 United States, including a power, rail, transport,  
17 port, inland navigation, water management, drinking  
18 water, energy, or hospital facility.

19 “(3) ELIGIBLE INDIVIDUAL.—The term ‘eligible  
20 individual’ means an individual who is—

21 “(A) unemployed or employed on a part-  
22 time basis due to economic reasons, as defined  
23 by the Secretary of Labor;

24 “(B) between the ages of 18 and 40; and

1           “(C) a citizen of, or an alien lawfully ad-  
2           mitted for permanent residence to, the United  
3           States.

4           “(4) QUALIFIED INFRASTRUCTURE CORPS.—  
5           The term ‘qualified infrastructure corps’ means a  
6           program established by a State or local government  
7           or by a nonprofit organization to carry out eligible  
8           projects and provide employment to eligible individ-  
9           uals.

10   **“SEC. 199BB. ESTABLISHMENT.**

11           “‘There is established a National Infrastructure  
12   Corps, to be administered by the Corporation.

13   **“SEC. 199CC. PURPOSES.**

14           “‘The purposes of the Corps shall be—

15                   “(1) to address the economic infrastructure  
16           needs of the Nation through the performance of eli-  
17           gible projects; and

18                   “(2) to address high rates of unemployment in  
19           urban and rural areas by providing employment op-  
20           portunities to eligible individuals.

21   **“SEC. 199DD. PARTICIPATION IN THE CORPS.**

22           “(a) PARTICIPANTS.—The Corps shall be composed  
23   of not more than 40,000 eligible individuals recruited by  
24   the Corporation.

1       “(b) TRAINING.—The Corporation may provide em-  
 2     ployment training for individuals participating in the  
 3     Corps. The Corporation may provide such training by en-  
 4     tering into agreements with building trades unions and  
 5     labor councils that regularly provide 4-week and 6-week  
 6     training classes in construction and the building trades.

7       “(c) RESIDENCY PROGRAM.—

8               “(1) IN GENERAL.—The Corporation may pro-  
 9     vide housing for individuals participating in the  
 10    Corps.

11              “(2) CORPS HOUSING.—The Corporation shall  
 12     provide such housing in a manner in which individ-  
 13     uals participating in the Corps reside with other  
 14     Corps participants.

15       “(d) PERIOD OF PARTICIPATION.—An individual may  
 16     participate in the Corps for a period of not more than  
 17     1 year.

18   **“SEC. 199EE. PROJECTS TO BE CARRIED OUT BY THE**  
 19                   **CORPS.**

20       “(a) SELECTION OF PROJECTS.—

21              “(1) IN GENERAL.—The Corporation shall se-  
 22     lect eligible projects to be carried out by the Corps  
 23     and shall provide financial assistance for such  
 24     projects using amounts appropriated to carry out  
 25     this subtitle.

1           “(2) PARTICIPATION OF ARMY CORPS OF ENGI-  
2       NEERS.—The Corporation shall select eligible  
3       projects under paragraph (1) in cooperation with the  
4       Secretary of the Army, acting through the Chief of  
5       Engineers.

6           “(3) PROJECT PROPOSALS.—The Corporation  
7       shall select eligible projects under this subsection  
8       based on proposals submitted to the Corporation by  
9       Federal, State, and local entities. The head of a  
10      Federal, State, or local entity shall submit such a  
11      proposal at the time and in the manner as the Cor-  
12      poration requires.

13          “(4) DISASTER RELIEF ACTIVITIES.—In select-  
14      ing eligible projects under this subsection, the Cor-  
15      poration shall give priority to projects to repair vital  
16      infrastructure facilities damaged by natural disasters  
17      and emergencies, including projects to address dam-  
18      ages resulting from Hurricanes Katrina and Rita.

19          “(b) PERFORMANCE OF PROJECTS.—

20              “(1) COOPERATION WITH THE ARMY CORPS OF  
21      ENGINEERS.—The Corporation may enter into con-  
22      tracts and cooperative agreements under which the  
23      Corps shall perform eligible projects in coordination  
24      with the Secretary of the Army, acting through the  
25      Chief of Engineers.

1           “(2) COOPERATION WITH OTHER FEDERAL  
2 AGENCIES.—

3           “(A) CONTRACTS AND COOPERATIVE  
4 AGREEMENTS.—The Corporation may enter  
5 into contracts and cooperative agreements  
6 under which the Corps shall perform eligible  
7 projects in coordination with the heads of other  
8 Federal entities, including—

9                   “(i) the Urban Youth Corps, adminis-  
10 tered by the Secretary of Housing and  
11 Urban Development;

12                   “(ii) the Urban Youth Corps, adminis-  
13 tered by the Secretary of Transportation;

14                   “(iii) the National Resource Conserva-  
15 tion Service of the Department of Agri-  
16 culture; and

17                   “(iv) the National Civilian Community  
18 Corps.

19           “(B) REPAIR AND REBUILDING OF UP-  
20 STREAM STRUCTURES.—The Corporation shall  
21 seek to enter into a contract or cooperative  
22 agreement under this paragraph with the Chief  
23 of the National Resource Conservation Service  
24 for the rebuilding and repair of upstream struc-  
25 tures across the Nation.



1           “(3) USE OF QUALIFIED INFRASTRUCTURE  
2       CORPS.—

3           “(A) CONTRACTS AND COOPERATIVE  
4       AGREEMENTS.—The Corporation may enter  
5       into contracts and cooperative agreements with  
6       any qualified infrastructure corps to perform el-  
7       igible projects.

8           “(B) GRANTS.—The Corporation may  
9       make grants to States (and through States to  
10      local governments) for the purpose of estab-  
11      lishing, operating, and supporting a qualified  
12      infrastructure corps that will perform eligible  
13      projects.

14          “(C) APPLICABILITY OF MATCHING RE-  
15      QUIREMENTS.—The matching funds require-  
16      ment of section 121(e) shall apply to financial  
17      assistance provided under this paragraph.

18          “(c) COORDINATION OF ACTIVITIES.—The Corpora-  
19      tion shall coordinate the activities of the Corps with other  
20      national service activities carried out under this title.

21   **“SEC. 199FF. WAGES.**

22          “(a) IN GENERAL.—All individuals participating in  
23      the Corps or in a qualified infrastructure corps performing  
24      work for the construction, alteration, or repair, including  
25      painting and decorating, of projects, buildings, and works

1 funded using amounts appropriated to carry out this sub-  
2 title shall be paid wages at not less than the prevailing  
3 wages on similar construction in the locality as determined  
4 by the Secretary of Labor in accordance with sections  
5 3141–3144, 3146, and 3147 of title 40, United States  
6 Code.

7 “(b) **AUTHORITY.**—With respect to the determination  
8 of wages under paragraph (1), the Secretary of Labor  
9 shall have the authority and functions set forth in Reorga-  
10 nization Plan No. 14 of 1950 (64 Stat. 1267) and section  
11 3145 of title 40, United States Code.

12 **“SEC. 199GG. NON-FEDERAL STATUS.**

13 “(a) **IN GENERAL.**—Except as otherwise provided in  
14 this section, individuals participating in the Corps shall  
15 not, by reason of their status as such participants, be con-  
16 sidered Federal employees and shall not be subject to the  
17 provisions of law relating to Federal employees.

18 “(b) **WORK-RELATED INJURIES.**—

19 “(1) **IN GENERAL.**—For purposes of subchapter  
20 I of chapter 81 of title 5, United States Code, relat-  
21 ing to the compensation of Federal employees for  
22 work injuries, individuals participating in the Corps  
23 shall be considered as employees of the United  
24 States within the meaning of the term ‘employee’, as  
25 defined in section 8101 of such title.

1           “(2) SPECIAL RULE.—In the application of the  
 2           provisions of subchapter I of chapter 81 of title 5,  
 3           United States Code, to an individual referred to in  
 4           paragraph (1), the individual shall not be considered  
 5           to be in the performance of duty while absent from  
 6           the individual’s assigned post of duty unless the ab-  
 7           sence is authorized in accordance with procedures  
 8           prescribed by the Director of the Corporation.

9           “(c) TORT CLAIMS PROCEDURE.—An individual par-  
 10          ticipating in the Corps shall be considered an employee  
 11          of the United States for purposes of chapter 171 of title  
 12          28, United States Code, relating to tort claims liability  
 13          and procedure.

14       **“SEC. 199HH. AUTHORIZATION OF APPROPRIATIONS.**

15           “‘There is authorized to be appropriated to carry out  
 16          this subtitle \$900,000,000 for each of fiscal years 2007  
 17          through 2010.’”.

18           (b) TABLE OF CONTENTS.—The table of contents  
 19          contained in section 1(b) of the National and Community  
 20          Service Act of 1990 is amended by adding at the end of  
 21          the items relating to title I the following:

                  “Subtitle J—National Infrastructure Corps

                  “Sec. 199AA. Definitions.

                  “Sec. 199BB. Establishment.

                  “Sec. 199CC. Purposes.

                  “Sec. 199DD. Participation in the Corps.

                  “Sec. 199EE. Projects to be carried out by the Corps.

                  “Sec. 199FF. Wages.

                  “Sec. 199GG. Non-Federal status.

                  “Sec. 199HH. Authorization of appropriations.”.

1   **SEC. 4. CONFORMING AMENDMENT.**

2           Section 122(a) of the National and Community Serv-  
3   ice Act of 1990 (42 U.S.C. 12572(a)) is amended—

4           (1) by redesignating paragraph (15) as para-  
5   graph (16); and

6           (2) by inserting after paragraph (14) the fol-  
7   lowing:

8           “(15) An economic infrastructure construction  
9   program such as the National Infrastructure Corps  
10   established under section 199BB or a qualified in-  
11   frastructure corps as defined in section 199AA.”.

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