

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3684
OFFERED BY MR. GARAMENDI OF CALIFORNIA**

At the end of subtitle F of title I of division B of the bill, add the following:

1 **SEC. ____ . REQUIRING CONSTRUCTION INSPECTION SERV-**
2 **ICES FOR CERTAIN HIGHWAY CONTRACTS TO**
3 **BE PERFORMED BY PUBLIC EMPLOYEES.**

4 (a) ENGINEERING AND DESIGN SERVICE CON-
5 TRACTS.—Section 112(b)(2) of title 23, United States
6 Code, is amended by adding at the end the following:

7 “(G) CONSTRUCTION INSPECTION SERV-
8 ICES.—

9 “(i) IN GENERAL.—In carrying out a
10 project under this subsection, public em-
11 ployees shall perform construction inspec-
12 tion functions.

13 “(ii) EXCEPTION.—If a State trans-
14 portation department or other public agen-
15 cy project sponsor does not have adequate
16 existing or obtainable staff to perform the
17 construction inspection functions, the
18 agency may obtain such services pursuant

1 to temporary consultant contracts until the
2 agency has adequate or existing staff to
3 perform such functions.

4 “(iii) REPORTING AND TRANS-
5 PARENCY.—

6 “(I) IN GENERAL.—State trans-
7 portation departments or other public
8 agency project sponsors utilizing the
9 exception authority provided in clause
10 (ii) of this subparagraph shall report
11 at least once each fiscal year to the
12 Secretary—

13 “(aa) all construction in-
14 spection functions provided
15 through temporary consultant
16 contracts under clause (ii); and

17 “(bb) a detailed justification
18 of the need for each exception to
19 the requirement of clause (i) of
20 this subparagraph.

21 “(II) TRANSPARENCY.—The Sec-
22 retary shall make the information
23 submitted under subclause (I) of this
24 clause available to the public through
25 the website of the Department.

1 “(iv) CONSTRUCTION INSPECTION
2 FUNCTIONS DEFINED.—In this subpara-
3 graph, the term ‘construction inspection
4 functions’ includes construction engineer-
5 ing, contract administration, on-site qual-
6 ity control inspection, materials testing,
7 and resident engineer and assistant resi-
8 dent engineer functions responsible for the
9 acceptance or rejection of the work.”.

10 (b) DESIGN-BUILD CONTRACTS.—Section 112(b)(3)
11 of title 23, United States Code, is amended—

12 (1) by redesignating subparagraph (E) as sub-
13 paragraph (F); and

14 (2) by inserting after subparagraph (D) the fol-
15 lowing:

16 “(E) REQUIRING CONSTRUCTION INSPEC-
17 TION SERVICES TO BE PERFORMED BY PUBLIC
18 EMPLOYEES.—Subparagraph (G) of paragraph
19 (2) shall apply with respect to contracts under
20 this paragraph in the same manner and to the
21 same extent as such subparagraph applies to
22 contracts under paragraph (2).”.

23 (c) 2-PHASE CONTRACTS.—Section 112(b)(4)(A) of
24 title 23, United States Code, is amended by adding at the
25 end the following:

1 “(v) REQUIRING CONSTRUCTION IN-
2 SPECTION SERVICES TO BE PERFORMED BY
3 PUBLIC EMPLOYEES.—Subparagraph (G)
4 of paragraph (2) shall apply with respect
5 to contracts under this paragraph in the
6 same manner and to the same extent as
7 such subparagraph applies to contracts
8 under paragraph (2).”.

