

111TH CONGRESS
1ST SESSION

H. R. 2269

To establish the Gulf Coast Civic Works Commission within the Department of Homeland Security Office of Federal Coordinator of Gulf Coast Rebuilding to administer the 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

MAY 6, 2009

Ms. ZOE LOFGREN of California (for herself, Mr. TAYLOR, Mr. CONYERS, Mr. STARK, Mr. CAO, Mr. LEWIS of Georgia, Ms. LEE of California, Mr. RANGEL, and Mr. MELANCON) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Financial Services, Transportation and Infrastructure, Natural Resources, and Energy and Commerce, 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

A BILL

To establish the Gulf Coast Civic Works Commission within the Department of Homeland Security Office of Federal Coordinator of Gulf Coast Rebuilding to administer the 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Gulf Coast Civic Works Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Definitions.
- Sec. 4. Severability.

TITLE I—THE GULF COAST CIVIC WORKS COMMISSION

- Sec. 101. Establishment of Commission.
- Sec. 102. Capitalization of the Commission.
- Sec. 103. Officer, 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.

6 **SEC. 2. PURPOSES.**

7 It is the purpose of this Act to—

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

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

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

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

13 (5) strengthen the workforce by providing job
14 training for thousands of workers that will enable
15 them to rebuild communities and make an inde-
16 pendent living;

17 (6) rebuild homes, public infrastructure, his-
18 toric buildings, and community resources, to protect
19 communities from future disasters and restore lives
20 and faith in the Federal Government;

21 (7) promote sustainable development, energy
22 conservation, environmental restoration, and encour-
23 aging emerging industries and green technologies;

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

1 (9) utilize the recommendations of community
2 organizations and coalitions in order to rebuild and
3 strengthen communities; and

4 (10) strengthen partnerships between the public
5 and private sector that will lead to increased eco-
6 nomic growth in the region.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

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

16 (A) Site conservation and sustainable plan-
17 ning.

18 (B) Water conservation and efficiency.

19 (C) Energy efficiency and renewable en-
20 ergy.

21 (D) Conservation of materials and re-
22 sources.

23 (E) Indoor environmental quality and
24 human health.

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

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

10 (A) a levee or other flood protection con-
11 struction;

12 (B) a public facility such as a public
13 schoolhouse, public college or university, police
14 station, fire station, library, clinic, hospital, job
15 center, shelter, or community center;

16 (C) a mass transit system;

17 (D) a public housing property that is eligi-
18 ble to receive funding under section 24 of the
19 United States Housing Act of 1937 (42 U.S.C.
20 1437v);

21 (E) a road or bridge;

22 (F) a public utility system, structure, or
23 facility; or

24 (G) a drinking water system or a waste-
25 water system.

1 (4) LEED CERTIFICATION.—The term “LEED
2 certification” means the Leadership in Energy and
3 Environmental Design green building rating system
4 developed and adopted by the United States Green
5 Building Council, which measures and evaluates the
6 energy and environmental performance of a building.

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

20 (6) LOCAL DEVELOPMENT PLAN.—The term
21 “local development plan” means the plan which may
22 be prepared or adopted by a local advisory council
23 with the consultation and assistance of the Commis-
24 sion staff and adopted by a town meeting.

1 (7) LOCAL ADVISORY COUNCIL.—The term
2 “local advisory council” means the local council es-
3 tablished in each municipality to develop and man-
4 age the Civic Works Project, as described in section
5 104.

6 (8) PERSON.—The term “person” means an in-
7 dividual, corporation, municipality, governmental
8 agency or authority, business trust, estate, trust,
9 partnership, association, joint venture, two or more
10 persons having a joint or common interest, or any
11 legal entity. A State agency or authority shall not be
12 deemed a person within the meaning of this Act.

13 (9) REGIONAL POLICY PLAN.—The term “re-
14 gional policy plan” means the plan prepared as de-
15 scribed in section 105.

16 (10) STATE AGENCY.—The term “State agen-
17 cy” means any department, board, bureau, commis-
18 sion, institution, public higher education institution,
19 school district, or other governmental entity of a
20 State.

21 **SEC. 4. SEVERABILITY.**

22 If any provision of this Act, or the application of such
23 provision with respect to any person or circumstance, is
24 held invalid, the remainder of this Act, and the application

1 of such provision to any other person or circumstance,
2 shall not be affected by such holding.

3 **TITLE I—THE GULF COAST CIVIC**
4 **WORKS COMMISSION**

5 **SEC. 101. ESTABLISHMENT OF COMMISSION.**

6 (a) IN GENERAL.—There is hereby established within
7 the Department of Homeland Security Office of the Fed-
8 eral Coordinator of Gulf Coast Rebuilding the “Gulf Coast
9 Civic Works Commission” (in this Act referred to as the
10 “Commission”).

11 (b) MEMBERSHIP.—

12 (1) IN GENERAL.—The Commission shall be
13 composed of 16 individuals appointed by the Presi-
14 dent, by and with the advice and consent of the Sen-
15 ate, from among individuals who are citizens of the
16 United States and residents or evacuees of the Gulf
17 Coast Region, and shall have gender, age, ethnic and
18 racial diversity reflective of the Gulf Coast Region,
19 and shall have diverse experience and knowledge rep-
20 resentative of all the issues related to complete re-
21 covery including, but not limited to: housing, worker
22 and immigrant rights, infrastructure, social services,
23 levee protection, and coastal restoration.

24 (2) NOMINATIONS BY GOVERNOR OF LOU-
25 ISIANA.—Four members of the Commission shall be

1 appointed under paragraph (1) from among individ-
2 uals who are nominated for appointment by the Gov-
3 ernor of Louisiana in consultation with community
4 based Gulf Coast Region coalitions.

5 (3) NOMINATIONS BY GOVERNOR OF MIS-
6 SSISSIPPI.—Four members of the Commission shall
7 be appointed under paragraph (1) from among indi-
8 viduals who are nominated for appointment by the
9 Governor of Mississippi in consultation with commu-
10 nity based Gulf Coast Region coalitions.

11 (4) NOMINATIONS BY GOVERNOR OF ALA-
12 BAMA.—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 Alabama in consultation with community
16 based Gulf Coast Region coalitions.

17 (5) NOMINATIONS BY GOVERNOR OF TEXAS.—
18 Four member of the Commission shall be appointed
19 under paragraph (1) from among individuals who
20 are nominated for appointment by the Governor of
21 Texas in consultation with community based Gulf
22 Coast Region coalitions.

23 (6) POLITICAL PARTY AFFILIATION.—Not more
24 than 8 members of the Commission may be affiliated
25 with any 1 political party.

1 (c) CHAIRPERSON AND VICE CHAIRPERSON.—

2 (1) CHAIRPERSON.—The Commission shall an-
3 nually elect a chairperson. The first set of officers
4 shall be elected at the Commission’s initial organiza-
5 tional meeting, which shall be conducted within 30
6 days of the effective date of this Act.

7 (2) VICE CHAIRPERSON.—The Commission
8 shall annually elect a vice chairperson. The first set
9 of officers shall be elected at the Commission’s ini-
10 tial organizational meeting, which shall be conducted
11 within 30 days of the effective date of this Act.

12 (3) ACTING CHAIRPERSON.—In the event of a
13 vacancy in the position of Chairperson of the Com-
14 mission or during the absence or disability of the
15 Chairperson, the Vice Chairperson shall act as
16 Chairperson.

17 (d) TERM OF OFFICE.—

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

20 (2) INTERIM APPOINTMENTS.—Any member ap-
21 pointed to fill a vacancy occurring before the expira-
22 tion of the term for which such member’s prede-
23 cessor was appointed shall be appointed only for the
24 remainder of such term.

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

6 (4) REMOVAL FOR CAUSE.—The Chairperson,
7 Vice Chairperson, and any appointed member may
8 be removed by the President for cause.

9 (5) FULL-TIME SERVICE.—The members of the
10 Commission shall serve on a full-time basis.

11 (e) VACANCY.—Any vacancy on the Commission shall
12 be filled in the manner in which the original appointment
13 was made, provided—

14 (1) any member appointed to fill a vacancy in
15 the Commission occurring prior to the expiration of
16 the term for which his predecessor was appointed
17 shall be appointed for the remainder of such term;
18 and

19 (2) vacancies in the Commission so long as
20 there shall be nine members in office shall not im-
21 pair the powers of the Board to execute the func-
22 tions of the Commission, and nine of the members
23 in office shall constitute a quorum for the trans-
24 action of the business of the Commission.

25 (f) BASIC PAY.—

1 (1) CHAIRPERSON.—From the amounts appro-
2 priated under section 211, the Chairperson shall be
3 paid at the rate of basic pay for level III of the Ex-
4 ecutive Schedule under section 5314 of title 5,
5 United States Code.

6 (2) MEMBERS.—From the amounts appro-
7 priated under section 211, each member of the Com-
8 mission, with the exception of the Chairperson, shall
9 be paid at a rate of basic pay for level IV of the Ex-
10 ecutive Schedule under section 5315 of title 5,
11 United States Code.

12 (g) 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 (h) 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 (i) PRINCIPAL 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 (j) 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 (k) TERMINATION.—Section 14(a)(2)(B) of the Fed-
19 eral Advisory Committee Act (5 U.S.C. App.; relating to
20 the termination of advisory committees) shall not apply
21 to the Commission.

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

23 (a) IN GENERAL.—The Commission shall have cap-
24 ital stock subscribed to by the Government in such amount
25 as the President may determine to be appropriate, to the

1 extent provided in advance in an appropriation Act for any
2 fiscal year.

3 (b) CERTIFICATES.—Certificates evidencing shares of
4 nonvoting capital stock of the Commission shall be issued
5 by the Commission to the President of the United States,
6 or to such other person or persons as the President may
7 designate from time to time, to the extent of payments
8 made for the capital stock of the Commission.

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

14 (d) REPORTS.—

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

1 and forecasts for the annual or quarterly period (as
2 the case may be) succeeding the period covered by
3 the report.

4 (2) PUBLIC AVAILABILITY.—Each report sub-
5 mitted to the Director of the Office of Management
6 and Budget and to the Secretary of the Treasury
7 under paragraph (1) shall be made available to the
8 public.

9 (e) TERMINATION OF AUTHORITY TO ISSUE
10 STOCK.—No shares of capital stock of the Commission
11 may be issued after the end of the 10-year period begin-
12 ning on the date of the enactment of this Act.

13 (f) REVENUE USED TO RETIRE STOCK.—Any net
14 revenue of the Commission in excess of amounts required
15 to meet on-going expenses and investments shall be paid
16 to the Secretary of the Treasury to redeem the capital
17 stock of the Commission and shall be deposited in the gen-
18 eral fund of the Treasury.

19 **SEC. 103. OFFICERS, EMPLOYEES, AND OTHER AGENTS OF**
20 **THE COMMISSION.**

21 (a) IN GENERAL.—The Commission may appoint
22 such managers, assistant managers, officers, employees,
23 attorneys, and agents, as are necessary for the transaction
24 of its business, fix their compensation, provide benefits in-
25 cluding pension and health care, define their duties, re-

1 quire bonds of such of them as the Commission may des-
2 ignate, and provide a system of organization to fix respon-
3 sibility and promote efficiency.

4 (b) STAFF.—

5 (1) EXECUTIVE DIRECTOR.—The Commission
6 shall have an executive director, and hire officers as
7 required. The executive director shall be responsible
8 for overall management of the Commission’s oper-
9 ations, and supervising planning matters including
10 the preparation and amendment of the local project
11 plans, and the assistance to local advisory councils
12 in their completion of local plans.

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

19 (c) STAFF DUTIES.—The executive director and
20 other officers shall—

21 (1) coordinate project planning with the rel-
22 evant Federal, State, regional and municipal au-
23 thorities, laws and planning processes;

24 (2) work with State and municipal governments
25 and nonprofit leaders to develop guidelines and regu-

1 lations for districts of critical planning concern and
2 regional funding priorities;

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

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

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

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

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

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

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

24 (1) all contracts to which the Commission is a
25 party and which require the employment of laborers

1 and mechanics in the construction, alteration, main-
2 tenance, or repair of buildings, levees, or other
3 projects shall contain a provision that not less than
4 the prevailing rate of wages for work of a similar na-
5 ture prevailing in the vicinity shall be paid to such
6 laborers or mechanics;

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

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

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

24 (f) POLITICAL TESTS PROHIBITED IN EMPLOY-
25 MENT.—

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

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

24 (3) CONTRACTS.—In the authorization of con-
25 tracts or agreements made or entered into by an of-

1 ficial, employee, or other authorized agent of the
2 Commission, and in the determination or rates or
3 terms of payment for such contracts and agree-
4 ments, no political test or qualification shall be per-
5 mitted or given consideration, but all such contracts
6 and agreements shall be given and made on the
7 basis of merit, efficiency, and fiscal responsibility.

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

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

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

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

19 (3) To prescribe bylaws that are consistent with
20 law to provide for—

21 (A) the management and operational struc-
22 ture of the Commission;

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

1 (C) such other matters as the Commission
2 determines to be appropriate.

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

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

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

11 (7) To negotiate and enter into Civic Works
12 Project agreements as described in sections 106 and
13 107.

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

1 (9) To recommend to State and municipal
2 agencies appropriate regulations for consistency with
3 the regional policy plan.

4 (10) To promulgate and amend rules and regu-
5 lations as appropriate to carry out its responsibilities
6 under this Act.

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

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

13 (13) To make use of the services of Federal,
14 State, county and local employees as may be avail-
15 able to the Commission to carry out its responsibil-
16 ities under this Act.

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

21 (15) To acquire funds and to manage such
22 funds.

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

1 (17) To reimburse Commission members for
2 reasonable expenses incurred in connection with
3 their service on the Commission consistent with De-
4 partment of Homeland Security administrative and
5 budgetary procedures.

6 (18) To conduct studies in collaboration with
7 local governments, nonprofit organizations, industry
8 organizations, and other State and Federal agencies
9 in order to create regional comprehensive workforce,
10 infrastructure, and environment analysis and devel-
11 opment plans.

12 (19) To assist local governments and commu-
13 nity planning organizations in developing local com-
14 prehensive plans and, when requested, to assist local
15 governments in carrying out their local planning and
16 regulatory responsibilities.

17 (20) To review and comment upon local com-
18 prehensive plans.

19 (21) To conduct community outreach and pub-
20 lic education.

21 (22) To conduct an annual public conference on
22 workforce development, infrastructure development,
23 and land use in the Gulf Coast and to invite to such
24 conference any private, local, State, or Federal gov-
25 ernmental representatives it deems appropriate.

1 (23) To make grants to build the capacity of
2 and support capital improvements for community
3 colleges, vocational centers, nonprofit organizations,
4 and other job-training facilities and programs serv-
5 ing the affected region.

6 (24) To make grants and provide technical as-
7 sistance to municipalities for use in local planning
8 activities.

9 (25) To provide technical assistance, adminis-
10 trative support, and compliance training for small
11 businesses and job-training programs serving the af-
12 fected region.

13 (26) To establish a process and procedures for
14 participating entities to hire employees, pay wages,
15 and developing capital facilities and developments of
16 regional impact which are necessary to ensure bal-
17 anced growth.

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

22 (28) To fund the construction of new structures
23 and facilities as necessary for the recovery of the
24 Gulf Coast region.

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

4 (30) Formulate and periodically require reports
5 of progress on all projects; and, where avoidable
6 delay or malfeasance appears, to recommend appro-
7 priate measures for eliminating such problems, and,
8 similarly, to recommend the termination of projects
9 for cause.

10 (31) Prescribe rules and regulations to—

11 (A) assure that as many of the persons
12 employed on all work projects as is feasible
13 shall be persons residents affected or displaced
14 by hurricanes Katrina or Rita;

15 (B) utilize and support as many of those
16 individuals, communities, community organiza-
17 tions, faith-based organizations, and businesses
18 within the region as is feasible, including for
19 the provision of child care to the children of
20 working parents;

21 (C) govern the selection of such partici-
22 pating business and organizations on an open-
23 bid basis;

24 (D) ensure hiring, planning and implemen-
25 tation adequately involve and look to protect

1 the rights and interests of vulnerable popu-
2 lations, including women, low-income people,
3 people of color, immigrants, the disabled, and
4 the elderly;

5 (E) develop, conduct, and administer train-
6 ing and assistance programs, in connection with
7 any program under this title, including training
8 and assistance programs for Federal wage re-
9 quirement compliance, in order that business
10 enterprises with limited capacity may achieve
11 proficiency to compete, on an equal basis, for
12 contracts and subcontracts;

13 (F) enter into contracts with private con-
14 tractors, companies, and other public and pri-
15 vate entities, in compliance with the hiring, bid-
16 ding, wage requirements of this Act, to com-
17 plete public projects;

18 (G) formulate and administer a system of
19 uniform periodic reports of the employment on
20 such projects of persons, businesses, organiza-
21 tions, and communities from the region; and

22 (H) investigate wages and working condi-
23 tions and to make and submit to Congress such
24 findings as will aid Congress in prescribing

1 working conditions, rates of pay, and continu-
2 ance or development of projects.

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

6 (b) NOTICE OF HEARING.—Whenever the Commis-
7 sion is required to provide notice of a public hearing pur-
8 suant to the provisions of this Act, the Commission shall
9 give notice by publication in a newspaper of general cir-
10 culation throughout the region once in each of two succes-
11 sive weeks, the first publication to be not less than four-
12 teen days before the day of the hearing. Notice shall also
13 be posted in a conspicuous place in the Commission's of-
14 fices not less than 14 days before the day of the hearing.
15 Copies of all documents subject to notice and hearing shall
16 be available for public inspection at the Commission's of-
17 fice during normal business hours.

18 (c) TERMINATION OF CONTRACT FOR CAUSE.—In
19 the case of any service contract between the Commission
20 and any other person, the Commission may terminate such
21 contract for cause, whether by reason of breach of con-
22 tract, violation of regulations or guidelines of the Commis-
23 sion, or otherwise, or bar any such person from entering
24 into any other contract, after notice and an opportunity
25 for an agency hearing on the record.

1 (d) AGENCY AUTHORITY.—

2 (1) STATUS.—The Commission in any capacity,
3 shall be an agency of the United States for purposes
4 of section 1345 of title 28, United States Code,
5 without regard to whether the Commission com-
6 menced the action.

7 (2) FEDERAL COURT JURISDICTION.—

8 (A) IN GENERAL.—All suits of a civil na-
9 ture at common law or in equity to which the
10 Commission, in any capacity, is a party shall be
11 deemed to arise under the laws of the United
12 States.

13 (B) REMOVAL.—The Commission may,
14 without bond or security, remove any action,
15 suit, or proceeding from a State court to the
16 appropriate United States district court before
17 the end of the 90-day period beginning on the
18 date the action, suit, or proceeding is filed
19 against the Commission or the Commission is
20 substituted as a party.

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

24 (3) SERVICE OF PROCESS.—The Commission
25 shall designate agents upon whom service of process

1 may be made in States comprising the Gulf Coast
2 region and the District of Columbia.

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

8 (e) REAL ESTATE AND OTHER PROPERTY.—In order
9 to enable the Commission to exercise the powers and du-
10 ties vested in it by this Act:

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

22 (2) The President of the United States is au-
23 thorized to provide for the transfer to the Commis-
24 sion of the use, possession, and control of such other
25 real or personal property of the United States, as he

1 may from time to time deem necessary and proper
2 for the purposes of the Commission as herein stated.

3 (f) FINANCIAL STATEMENTS AND REPORTS.—

4 (1) The Commission shall at all times maintain
5 complete and accurate accounting of all costs and
6 expenses associated with the holding and manage-
7 ment of any asset or liability acquired by the Com-
8 mission and in carrying out the activities of the
9 Commission under this Act.

10 (2) The Board shall file with the President and
11 with the Congress, in December of each year, a fi-
12 nancial statement and a complete report as to the
13 business of the Commission covering the preceding
14 governmental fiscal year. This report shall include a
15 statement of all costs associated with the Commis-
16 sion and its associated projects, including an
17 itemized statement of the cost of administration, the
18 cost of employee salaries and wages, the cost of ma-
19 terials, and the total number of employees and the
20 names, salaries, and duties of those receiving com-
21 pensation at the rate of more than \$35/hour or
22 \$45,000 a year.

23 (3) The rules of the Office of the Inspector
24 General and the Comptroller General of the United
25 States shall apply to the activities and accounts of

1 the Commission, including the regular oversight and
2 audits of the Commission. In such connection, the
3 Offices of the Inspector General and the Comptroller
4 General, and their authorized agents, shall have free
5 and open access to all papers, books, record, files,
6 accounts, plants, warehouses, offices, and all other
7 things, property and places belonging to or under
8 the control of or used or employed by the Commis-
9 sion, and shall be afforded full facilities for counting
10 all cash and verifying transactions with and balances
11 in depositories.

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

1 (h) RECOMMENDATIONS AND FURTHER LEGISLA-
2 TION.—The President shall, from time to time, as the
3 work provided for in the preceding section progresses, rec-
4 ommend to Congress such legislation as he deems proper
5 to carry out the general purposes stated in such section,
6 and for the special purpose of bring about in the Gulf
7 Coast region in conformity with the general purposes—

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

10 (2) the improvement of levees and other flood
11 control systems;

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

14 (4) the creation of jobs and job training pro-
15 grams; and

16 (5) the economic development of the Gulf Coast
17 region.

18 (i) LOCAL DEVELOPMENT PLANS.—

19 (1) ESTABLISHMENT OF LOCAL ADVISORY
20 COUNCILS.—

21 (A) IN GENERAL.—

22 (i) DESIGNATION BY MUNICIPALI-
23 TIES.—Not later than 30 days after the
24 date of the adoption of a resolution of invi-
25 tation described in section 101(d)(2), any

1 municipality of over 25,000 people in the
2 affected area may designate an entity to
3 serve in an advisory capacity to the Com-
4 mission.

5 (ii) OTHER MUNICIPALITIES.—For
6 any municipality that does not designate
7 an advisory entity under clause (i)—

8 (I) in each municipality of over
9 25,000 people in the Gulf Coast Re-
10 gion in which the Commission oper-
11 ates, the Commission shall provide for
12 the establishment of a local advisory
13 council; and

14 (II) in each municipality under
15 25,000 in the Gulf Coast Region in
16 which the Commission operates, the
17 Commission shall provide for the es-
18 tablishment of a local advisory council
19 by combining, with the cooperation
20 and consent of such municipalities,
21 multiple municipalities that are, to the
22 maximum extent practicable, located
23 contiguously.

24 (B) MEMBERSHIP.—Each local advisory
25 council shall consist of such local elected offi-

1 cials (including municipal officials), community
2 groups (such as homeowners and community
3 associations), and other interested, qualified,
4 groups as the Commission may determine to be
5 appropriate. Each local advisory council shall
6 have gender, age, ethnic and racial diversity re-
7 flective of the communities they represent, and
8 shall have diverse experience and knowledge
9 representative of the issues related to complete
10 recovery including, but not limited to: coastal
11 restoration, infrastructure, social services, and
12 worker and immigrant rights.

13 (C) CONSULTATION.—The Commission
14 shall consult with each local advisory council to
15 determine which Civic Works Projects to fund
16 in each municipality. In addition to consultation
17 with each local advisory council, the Commis-
18 sion shall consult with a broad range of local
19 officials and community groups, including those
20 that are not part of the local advisory council.
21 The Commission shall hold public meetings, pe-
22 riodically and in advance of major decisions, in
23 the affected municipality to receive input from
24 the affected communities.

1 (D) LOCAL ADVISORY COUNCIL ASSESS-
2 MENTS.—Each local advisory council shall pro-
3 vide an assessment to the Commission which
4 shall include the following:

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

7 (I) workforce development;

8 (II) workforce housing;

9 (III) employment;

10 (IV) disaster mitigation;

11 (V) infrastructure and public
12 works, including roads, bridges, water
13 systems, public transportation,
14 schools, hospitals, childcare facilities,
15 police and fire stations, training facili-
16 ties, and municipal, parish, county
17 and State facilities;

18 (VI) environmental restoration,
19 including restoring wetlands, barrier
20 islands, watersheds, fisheries, and for-
21 ests; energy efficiency; art, architec-
22 ture, and cultural needs; and

23 (VII) accessibility of work related
24 services like childcare, transit, and
25 healthcare;

1 (ii) Identification of community assets
2 such as interested governmental, nonprofit,
3 faith-based and private partners includ-
4 ing—

5 (I) workforce intermediaries;
6 identifying workers; helping residents
7 find work and relevant available train-
8 ing opportunities; and identifying ex-
9 isting businesses workforce needs;

10 (II) training entities; and

11 (III) local and small and dis-
12 advantaged businesses as possible sub-
13 contractors on recovery contracts; and

14 (iii) A list of all known local, small or
15 disadvantaged businesses interested in par-
16 ticipating in subcontracting opportunities
17 related to recovery projects to be consid-
18 ered by prime contractors in Civic Works
19 Projects selected under section 106.

20 (E) PROJECT PROPOSALS.—Local advisory
21 councils shall utilize consultation and assess-
22 ment to create Civic Works Projects consistent
23 with the purposes of this Act. The creation of
24 Civic Works Projects must include community
25 input through public hearings in the community

1 with opportunity for notice and comment from
2 the affected community.

3 (F) CIVIC WORKS PROJECT PROPOSALS.—

4 The Commission will review bids submitted by
5 contractors for development projects within the
6 local advisory council's jurisdiction. Contracts
7 with both subcontractors and prime contractors
8 will be accepted or denied based on the sealed
9 open bid process described in section 107, with
10 priority given to local, small and disadvantaged
11 businesses and businesses that employ local or
12 displaced residents, women, minorities, immi-
13 grants, persons with disabilities, and that pro-
14 vide living wages for employees, and have poli-
15 cies for environmental protection and efficient
16 use of energy.

17 (G) LOCAL OVERSIGHT.—Local advisory
18 councils shall communicate with subcontractors
19 and prime contractors to insure that develop-
20 ment projects are being carried out consistent
21 with local development plans, guidelines, and
22 budgets. All contractors must adhere to require-
23 ments set forth by the local advisory councils
24 and by the general guidelines set forth by the
25 Commission. The Commission will make avail-

1 able technical support to the local advisory
2 councils to ensure oversight.

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

14 (I) PROJECT FUNDING.—After each local
15 advisory council has completed consultation, as-
16 sessment and identified existing local resources
17 as required by this Act, the local advisory coun-
18 cil may apply to the Commission for funding to
19 carry out the proposed project.

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

23 (A) shall take into account and comply
24 with any redevelopment plan established by
25 State and local government officials; and

1 (B) may only solicit bids for such redevelop-
2 ment that are based on and comply with a
3 plan developed by local governments, if such a
4 plan exists.

5 **SEC. 105. REGIONAL COORDINATION.**

6 (a) ESTABLISHMENT OF REGIONAL TASKFORCES.—
7 The Commission shall establish regional taskforces as are
8 necessary to carry out the purposes of this Act and ensure
9 local projects provide for regionally coordinated workforce,
10 infrastructure, and sustainable land development along
11 the Gulf Coast.

12 (b) PURPOSE OF TASKFORCES.—The purpose of a
13 taskforce shall be to examine Civic Works Project funding
14 and ensure local funding priorities help advance long term
15 needs and planning of Federal, State, regional and non-
16 governmental bodies.

17 (c) REGIONAL POLICY PLAN.—The Commission shall
18 in consultation with local advisory councils, the regional
19 taskforces and any other committee established prepare a
20 regional policy plan for the region which shall be designed
21 to present a coherent set of regional planning policies and
22 objectives to guide development throughout said region
23 and to protect the region's communities, businesses, and
24 resources, and which shall reflect and reinforce the goals
25 and purposes set out in this Act.

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

3 (1) identification of the region’s critical re-
4 sources and management needs, including its nat-
5 ural, coastal, historical, recreational, cultural, archi-
6 tectural, aesthetic, public infrastructure, workforce,
7 and economic resources, available open space, and
8 available regions for industrial, agricultural,
9 aquacultural and development activity;

10 (2) a growth policy for the region including
11 guidelines for the protection workers, businesses,
12 and regional resources and the provision of capital
13 facilities necessary to meet current and anticipated
14 needs;

15 (3) regional goals for the provision of fair, af-
16 fordable housing, job creation, waste disposal, open
17 space, recreation, coastal resources, capital facilities,
18 economic development, historic preservation, and any
19 other goals deemed appropriate and important by
20 the commission; and

21 (4) a policy for coordinating regional and local
22 planning efforts, including coordinating planning ac-
23 tivities of private parties and local, State, or Federal
24 governmental authorities.

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

2 (a) SELECTION OF CIVIC WORKS PROJECTS
3 THROUGH COMPETITIVE SEALED PROPOSALS.—

4 (1) All Civic Works Projects shall be awarded
5 by competitive sealed proposal except as otherwise
6 provided.

7 (2) An invitation for proposals shall be issued
8 and shall include a project description, goals, lists of
9 prospective project governmental, nonprofit and pri-
10 vate partners and roles and all contractual terms
11 and conditions applicable to the Civic Works
12 Projects.

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

20 (4) Proposals shall be opened publicly in the
21 presence of one or more witnesses at the time and
22 place designated in the invitation for proposals. The
23 relevant information as may be specified by rules,
24 together with the name of each proposing entity,
25 shall be entered on a record, and the record shall be
26 open to public inspection. After the time of the

1 award, all proposals and proposal documents shall
2 be open to public inspection.

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

13 (6) Withdrawal of inadvertently erroneous bids
14 before the award may be permitted pursuant to rules
15 if the bidder submits proof of evidentiary value
16 which clearly and convincingly demonstrates that an
17 error was made. Except as otherwise provided by
18 rules, all decisions to permit the withdrawal of bids
19 based on such bid mistakes shall be supported by a
20 written determination made by the responsible offi-
21 cer.

22 (7) The agreement shall be awarded with rea-
23 sonable promptness by written notice to the pro-
24 posing entities whose proposals best meet the re-

1 requirements and criteria set forth in the invitation for
2 proposals.

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

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

15 (d) RESPONSIBILITY OF PROPOSING ENTITY AND
16 OFFERORS.—

17 (1) A written determination of nonresponsibility
18 of a proposing entity or offeror shall be made pursu-
19 ant to rules. The unreasonable failure of a proposing
20 entity or offeror to promptly supply information in
21 connection with an inquiry with respect to responsi-
22 bility may be grounds for a determination of non-
23 responsibility with respect to such proposing entity
24 or offeror.

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

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

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

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

21 (h) PROHIBITION OF DIVIDING WORK OF PUBLIC
22 PROJECT.—It is unlawful for any person to divide a work
23 of a public project into two or more separate projects for
24 the sole purpose of evading or attempting to evade the
25 requirements of this article.

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

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

6 (1) All contracts for Civic Works Projects shall
7 be awarded by competitive sealed bidding except as
8 otherwise provided.

9 (2) An invitation for bids shall be issued and
10 shall include a project description and all contractual
11 terms and conditions applicable to the project.

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

19 (4) Bids shall be opened publicly in the pres-
20 ence of one or more witnesses at the time and place
21 designated in the invitation for bids. The amount of
22 each bid and such other relevant information as may
23 be specified by rules, together with the name of each
24 bidder, shall be entered on a record, and the record
25 shall be open to public inspection. After the time of
26 the award, all bids and bid documents shall be open

1 to public inspection in accordance with the provi-
2 sions of title 5 of the United States Code, section
3 552.

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

17 (6) Withdrawal of inadvertently erroneous bids
18 before the award may be permitted pursuant to rules
19 if the bidder submits proof of evidentiary value
20 which clearly and convincingly demonstrates that an
21 error was made. Except as otherwise provided by
22 rules, all decisions to permit the withdrawal of bids
23 based on such bid mistakes shall be supported by a
24 written determination made by the responsible offi-
25 cer.

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

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

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

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

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

11 (4) Nothing in this article shall be construed to
12 affect or limit any additional requirements imposed
13 upon the Commission for awarding contracts for
14 Civic Works Projects.

15 (c) SOLICITATION OF BIDS BY ELECTRONIC ON-LINE
16 ACCESS.—The Commission may invite bids using elec-
17 tronic on-line access, including the internet, for purposes
18 of acquiring contracts for public projects on behalf of the
19 Commission or a Local Advisory Council.

20 (d) CANCELLATION OF INVITATIONS FOR BIDS.—An
21 invitation for bids or any other solicitation may be can-
22 celled or any or all bids or proposals may be rejected in
23 whole or in part as may be specified in the solicitation
24 when it is in the best interests of the Commission. The

1 reasons for any cancellation or rejection shall be made
2 part of the contract file.

3 (e) RESPONSIBILITY OF BIDDERS AND OFFERORS.—

4 (1) A written determination of nonresponsibility
5 of a bidder or offeror shall be made pursuant to
6 rules. The unreasonable failure of a bidder or offeror
7 to promptly supply information in connection with
8 an inquiry with respect to responsibility may be
9 grounds for a determination of nonresponsibility
10 with respect to such bidder or offeror.

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

14 (f) PREQUALIFICATION OF CONTRACTORS.—Prospect-
15 tive contractors may be prequalified for particular types
16 of construction, and the method of compiling a list of and
17 soliciting from such potential contractors shall be pursu-
18 ant to rules to be promulgated by the Commission.

19 (g) TYPES OF CONTRACTS.—Subject to the limita-
20 tions of this section, any type of contract which will pro-
21 mote the best interests of the agency of government may
22 be used; except that the use of a cost-plus-a-percentage-
23 of-cost contract is prohibited. A cost-reimbursement con-
24 tract may be used only when a determination is made in
25 writing that such contract is likely to be less costly to the

1 agency of government than any other type of contract or
2 that it is impracticable to obtain the construction required
3 unless the cost-reimbursement contract is used.

4 (h) COMMISSION TO SUBMIT COST ESTIMATE.—

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

19 (2) In preparing such cost estimate, the Com-
20 mission or Local Advisory Council shall preserve a
21 full, true, and accurate record of the cost of such
22 project. Such records shall be kept and maintained
23 by the responsible officer on behalf of the Commis-
24 sion or Local Advisory Council. To the extent the
25 Commission or Local Advisory Council contracts

1 with any other Federal, State, or local government
2 agency in connection with a public project, such
3 other agency shall provide all necessary data or in-
4 formation to enable the Commission or Local Advi-
5 sory Council to document a full, true, and accurate
6 record of the cost of such project, which data or in-
7 formation shall be kept in an orderly manner by the
8 Commission or Local Advisory Council for a period
9 of at least six years after completion of the project.
10 All such records shall be considered public records
11 and shall be made available for public inspection.

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

15 (i) RULES AND REGULATIONS.—The Commission
16 shall promulgate rules and regulations which are designed
17 to implement the provisions of this section and section
18 108. The rules shall include provisions requiring the Com-
19 mission or Local Advisory Council to keep certain public
20 project records, even if duplicative, in accordance with
21 generally accepted cost accounting principles and stand-
22 ards.

23 (j) FINALITY OF DETERMINATIONS.—The determina-
24 tions required are final and conclusive unless they are
25 clearly erroneous, arbitrary, capricious, or contrary to law.

1 (k) REPORTING OF ANTICOMPETITIVE PRACTICES.—
2 When for any reason collusion or other anticompetitive
3 practices are suspected among any bidders or offerors, a
4 notice of the relevant facts shall be transmitted to the At-
5 torney General of the United States or other appropriate
6 authority.

7 (l) PROHIBITION OF DIVIDING WORK OF PUBLIC
8 PROJECT.—It is unlawful for any person to divide a work
9 of a public project into two or more separate projects for
10 the sole purpose of evading or attempting to evade the
11 requirements of this article.

12 **SEC. 108. ENVIRONMENTAL PROTECTION.**

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

18 (1) the presence of significant natural, coastal,
19 scientific, cultural, architectural, archaeological, his-
20 toric, economic or recreational resources or values of
21 regional, statewide or national significance;

22 (2) the presence of substantial areas of sen-
23 sitive ecological conditions which render the area un-
24 suitable for development; or

1 (3) the presence or proposed establishment of a
2 major capital public facility or area of public invest-
3 ment.

4 (b) STANDARDS AND CRITERIA.—The Commission
5 may propose standards and criteria specifying the types
6 of development which are likely to present development
7 issues significant to more than one municipality in the
8 Gulf Coast region.

9 **TITLE II—THE GULF COAST**
10 **CIVIC WORKS PROJECT**

11 **SEC. 201. PURPOSES.**

12 The purposes of this title shall be—

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

15 (2) to increase employment in the Gulf Coast
16 region; and

17 (3) to build a skilled workforce for rebuilding
18 and developing the lands, communities, and infra-
19 structure impacted by hurricanes and flooding in the
20 Gulf Coast region.

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

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

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

7 **SEC. 203. GENERAL ACTIVITIES.**

8 The Commission shall carry out the Gulf Coast Civic
9 Works Project established under section 202, which shall
10 include the following activities:

11 (1) Identifying areas of the Gulf Coast region
12 that are in need of recovery, rebuilding, and develop-
13 ment projects.

14 (2) Cooperating with the local Gulf Coast com-
15 munity once a Civic Works Project request has been
16 received and approved by the Commission, to ensure
17 that Gulf Coast residents and evacuees will be hired
18 by local employers or directly by the Commission to
19 complete the work.

20 (3) Working in conjunction with local employers
21 on Civic Works Projects and other recovery, rebuild-
22 ing, and development projects, identify where a
23 shortage of workers who are Gulf Coast residents
24 and evacuees exists, and identify the type of workers

1 necessary for such projects to be more effective and
2 efficient.

3 (4) Identifying such projects for which there is
4 a shortage of qualified workers who are Gulf Coast
5 residents or evacuee and, in conjunction with State
6 and local workforce investment boards, establish ad-
7 ditional job training programs where necessary, in-
8 cluding areas where there is a concentration of Gulf
9 Coast evacuees.

10 (5) Working in conjunction with other Federal,
11 State and local agencies, the private sector and
12 membership based community groups to actively re-
13 cruit Gulf Coast residents and evacuees to rebuild
14 the Gulf Coast region through Civic Works Projects
15 and other recovery, rebuilding, and development
16 projects.

17 (6) Assisting Gulf Coast residents and evacuees
18 employed or trained through the Commission to gain
19 access and information to housing programs.

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

21 (a) **JOB-TRAINING PROGRAMS.—**

22 (1) **IN GENERAL.—**From the amounts appro-
23 priated under section, the Commission shall, in con-
24 junction with State and local workforce investment
25 boards, community colleges, community-based orga-

1 nizations, schools, and other existing workforce de-
2 velopment organizations, support job-training pro-
3 grams in effect at the date of the enactment of this
4 Act or establish job-training programs and appren-
5 ticeships in order to recruit and train qualified work-
6 ers for specific job vacancies in approved Civic
7 Works Projects and other recovery, rebuilding, and
8 development projects.

9 (2) PRIORITY.—The Commission shall work
10 with the entities identified in paragraph (1) to set
11 up local hiring halls through which Gulf Coast resi-
12 dents, including women and disadvantaged workers,
13 shall have priority in getting admission into the job-
14 training programs described in paragraph (1) and
15 access to child care, if necessary. Such sums so de-
16 ducted shall remain available until expended.

17 (b) CAPACITY-BUILDING PARTNERSHIPS.—

18 (1) IN GENERAL.—The Commission may work
19 in partnership with the entities identified in sub-
20 section (a)(1) and other public and private nonprofit
21 organizations in order to assist such entities or orga-
22 nizations in carrying out workforce development or
23 job-training programs by—

24 (A) providing technical assistance nec-
25 essary and capacity-building support; and

1 (B) awarding grants in accordance with
2 paragraph (2) to expand the entity's or organi-
3 zation's capacity to carry out workforce devel-
4 opment or job-training programs, or to create
5 new job-training or workforce development ini-
6 tiatives designated for the purposes of this Act.

7 (2) AUTHORITY TO ASSIST PUBLIC OR PRIVATE
8 NONPROFIT ORGANIZATIONS.—

9 (A) IN GENERAL.—The Commission may
10 make grants to the entities identified in sub-
11 section (a)(1) and other public and private non-
12 profit organizations seeking to work in partner-
13 ship with the Commission that—

14 (i) have experience with job-training
15 or workforce development;

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

19 (iii) meet such other criteria as the
20 Commission may establish.

21 (B) USE OF FUNDS.—An entity or organi-
22 zation receiving a grant under this subsection
23 may use such grant funds to make subgrants or
24 enter into contracts with other organizations to
25 implement, operate, or expand workforce devel-

1 opment or job-training programs as described
2 in subsection (a), or apprenticeship programs
3 which meets the requirements described in sec-
4 tion 205 or provide technical assistance and
5 training to Gulf Coast residents and evacuees.

6 (3) APPLICATION FOR PARTNERSHIP.—

7 (A) Organizations seeking to work in part-
8 nership with the Commission shall submit an
9 application to the Commission, or to such agen-
10 cy as designated by the Commission, outlining
11 the details of—

12 (i) Civic Works Projects or other re-
13 covery, rebuilding, and development
14 project;

15 (ii) the need for partnership; and

16 (iii) the need for and intended use of
17 grants or other funds awarded under this
18 title.

19 (B) The Commission shall set forth appli-
20 cation guidelines and procedure for organiza-
21 tions seeking to work in partnership with the
22 Commission.

23 **SEC. 205. APPRENTICESHIP PROGRAMS.**

24 (a) IN GENERAL.—Subject to subsection (b), a con-
25 tract between a contractor, subcontractor, or other em-

1 ployer and the Commission for a Civic Works Project or
2 other recovery, rebuilding, and development project shall
3 contain the following related to apprenticeship programs:

4 (1) A contract for a project described in this
5 section for which the contract price exceeds
6 \$250,000 shall contain a provision stating that the
7 contractor or subcontractor must be approved as a
8 training agent by the Commission, if a program of
9 apprenticeship and training for the apprenticeable
10 occupations used by the contractor or subcontractor
11 exists in the State or local community where the
12 project is being implemented.

13 (2) A provision stating that at least 20 percent
14 of the total hours worked on a project described in
15 this section by workers in apprenticeable occupations
16 shall be performed by apprentices participating in
17 programs of apprenticeship and training. The work-
18 ers may be employed by the contractor or any sub-
19 contractor on the works project.

20 (b) EXCEPTIONS.—Upon application by an con-
21 tractor, subcontractor, or employer, the Commission may
22 grant an exception to any or all of the requirements de-
23 scribed in subsection (a) in any situation where the Com-
24 mission concludes that compliance with such requirement

1 would not be possible as the project could not be completed
2 by workers in apprenticeable occupations.

3 **SEC. 206. JOB CREATION.**

4 (a) EMPLOYMENT.—After identifying Civic Works
5 Projects and other recovery, rebuilding, and development
6 projects in the Gulf Coast region the Commission shall
7 work in conjunction with local employers and the heads
8 of other Federal agencies on such projects to recruit and
9 hire additional workers from the Gulf Coast region. In the
10 event that contractors or other employers have a need for
11 but do not have sufficient funding for additional workers,
12 the Commission may to hire for such projects and, from
13 the amounts appropriated under section 211, pay the
14 wages of additional workers to work on such projects.

15 (b) PROJECT CREATION.—After identifying areas of
16 the Gulf Coast region that are in need of recovery, rebuild-
17 ing, and development projects where no such projects
18 exist, the Commission may, subject to available funds, es-
19 tablish and fund such projects. In establishing any project
20 under this subsection, the Commission shall hire all nec-
21 essary developers, contractors, and employees to carry out
22 such projects.

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

24 (a) FIRST SOURCE HIRING REQUIREMENTS.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 any contractor or other employer receiving funds
3 under this Act, including any subcontractor or other
4 entity in a subcontract with any such contractor or
5 employer, shall comply with first source hiring re-
6 quirements, which shall include—

7 (A) giving priority to Gulf Coast residents
8 and evacuees when interviewing, recruiting, or
9 hiring for any Civic Works Project or other re-
10 covery, rebuilding, and development project
11 by—

12 (i) unless business necessity requires a
13 shorter period of time, leaving open a posi-
14 tion for not less than 25 days to give such
15 residents and such evacuees an opportunity
16 to interview for such position; or

17 (ii) filling its first available positions
18 with such residents and such evacuees; and

19 (B) providing timely, appropriate notifica-
20 tion of available positions to the Commission so
21 that the Commission may train and refer an
22 adequate pool of Gulf Coast residents and evac-
23 uees to contractors or other employers.

24 (2) EXCEPTION.—Upon application by a con-
25 tractor or other employer, the Commission may

1 grant an exception to any of all of the requirements
2 in any situation where it concludes that compliance
3 with this subsection would not be possible in the
4 timeframe provided.

5 (b) OUTREACH PARTNERSHIPS.—

6 (1) IN GENERAL.—The Commission shall work
7 with the heads of Federal agencies, as well as State
8 and local employment offices to conduct outreach to
9 Gulf Coast residents and evacuees regarding employ-
10 ment in the Gulf Coast region, including which con-
11 tractors and other employers are required to comply
12 with first source hiring requirements. The Commis-
13 sion shall also contract with community groups,
14 faith groups, and nonprofit organizations with con-
15 nections to local communities in the Gulf Coast re-
16 gion to—

17 (A) conduct outreach to Gulf Coast resi-
18 dents and evacuees;

19 (B) work with contractors and other em-
20 ployers to identify interested candidates outside
21 of the Gulf Coast region who wish to work in
22 the region and enter job-training programs, if
23 necessary, to work in the region; and

24 (C) set up local hiring halls described in
25 subsection (c).

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

13 (c) LOCAL HIRING HALLS.—The Commission shall
14 also contract with community groups, faith groups, and
15 nonprofit organizations, as well as the entities identified
16 in section 204(a)(1), with connections to local commu-
17 nities in the Gulf Coast region to set-up a central location
18 or multiple locations (which may be referred to as “local
19 hiring halls”) in each community of the Gulf Coast region
20 where—

21 (1) contractors and other employers receiving
22 funding under this Act may recruit, interview, or
23 hire Gulf Coast residents or evacuees for any Civic
24 Works Project or other recovery, rebuilding, and de-
25 velopment project; and

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

4 **SEC. 208. WAGES.**

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

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

10 (2) **APPRENTICESHIP WAGES.**—Apprenticeship
11 programs established or funded under this Act shall
12 ensure that apprentices are paid not less than \$15
13 per hour.

14 (3) **ADJUSTMENT FOR INFLATION.**—Beginning
15 1 year after the date of the enactment of this Act
16 and each year thereafter, the minimum wages speci-
17 fied in paragraphs (1) and (2) shall be adjusted by
18 the percentage increase during the 12-month period
19 ending the preceding June in the Consumer Price
20 Index for All Urban Consumers published by the
21 Bureau of Labor and Statistics of the Department
22 of Labor.

23 (b) **EMPLOYEE WAGES.**—The Commission shall en-
24 sure that all laborers and mechanics employed by the
25 Commission or by contractors or subcontractors in the

1 performance of construction or recovery projects will be
2 paid wages at rates not less than those prevailing on simi-
3 lar work in the locality as determined by the Secretary
4 of Labor in accordance with subchapter IV of chapter 31
5 of part A of subtitle II of title 40, United States Code
6 (commonly referred to as the “Davis-Bacon Act”).

7 **SEC. 209. OTHER PROJECTS.**

8 (a) **INFRASTRUCTURE AND PUBLIC WORKS DEVELOPMENT.**—In addition to the other activities described in
9 this title, the Commission shall establish or coordinate in-
10 frastructure projects in accordance with local and regional
11 comprehensive plans.

13 (b) **ENVIRONMENTAL RESTORATION.**—In addition to
14 the other activities described in this title, the Commission
15 shall establish or coordinate environmental restoration
16 projects.

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

22 (d) **ENERGY EFFICIENCY AND CONSERVATION.**—In
23 addition to the other activities described in this title, the
24 Commission shall establish or coordinate projects to estab-
25 lish or coordinate projects—

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

4 (A) is environmentally sustainable; and

5 (B) to the maximum extent practicable,
6 maximizes benefits for local and regional com-
7 munities;

8 (2) to reduce the total energy use of the eligible
9 entities; and

10 (3) to improve energy efficiency in—

11 (A) the transportation sector;

12 (B) the building sector; and

13 (C) other appropriate sectors.

14 (e) WORKFORCE HOUSING.—In addition to the other
15 activities described in this title, the Commission shall es-
16 tablish or coordinate housing improvement projects to as-
17 sist workers in finding affordable housing.

18 (f) SUPPLEMENTAL SERVICES.—In addition to the
19 other activities described in this title, the Commission
20 shall establish or coordinate existing social service re-
21 sources, including childcare and transportation services, as
22 are necessary to ensure employment, training, and
23 projects under this Act are carried out effectively and effi-
24 ciently.

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

8 (h) ARTS, CULTURE, HISTORICAL RESTORATION AND
9 HERITAGE.—In addition to the other activities described
10 in this title, the Commission is authorized to provide
11 grants for projects that reflect, promote, or maintain the
12 architectural, artistic and cultural heritage of the affected
13 region, including the chronicling of stories surrounding the
14 2005 and 2008 Hurricanes.

15 (i) GULF COAST ARTISTS GRANTS.—

16 (1) IN GENERAL.—The Commission may pro-
17 vide not more than 15 grants per year to eligible re-
18 cipients for artistic and cultural projects which re-
19 flect, document, or preserve the history and culture
20 of the Gulf Coast region. Grants shall be provided
21 on the basis of the demonstrated merit of the appli-
22 cant as determined by the Commission.

23 (2) ELIGIBLE RECIPIENTS.—To be eligible to
24 receive a grant under paragraph (1), an individual
25 shall—

1 (A) be a resident of the Gulf Coast region;
2 and

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

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

8 (4) APPLICATION.—To receive a grant under
9 this subsection, an eligible recipient shall submit an
10 application to the Commission in such form and
11 manner as the Commission shall determine.

12 (5) USE OF GRANT FUNDS.—A grant provided
13 under this subsection shall be used on an artistic
14 project that—

15 (A) showcases the history or culture of the
16 Gulf Coast region; or

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

19 (j) CHRONICLE OF HURRICANES KATRINA AND RITA
20 GRANTS.—

21 (1) AUTHORIZATION.—The Commission may to
22 provide not more than 5 grants to an eligible recipi-
23 ent for projects that chronicle the story of Hurri-
24 canes Katrina and Rita. Grants shall be provided on

1 the basis of the demonstrated merit of the applicant
2 as determined by the Commission.

3 (2) ELIGIBLE RECIPIENTS.—To be eligible to
4 receive a grant under paragraph (1), an individual
5 shall—

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

7 and

8 (B) have demonstrated skill or talent as a
9 writer or film maker.

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

13 (4) APPLICATION.—To receive a grant under
14 this section, an eligible recipient shall submit an ap-
15 plication to the Commission in such form and man-
16 ner as the Commission shall determine.

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

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

23 In conducting works projects under this title, the
24 Commission shall adhere to the following rules and guide-
25 lines:

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

5 (2) The Gulf Coast Civic Works Project shall
6 employ a minimum of 100,000 Gulf Coast region
7 residents and evacuees for all works programs and
8 other related job opportunities.

9 (3) The Gulf Coast Civic Works Project shall
10 make job opportunities, job training programs, and
11 other beneficial projects known to the Gulf Coast
12 communities through advertising and partnerships
13 with regional agencies and employment organiza-
14 tions, and partnerships with community based orga-
15 nizations.

16 (4) Whenever possible, the Gulf Coast Civic
17 Works Project shall purchase materials, equipment,
18 supplies, and services from local business and pro-
19 ducers.

20 (5) The Gulf Coast Civic Works Project shall
21 maintain nondiscriminatory practices and shall not
22 discriminate in hiring or employment decisions on
23 the basis of race, gender, nationality, ethnicity, reli-
24 gion, or sexual orientation.

1 (6) No employee or trainee of the Gulf Coast
2 Civic Works Project shall have financial interest in
3 any public Commission engaged in business with the
4 Gulf Coast Civic Works Project, nor in any Commis-
5 sion engaged in the manufacture, selling, or distribu-
6 tion of goods or materials used in construction
7 projects authorized by the Commission, nor shall any
8 employee or trainee have any interest in a any busi-
9 ness that may be adversely affected by the success
10 of the Commission.

11 (7) Employees and trainees of the Gulf Coast
12 Civic Works Project shall not be considered Federal
13 employees for any purpose under the laws of the
14 United States.

15 **SEC. 211. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to the Commission such
18 sums as may be necessary for fiscal years 2010 through
19 2014 to carry out this Act.

20 (b) PARTNERSHIPS.—The Commission shall make
21 every effort to partner with State and local governments
22 and private industry in the funding and administration of
23 projects under this title.

○