

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5654

To amend the Workforce Investment Act of 1998 to provide oil spill relief employment, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2010

Mr. McDERMOTT (for himself, Mr. ISRAEL, Mr. LANGEVIN, Mr. CONNOLLY of Virginia, Mr. HIMES, Ms. SUTTON, Mr. HINCHEY, Mr. BLUMENAUER, and Mr. LEWIS of Georgia) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Workforce Investment Act of 1998 to provide oil spill relief employment, 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 “Gulf Coast Restoration  
5 Act”.

1 **SEC. 2. AMENDMENTS TO THE WORKFORCE INVESTMENT**  
2 **ACT OF 1998.**

3 (a) IN GENERAL.—Section 173(a) of the Workforce  
4 Investment Act of 1998 (29 U.S.C. 2918(a)) is amend-  
5 ed—

6 (1) by striking “and” at the end of paragraph  
7 (3);

8 (2) by striking the period at the end of para-  
9 graph (4) and inserting “; and”; and

10 (3) by adding at the end the following:

11 “(5) to provide assistance to the Governor of  
12 any State within the boundaries of an area that is  
13 the subject of a Presidential determination that ad-  
14 ditional resources are necessary to respond to an in-  
15 cident related to a spill of national significance de-  
16 clared under the National Contingency Plan pro-  
17 vided for under section 105 of the Comprehensive  
18 Environmental Response, Compensation, and Liabil-  
19 ity Act of 1980 (42 U.S.C. 9605) (‘covered inci-  
20 dent’) by providing oil spill relief employment in the  
21 area in accordance with subsection (h).”.

22 (b) OIL SPILL RELIEF EMPLOYMENT ASSISTANCE  
23 REQUIREMENTS.—Section 173 of the Workforce Invest-  
24 ment Act of 1998 (29 U.S.C. 2918) is amended by adding  
25 at the end the following:

1       “(h) OIL SPILL RELIEF EMPLOYMENT ASSISTANCE  
2 REQUIREMENTS.—

3           “(1) IN GENERAL.—Funds made available  
4 under subsection (a)(5)—

5           “(A) shall be used to provide oil spill relief  
6 employment on projects with respect to clean-  
7 ing, restoration, renovation, repair, and recon-  
8 struction (including the construction of infra-  
9 structure to facilitate ecosystem and habitat  
10 restoration, protection, creation, enhancement  
11 and species repopulation) of lands, marshes,  
12 waters, structures, and facilities, located within  
13 an area of a covered incident, as well as off-  
14 shore areas related to such incident, and  
15 projects that provide food, clothing, shelter, and  
16 other humanitarian assistance to individuals  
17 harmed by the covered incident;

18           “(B) shall be used to establish general  
19 cleanup standards approved by the Secretary  
20 for the selection of remedial actions for an area  
21 of a covered incident (including offshore areas  
22 related to such incident);

23           “(C) may be expended through public and  
24 private agencies and organizations engaged in  
25 projects described in subparagraph (A);

1           “(D) may be expended to provide employ-  
2           ment and training activities;

3           “(E) may be expended to provide personal  
4           protective equipment to workers engaged in oil  
5           spill relief employment described in subpara-  
6           graph (A);

7           “(F) may be used to increase the capacity  
8           of States to make available the full range of  
9           services authorized under this title and provide  
10          information (in languages appropriate to the in-  
11          dividuals served) about, and access to, the vari-  
12          ety of public and private services available to  
13          individuals adversely affected by the covered in-  
14          cident at one-stop centers described in section  
15          134(c) and other access points (including other  
16          public facilities, mobile service delivery units,  
17          and social services offices); and

18          “(G) may be used to provide temporary  
19          employment by public sector entities, in addi-  
20          tion to the oil spill relief employment described  
21          in subparagraph (A).

22          “(2) PRIORITY.—An individual shall be given  
23          priority consideration for the oil spill relief employ-  
24          ment described in subsection (a)(5) if such indi-  
25          vidual—

1           “(A) is temporarily or permanently laid off  
2           as a consequence of a covered incident with re-  
3           spect to which such employment is being pro-  
4           vided;

5           “(B) is a dislocated worker;

6           “(C) has been an unemployed individual  
7           for a prolonged period; or

8           “(D) meets such other criteria as the Sec-  
9           retary may establish.

10          “(3) PREVAILING WAGES.—The Secretary shall  
11          require that each State receiving support under sub-  
12          section (a)(5) provide reasonable assurance that all  
13          employees and contractors employed in the perform-  
14          ance of a project for which the support is provided  
15          will be paid wages at rates not less than those pre-  
16          vailing on similar work in the locality as determined  
17          by the Secretary of Labor in accordance with sub-  
18          chapter IV of chapter 31 of part A of subtitle II of  
19          title 40, United States Code (commonly referred to  
20          as the ‘Davis-Bacon Act’).

21          “(4) LIMITATIONS ON OIL SPILL RELIEF EM-  
22          PLOYMENT ASSISTANCE.—An individual shall be em-  
23          ployed under subsection (a)(5) in oil spill relief em-  
24          ployment with respect to a covered incident for a pe-  
25          riod of 6 months. Such period of employment may

1 be subject to an extension for a period determined  
2 by the Secretary.

3 “(5) REIMBURSEMENT.—Each party respon-  
4 sible for a covered incident under the Oil Pollution  
5 Act of 1990 (33 U.S.C. 2701 et seq.) shall, upon the  
6 demand of the Secretary of the Treasury, reimburse  
7 the general fund of the Treasury for the costs in-  
8 curred by the United States under subsection (a)(5)  
9 with respect to such incident, as well as the costs of  
10 the United States in administering its responsibil-  
11 ities under subsection (a)(5) with respect to such in-  
12 cident. If a responsible party fails to pay a demand  
13 of the Secretary of the Treasury pursuant to sub-  
14 section (a)(5), the Secretary shall request the Attor-  
15 ney General to bring a civil action against the re-  
16 sponsible party or a guarantor in an appropriate dis-  
17 trict court to recover the amount of the demand,  
18 plus all costs incurred in obtaining payment, includ-  
19 ing prejudgment interest, attorneys fees, and any  
20 other administrative and adjudicative costs involved.  
21 Such reimbursement shall be without regard to lim-  
22 its of liability under the section 1004 of the Oil Pol-  
23 lution Act of 1990 (33 U.S.C. 2704).

24 “(6) USE OF AVAILABLE FUNDS.—Funds ap-  
25 propriated for fiscal years 2009 and 2010 and re-

1       maintaining available for obligation by the Secretary to  
2       provide any assistance authorized under this section  
3       shall be available to assist workers affected by a cov-  
4       ered incident, including workers who have relocated  
5       from areas in which a covered incident has been de-  
6       clared. Under such conditions as the Secretary may  
7       approve, any State may use funds that remain avail-  
8       able for expenditure under any grants awarded to  
9       the State under this section to provide any assist-  
10      ance authorized under subsection (a)(5). Funds used  
11      pursuant to the authority provided under this para-  
12      graph shall be subject to the reimbursement require-  
13      ments described in paragraph (5).

14               “(7) REQUIREMENTS FOR GRANT APPLICA-  
15      TIONS.—In order to receive funds under subsection  
16      (a)(5), a State shall submit an application at such  
17      time, in such manner, and containing such informa-  
18      tion as the Secretary may require. Such application  
19      shall include a detailed description of—

20                       “(A) how the State will ensure the capacity  
21                       of one-stop centers described in section 134(c)  
22                       and other access points to—

23                               “(i) provide affected individuals with  
24                               information, in languages appropriate to

1 the individuals served, about the range of  
2 available services; and

3 “(ii) provide affected individuals with  
4 access to the range of needed services;

5 “(B) how the State will prioritize individ-  
6 uals who are temporarily or permanently laid  
7 off as a consequence of the covered incident in  
8 the assignment of temporary employment posi-  
9 tions; and

10 “(C) any other supporting information the  
11 Secretary may require.”.

12 (c) EFFECTIVE DATE.—The amendments made by  
13 this section shall take effect immediately upon the date  
14 of the enactment of this section and shall apply to all re-  
15 sponsible parties under the Oil Pollution Act of 1990 (33  
16 U.S.C. 2701 et seq.), including any party determined to  
17 be liable under such Act for any incident that occurred  
18 prior to the date of the enactment of the amendments  
19 made by this section.

20 **SEC. 3. GULF COAST COMMUNITY CONSERVATION CORPS.**

21 (a) AUTHORITY.—From the amounts appropriated to  
22 carry out this section, the Corporation for National and  
23 Community Service (in this section referred to as the  
24 “Corporation”), pursuant to section 126(b) and subtitle  
25 E of title I of the National and Community Service Act

1 of 1990 (42 U.S.C. 12576(b)), shall carry out the activi-  
2 ties authorized under this section.

3 (b) ESTABLISHMENT.—

4 (1) IN GENERAL.—There is established a Gulf  
5 Coast Community Conservation Corps (in this sec-  
6 tion referred to as the “Gulf Coast CCC”), to be ad-  
7 ministered by the Corporation directly, or by grant  
8 or contract, to carry out full- or part-time service  
9 national service programs that provide oil spill relief  
10 in accordance with subsection (d) in areas that are  
11 the subjects of a Presidential determination that ad-  
12 ditional resources are necessary to respond to a cov-  
13 ered incident.

14 (2) EXISTING GRANTS OR CONTRACTS.—A  
15 grant or contract awarded under paragraph (1) may  
16 be awarded to an entity with which the Corporation  
17 has an existing grant or contract.

18 (c) PARTICIPANTS.—

19 (1) ELIGIBILITY.—To be eligible to participate  
20 in a national service program carried out by the Gulf  
21 Coast CCC, an individual—

22 (A) shall be participating in a national  
23 service program under the national service laws;  
24 or

1           (B) shall be determined to be eligible in a  
2           manner that is consistent with the determina-  
3           tion of eligibility under the national service  
4           laws.

5           (2) BENEFITS.—An individual selected to par-  
6           ticipate in a national service program carried out by  
7           the Gulf Coast CCC shall be eligible for any living  
8           allowances, educational awards, and other support  
9           that are authorized for a participant under the na-  
10          tional service laws.

11          (3) PRIORITY.—In selecting participants under  
12          paragraph (1), priority shall be given to unemployed  
13          individuals between the ages of 18 through 24.

14          (4) TRAINING.—Training for participants serv-  
15          ing in the Gulf Coast CCC shall include an environ-  
16          mental education component.

17          (d) PROGRAMS.—National service programs carried  
18          out by the Gulf Coast CCC shall—

19                (1) include programs—

20                    (A) involving the cleaning, restoration, ren-  
21                    ovation, repair, and reconstruction (including  
22                    the construction of infrastructure to facilitate  
23                    ecosystem and habitat restoration, protection,  
24                    creation, enhancement and species repopu-  
25                    lation), of lands, marshes, waters, structures,

1 and facilities located within the area of the cov-  
2 ered incident, as well as offshore areas related  
3 to such incident; and

4 (B) providing food, clothing, shelter, and  
5 other assistance to communities and individuals  
6 harmed by the covered incident; and

7 (2) comply with the nonduplication and non-  
8 displacement provisions of section 177 of the Na-  
9 tional and Community Service Act of 1990 (42  
10 U.S.C. 12637).

11 (e) EDUCATIONAL ASSISTANCE.—From funds appro-  
12 priated to carry out this section, the Corporation may  
13 transfer funds to the National Service Trust established  
14 under section 145 of the National and Community Service  
15 Act of 1990 (42 U.S.C. 12601) to provide in-service or  
16 post-service benefits to, or funds to otherwise support, in-  
17 dividuals participating in a national service program car-  
18 ried out by the Gulf Coast CCC.

19 (f) REIMBURSEMENT.—Each party responsible for a  
20 covered incident under the Oil Pollution Act of 1990 (33  
21 U.S.C. 2701 et seq.) shall, upon the demand of the Sec-  
22 retary of the Treasury, reimburse the general fund of the  
23 Treasury for the costs incurred by the United States  
24 under this section with respect to such incident, as well  
25 as the costs of the United States in administering its re-

1 sponsibilities under this section with respect to such inci-  
2 dent. If a responsible party fails to pay a demand of the  
3 Secretary of the Treasury pursuant to this section, the  
4 Secretary shall request the Attorney General to bring a  
5 civil action against the responsible party or a guarantor  
6 in an appropriate district court to recover the amount of  
7 the demand, plus all costs incurred in obtaining payment,  
8 including prejudgment interest, attorneys fees, and any  
9 other administrative and adjudicative costs involved. Such  
10 reimbursement shall be without regard to limits of liability  
11 under the section 1004 of the Oil Pollution Act of 1990  
12 (33 U.S.C. 2704).

13 (g) DEFINITIONS.—In this section:

14 (1) IN GENERAL.—The term “national service  
15 laws” has the meaning given such term in section  
16 101 of the National and Community Service Act of  
17 1990 (42 U.S.C. 12511).

18 (2) COVERED INCIDENT.—The term “covered  
19 incident” means an incident related to a spill of na-  
20 tional significance declared under the National Con-  
21 tingency Plan provided for under section 105 of the  
22 Comprehensive Environmental Response, Compensa-  
23 tion, and Liability Act of 1980 (42 U.S.C. 9605).

24 (3) UNEMPLOYED INDIVIDUAL.—The term “un-  
25 employed individual” has the meaning given such

1 term in section 101 of the Workforce Investment  
2 Act of 1998 (29 U.S.C. 2801).

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