

118TH CONGRESS
1ST SESSION

H. R. 3785

To amend title 23, United States Code, to require that public employees perform construction inspection work for federally funded highway projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 2023

Mr. GARAMENDI (for himself, Ms. BROWNLEY, and Ms. JACKSON LEE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to require that public employees perform construction inspection work for federally funded highway 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 “Public Inspectors for
5 Safe Infrastructure Act”.

1 **SEC. 2. REQUIRING CONSTRUCTION INSPECTION SERVICES**
2 **FOR CERTAIN HIGHWAY CONTRACTS TO BE**
3 **PERFORMED BY PUBLIC EMPLOYEES.**

4 Section 112(b) of title 23, United States Code, is
5 amended by adding at the end the following:

6 “(5) CONSTRUCTION INSPECTION SERVICES.—

7 “(A) IN GENERAL.—In entering into a
8 contract under this section for the construction
9 of a project subject to subsection (a), including
10 a design-build project under paragraph (3) and
11 a project using a 2-phase contract under para-
12 graph (4), a State transportation department or
13 local transportation agency shall ensure that a
14 public employee performs construction inspec-
15 tion functions for such project.

16 “(B) EXCEPTION.—If a State transpor-
17 tation department or local transportation agen-
18 cy does not have adequate existing or obtainable
19 staff to perform construction inspection func-
20 tions as required under subparagraph (A), the
21 department or agency may obtain such services
22 pursuant to temporary consultant contracts
23 until the department or agency has adequate or
24 existing staff to perform such functions.

25 “(C) TIME PERIOD.—Any temporary con-
26 tracts to provide construction inspection serv-

ices under this subsection shall not exceed the period that ends on the date that is 12 months after the date on which the contract is awarded.

“(D) REPORTING AND TRANSPARENCY.—

“(i) IN GENERAL.—At least once each fiscal year, a State transportation department or local transportation agency utilizing the exception authority provided in subparagraph (B) shall submit to the Secretary a report containing—

“(I) a description of all construction inspection functions provided through temporary consultant contracts under such clause; and

“(II) a detailed justification of the need for each exception to the requirement of such clause.

“(ii) TRANSPARENCY.—The Secretary shall make the report submitted under clause (i) available to the public through the website of the Department.

“(E) DEFINITIONS.—In this subsection:

“(i) CONSTRUCTION INSPECTION FUNCTION.—The term ‘construction inspection function’ includes construction en-

1 gineering, contract administration, on-site
2 quality control inspection, materials test-
3 ing, and the functions of a resident engi-
4 neer or assistant resident engineer respon-
5 sible for the acceptance or rejection of a
6 project subject to the provisions of sub-
7 section (a) of this section.

8 “(ii) PUBLIC EMPLOYEE.—The term
9 ‘public employee’ means an employee of
10 the Federal Government, a State govern-
11 ment, or a local government.”.

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