

[DISCUSSION DRAFT]

APRIL 3, 2009

111TH CONGRESS
1ST SESSION

H. R. _____

To establish the Gulf Coast Recovery Authority to administer a Gulf Coast Civic Works Project to provide job-training opportunities and increase employment to aid in the recovery of the Gulf Coast region.

IN THE HOUSE OF REPRESENTATIVES

Ms. ZOE LOFGREN of California introduced the following bill; which was referred to the Committee on _____

A BILL

To establish the Gulf Coast Recovery Authority to administer a Gulf Coast Civic Works Project to provide job-training opportunities and increase employment to aid in the recovery of the Gulf Coast region.

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 Civic Works
5 Act”.

1 (b) TABLE OF CONTENTS.—The table of contents of
2 this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Purposes.
- Sec. 3. Definitions.

TITLE I—THE GULF COAST CIVIC WORKS COMMISSION

- Sec. 101. Establishment of Commission.
- Sec. 102. Capitalization of the Commission.
- Sec. 103. Officers, Employees, and Other Agents of the Commission.
- Sec. 104. Powers of the Commission.
- Sec. 105. Regional coordination.
- Sec. 106. Sealed open proposal process.
- Sec. 107. Sealed open bid process.
- Sec. 108. Environmental protection.

TITLE II—THE GULF COAST CIVIC WORKS PROJECT

- Sec. 201. Purposes.
- Sec. 202. Establishment; Contract Authority.
- Sec. 203. General activities.
- Sec. 204. Job-training partnerships.
- Sec. 205. Apprenticeship Programs.
- Sec. 206. Job creation.
- Sec. 207. First source hiring and outreach.
- Sec. 208. Wages.
- Sec. 209. Other Projects.
- Sec. 210. General provisions and guidelines.
- Sec. 211. Authorization of appropriations.

3 **SEC. 2. PURPOSES.**

4 It is the purpose of this Act to—

5 (1) establish a Federal authority to implement
6 the necessary equitable government response to the
7 disaster experienced in the region for all Gulf Coast
8 communities;

9 (2) provide a minimum of 100,000 job and
10 training opportunities to those whose livelihoods
11 have been affected by the devastation of the Gulf
12 Coast region, particularly women and individuals
13 who qualify as low income;

1 (3) create stronger and more sustainable com-
2 munities better able to mitigate the physical, social,
3 and economic impact of future disasters;

4 (4) assure that those who are most vulnerable
5 to the direct effects of climate change are able to
6 prepare for and adapt to those impacts by building
7 resilience and reducing risk;

8 (5) strengthen the workforce by providing job
9 training for thousands of workers that will enable
10 them to rebuild communities and make an inde-
11 pendent living;

12 (6) rebuild homes, public infrastructure, his-
13 toric buildings, and community resources, to protect
14 communities from future disasters and restore lives
15 and faith in the Federal Government;

16 (7) promote sustainable development, energy
17 conservation, environmental restoration, and encour-
18 aging emerging industries and green technologies;

19 (8) ensure equitable working conditions by pro-
20 viding workers with fair wages;

21 (9) utilize the recommendations of community
22 organizations and coalitions in order to rebuild and
23 strengthen communities; and

1 (10) strengthen partnerships between the public
2 and private sector that will lead to increased eco-
3 nomic growth in the region.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) GREEN BUILDING; HIGH-PERFORMANCE
7 BUILDING.—The term “green building” or “high-
8 performance building” means a building that is de-
9 signed to achieve integrated systems design and con-
10 struction so as to significantly reduce or eliminate
11 the negative impact of the built environment on the
12 following:

13 (A) Site conservation and sustainable plan-
14 ning.

15 (B) Water conservation and efficiency.

16 (C) Energy efficiency and renewable en-
17 ergy.

18 (D) Conservation of materials and re-
19 sources.

20 (E) Indoor environmental quality and
21 human health.

22 (2) GULF COAST REGION.—The term “Gulf
23 Coast region” means the areas of Louisiana, Mis-
24 sissippi, Texas, and Alabama that were devastated
25 by Hurricanes Katrina and Rita.

1 (3) INFRASTRUCTURE PROJECT.—The term
2 “infrastructure project”, means the building, im-
3 provement, or increase in capacity of a basic instal-
4 lation, facility, asset, or stock that is associated
5 with—

6 (A) a levee or other flood protection con-
7 struction;

8 (B) a public facility such as a public
9 schoolhouse, public college or university; police
10 station, fire station, library, clinic, hospital, job
11 center, shelter, or community center;

12 (C) a mass transit system;

13 (D) a public housing property that is eligi-
14 ble to receive funding under section 24 of the
15 United States Housing Act of 1937 (42 U.S.C.
16 1437v);

17 (E) a road or bridge;

18 (F) a public utility system, structure, or
19 facility; or

20 (G) a drinking water system or a waste-
21 water system.

22 (4) LEED CERTIFICATION.—The term “LEED
23 certification” means the Leadership in Energy and
24 Environmental Design green building rating system
25 developed and adopted by the United States Green

1 Building Council, which measures and evaluates the
2 energy and environmental performance of a building.

3 (5) LIFE-CYCLE COST.—The term “life-cycle
4 cost” means the cost of a building, as determined by
5 the methodology identified in the National Institute
6 of Standards and Technology’s special publication
7 544 and interagency report 80-2040, available as set
8 forth in the Code of Federal Regulations, title 15,
9 part 230, including the initial cost of its construc-
10 tion or renovation, the marginal cost of future en-
11 ergy capacity, the cost of the energy consumed by
12 the facility over its expected useful life or, in the
13 case of a leased building, over the remaining term of
14 the lease, and the cost of operating and maintaining
15 the facility as such cost affects energy consumption.

16 (6) LOCAL DEVELOPMENT PLAN.—The term
17 “local development plan”, the plan which may be
18 prepared or adopted by a local advisory council with
19 the consultation and assistance of the Commission
20 staff and adopted by a town meeting, as described
21 in section 104(h).

22 (7) LOCAL ADVISORY COUNCIL.—The term
23 “local advisory council”, the local council established
24 in each municipality to develop and manage the
25 Civic Works Project, as described in section 104.

1 (8) PERSON.—The term “person”, an indi-
2 vidual, corporation, municipality, governmental
3 agency or authority, business trust, estate, trust,
4 partnership, association, joint venture, two or more
5 persons having a joint or common interest, or any
6 legal entity. A State agency or authority shall not be
7 deemed a person within the meaning of this Act.

8 (9) REGIONAL POLICY PLAN.—The term “re-
9 gional policy plan”, the plan prepared as described
10 in section 105.

11 (10) STATE AGENCY.—The term “State agen-
12 cy” means any department, board, bureau, commis-
13 sion, institution, public higher education institution,
14 school district, or other governmental entity of a
15 State.

16 **TITLE I—THE GULF COAST CIVIC** 17 **WORKS COMMISSION**

18 **SEC. 101. ESTABLISHMENT OF COMMISSION.**

19 (a) IN GENERAL.—There is hereby established within
20 the Federal Emergency Management Agency Gulf Coast
21 Recovery Office the “Gulf Coast Civic Works Commis-
22 sion” (in this Act referred to as the “Commission”).

23 (b) MEMBERSHIP.—

24 (1) IN GENERAL.—The Commission shall be
25 composed of 16 individuals appointed by the Presi-

1 dent, by and with the advice and consent of the Sen-
2 ate, from among individuals who are citizens of the
3 United States and residents or evacuees of the Gulf
4 Coast Region, and shall have gender, age, ethnic and
5 racial diversity reflective of the Gulf Coast Region,
6 and shall have diverse experience and knowledge rep-
7 resentative of all the issues related to complete re-
8 covery including, but not limited to: housing, worker
9 and immigrant rights, infrastructure, social services,
10 levee protection, and coastal restoration.

11 (2) NOMINATIONS BY GOVERNOR OF LOU-
12 ISIANA.—Four members of the Commission shall be
13 appointed under paragraph (1) from among individ-
14 uals who are nominated for appointment by the Gov-
15 ernor of Louisiana in consultation with community
16 based Gulf Coast Region coalitions.

17 (3) NOMINATIONS BY GOVERNOR OF MIS-
18 SISSIPPI.—Four members of the Commission shall
19 be appointed under paragraph (1) from among indi-
20 viduals who are nominated for appointment by the
21 Governor of Mississippi in consultation with commu-
22 nity based Gulf Coast Region coalitions.

23 (4) NOMINATIONS BY GOVERNOR OF ALA-
24 BAMA.—Four members of the Commission shall be
25 appointed under paragraph (1) from among individ-

1 uals who are nominated for appointment by the Gov-
2 ernor of Alabama in consultation with community
3 based Gulf Coast Region coalitions.

4 (5) NOMINATIONS BY GOVERNOR OF TEXAS.—
5 Four member of the Commission shall be appointed
6 under paragraph (1) from among individuals who
7 are nominated for appointment by the Governor of
8 Texas in consultation with community based Gulf
9 Coast Region coalitions.

10 (6) POLITICAL PARTY AFFILIATION.—Not more
11 than 8 members of the Council may be affiliated
12 with any 1 political party.

13 (c) CHAIRPERSON AND VICE CHAIRPERSON.—

14 (1) CHAIRPERSON.—The Commission shall an-
15 nually elect a chairperson. The first set of officers
16 shall be elected at the council's initial organizational
17 meeting, which shall be conducted within 30 days of
18 the effective date of this Act.

19 (2) VICE CHAIRPERSON.—The Commission
20 shall annually elect a vice chairperson. The first set
21 of officers shall be elected at the council's initial or-
22 ganizational meeting, which shall be conducted with-
23 in 30 days of the effective date of this Act.

24 (3) ACTING CHAIRPERSON.—In the event of a
25 vacancy in the position of Chairperson of the Com-

1 mission or during the absence or disability of the
2 Chairperson, the Vice Chairperson shall act as
3 Chairperson.

4 (d) TERM OF OFFICE.—

5 (1) IN GENERAL.—Each member of the Com-
6 mission appointed shall serve a term of 3 years.

7 (3) INTERIM APPOINTMENTS.—Any member ap-
8 pointed to fill a vacancy occurring before the expira-
9 tion of the term for which such member's prede-
10 cessor was appointed shall be appointed only for the
11 remainder of such term.

12 (4) CONTINUATION OF SERVICE.—The Chair-
13 person, Vice Chairperson, and each appointed mem-
14 ber may continue to serve after the expiration of the
15 term of office to which such member was appointed
16 until a successor has been appointed and qualified.

17 (5) REMOVAL FOR CAUSE.—The Chairperson,
18 Vice Chairperson, and any appointed member may
19 be removed by the President for cause.

20 (6) FULL-TIME SERVICE.—The members of the
21 Commission shall serve on a full-time basis.

22 (e) VACANCY.—Any vacancy on the Commission shall
23 be filled in the manner in which the original appointment
24 was made, provided—

1 (1) any member appointed to fill a vacancy in
2 the Commission occurring prior to the expiration of
3 the term for which his predecessor was appointed
4 shall be appointed for the remainder of such term;
5 and

6 (2) vacancies in the Commission so long as
7 there shall be nine members in office shall not im-
8 pair the powers of the Board to execute the func-
9 tions of the Commission, and nine of the members
10 in office shall constitute a quorum for the trans-
11 action of the business of the Council.

12 (f) INELIGIBILITY FOR OTHER OFFICES.—

13 (1) OTHER GOVERNMENT POSITIONS.—No per-
14 son may serve as a member of the Commission while
15 holding any position as an officer or employee of the
16 Federal Government, any State government, or any
17 political subdivision of any State.

18 (2) RESTRICTION DURING SERVICE.—No mem-
19 ber of the Commission may—

20 (A) be an officer or director of any insured
21 depository institution, insured credit union, de-
22 pository institution holding company, Federal
23 reserve bank, Federal home loan bank, invest-
24 ment bank, mortgage bank, or any other entity

1 which enters into any contract with the Com-
2 mission; or

3 (B) hold stock in any insured depository
4 institution, depository institution holding com-
5 pany, investment bank, mortgage bank, or any
6 other entity which enters into any contract with
7 the Commission.

8 (3) CERTIFICATION.—Upon taking office, each
9 member of the Commission shall certify under oath
10 that such member has complied with this subsection
11 and such certification shall be filed with the sec-
12 retary of the Commission.

13 (g) CLARIFICATION OF NONLIABILITY.—

14 (1) IN GENERAL.—A director, member, officer,
15 or employee of the Commission has no liability under
16 the Securities Act of 1933 with respect to any claim
17 arising out of or resulting from any act or omission
18 by such person within the scope of such person's em-
19 ployment in connection with any transaction involv-
20 ing the disposition of assets (or any interests in any
21 assets or any obligations backed by any assets) by
22 the Commission. This subsection shall not be con-
23 strued to limit personal liability for criminal acts or
24 omissions, willful or malicious misconduct, acts or
25 omissions for private gain, or any other acts or

1 omissions outside the scope of such person's employ-
2 ment.

3 (2) EFFECT ON OTHER LAW.—This subsection
4 shall not be construed as—

5 (A) affecting—

6 (i) any other immunities and protec-
7 tions that may be available to person to
8 whom paragraph (1) applies under applica-
9 ble law with respect to such transactions;
10 or

11 (ii) any other right or remedy against
12 the Commission, against the United States
13 under applicable law, or against any per-
14 son other than a person described in para-
15 graph (1) participating in such trans-
16 actions; or

17 (B) limiting or altering in any way the im-
18 munities that are available under applicable law
19 for Federal officials and employees not de-
20 scribed in this subsection.

21 (h) PRINCIPLE OFFICE.—The principal office of the
22 Commission shall be located in the State of Louisiana.
23 There may be established agencies or branch offices in the
24 District of Columbia and in any municipality in the Gulf

1 Coast region to the extent provided for in the by-laws of
2 the Commission.

3 (i) PROPERTY OWNERS' RIGHTS AND PROTEC-
4 TIONS.—

5 (1) NO AUTHORITY TO EXERCISE EMINENT DO-
6 MAIN.—The Commission shall have no authority to
7 acquire interests in property by eminent domain.

8 (2) LOCAL INVITATION.—Notwithstanding any
9 other provision of this title, the Commission may
10 take no action in any municipality unless the local
11 government of such municipality has adopted a reso-
12 lution of invitation for the Commission's assistance.

13 (3) COMPLIANCE WITH LOCAL DEVELOPMENT
14 PLANS.—The Commission shall have no authority to
15 carry out projects which are not consistent with local
16 development plans established by State or local gov-
17 ernment, or local advisory councils.

18 **SEC. 102. CAPITALIZATION OF THE COMMISSION.**

19 (a) IN GENERAL.—The Commission shall have cap-
20 ital stock subscribed to by the Government in such amount
21 as the President may determine to be appropriate, to the
22 extent provided in advance in an appropriation Act for any
23 fiscal year.

24 (b) CERTIFICATES.—Certificates evidencing shares of
25 nonvoting capital stock of the Commission shall be issued

1 by the Commission to the President of the United States,
2 or to such other person or persons as the President may
3 designate from time to time, to the extent of payments
4 made for the capital stock of the Commission.

5 (c) PUBLIC DEBT TRANSACTION.—For the purpose
6 of purchasing shares of capital stock of the Commission,
7 the Secretary of the Treasury may use as a public-debt
8 transaction the proceeds of any securities issued under
9 chapter 31 of title 31, United States Code.

10 (d) REPORTS.—

11 (1) IN GENERAL.—The Board shall submit to
12 the Director of the Office of Management and Budg-
13 et and to the Secretary of the Treasury quarterly re-
14 ports and an annual report on the expenses of the
15 Commission during the period covered by the report,
16 the financial condition of the Commission as of the
17 end of such period, the results of the Commission's
18 operations during such period, and the progress
19 made during such period in fulfilling the mission
20 and purposes of the Commission, together with a
21 copy of the Commission's financial operating plans
22 and forecasts for the annual or quarterly period (as
23 the case may be) succeeding the period covered by
24 the report.

1 (b) STAFF.—

2 (1) EXECUTIVE DIRECTOR.—The Commission
3 shall have an executive director, and hire officers as
4 required. The executive director shall be responsible
5 for overall management of the council's operations,
6 and supervising planning matters including the prep-
7 aration and amendment of the local project plans,
8 and the assistance to local advisory councils in their
9 completion of local plans.

10 (2) CHIEF REGULATORY OFFICER.—The Com-
11 mission shall appoint a chief regulatory officer to su-
12 pervise the development of regional impact review
13 process. The Commission shall also have a clerk
14 whose duties shall include the keeping of the Com-
15 mission's official records.

16 (c) STAFF DUTIES.—The executive director and
17 other officers shall—

18 (1) coordinate project planning with the rel-
19 evant Federal, State, regional and municipal au-
20 thorities, laws and planning processes

21 (2) work with State and municipal governments
22 and nonprofit leaders to develop guidelines and regu-
23 lations for districts of critical planning concern and
24 regional funding priorities;

1 (3) assist residents and local officials in form-
2 ing local advisory councils;

3 (4) assist local advisory councils in developing
4 proposals of priority projects which have not yet
5 been funded by prior Federal assistance for the Gulf
6 Coast Civic Works Projects;

7 (5) evaluate the adequacy of the respective com-
8 ponent of each local recovery plan submitted to the
9 Commission for certification;

10 (6) monitor and publicly record the progress of
11 each local advisory council in implementing the re-
12 spective component of its local plan; and

13 (7) report to the Commission on the progress of
14 each municipality in implementing the respective
15 component of its local comprehensive plan.

16 (d) REMOVAL.—Any appointee of the Commission
17 may be removed in the discretion of the Commission.

18 (e) CONTRACTS, SALARIES, AND WAGES.—No reg-
19 ular officer or employee of the Commission shall receive
20 a salary in excess of that received by the members of the
21 Commission, and—

22 (1) all contracts to which the Commission is a
23 party and which require the employment of laborers
24 and mechanics in the construction, alteration, main-
25 tenance, or repair of buildings, levees, or other

1 projects shall contain a provision that not less than
2 the prevailing rate of wages for work of a similar na-
3 ture prevailing in the vicinity shall be paid to such
4 laborers or mechanics;

5 (2) in the event any dispute arises as to what
6 are the prevailing rates of wages, the question shall
7 be referred to the Secretary of Labor for determina-
8 tion, and his decision shall be final. In the deter-
9 mination of such prevailing rate or rates, due regard
10 shall be given to those rates which have been secured
11 through collective agreement by representatives of
12 employers and employees;

13 (3) where such work as is described in the two
14 preceding paragraphs is done directly by the Com-
15 mission the prevailing rate of wages shall be paid in
16 the same manner as though such work had been let
17 by contract; and

18 (4) insofar as applicable, the workers com-
19 pensation laws of the United States shall extend to
20 persons given employment under the provisions of
21 this Act.

22 (f) POLITICAL TESTS PROHIBITED IN EMPLOY-
23 MENT.—

24 (1) APPOINTMENT.—In the appointment of offi-
25 cials and the selection of employees for the Commis-

1 sion, and in the promotion of any such employees or
2 officials, no political test or qualification shall be
3 permitted or given consideration, but all such ap-
4 pointments and promotions shall be given and made
5 on the basis of merit and efficiency. Any member of
6 the Board who is found by the President of the
7 United States to be guilty of a violation of this sec-
8 tion shall be removed from office by the President
9 of the United States, and any appointee of the
10 Board who is found by the Board to be guilty of a
11 violation of this section shall be removed from office
12 by the Board.

13 (2) COMPENSATION.—In the selection of em-
14 ployees for works projects authorized by the Com-
15 mission, made by an official, employee, or other au-
16 thorized agent of the Commission, and in the deter-
17 mination of wages or salaries, no political test or
18 qualification shall be permitted or given consider-
19 ation, but all such selection, hiring, appointments
20 and promotions shall be given and made on the basis
21 of merit and efficiency.

22 (3) CONTRACTS.—In the authorization of con-
23 tracts or agreements made or entered into by an of-
24 ficial, employee, or other authorized agent of the
25 Commission, and in the determination or rates or

1 terms of payment for such contracts and agree-
2 ments, no political test or qualification shall be per-
3 mitted or given consideration, but all such contracts
4 and agreements shall be given and made on the
5 basis of merit, efficiency, and fiscal responsibility.

6 **SEC. 104. POWERS OF THE COMMISSION.**

7 (a) In addition to the regulatory and planning powers
8 contained in this Act, the Commission shall have those
9 powers necessary convenient to carry out the purposes and
10 provisions of this Act, including the following powers:

11 (1) To sue and be sued, and complain and de-
12 fend, by and through its own attorneys, in any court
13 of law or equity, State or Federal.

14 (2) To make use of alternate dispute resolution
15 mechanisms such as negotiation, mediation or arbi-
16 tration.

17 (3) To prescribe bylaws that are consistent with
18 law to provide for—

19 (A) the management and operational struc-
20 ture of the Commission

21 (B) the manner in which general oper-
22 ations are to be conducted; and

23 (C) such other matters as the Commission
24 determines to be appropriate.

1 (4) To fix the compensation and number of,
2 and appoint, employees for any position established
3 by the Commission.

4 (5) To apply for and receive Federal and pri-
5 vate grants and loans and to expend such funds with
6 the approval of the Commission.

7 (6) To conduct investigations necessary to en-
8 sure compliance with the provisions of the Act.

9 (7) To negotiate and enter into Civic Works
10 Project agreements as described in sections 106 and
11 107.

12 (8) To appoint hearing officers and, where it
13 deems appropriate, to delegate to such hearing offi-
14 cers the responsibility to hold public hearings under
15 this Act and to assemble and report the record for
16 decision by the council or its designee and rec-
17 ommend decisions to the council or its designee;
18 however, any applicant or party aggrieved, following
19 a hearing by a hearing officer, shall have the right
20 to a public hearing before the council in accordance
21 with the provisions of section 103 of this Act.

22 (9) To recommend to State and municipal
23 agencies appropriate regulations for consistency with
24 the regional policy plan.

1 (10) To promulgate and amend rules and regu-
2 lations as appropriate to carry out its responsibilities
3 under this Act.

4 (11) To appoint advisory boards, councils, sub-
5 committees and panels as it deems appropriate to
6 carry out its responsibilities under this Act.

7 (12) To recommend public acquisition of speci-
8 fied land areas for preservation or recreational pur-
9 poses.

10 (13) To make use of the services of Federal,
11 State, county and local employees as may be avail-
12 able to the council to carry out its responsibilities
13 under this Act.

14 (14) To coordinate its regulatory functions with
15 local, State, and Federal authorities and, where pos-
16 sible and appropriate, to conduct joint hearings with
17 those authorities.

18 (15) To acquire funds and to manage such
19 funds.

20 (16) To produce an annual report which will be
21 included in the annual Executive Office report.

22 (17) To reimburse council members for reason-
23 able expenses incurred in connection with their serv-
24 ice on the council consistently with Barnstable coun-
25 ty administrative and budgetary procedures.

1 (18) To conduct studies in collaboration with
2 local governments, nonprofit organizations, industry
3 organizations, and other State and Federal agencies
4 in order to create regional comprehensive workforce,
5 infrastructure, and environment analysis and devel-
6 opment plans.

7 (19) To assist local governments and commu-
8 nity planning organizations in developing local com-
9 prehensive plans and, when requested, to assist local
10 governments in carrying out their local planning and
11 regulatory responsibilities.

12 (20) To review and comment upon local com-
13 prehensive plans.

14 (21) To conduct community outreach and pub-
15 lic education.

16 (22) To conduct an annual public conference on
17 workforce development, infrastructure development,
18 and land use in the Gulf Coast and to invite to such
19 conference any private, local, State, or Federal Gov-
20 ernmental representatives it deems appropriate.

21 (23) To make grants to build the capacity of
22 and support capital improvements for community
23 colleges, vocational centers, nonprofit organizations,
24 and other job-training facilities and programs serv-
25 ing the affected region.

1 (24) To make grants and provide technical as-
2 sistance to municipalities for use in local planning
3 activities.

4 (25) To provide technical assistance, adminis-
5 trative support, and compliance training for small
6 businesses and job-training programs serving the af-
7 fected region.

8 (26) To establish a process and procedures for
9 participating entities to hire employees, pay wages,
10 and developing capital facilities and developments of
11 regional impact which are necessary to ensure bal-
12 anced growth.

13 (27) To purchase or lease and hold such real
14 and personal property as it deems necessary or con-
15 venient in the transaction of its business, and may
16 dispose of any such personal property held by it.

17 (28) To fund the construction of new structures
18 and facilities as necessary for the recovery of the
19 Gulf Coast region.

20 (29) Coordinate national, State, district, county
21 or municipal programs for the recovery and develop-
22 ment of the Gulf Coast region.

23 (30) Formulate and periodically require reports
24 of progress on all projects; and, where avoidable
25 delay or malfeasance appears, to recommend appro-

1 appropriate measures for eliminating such problems, and,
2 similarly, to recommend the termination of projects
3 for cause.

4 (31) Prescribe rules and regulations to—

5 (A) assure that as many of the persons
6 employed on all work projects as is feasible
7 shall be persons residents affected or displaced
8 by hurricanes Katrina or Rita;

9 (B) utilize and support as many of those
10 individuals, communities, community organiza-
11 tions, faith-based organizations, and businesses
12 within the region as is feasible, including for
13 the provision of child care to the children of
14 working parents;

15 (C) govern the selection of such partici-
16 pating business and organizations on an open-
17 bid basis;

18 (D) ensure hiring, planning and implemen-
19 tation adequately involve and look to protect
20 the rights and interests of vulnerable popu-
21 lations, including women, low-income people,
22 people of color, immigrants, the disabled, and
23 the elderly;

24 (E) develop, conduct, and administer train-
25 ing and assistance programs, in connection with

1 any program under this title, including training
2 and assistance programs for Federal wage re-
3 quirement compliance, in order that business
4 enterprises with limited capacity may achieve
5 proficiency to compete, on an equal basis, for
6 contracts and subcontracts;

7 (F) enter into contracts with private con-
8 tractors, companies, and other public and pri-
9 vate entities, in compliance with the hiring, bid-
10 ding, wage requirements of this Act, to com-
11 plete public projects;

12 (G) formulate and administer a system of
13 uniform periodic reports of the employment on
14 such projects of persons, businesses, organiza-
15 tions, and communities from the region; and

16 (H) investigate wages and working condi-
17 tions and to make and submit to Congress such
18 findings as will aid Congress in prescribing
19 working conditions, rates of pay, and continu-
20 ance or development of projects.

21 (32) To recommend and carry out useful
22 projects designed to assure a maximum of employ-
23 ment and recovery in affected localities.

24 (b) NOTICE OF HEARING.—Whenever the Commis-
25 sion is required to provide notice of a public hearing pur-

1 suant to the provisions of this Act, the Commission shall
2 give notice by publication in a newspaper of general cir-
3 culation throughout the region once in each of two succes-
4 sive weeks, the first publication to be not less than four-
5 teen days before the day of the hearing. Notice shall also
6 be posted in a conspicuous place in the council's offices
7 not less than 14 days before the day of the hearing. Copies
8 of all documents subject to notice and hearing shall be
9 available for public inspection at the council's office during
10 normal business hours.

11 (c) TERMINATION OF CONTRACT FOR CAUSE.—In
12 the case of any service contract between the Commission
13 and any other person, the Commission may terminate such
14 contract for cause, whether by reason of breach of con-
15 tract, violation of regulations or guidelines of the Commis-
16 sion, or otherwise, or bar any such person from entering
17 into any other contract, after notice and an opportunity
18 for an agency hearing on the record.

19 (d) AGENCY AUTHORITY.—

20 (1) STATUS.—The Commission in any capacity,
21 shall be an agency of the United States for purposes
22 of section 1345 of title 28, United States Code,
23 without regard to whether the Commission com-
24 menced the action.

25 (2) FEDERAL COURT JURISDICTION.—

1 (A) IN GENERAL.—All suits of a civil na-
2 ture at common law or in equity to which the
3 Commission, in any capacity, is a party shall be
4 deemed to arise under the laws of the United
5 States.

6 (B) REMOVAL.—The Commission may,
7 without bond or security, remove any action,
8 suit, or proceeding from a State court to the
9 appropriate United States district court before
10 the end of the 90-day period beginning on the
11 date the action, suit, or proceeding is filed
12 against the Commission or the Commission is
13 substituted as a party.

14 (C) APPEAL OF REMAND.—The Commis-
15 sion may appeal any order of remand entered
16 by any United States district court.

17 (3) SERVICE OF PROCESS.—The Council shall
18 designate agents upon whom service of process may
19 be made in States comprising the Gulf Coast region
20 and the District of Columbia.

21 (4) BONDS OR FEES.—The Commission shall
22 not be required to post any bond to pursue any ap-
23 peal and shall not be subject to payments of any fil-
24 ing fees in United States district courts or courts of
25 appeal.

1 (d) REAL ESTATE AND OTHER PROPERTY.—In order
2 to enable the Commission to exercise the powers and du-
3 ties vested in it by this Act:

4 (1) The exclusive use, possession, and control of
5 necessary real estate, together with all facilities con-
6 nected therewith, and tools, machinery, equipment,
7 accessories, and materials belonging thereto, and all
8 laboratories and plants used as auxiliaries thereto;
9 and all machinery, lands, and buildings in connec-
10 tion therewith, and all appurtenances thereof, and
11 all other property to be acquired by the Commission
12 in its own name or in the name of the United States
13 of America, are hereby entrusted to the Commission
14 for the purposes of the Act.

15 (2) The President of the United States is au-
16 thorized to provide for the transfer to the Commis-
17 sion of the use, possession, and control of such other
18 real or personal property of the United States, as he
19 may from time to time deem necessary and proper
20 for the purposes of the Commission as herein stated.

21 (e) FINANCIAL STATEMENTS AND REPORTS.—

22 (1) The Commission shall at all times maintain
23 complete and accurate accounting of all costs and
24 expenses associated with the holding and manage-
25 ment of any asset or liability acquired by the Com-

1 mission and in carrying out the activities of the
2 Commission under this Act.

3 (2) The Board shall file with the President and
4 with the Congress, in December of each year, a fi-
5 nancial statement and a complete report as to the
6 business of the Commission covering the preceding
7 governmental fiscal year. This report shall include a
8 statement of all costs associated with the Commis-
9 sion and its associated projects, including an
10 itemized statement of the cost of administration, the
11 cost of employee salaries and wages, the cost of ma-
12 terials, and the total number of employees and the
13 names, salaries, and duties of those receiving com-
14 pensation at the rate of more than \$35/hour or
15 \$45,000 a year.

16 (3) The rules of the Office of the Inspector
17 General and the Comptroller General of the United
18 States shall apply to the activities and accounts of
19 the Commission, including the regular oversight and
20 audits of the Commission. In such connection, the
21 Offices of the Inspector General and the Comptroller
22 General, and their authorized agents, shall have free
23 and open access to all papers, books, record, files,
24 accounts, plants, warehouses, offices, and all other
25 things, property and places belonging to or under

1 the control of or used or employed by the Commis-
2 sion, and shall be afforded full facilities for counting
3 all cash and verifying transactions with and balances
4 in depositories.

5 (f) RESERVATION OF RIGHTS AND REMEDIES.—The
6 government of the United States hereby reserved the
7 right, in case of war or national emergency declared by
8 Congress, to take possession of all or any part of the prop-
9 erty described or referred to in this Act for the purpose
10 of national security, defense, or for any other purposes;
11 but, if this right is exercised by the Government, it shall
12 pay the reasonable and fair damages that may be suffered
13 by any party whose contract is hereby violated, after the
14 amount of the damages has been fixed by the United
15 States Courts of Claims in proceedings instituted and con-
16 ducted for that purpose under rules prescribed by the
17 court.

18 (g) RECOMMENDATIONS AND FURTHER LEGISLA-
19 TION.—The President shall, from time to time, as the
20 work provided for in the preceding section progresses, rec-
21 ommend to Congress such legislation as he deems proper
22 to carry out the general purposes stated in such section,
23 and for the special purpose of bring about in the Gulf
24 Coast region in conformity with the general purposes—

1 (1) the physical reconstruction and improve-
2 ment of the devastated Gulf Coast region;

3 (2) the improvement of levees and other flood
4 control systems;

5 (3) the economic and social well-being of the
6 people living in the Gulf Coast Region;

7 (4) the creation of jobs and job training pro-
8 grams; and

9 (5) the economic development of the Gulf Coast
10 region.

11 (h) LOCAL DEVELOPMENT PLANS.—

12 (1) ESTABLISHMENT OF LOCAL ADVISORY
13 COUNCILS.—

14 (A) IN GENERAL.—

15 (i) DESIGNATION BY MUNICIPALI-
16 TIES.—Not later than 30 days after the
17 date of the adoption of a resolution of invi-
18 tation described in section 101(d)(2), any
19 municipality of over 25,000 people in the
20 affected area may designate an entity to
21 serve in an advisory capacity to the Com-
22 mission.

23 (ii) OTHER MUNICIPALITIES.—For
24 any municipality that does not designate
25 an advisory entity under clause (i), the

1 Commission shall provide for the establish-
2 ment of a local advisory council in each
3 municipality of over 25,000 people in the
4 Gulf Coast Region in which the Commis-
5 sion operates.

6 (B) MEMBERSHIP.—Each local advisory
7 council shall consist of such local elected offi-
8 cials (including municipal officials), community
9 groups (such as homeowners and community
10 associations), and other interested, qualified,
11 groups as the Commission may determine to be
12 appropriate. Each local advisory council shall
13 have gender, age, ethnic and racial diversity re-
14 flective of the communities they represent, and
15 shall have diverse experience and knowledge
16 representative of the issues related to complete
17 recovery including, but not limited to: coastal
18 restoration, infrastructure, social services, and
19 worker and immigrant rights.

20 (C) CONSULTATION.—The Commission
21 shall consult with each local advisory council to
22 determine which Civic Works Projects to fund
23 in each municipality. In addition to consultation
24 with each local advisory council, the Commis-
25 sion shall consult with a broad range of local

1 officials and community groups, including those
2 that are not part of the local advisory council.
3 The Commission shall hold public meetings, pe-
4 riodically and in advance of major decisions, in
5 the affected municipality to receive input from
6 the affected communities.

7 (D) LOCAL ADVISORY COUNCIL ASSESS-
8 MENTS.—Each local advisory council shall pro-
9 vide an assessment to the Commission which
10 shall include the following:

11 (i) Review of the state of recovery and
12 needs in their area, including—

13 (I) workforce development;

14 (II) workforce housing;

15 (III) employment;

16 (IV) disaster mitigation;

17 (V) infrastructure and public
18 works, including roads, bridges, water
19 systems, public transportation,
20 schools, hospitals, childcare facilities,
21 police and fire stations, training facili-
22 ties, and municipal, parish, county
23 and State facilities;

24 (VI) environmental restoration,
25 including restoring wetlands, barrier

1 islands, watersheds, fisheries, and for-
2 ests; energy efficiency; art, architec-
3 ture, and cultural needs; and

4 (VII) accessibility of work related
5 services like childcare, transit, and
6 healthcare;

7 (ii) Identification of community assets
8 such as interested governmental, nonprofit,
9 faith-based and private partners includ-
10 ing—

11 (I) workforce intermediaries;
12 identifying workers; helping residents
13 find work and relevant available train-
14 ing opportunities; and identifying ex-
15 isting businesses workforce needs;

16 (II) training entities; and

17 (III) local and small and dis-
18 advantaged businesses as possible sub-
19 contractors on recovery contracts; and

20 (iii) A list of all known local, small or
21 disadvantaged businesses interested in par-
22 ticipating in subcontracting opportunities
23 related to recovery projects to be consid-
24 ered by prime contractors in Civic Works
25 Projects selected under section 106.

1 (E) PROJECT PROPOSALS.—Local advisory
2 councils shall utilize consultation and assess-
3 ment to create Civic Works Projects consistent
4 with the purposes of this Act. The creation of
5 Civic Works Projects must include community
6 input through public hearings in the community
7 with opportunity for notice and comment from
8 the affected community.

9 (F) CIVIC WORKS PROJECT PROPOSALS.—
10 The Commission will review bids submitted by
11 contractors for development projects within the
12 local advisory council’s jurisdiction. Contracts
13 with both subcontractors and prime contractors
14 will be accepted or denied based on the sealed
15 open bid process described in section 107, with
16 priority given to local, small and disadvantaged
17 businesses and businesses that employ local or
18 displaced residents, women, minorities, immi-
19 grants, persons with disabilities, and that pro-
20 vide living wages for employees, and have poli-
21 cies for environmental protection and efficient
22 use of energy.

23 (G) LOCAL OVERSIGHT.—Local advisory
24 councils shall communicate with sub and prime
25 contractors to insure that development projects

1 are being carried out consistent with local de-
2 velopment plans, guidelines, and budgets. All
3 contractors must adhere to requirements set
4 forth by the local advisory councils and by the
5 general guidelines set forth by the Commission.
6 The Commission will make available technical
7 support to the local advisory councils to ensure
8 oversight.

9 (H) LOCAL COORDINATION.—Each local
10 advisory council will coordinate existing commu-
11 nity resources including but not limited to
12 Workforce Investment Boards, job training pro-
13 viders, faith-based organizations, and nonprofit
14 organizations to carry out projects under this
15 Act. Where resources or capacity to carry out
16 projects is not available, the local advisory
17 council may apply to the Commission for fund-
18 ing to create new programs, agencies, or serv-
19 ices.

20 (I) PROJECT FUNDING.—After each local
21 advisory council has completed consultation, as-
22 sessment and identified existing local resources
23 as required by this Act, the local advisory coun-
24 cil may apply to the Commission for funding to
25 carry out the proposed project.

1 (2) LOCAL DEVELOPMENT PLANS.—In exe-
2 cuting the redevelopment mandate under this title,
3 the Commission—

4 (A) shall take into account and comply
5 with any redevelopment plan established by
6 State and local government officials; and

7 (B) may only solicit bids for such redevel-
8 opment that are based on and comply with a
9 plan developed by local governments, if such a
10 plan exists.

11 **SEC. 105. REGIONAL COORDINATION.**

12 (a) ESTABLISHMENT OF REGIONAL TASKFORCES.—
13 The Commission shall establish regional taskforces as are
14 necessary to carry out the purposes of this Act and ensure
15 local projects provide for regionally coordinated workforce,
16 infrastructure, and sustainable land development along
17 the Gulf Coast.

18 (b) PURPOSE OF TASKFORCES.—The purpose of a
19 taskforce shall be to examine Civic Works Project funding
20 and ensure local funding priorities help advance long term
21 needs and planning of Federal, State, regional and non-
22 governmental bodies.

23 (c) REGIONAL POLICY PLAN.—The Commission shall
24 in consultation with local advisory councils, the regional
25 taskforces and any other committee established prepare a

1 regional policy plan for the region which shall be designed
2 to present a coherent set of regional planning policies and
3 objectives to guide development throughout said region
4 and to protect the region's communities, businesses, and
5 resources, and which shall reflect and reinforce the goals
6 and purposes set out in this Act.

7 (d) CONTENTS OF REGIONAL POLICY PLAN.—The
8 regional policy plan shall include—

9 (1) identification of the region's critical re-
10 sources and management needs, including its nat-
11 ural, coastal, historical, recreational, cultural, archi-
12 tectural, aesthetic, public infrastructure, workforce,
13 and economic resources, available open space, and
14 available regions for industrial, agricultural,
15 aquacultural and development activity;

16 (2) a growth policy for the region including
17 guidelines for the protection workers, businesses,
18 and regional resources and the provision of capital
19 facilities necessary to meet current and anticipated
20 needs;

21 (3) regional goals for the provision of fair, af-
22 fordable housing, job creation, waste disposal, open
23 space, recreation, coastal resources, capital facilities,
24 economic development, historic preservation, and any

1 other goals deemed appropriate and important by
2 the commission; and

3 (4) a policy for coordinating regional and local
4 planning efforts, including coordinating planning ac-
5 tivities of private parties and local, State, or Federal
6 Governmental authorities.

7 **SEC. 106. SEALED OPEN PROPOSAL PROCESS.**

8 (a) SELECTION OF CIVIC WORKS PROJECTS
9 THROUGH COMPETITIVE SEALED PROPOSALS.—

10 (1) All Civic Works Projects shall be awarded
11 by competitive sealed proposal except as otherwise
12 provided.

13 (2) An invitation for proposals shall be issued
14 and shall include a project description, goals, lists of
15 prospective project governmental, nonprofit and pri-
16 vate partners and roles and all contractual terms
17 and conditions applicable to the Civic Works
18 Projects.

19 (3) Adequate public notice of the invitation for
20 proposals shall be given at least fourteen days prior
21 to the date set forth therein for the opening of pro-
22 posals, pursuant to rules. Such notice may include
23 publication by electronic on-line access or in a news-
24 paper of general circulation at least fourteen days
25 prior to bid opening.

1 (4) Proposals shall be opened publicly in the
2 presence of one or more witnesses at the time and
3 place designated in the invitation for proposals. The
4 relevant information as may be specified by rules,
5 together with the name of each proposing entity,
6 shall be entered on a record, and the record shall be
7 open to public inspection. After the time of the
8 award, all proposals and proposal documents shall
9 be open to public inspection.

10 (5) Proposals shall be unconditionally accepted.
11 Proposals shall be evaluated based on the require-
12 ments set forth in the invitation for proposals, which
13 may include criteria to determine acceptability, such
14 as inspection, testing, quality, workmanship, deliv-
15 ery, and suitability for a particular purpose. Those
16 criteria that will affect the costs and be considered
17 in the evaluation for award shall be objectively meas-
18 urable, such as discounts, transportation costs, and
19 total or life-cycle costs.

20 (6) Withdrawal of inadvertently erroneous bids
21 before the award may be permitted pursuant to rules
22 if the bidder submits proof of evidentiary value
23 which clearly and convincingly demonstrates that an
24 error was made. Except as otherwise provided by
25 rules, all decisions to permit the withdrawal of bids

1 based on such bid mistakes shall be supported by a
2 written determination made by the responsible offi-
3 cer.

4 (7) The agreement shall be awarded with rea-
5 sonable promptness by written notice to the pro-
6 posing entities whose proposals best meet the re-
7 quirements and criteria set forth in the invitation for
8 proposals.

9 (b) SOLICITATION OF PROPOSALS BY ELECTRONIC
10 ON-LINE ACCESS.—The Commission may invite proposals
11 using electronic on-line access, including the internet, for
12 purposes of acquiring contracts for public projects on be-
13 half of the Commission or a Local Advisory Council.

14 (c) CANCELLATION OF INVITATIONS FOR PRO-
15 POSALS.—An invitation for bids or any other solicitation
16 may be cancelled or any or all proposals may be rejected
17 in whole or in part as may be specified in the solicitation
18 when it is in the best interests of the Commission. The
19 reasons for any cancellation or rejection shall be made
20 part of the contract file.

21 (d) RESPONSIBILITY OF PROPOSING ENTITY AND
22 OFFERORS.—

23 (1) A written determination of nonresponsibility
24 of a proposing entity or offeror shall be made pursu-
25 ant to rules. The unreasonable failure of a proposing

1 entity or offeror to promptly supply information in
2 connection with an inquiry with respect to responsi-
3 bility may be grounds for a determination of non-
4 responsibility with respect to such proposing entity
5 or offeror.

6 (2) Information furnished by a proposing entity
7 or offeror pursuant to this section shall not be dis-
8 closed without prior written consent by the bidder or
9 offeror.

10 (e) RULES AND REGULATIONS.—The Commission
11 shall promulgate rules and regulations which are designed
12 to implement the provisions of this section. The rules shall
13 include provisions requiring the Commission or Local Ad-
14 visory Council to keep certain public project records, even
15 if duplicative, in accordance with generally accepted cost
16 accounting principles and standards.

17 (f) FINALITY OF DETERMINATIONS.—The deter-
18 minations required are final and conclusive unless they are
19 clearly erroneous, arbitrary, capricious, or contrary to law.

20 (g) REPORTING OF ANTICOMPETITIVE PRACTICES.—
21 When for any reason collusion or other anticompetitive
22 practices are suspected among any proposing entity or
23 offerors, a notice of the relevant facts shall be transmitted
24 to the Attorney General of the United States or other ap-
25 propriate authority.

1 (h) PROHIBITION OF DIVIDING WORK OF PUBLIC
2 PROJECT.—It is unlawful for any person to divide a work
3 of a public project into two or more separate projects for
4 the sole purpose of evading or attempting to evade the
5 requirements of this article.

6 **SEC. 107. SEALED OPEN BID PROCESS.**

7 (a) CONTRACTING OF CIVIC WORKS PROJECTS
8 THROUGH COMPETITIVE SEALED BIDDING.—The fol-
9 lowing are requirements for the contracting of Civic Works
10 Projects selected under section 106:

11 (1) All contracts for Civic Works Projects shall
12 be awarded by competitive sealed bidding except as
13 otherwise provided.

14 (2) An invitation for bids shall be issued and
15 shall include a project description and all contractual
16 terms and conditions applicable to the project.

17 (3) Adequate public notice of the invitation for
18 bids shall be given at least 14 days prior to the date
19 set forth therein for the opening of bids, pursuant
20 to rules prescribed by the Commission. Such notice
21 may include publication by electronic on-line access
22 or in a newspaper of general circulation at least
23 fourteen days prior to bid opening.

24 (4) Bids shall be opened publicly in the pres-
25 ence of one or more witnesses at the time and place

1 designated in the invitation for bids. The amount of
2 each bid and such other relevant information as may
3 be specified by rules, together with the name of each
4 bidder, shall be entered on a record, and the record
5 shall be open to public inspection. After the time of
6 the award, all bids and bid documents shall be open
7 to public inspection in accordance with the provi-
8 sions of title 5 of the United States Code, section
9 552.

10 (5) Bids shall be unconditionally accepted. Bids
11 shall be evaluated based on the requirements set
12 forth in the invitation for bids, which may include
13 criteria to determine acceptability, such as inspec-
14 tion, testing, quality, workmanship, delivery, and
15 suitability for a particular purpose. Those criteria
16 that will affect the bid price and be considered in
17 the evaluation for award shall be objectively measur-
18 able, such as LEED certification, wages and bene-
19 fits to employees or subcontractors, percentage of
20 women, and minorities hired, number of residents
21 and displaced residents hired, discounts, transpor-
22 tation costs, and total or life-cycle costs.

23 (6) Withdrawal of inadvertently erroneous bids
24 before the award may be permitted pursuant to rules
25 if the bidder submits proof of evidentiary value

1 which clearly and convincingly demonstrates that an
2 error was made. Except as otherwise provided by
3 rules, all decisions to permit the withdrawal of bids
4 based on such bid mistakes shall be supported by a
5 written determination made by the responsible offi-
6 cer.

7 (7) The contract shall be awarded with reason-
8 able promptness by written notice to the low respon-
9 sible bidder whose bid meets the requirements and
10 criteria set forth in the invitation for bids. In the
11 event that all bids for a construction project exceed
12 available funds, as certified by the appropriate fiscal
13 officer, the responsible officer is authorized, in situa-
14 tions where time or economic considerations preclude
15 re-solicitation of work of a reduced scope, to nego-
16 tiate an adjustment of the bid price with the low re-
17 sponsible bidder in order to bring the bid within the
18 amount of available funds; except that the functional
19 specifications integral to completion of the project
20 may not be reduced in scope, taking into account the
21 project plan, design, and specifications and quality
22 of materials.

23 (b) EXCEPTIONS.—The requirements described in
24 subsection (a) shall not apply to:

1 (1) A Civic Works Project for which the agency
2 of government receives no bids or for which all bids
3 have been rejected.

4 (2) A situation for which the Commission deter-
5 mines it is beneficial to the public good for the Com-
6 mission to act as the prime contractor and admin-
7 ister the specific Civic Works Project.

8 (3) A situation for which the Commission deter-
9 mines it is necessary to make emergency procure-
10 ments or contracts because there exists a threat to
11 public health, welfare, or safety under emergency
12 conditions, but such emergency procurements or
13 contracts shall be made with such competition as is
14 practicable under the circumstances. A written de-
15 termination of the basis for the emergency and for
16 the selection of the particular contractor shall be in-
17 cluded in the contract file.

18 (4) Nothing in this article shall be construed to
19 affect or limit any additional requirements imposed
20 upon the Commission for awarding contracts for
21 Civic Works Projects.

22 (c) SOLICITATION OF BIDS BY ELECTRONIC ON-LINE
23 ACCESS.—The Commission may invite bids using elec-
24 tronic on-line access, including the internet, for purposes

1 of acquiring contracts for public projects on behalf of the
2 Council or a Local Advisory Council.

3 (d) CANCELLATION OF INVITATIONS FOR BIDS.—An
4 invitation for bids or any other solicitation may be can-
5 celled or any or all bids or proposals may be rejected in
6 whole or in part as may be specified in the solicitation
7 when it is in the best interests of the Commission. The
8 reasons for any cancellation or rejection shall be made
9 part of the contract file.

10 (e) RESPONSIBILITY OF BIDDERS AND OFFERORS.—

11 (1) A written determination of nonresponsibility
12 of a bidder or offeror shall be made pursuant to
13 rules. The unreasonable failure of a bidder or offeror
14 to promptly supply information in connection with
15 an inquiry with respect to responsibility may be
16 grounds for a determination of nonresponsibility
17 with respect to such bidder or offeror.

18 (2) Information furnished by a bidder or offeror
19 pursuant to this section shall not be disclosed with-
20 out prior written consent by the bidder or offeror.

21 (c) PREQUALIFICATION OF CONTRACTORS.—Prospec-
22 tive contractors may be prequalified for particular types
23 of construction, and the method of compiling a list of and
24 soliciting from such potential contractors shall be pursu-
25 ant to rules to be promulgated by the Commission.

1 (d) TYPES OF CONTRACTS.—Subject to the limita-
2 tions of this section, any type of contract which will pro-
3 mote the best interests of the agency of government may
4 be used; except that the use of a cost-plus-a-percentage-
5 of-cost contract is prohibited. A cost-reimbursement con-
6 tract may be used only when a determination is made in
7 writing that such contract is likely to be less costly to the
8 agency of government than any other type of contract or
9 that it is impracticable to obtain the construction required
10 unless the cost-reimbursement contract is used.

11 (e) COMMISSION TO SUBMIT COST ESTIMATE.—

12 (1) Whenever the Commission or Local Advi-
13 sory Council proposes to undertake the construction
14 of a public project reasonably expected to cost less
15 than fifty thousand dollars (\$50,000) by any means
16 or method other than by a contract awarded by com-
17 petitive bid, it shall prepare and submit a cost esti-
18 mate in the same manner as other bidders; except
19 that, for projects under the supervision of Commis-
20 sion or Local Advisory Councils undertaken by such
21 means or method, the Commission or Local Advisory
22 Council shall prepare a cost estimate. The Commis-
23 sion or Local Advisory Council itself may not under-
24 take the proposed project unless it shows the lowest
25 cost estimate.

1 (2) In preparing such cost estimate, the Com-
2 mission or Local Advisory Council shall preserve a
3 full, true, and accurate record of the cost of such
4 project. Such records shall be kept and maintained
5 by the responsible officer on behalf of the Commis-
6 sion or Local Advisory Council. To the extent the
7 Commission or Local Advisory Council contracts
8 with any other Federal, State, or local government
9 agency in connection with a public project, such
10 other agency shall provide all necessary data or in-
11 formation to enable the Commission or Local Advi-
12 sory Council to document a full, true, and accurate
13 record of the cost of such project, which data or in-
14 formation shall be kept in an orderly manner by the
15 Commission or Local Advisory Council for a period
16 of at least six years after completion of the project.
17 All such records shall be considered public records
18 and shall be made available for public inspection.

19 (3) The Commission or Local Advisory Councils
20 shall not be required to be bonded when performing
21 the work on a public project.

22 (f) RULES AND REGULATIONS.—The Commission
23 shall promulgate rules and regulations which are designed
24 to implement the provisions of this section and section
25 108. The rules shall include provisions requiring the Com-

1 mission or Local Advisory Council to keep certain public
2 project records, even if duplicative, in accordance with
3 generally accepted cost accounting principles and stand-
4 ards.

5 (g) FINALITY OF DETERMINATIONS.—The deter-
6 minations required are final and conclusive unless they are
7 clearly erroneous, arbitrary, capricious, or contrary to law.

8 (h) REPORTING OF ANTICOMPETITIVE PRACTICES.—
9 When for any reason collusion or other anticompetitive
10 practices are suspected among any bidders or offerors, a
11 notice of the relevant facts shall be transmitted to the At-
12 torney General of the United States or other appropriate
13 authority.

14 (i) PROHIBITION OF DIVIDING WORK OF PUBLIC
15 PROJECT.—It is unlawful for any person to divide a work
16 of a public project into two or more separate projects for
17 the sole purpose of evading or attempting to evade the
18 requirements of this article.

19 **SEC. 108. ENVIRONMENTAL PROTECTION.**

20 (a) DESIGNATION OF CERTAIN AREAS.—The Com-
21 mission may propose the designation of certain areas
22 which are of critical value to the region as districts of crit-
23 ical planning concern that must be preserved and main-
24 tained due to one or more of the following factors:

1 (1) the presence of significant natural, coastal,
2 scientific, cultural, architectural, archaeological, his-
3 toric, economic or recreational resources or values of
4 regional, statewide or national significance; or

5 (2) the presence of substantial areas of sen-
6 sitive ecological conditions which render the area un-
7 suitable for development; or

8 (3) the presence or proposed establishment of a
9 major capital public facility or area of public invest-
10 ment.

11 (b) **STANDARDS AND CRITERIA.**—The Commission
12 may propose standards and criteria specifying the types
13 of development which are likely to present development
14 issues significant to more than one municipality in the
15 Gulf Coast region.

16 **TITLE II—THE GULF COAST** 17 **CIVIC WORKS PROJECT**

18 **SEC. 201. PURPOSES.**

19 The purposes of this title shall be—

20 (1) to create a minimum of 100,000 jobs for
21 Gulf Coast residents and evacuees;

22 (2) to increase employment in the Gulf Coast
23 region; and

24 (3) to build a skilled workforce for rebuilding
25 and developing the lands, communities, and infra-

1 structure impacted by hurricanes and flooding in the
2 Gulf Coast region.

3 **SEC. 202. ESTABLISHMENT; CONTRACT AUTHORITY.**

4 (a) ESTABLISHMENT.—The Commission shall estab-
5 lish and administer a Gulf Coast Civic Works Project to
6 implement, manage, and coordinate numerous public
7 works projects for the purposes described in section 201.

8 (b) CONTRACT AUTHORITY.—The Gulf Coast Civic
9 Works Project is authorized to enter into such contracts
10 or agreements with States as may be necessary, including
11 provisions for utilization of existing State administrative
12 agencies, and may acquire real property by purchase, do-
13 nation, condemnation, or otherwise.

14 **SEC. 203. GENERAL ACTIVITIES.**

15 The Commission shall carry out the Gulf Coast Civic
16 Works Project established under section 202, which shall
17 include the following activities:

18 (1) Identifying areas of the Gulf Coast region
19 that are in need of recovery, rebuilding, and develop-
20 ment projects.

21 (2) Cooperating with the local Gulf Coast com-
22 munity once a Civic Works Project request has been
23 received and approved by the Commission, to ensure
24 that Gulf Coast residents and evacuees will be hired

1 by local employers or directly by the Commission to
2 complete the work.

3 (3) Working in conjunction with local employers
4 on Civic Works Projects and other recovery, rebuild-
5 ing, and development projects, identify where a
6 shortage of workers who are Gulf Coast residents
7 and evacuees exists, and identify the type of workers
8 necessary for such projects to be more effective and
9 efficient.

10 (4) Identifying such projects for which there is
11 a shortage of qualified workers who are Gulf Coast
12 residents or evacuee and, in conjunction with State
13 and local workforce investment boards, establish ad-
14 ditional job training programs where necessary, in-
15 cluding areas where there is a concentration of Gulf
16 Coast evacuees.

17 (5) Working in conjunction with other Federal,
18 State and local agencies, the private sector and
19 membership based community groups to actively re-
20 cruit Gulf Coast residents and evacuees to rebuild
21 the Gulf Coast region through Civic Works Projects
22 and other recovery, rebuilding, and development
23 projects.

1 (6) Assisting Gulf Coast residents and evacuees
2 employed or trained through the Commission to gain
3 access and information to housing programs.

4 **SEC. 204. JOB-TRAINING PARTNERSHIPS.**

5 (a) JOB-TRAINING PROGRAMS.—

6 (1) IN GENERAL.—From the amounts appro-
7 priated under section, the Commission shall, in con-
8 junction with State and local workforce investment
9 boards, community colleges, community-based orga-
10 nizations, schools, and other existing workforce de-
11 velopment organizations, support job-training pro-
12 grams in effect at the date of the enactment of this
13 Act or establish job-training programs and appren-
14 ticeships in order to recruit and train qualified work-
15 ers for specific job vacancies in approved Civic
16 Works Projects and other recovery, rebuilding, and
17 development projects.

18 (2) PRIORITY.—The Commission shall work
19 with the entities identified in paragraph (1) to set
20 up local hiring halls through which Gulf Coast resi-
21 dents, including women and disadvantaged workers,
22 shall have priority in getting admission into the job-
23 training programs described in paragraph (1) and
24 access to child care, if necessary. Such sums so de-
25 ducted shall remain available until expended.

1 (b) CAPACITY-BUILDING PARTNERSHIPS.—

2 (1) IN GENERAL.—The Commission may work
3 in partnership with the entities identified in sub-
4 section (a)(1) and other public and private nonprofit
5 organizations in order to assist such entities or orga-
6 nizations in carrying out workforce development or
7 job-training programs by—

8 (A) providing technical assistance nec-
9 essary and capacity-building support; and

10 (B) awarding grants in accordance with
11 paragraph (2) to expand the entity's or organi-
12 zation's capacity to carry out workforce devel-
13 opment or job-training programs, or to create
14 new job-training or workforce development ini-
15 tiatives designated for the purposes of this Act.

16 (2) AUTHORITY TO ASSIST PUBLIC OR PRIVATE
17 NONPROFIT ORGANIZATIONS.—

18 (A) IN GENERAL.—The Commission may
19 make grants to the entities identified in sub-
20 section (a)(1) and other public and private non-
21 profit organizations seeking to work in partner-
22 ship with the Commission that—

23 (i) have experience with job-training
24 or workforce development;

1 (ii) have been in effect at least 1 year
2 prior to submitting an application for a
3 grant under this subsection; and

4 (iii) meet such other criteria as the
5 Commission may establish.

6 (B) USE OF FUNDS.—An entity or organi-
7 zation receiving a grant under this subsection
8 may use such grant funds to make subgrants or
9 enter into contracts with other organizations to
10 implement, operate, or expand workforce devel-
11 opment or job-training programs as described
12 in subsection (a), or apprenticeship programs
13 which meets the requirements described in sec-
14 tion 205 or provide technical assistance and
15 training to Gulf Coast residents and evacuees.

16 (3) APPLICATION FOR PARTNERSHIP.—

17 (A) Organizations seeking to work in part-
18 nership with the Commission shall submit an
19 application to the Commission, or to such agen-
20 cy as designated by the Commission, outlining
21 the details of—

22 (i) Civic Works Projects or other re-
23 covery, rebuilding, and development
24 project;

25 (ii) the need for partnership; and

1 (iii) the need for and intended use of
2 grants or other funds awarded under this
3 title.

4 (B) The Commission shall set forth appli-
5 cation guidelines and procedure for organiza-
6 tions seeking to work in partnership with the
7 Commission.

8 **SEC. 205. APPRENTICESHIP PROGRAMS.**

9 (a) IN GENERAL.—Subject to subsection (b), a con-
10 tract between a contractor, subcontractor, or other em-
11 ployer and the Commission for a Civic Works Project or
12 other recovery, rebuilding, and development project shall
13 contain the following related to apprenticeship programs:

14 (1) A contract for a project described in this
15 section for which the contract price exceeds
16 \$250,000 shall contain a provision stating that the
17 contractor or subcontractor must be approved as a
18 training agent by the Commission, if a program of
19 apprenticeship and training for the apprenticeable
20 occupations used by the contractor or subcontractor
21 exists in the State or local community where the
22 project is being implemented.

23 (2) A provision stating that at least 20 percent
24 of the total hours worked on a project described in
25 this section by workers in apprenticeable occupations

1 shall be performed by apprentices participating in
2 programs of apprenticeship and training. The work-
3 ers may be employed by the contractor or any sub-
4 contractor on the works project.

5 (b) EXCEPTIONS.—Upon application by an con-
6 tractor, subcontractor, or employer, the Commission may
7 grant an exception to any or all of the requirements de-
8 scribed in subsection (a) in any situation where the Com-
9 mission concludes that compliance with such requirement
10 would not be possible as the project could not be completed
11 by workers in apprenticeable occupations.

12 **SEC. 206. JOB CREATION.**

13 (a) EMPLOYMENT.—After identifying Civic Works
14 Projects and other recovery, rebuilding, and development
15 projects in the Gulf Coast region the Commission shall
16 work in conjunction with local employers and the heads
17 of other Federal agencies on such projects to recruit and
18 hire additional workers from the Gulf Coast region. In the
19 event that contractors or other employers have a need for
20 but do not have sufficient funding for additional workers,
21 the Commission may to hire for such projects and, from
22 the amounts appropriated under section 211, pay the
23 wages of additional workers to work on such projects.

24 (b) PROJECT CREATION.—After identifying areas of
25 the Gulf Coast region that are in need of recovery, rebuild-

1 ing, and development projects where no such projects
2 exist, the Commission may, subject to available funds, es-
3 tablish and fund such projects. In establishing any project
4 under this subsection, the Commission shall hire all nec-
5 essary developers, contractors, and employees to carry out
6 such projects.

7 **SEC. 207. FIRST SOURCE HIRING AND OUTREACH.**

8 (a) **FIRST SOURCE HIRING REQUIREMENTS.**—

9 (1) **IN GENERAL.**—Subject to paragraph (2),
10 any contractor or other employer receiving funds
11 under this Act, including any subcontractor or other
12 entity in a subcontract with any such contractor or
13 employer, shall comply with first source hiring re-
14 quirements, which shall include—

15 (A) giving priority to Gulf Coast residents
16 and evacuees when interviewing, recruiting, or
17 hiring for any Civic Works Project or other re-
18 covery, rebuilding, and development project
19 by—

20 (i) unless business necessity requires a
21 shorter period of time, leaving open a posi-
22 tion for not less than 25 days to give such
23 residents and such evacuees an opportunity
24 to interview for such position; or

1 (ii) filling its first available positions
2 with such residents and such evacuees; and
3 (B) providing timely, appropriate notifica-
4 tion of available positions to the Commission so
5 that the Commission may train and refer an
6 adequate pool of Gulf Coast residents and evac-
7 uees to contractors or other employers.

8 (2) EXCEPTION.—Upon application by a con-
9 tractor or other employer, the Commission may
10 grant an exception to any of all of the requirements
11 in any situation where it concludes that compliance
12 with this subsection would not be possible in the
13 timeframe provided.

14 (b) OUTREACH PARTNERSHIPS.—

15 (1) IN GENERAL.—The Commission shall work
16 with the heads of Federal agencies, as well as State
17 and local employment offices to conduct outreach to
18 Gulf Coast residents and evacuees regarding employ-
19 ment in the Gulf Coast region, including which con-
20 tractors and other employers are required to comply
21 with first source hiring requirements. The Commis-
22 sion shall also contract with community groups,
23 faith groups, and nonprofit organizations with con-
24 nections to local communities in the Gulf Coast re-
25 gion to—

1 (A) conduct outreach to Gulf Coast resi-
2 dents and evacuees;

3 (B) work with contractors and other em-
4 ployers to identify interested candidates outside
5 of the Gulf Coast region who wish to work in
6 the region and enter job-training programs, if
7 necessary, to work in the region; and

8 (C) set up local hiring halls described in
9 subsection (c).

10 (2) LIMITED-ENGLISH PROFICIENCY COMMU-
11 NITIES.—The outreach conducted by the Commis-
12 sion under paragraph (1) shall include outreach to
13 limited-English proficiency communities through
14 multilingual meetings, translated flyers, outreach to
15 ethnic medias, and other outlets. The Commission
16 shall work with organizations servicing limited-
17 English proficiency communities to set up first
18 source hiring hall as described in subsection (c) and
19 to assist contractor and other employers in the Gulf
20 Coast region in recruiting and hiring limited-English
21 proficiency workers.

22 (c) LOCAL HIRING HALLS.—The Commission shall
23 also contract with community groups, faith groups, and
24 nonprofit organizations, as well as the entities identified
25 in section 204(a)(1), with connections to local commu-

1 nities in the Gulf Coast region to set-up a central location
2 or multiple locations (which may be referred to as “local
3 hiring halls”) in each community of the Gulf Coast region
4 where—

5 (1) contractors and other employers receiving
6 funding under this Act may recruit, interview, or
7 hire Gulf Coast residents or evacuees for any Civic
8 Works Project or other recovery, rebuilding, and de-
9 velopment project; and

10 (2) Gulf Coast residents or evacuees may be
11 provided access to child care while seeking employ-
12 ment or working.

13 **SEC. 208. WAGES.**

14 (a) **JOB TRAINING AND APPRENTICESHIP WAGES.—**

15 (1) **JOB TRAINING WAGES.—**Job training pro-
16 grams established or funded under this Act shall en-
17 sure that trainees are paid in an amount of not less
18 than \$10 per hour

19 (2) **APPRENTICESHIP WAGES.—**Apprenticeship
20 programs established or funded under this Act shall
21 ensure that apprentices are paid not less than \$15
22 per hour.

23 (3) **ADJUSTMENT FOR INFLATION.—**Beginning
24 1 year after the date of the enactment of this Act
25 and each year thereafter, the minimum wages speci-

1 fied in paragraphs (1) and (2) shall be adjusted by
2 the percentage increase during the 12-month period
3 ending the preceding Jun in the Consumer Price
4 Index for All Urban Consumers published by the
5 Bureau of Labor and Statistics of the Department
6 of Labor.

7 (b) EMPLOYEE WAGES.—The Commission shall en-
8 sure that all laborers and mechanics employed by the
9 Commission or by contractors or subcontractors in the
10 performance of construction or recovery projects will be
11 paid wages at rates not less than those prevailing on simi-
12 lar work in the locality as determined by the Secretary
13 of Labor in accordance with subchapter IV of chapter 31
14 of part A of subtitle II of title 40, United States Code
15 (commonly referred to as the “Davis-Bacon Act”).

16 **SEC. 209. OTHER PROJECTS.**

17 (a) INFRASTRUCTURE AND PUBLIC WORKS DEVEL-
18 OPMENT.—In addition to the other activities described in
19 this title, the Council shall establish or coordinate infra-
20 structure projects in accordance with local and regional
21 comprehensive plans.

22 (b) ENVIRONMENTAL RESTORATION.—In addition to
23 the other activities described in this title, the Commission
24 shall establish or coordinate environmental restoration
25 projects.

1 (c) CIVIC CONSERVATION CORPS.—In addition to the
2 other activities described in this title, the Commission
3 shall establish a conservation corps composed of individ-
4 uals between the age of 17 and 24, focus on wetland res-
5 toration, forestation, and urban greenery.

6 (d) ENERGY EFFICIENCY AND CONSERVATION.—In
7 addition to the other activities described in this title, the
8 Commission shall establish or coordinate projects to estab-
9 lish or coordinate projects—

10 (1) to reduce greenhouse gas emissions created
11 as a result of activities within the jurisdictions of eli-
12 gible entities in a manner that—

13 (A) is environmentally sustainable; and

14 (B) to the maximum extent practicable,
15 maximizes benefits for local and regional com-
16 munities;

17 (2) to reduce the total energy use of the eligible
18 entities; and

19 (3) to improve energy efficiency in—

20 (A) the transportation sector;

21 (B) the building sector; and

22 (C) other appropriate sectors.

23 (e) WORKFORCE HOUSING.—In addition to the other
24 activities described in this title, the Commission shall es-

1 establish or coordinate housing improvement projects to as-
2 sist workers in finding affordable housing.

3 (f) SUPPLEMENTAL SERVICES.—In addition to the
4 other activities described in this title, the Commission
5 shall establish or coordinate existing social service re-
6 sources, including childcare and transportation services, as
7 are necessary to ensure employment, training, and
8 projects under this Act are carried out effectively and effi-
9 ciently.

10 (g) YOUTH WORKS PROGRAM.—In addition to other
11 activities described in this title, the Commission shall es-
12 tablish or coordinate existing resource for a Youth Em-
13 ployment Program, particularly for disadvantaged, at risk,
14 and out-of-school youth between the ages of 12-19 years
15 old, to provide summer and after school employment or
16 skills training opportunities.

17 (h) ARTS, CULTURE, HISTORICAL RESTORATION AND
18 HERITAGE.—In addition to the other activities described
19 in this title, the Commission is authorized to provide
20 grants for projects that reflect, promote, or maintain the
21 architectural, artistic and cultural heritage of the affected
22 region, including the chronicling of stories surrounding the
23 2005 and 2008 Hurricanes.

24 (i) GULF COAST ARTISTS GRANTS.—

1 (1) IN GENERAL.—The Commission may pro-
2 vide not more than 15 grants per year to eligible re-
3 cipients for artistic and cultural projects which re-
4 flect the history and culture of the Gulf Coast re-
5 gion. Grants shall be provided on the basis of the
6 demonstrated merit of the applicant as determined
7 by the Commission.

8 (2) ELIGIBLE RECIPIENTS.—To be eligible to
9 receive a grant under paragraph (1), an individual
10 shall—

11 (A) be a resident of the Gulf Coast region;

12 and

13 (B) have demonstrated skill or talent in
14 music, theater, writing, or the visual arts.

15 (3) AMOUNT OF GRANT.—The amount of the
16 grants provided under this subsection shall be deter-
17 mined by the Commission.

18 (4) APPLICATION.—To receive a grant under
19 this subsection, an eligible recipient shall submit an
20 application to the Commission in such form and
21 manner as the Commission shall determine.

22 (5) USE OF GRANT FUNDS.—A grant provided
23 under this subsection shall be used on an artistic
24 project that—

1 (A) showcases the history or culture of the
2 Gulf Coast region; or

3 (B) has as its subject the effects of Hurri-
4 canes Katrina or Rita.

5 (j) CHRONICLE OF HURRICANES KATRINA AND RITA
6 GRANTS.—

7 (1) AUTHORIZATION.—The Commission may to
8 provide not more than 5 grants to an eligible recipi-
9 ent for projects that chronicle the story of Hurri-
10 canes Katrina and Rita. Grants shall be provided on
11 the basis of the demonstrated merit of the applicant
12 as determined by the Commission.

13 (2) ELIGIBLE RECIPIENTS.—To be eligible to
14 receive a grant under paragraph (1), an individual
15 shall—

16 (A) be a resident of the Gulf Coast region;
17 and

18 (B) have demonstrated skill or talent as a
19 writer or filmmaker.

20 (3) AMOUNT OF GRANT.—The amount of the
21 grants provided under this section shall be deter-
22 mined by the Commission.

23 (4) APPLICATION.—To receive a grant under
24 this section, an eligible recipient shall submit an ap-

1 plication to the Commission in such form and man-
2 ner as the Commission shall determine.

3 (5) USE OF GRANT FUNDS.—A grant provided
4 under this section shall be used on a project that
5 chronicles, through the written word or through film,
6 the story of Hurricanes Katrina and Rita from the
7 perspective of survivors and evacuees.

8 **SEC. 210. GENERAL PROVISIONS AND GUIDELINES.**

9 In conducting works projects under this title, the
10 Commission shall adhere to the following rules and guide-
11 lines:

12 (1) All public works projects shall be conducted
13 in, and be for the benefit of, the lands of the Gulf
14 Coast region, and the individuals, families, commu-
15 nities, and businesses of the Gulf Coast region.

16 (2) The Gulf Coast Civic Works Project shall
17 employ a minimum of 100,000 Gulf Coast region
18 residents and evacuees for all works programs and
19 other related job opportunities.

20 (3) The Gulf Coast Civic Works Project shall
21 make job opportunities, job training programs, and
22 other beneficial projects known to the Gulf Coast
23 communities through advertising and partnerships
24 with regional agencies and employment organiza-

1 tions, and partnerships with community based orga-
2 nizations.

3 (4) Whenever possible, the Gulf Coast Civic
4 Works Project shall purchase materials, equipment,
5 supplies, and services from local business and pro-
6 ducers.

7 (5) The Gulf Coast Civic Works Project shall
8 maintain nondiscriminatory practices and shall not
9 discriminate in hiring or employment decisions on
10 the basis of race, gender, nationality, ethnicity, reli-
11 gion, or sexual orientation.

12 (6) No employee or trainee of the Gulf Coast
13 Civic Works Project shall have financial interest in
14 any public Commission engaged in business with the
15 Gulf Coast Civic Works Project, nor in any Commis-
16 sion engaged in the manufacture, selling, or distribu-
17 tion of goods or materials used in construction
18 projects authorized by the Commission, nor shall any
19 employee or trainee have any interest in a any busi-
20 ness that may be adversely affected by the success
21 of the Commission.

22 (7) Employees and trainees of the Gulf Coast
23 Civic Works Project shall not be considered Federal
24 employees for any purpose under the laws of the
25 United States.

1 **SEC. 211. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
3 authorized to be appropriated to the Commission such
4 sums as may be necessary for fiscal years 2010 through
5 2014 to carry out this Act.

6 (b) PARTNERSHIPS.—The Commission shall make
7 every effort to partner with State and local governments
8 and private industry in the funding and administration of
9 projects under this title.