

116TH CONGRESS  
1ST SESSION

# H. R. 1099

To require construction inspection functions be conducted by public employees,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2019

Mr. SERRANO (for himself, Ms. CLARKE of New York, Miss GONZÁLEZ-COLÓN of Puerto Rico, Ms. VELÁZQUEZ, Ms. JACKSON LEE, Mr. CARSON of Indiana, and Mr. LYNCH) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To require construction inspection functions be conducted  
by public employees, 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 “Safety, Efficiency, and  
5 Accountability in Transportation Projects Through Public  
6 Inspection Act of 2019”.

7 **SEC. 2. PUBLIC INSPECTION OF PROJECTS.**

8 Section 112(b) of title 23, United States Code, is  
9 amended—

1           (1) in paragraph (2), by adding at the end the  
2 following:

3           “(G) CONSTRUCTION INSPECTION SERV-  
4 ICES.—

5           “(i) LIMITATION.—In carrying out a  
6 project under this section, public employees  
7 shall perform construction inspection func-  
8 tions.

9           “(ii) CONSTRUCTION INSPECTION  
10 FUNCTIONS DEFINED.—In this subpara-  
11 graph, the term ‘construction inspection  
12 functions’ includes construction engineer-  
13 ing, contract administration, on-site qual-  
14 ity control inspection, materials testing,  
15 and resident engineer and assistant resi-  
16 dent engineer functions responsible for the  
17 acceptance or rejection of the work.

18           “(iii) EXCEPTION.—If a State trans-  
19 portation department or other public agen-  
20 cy project sponsor does not have adequate  
21 existing or obtainable staff to perform the  
22 construction inspection functions, then the  
23 agency may utilize temporary consultant  
24 contracts for these services until such staff  
25 can be obtained.

1                   “(iv) TIME PERIOD.—Any temporary  
2                   contracts to provide construction inspec-  
3                   tion services under this subparagraph shall  
4                   not exceed the period that ends on the date  
5                   that is 12 months after the date of con-  
6                   tract award.”;

7                   (2) in paragraph (3), by adding at the end the  
8                   following:

9                   “(F) CONSTRUCTION INSPECTION SERV-  
10                  ICES.—Public employees shall perform the con-  
11                  struction inspection functions on all design-  
12                  build projects. Such inspection functions shall  
13                  be subject to the requirements of paragraph  
14                  (2)(G).”; and

15                  (3) in paragraph (4)(A), by adding at the end  
16                  the following:

17                  “(v) CONSTRUCTION INSPECTION SERV-  
18                  ICES.—Public employees shall perform the con-  
19                  struction inspection functions on all projects  
20                  that use a 2-phase contract. Such functions  
21                  shall be subject to the requirements of para-  
22                  graph (2)(G).”.

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