

117TH CONGRESS  
2D SESSION

# H. R. 7339

To establish the Office of the Special Inspector General for Infrastructure  
Projects, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 2022

Mr. MELJER (for himself, Mr. RODNEY DAVIS of Illinois, Mr. GALLAGHER, Mr. GIBBS, Mr. MCKINLEY, Mr. NEWHOUSE, and Mr. BACON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Oversight and Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish the Office of the Special Inspector General  
for Infrastructure Projects, 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 “Responsible, Better  
5 Understanding of Infrastructure Leveraged Dollars Act”  
6 or the “Responsible BUILD Act”.

1 **SEC. 2. SPECIAL INSPECTOR GENERAL FOR INFRASTRUC-**  
2 **TURE PROJECTS.**

3 (a) DEFINITIONS.—In this Act:

4 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
5 TEES.—The term “appropriate congressional com-  
6 mittees” means—

7 (A) the Committees on Appropriations,  
8 Banking, Housing, and Urban Affairs, Environ-  
9 ment and Public Works, and Commerce,  
10 Science, and Transportation of the Senate; and

11 (B) the Committees on Appropriations,  
12 Energy and Commerce, and Transportation and  
13 Infrastructure of the House of Representatives.

14 (2) COVERED PROGRAM.—The term “covered  
15 program” means any program established by the  
16 Secretary of Transportation pursuant to the Infra-  
17 structure Investments and Jobs Act (Public Law  
18 117–58), including the amendments made by such  
19 Act.

20 (3) INSPECTOR GENERAL.—The term “Inspec-  
21 tor General” means the Special Inspector General  
22 for Infrastructure Projects established under this  
23 section.

24 (4) OFFICE.—The term “Office” means the Of-  
25 fice of the Special Inspector General for Infrastruc-  
26 ture Projects established under this section.

1 (5) STATE.—The term “State” means—

2 (A) any of the several States;

3 (B) the District of Columbia;

4 (C) the Commonwealth of Puerto Rico;

5 (D) the Commonwealth of the Northern  
6 Mariana Islands;

7 (E) the United States Virgin Islands;

8 (F) Guam;

9 (G) American Samoa; and

10 (H) any other territory or possession of the  
11 United States.

12 (b) ESTABLISHMENT.—There is established within  
13 the Department of Transportation the Office of the Spe-  
14 cial Inspector General for Infrastructure Projects to—

15 (1) provide for the independent and objective  
16 supervision of projects carried out under a covered  
17 program; and

18 (2) provide for the independent and objective  
19 leadership and coordination of, and recommenda-  
20 tions on, policies designed to—

21 (A) promote economic efficiency and effec-  
22 tiveness in the administration of the covered  
23 programs; and

24 (B) prevent and detect waste, fraud, and  
25 abuse in such programs.

1 (c) APPOINTMENT OF INSPECTOR GENERAL; RE-  
2 MOVAL.—

3 (1) APPOINTMENT.—The head of the Office  
4 shall be the Special Inspector General for Infrastruc-  
5 ture Projects, who shall be appointed by the Presi-  
6 dent, by and with the advice and consent of the Sen-  
7 ate.

8 (2) QUALIFICATIONS.—The appointment of the  
9 Inspector General shall be made solely on the basis  
10 of integrity and demonstrated ability in accounting,  
11 auditing, financial analysis, law, management anal-  
12 ysis, public administration, or investigations.

13 (3) DEADLINE FOR APPOINTMENT.—The ap-  
14 pointment of an individual as Inspector General  
15 shall be made not later than 30 days after the date  
16 of enactment of this Act.

17 (4) COMPENSATION.—The annual rate of basic  
18 pay of the Inspector General shall be the annual rate  
19 of basic pay provided for positions at level IV of the  
20 Executive Schedule under section 5315 of title 5,  
21 United States Code.

22 (5) PROHIBITION ON POLITICAL ACTIVITIES.—  
23 For purposes of section 7324 of title 5, United  
24 States Code, the Inspector General shall not be con-  
25 sidered an employee who determines policies to be

1       pursued by the United States in the nationwide ad-  
2       ministration of Federal law.

3           (6) REMOVAL.—The Inspector General shall be  
4       removable from office in accordance with the provi-  
5       sions of section 3(b) of the Inspector General Act of  
6       1978 (5 U.S.C. App.).

7       (d) SUPERVISION.—

8           (1) IN GENERAL.—Except as provided in para-  
9       graph (2), the Inspector General shall report directly  
10      to, and be under the general supervision of, the Sec-  
11      retary of Transportation.

12          (2) INDEPENDENCE TO CONDUCT INVESTIGA-  
13      TIONS AND AUDITS.—No officer of the Department  
14      of Transportation shall prevent or prohibit the In-  
15      spector General from initiating, carrying out, or  
16      completing any audit or investigation related to  
17      amounts appropriated or otherwise made available to  
18      carry out a covered program, or from issuing any  
19      subpoena during the course of any such audit or in-  
20      vestigation.

21      (e) DUTIES.—

22          (1) OVERSIGHT OF SPENDING BY THE DEPART-  
23      MENT AND STATES.—The Inspector General shall  
24      conduct, supervise, and coordinate audits and inves-  
25      tigations of the treatment, handling, and expendi-

1       ture of amounts appropriated or otherwise made  
2       available to carry out a covered program, includ-  
3       ing—

4               (A) audits and investigations with respect

5               to—

6                       (i) the oversight and accounting of the  
7                       obligation and expenditure of such  
8                       amounts;

9                       (ii) the monitoring and review of—

10                               (I) activities funded by such  
11                               amounts;

12                               (II) contracts funded by such  
13                               amounts; and

14                               (III) the transfer of such  
15                               amounts from States to other entities,  
16                               including businesses and nongovern-  
17                               mental entities;

18                       (iii) the maintenance of records by  
19                       States on the use of such amounts to fa-  
20                       cilitate future audits and investigations;

21                       (iv) overpayments, such as duplicate  
22                       payments or duplicate billing; and

23                       (v) any potential unethical or illegal  
24                       actions of Federal employees or employees  
25                       of States, contractors, or nongovernmental

1 entities related to the treatment, handling,  
2 obligation, or expenditure of such amounts;  
3 and

4 (B) the referral of findings of any audits  
5 and investigations to the Department of Justice  
6 to ensure further investigations, prosecutions,  
7 recovery of funds, or other remedies.

8 (2) OTHER DUTIES RELATED TO OVERSIGHT.—

9 The Inspector General shall establish, maintain, and  
10 oversee such systems, procedures, and controls as  
11 the Inspector General considers appropriate to carry  
12 out the duties under paragraph (1).

13 (3) DUTIES AND RESPONSIBILITIES UNDER IN-  
14 SPECTOR GENERAL ACT OF 1978.—Section 4 of the  
15 Inspector General Act of 1978 (5 U.S.C. App.) shall  
16 apply to the Office established under this section.

17 (f) POWERS AND AUTHORITIES.—In carrying out the  
18 duties specified in subsection (e), the Inspector General  
19 shall have the authorities provided in section 6 of the In-  
20 spector General Act of 1978 (5 U.S.C. App.).

21 (g) PERSONNEL, FACILITIES, AND OTHER RE-  
22 SOURCES.—

23 (1) PERSONNEL.—The Inspector General may  
24 select, appoint, and employ such officers and em-  
25 ployees as may be necessary for carrying out the du-

1 ties of the Office, subject to the provisions of title  
2 5, United States Code, governing appointments in  
3 the competitive service, and the provisions of chapter  
4 51 and subchapter III of chapter 53 of such title,  
5 relating to classification and General Schedule pay  
6 rates.

7 (2) EMPLOYMENT OF EXPERTS AND CONSULT-  
8 ANTS.—The Inspector General may obtain services  
9 as authorized by section 3109 of title 5, United  
10 States Code, at daily rates not to exceed the equiva-  
11 lent rate prescribed for grade GS–15 of the General  
12 Schedule by section 5332 of such title.

13 (3) CONTRACTING AUTHORITY.—To the extent,  
14 and in such amounts, as may be provided in advance  
15 by appropriations Acts, the Inspector General may  
16 enter into contracts and other arrangements for au-  
17 dits, studies, analyses, and other services with public  
18 agencies and with private persons, and make such  
19 payments as may be necessary to carry out the du-  
20 ties of the Office.

21 (4) ASSISTANCE FROM FEDERAL AGENCIES.—

22 (A) IN GENERAL.—Upon request of the In-  
23 spector General for information or assistance  
24 from any department, agency, or other entity of  
25 a State or the Federal Government, the head of



1 such entity shall, insofar as is practicable and  
2 not in contravention of any existing law, furnish  
3 such information or assistance to the Inspector  
4 General, or a designee of the Inspector General.

5 (B) REPORTING OF REFUSED ASSIST-  
6 ANCE.—Whenever information or assistance re-  
7 quested by the Inspector General is, in the  
8 judgment of the Inspector General, unreason-  
9 ably refused or not provided, the Inspector Gen-  
10 eral shall report the circumstances to the De-  
11 partment of Justice, as appropriate, and to the  
12 appropriate congressional committees without  
13 delay.

14 (h) REPORTS.—

15 (1) QUARTERLY REPORTS.—

16 (A) IN GENERAL.—Not later than 30 days  
17 after the end of each fiscal-year quarter, the In-  
18 spector General shall submit to the appropriate  
19 congressional committees and the Secretary of  
20 Transportation a report summarizing, for the  
21 period of such quarter and, to the extent pos-  
22 sible, the period from the end of such quarter  
23 to the time of the submission of the report, the  
24 activities during such period of the Inspector

1 General and any activities of States that are  
2 carried out pursuant to a covered program.

3 (B) CONTENTS.—Each report submitted  
4 under subparagraph (A) shall include, for the  
5 period covered by such report, a detailed state-  
6 ment of all obligations, expenditures, and reve-  
7 nues associated with a covered program, includ-  
8 ing the following:

9 (i) Obligations and expenditures of  
10 amounts made available to carry out a cov-  
11 ered program.

12 (ii) Detailed operating expenses of  
13 States that are related to the use of such  
14 amounts.

15 (iii) In the case of any contract,  
16 grant, agreement, or other funding mecha-  
17 nism described in paragraph (2)—

18 (I) the amount of the contract,  
19 grant, agreement, or other funding  
20 mechanism;

21 (II) a brief summary of the scope  
22 of the contract, grant, agreement, or  
23 other funding mechanism;

24 (III) a summary of how the State  
25 involved in the contract, grant, agree-

1                   ment, or other funding mechanism  
2                   identified, and solicited offers or ap-  
3                   plications from, potential individuals  
4                   or entities to perform the contract or  
5                   activities under the grant, agreement,  
6                   or other funding mechanism;

7                   (IV) a list of the potential indi-  
8                   viduals or entities that were issued so-  
9                   licitations for the offers or applica-  
10                  tions; and

11                  (V) the justification and approval  
12                  documents on which was based any  
13                  determination to use procedures other  
14                  than procedures that provide for full  
15                  and open competition with respect to  
16                  the contract, grant, agreement, or  
17                  other funding mechanism.

18                  (2) COVERED CONTRACTS, GRANTS, AGREE-  
19                  MENTS, AND FUNDING MECHANISMS.—A contract,  
20                  grant, agreement, or other funding mechanism de-  
21                  scribed in this paragraph is any major contract,  
22                  grant, agreement, or other funding mechanism with  
23                  any public or private entity that—

24                  (A) is entered into by a State—

1 (i) to build or rebuild physical infra-  
2 structure, including infrastructure related  
3 to bridges, roads, highways, waterways,  
4 ports, rail travel, or air travel of such  
5 State; or

6 (ii) to provide products or services to  
7 the people of such State; and

8 (B) involves the use of amounts made  
9 available to carry out a covered program.

10 (3) SUBMISSION OF REPORT COMMENTS TO  
11 CONGRESS.—Not later than 30 days after receipt of  
12 a report under paragraph (1), the Secretary of  
13 Transportation may submit to the appropriate con-  
14 gressional committees any comments on the matters  
15 covered by the report the Secretary determines ap-  
16 propriate.

17 (4) PUBLIC AVAILABILITY.—The Inspector  
18 General and the Secretary of Transportation, as ap-  
19 propriate, shall publish on a publicly available  
20 website each report required under this subsection  
21 and any comments submitted by the Secretary under  
22 paragraph (3).

23 (5) FORM.—Each report required under this  
24 subsection, including any comments on a report sub-  
25 mitted by the Secretary of Transportation under

1 paragraph (3), shall be submitted in unclassified  
2 form, but may include a classified annex if the In-  
3 spector General or the Secretary, as appropriate,  
4 considers it necessary.

5 (6) RULE OF CONSTRUCTION.—Nothing in this  
6 subsection shall be construed to authorize the public  
7 disclosure of information that is—

8 (A) specifically prohibited from disclosure  
9 by any other provision of law;

10 (B) specifically required by Executive order  
11 to be protected from disclosure in the interest  
12 of national defense or national security or in  
13 the conduct of foreign affairs; or

14 (C) a part of an ongoing criminal inves-  
15 tigation.

16 (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
17 authorized to be appropriated \$20,000,000 for each fiscal  
18 year to carry out this section.

19 (j) TERMINATION.—The Office of the Special Inspec-  
20 tor General shall terminate on the date that is 10 years  
21 after the date of enactment of this Act.

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