

117TH CONGRESS
1ST SESSION

H. R. 2204

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

MARCH 26, 2021

Mr. DESAULNIER 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 Mega-
5 projects Accountability and Oversight Act of 2021”.

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 tablish 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 megaproj-
9 ect shall publish on the internet website of such re-
10 cipient—

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 “(5) COMMITTEE.—

18 “(A) IN GENERAL.—Not later than 180
19 days after the date of enactment of this sub-
20 section, the Secretary of Transportation shall
21 make appropriate arrangements with the
22 Transportation Research Board (hereinafter re-
23 ferred to as the ‘Board’) of the National Acad-
24 emies under which the Board shall convene a
25 transportation megaprojects committee.

1 “(B) DUTIES.—The transportation mega-
2 projects committee convened pursuant to sub-
3 paragraph (A) shall—

4 “(i) perform a literature search and
5 assessment of existing megaproject studies;

6 “(ii) review any relevant foreign expe-
7 rience and actions taken, with a particular
8 focus on the United Kingdom and France;

9 “(iii) identify recurring or typical
10 problems with megaprojects;

11 “(iv) outline possible approaches to
12 dealing with the problems in the Federal
13 and State context; and

14 “(v) recommend any changes in the
15 Department of Transportation’s approach
16 to megaproject funding and oversight, such
17 as a recommendation that each project be
18 required to identify a peer group to work
19 with project management and report to the
20 Inspector General and Congress.

21 “(C) REPORT.—Not later than 3 years
22 after the date of enactment of this subsection,
23 the committee convened pursuant to subpara-
24 graph (A) shall submit to the Secretary, the
25 Committee on Transportation and Infrastruc-

1 ture of the House of Representatives, and the
2 Committee on Environment and Public Works
3 of the Senate a report containing any results,
4 findings, and recommendations made by the
5 committee under subparagraph (B).”.

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

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