

114TH CONGRESS
1ST SESSION

H. R. 4228

To amend title 23, United States Code, to establish additional requirements for certain transportation projects with estimated costs of \$2,500,000,000 or more, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2015

Mr. DESAULNIER (for himself and Mr. LAMALFA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to establish additional requirements for certain transportation projects with estimated costs of \$2,500,000,000 or more, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transportation
5 Megaprojects Accountability and Oversight Act of 2015”.

1 **SEC. 2. ADDITIONAL REQUIREMENTS FOR CERTAIN TRANS-**
2 **PORTATION PROJECTS.**

3 (a) IN GENERAL.—Section 106 of title 23, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “(k) MEGAPROJECTS.—

7 “(1) MEGAPROJECT DEFINED.—In this sub-
8 section, the term ‘megaproject’ means a project that
9 has an estimated total cost of \$2,500,000,000 or
10 more, and such other projects as may be identified
11 by the Secretary.

12 “(2) COMPREHENSIVE RISK MANAGEMENT
13 PLAN.—A recipient of Federal financial assistance
14 under this title for a megaproject shall, in order to
15 be authorized for construction, submit to the Sec-
16 retary a comprehensive risk management plan that
17 contains—

18 “(A) a description of the process by which
19 the recipient will identify, quantify, and monitor
20 the risks that might result in cost overruns,
21 project delays, reduced construction quality, or
22 reductions in benefits with respect to the
23 megaproject;

24 “(B) examples of mechanisms the recipient
25 will use to track risks identified pursuant to
26 subparagraph (A);

1 “(C) a plan to control such risks; and

2 “(D) such assurances as the Secretary con-
3 siders appropriate that the recipient will, with
4 respect to the megaproject—

5 “(i) regularly submit to the Secretary
6 updated cost estimates; and

7 “(ii) maintain and regularly reassess
8 financial reserves for addressing known
9 and unknown risks.

10 “(3) PEER REVIEW GROUP.—

11 “(A) IN GENERAL.—A recipient of Federal
12 financial assistance under this title for a
13 megaproject shall, not later than 90 days after
14 the date when such megaproject is authorized
15 for construction, establish a peer review group
16 for such megaproject that consists of at least 5
17 individuals (including at least 1 individual with
18 project management experience) to give expert
19 advice on the scientific, technical, and project
20 management aspects of the megaproject.

21 “(B) MEMBERSHIP.—

22 “(i) IN GENERAL.—Not later than
23 180 days after the date of the enactment
24 of this subsection, the Secretary shall es-

1 establish guidelines describing how a recipi-
2 ent described in subparagraph (A) shall—

3 “(I) recruit and select members
4 for a peer review group established
5 under such subparagraph; and

6 “(II) make publicly available the
7 criteria for such selection and the
8 identity of members so selected.

9 “(ii) CONFLICT OF INTEREST.—No
10 member of a peer review group for a
11 megaproject may have a direct or indirect
12 financial interest in such megaproject.

13 “(C) TASKS.—A peer review group estab-
14 lished under subparagraph (A) by a recipient of
15 Federal financial assistance for a megaproject
16 shall—

17 “(i) meet annually until completion of
18 the megaproject;

19 “(ii) not later than 90 days after the
20 date of the establishment of the peer re-
21 view group and not later than 90 days
22 after the date of any significant change, as
23 determined by the Secretary, to the scope,
24 schedule, or budget of the megaproject, re-
25 view the scope, schedule, and budget of the

1 megaproject, including planning, engineer-
2 ing, financing, and any other elements de-
3 termined appropriate by the Secretary; and

4 “(iii) submit a report on the findings
5 of each review under clause (ii) to the Sec-
6 retary, Congress, and the recipient.

7 “(4) TRANSPARENCY.—A recipient of Federal
8 financial assistance under this title for a
9 megaproject shall publish on the Internet Web site
10 of such recipient—

11 “(A) the name, license number, and license
12 type of each engineer supervising an aspect of
13 the megaproject; and

14 “(B) the report submitted under para-
15 graph (3)(C)(iii), not later than 90 days after
16 such submission.”.

17 (b) APPLICABILITY.—The amendment made by sub-
18 section (a) applies with respect to projects that are author-
19 ized for construction on or after the date that is 1 year
20 after the date of the enactment of this Act.

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