

AMENDMENT

OFFERED BY MR. DESAULNIER OF CALIFORNIA

At the end of subtitle B of title I, insert the following:

1 **SEC. 12 ____. ADDITIONAL REQUIREMENTS FOR CERTAIN**
2 **TRANSPORTATION PROJECTS.**

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

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

1 the risks that might result in cost overruns,
2 project delays, reduced construction quality, or
3 reductions in benefits with respect to the
4 megaproject;

5 “(B) examples of mechanisms the recipient
6 will use to track risks identified pursuant to
7 subparagraph (A);

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

9 “(D) such assurances as the Secretary con-
10 siderers appropriate that the recipient will, with
11 respect to the megaproject—

12 “(i) regularly submit to the Secretary
13 updated cost estimates; and

14 “(ii) maintain and regularly reassess
15 financial reserves for addressing known
16 and unknown risks.

17 “(3) PEER REVIEW GROUP.—

18 “(A) IN GENERAL.—A recipient of Federal
19 financial assistance under this title for a
20 megaproject shall, not later than 90 days after
21 the date when such megaproject is authorized
22 for construction, establish a peer review group
23 for such megaproject that consists of at least 5
24 individuals (including at least 1 individual with
25 project management experience) to give expert

1 advice on the scientific, technical, and project
2 management aspects of the megaproject.

3 “(B) MEMBERSHIP.—

4 “(i) IN GENERAL.—Not later than
5 180 days after the date of enactment of
6 this subsection, the Secretary shall estab-
7 lish guidelines describing how a recipient
8 described in subparagraph (A) shall—

9 “(I) recruit and select members
10 for a peer review group established
11 under such subparagraph; and

12 “(II) make publicly available the
13 criteria for such selection and the
14 identity of members so selected.

15 “(ii) CONFLICT OF INTEREST.—No
16 member of a peer review group for a
17 megaproject may have a direct or indirect
18 financial interest in such megaproject.

19 “(C) TASKS.—A peer review group estab-
20 lished under subparagraph (A) by a recipient of
21 Federal financial assistance for a megaproject
22 shall—

23 “(i) meet annually until completion of
24 the megaproject;

1 “(ii) not later than 90 days after the
2 date of the establishment of the peer re-
3 view group and not later than 90 days
4 after the date of any significant change, as
5 determined by the Secretary, to the scope,
6 schedule, or budget of the megaproject, re-
7 view the scope, schedule, and budget of the
8 megaproject, including planning, engineer-
9 ing, financing, and any other elements de-
10 termined appropriate by the Secretary; and

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

14 “(4) TRANSPARENCY.—A recipient of Federal
15 financial assistance under this title for a
16 megaproject shall publish on the internet website of
17 such recipient—

18 “(A) the name, license number, and license
19 type of each engineer supervising an aspect of
20 the megaproject; and

21 “(B) the report submitted under para-
22 graph (3)(C)(iii), not later than 90 days after
23 such submission.

24 “(5) COMMITTEE.—

1 “(A) IN GENERAL.—Not later than 180
2 days after the date of enactment of this sub-
3 section, the Secretary of Transportation shall
4 make appropriate arrangements with the
5 Transportation Research Board (hereinafter re-
6 ferred to as the ‘Board’) of the National Acad-
7 emies under which the Board shall convene a
8 transportation megaprojects committee.

9 “(B) DUTIES.—The transportation
10 megaprojects committee convened pursuant to
11 subparagraph (A) shall—

12 “(i) perform a literature search and
13 assessment of existing megaproject studies;

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

17 “(iii) identify recurring or typical
18 problems with megaprojects;

19 “(iv) outline possible approaches to
20 dealing with the problems in the Federal
21 and State context; and

22 “(v) recommend any changes in the
23 Department of Transportation’s approach
24 to megaproject funding and oversight, such
25 as a recommendation that each project be

1 required to identify a peer group to work
2 with project management and report to the
3 Inspector General and Congress.

4 “(C) REPORT.—Not later than 3 years
5 after the date of enactment of this subsection,
6 the committee convened pursuant to subpara-
7 graph (A) shall submit to the Secretary, the
8 Committee on Transportation and Infrastruc-
9 ture of the House of Representatives, and the
10 Committee on Environment and Public Works
11 of the Senate a report containing any results,
12 findings, and recommendations made by the
13 committee under subparagraph (B).”.

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

