

117TH CONGRESS
1ST SESSION

S. 2557

To require certain transportation projects to include a value-for-money analysis, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 29, 2021

Mr. PORTMAN (for himself and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To require certain transportation projects to include a value-for-money analysis, 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. VALUE FOR MONEY ANALYSIS.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, in the case of a project described in subsection
6 (b), the entity carrying out the project shall, during the
7 planning and project development process, conduct a value
8 for money analysis of the project, which shall include an
9 evaluation of—

1 (1) the life-cycle cost and project delivery sched-
2 ule;

3 (2) the costs of using public funding versus pri-
4 vate financing for the project;

5 (3) a description of the key assumptions made
6 in developing the analysis, including—

7 (A) an analysis of any Federal grants and
8 subsidies received or expected (including tax de-
9 preciation costs);

10 (B) the key terms of the proposed public-
11 private partnership agreement, if applicable (in-
12 cluding the expected rate of return for private
13 debt and equity);

14 (C) a discussion of the benefits and costs
15 associated with the allocation of risk;

16 (D) the determination of risk premiums
17 assigned to various project delivery scenarios;

18 (E) any user fee revenue generated by the
19 project; and

20 (F) any externality benefits for the public
21 generated by the project; and

22 (4) any other information the Secretary of
23 Transportation determines to be appropriate.

24 (b) PROJECT DESCRIBED.—A project referred to in
25 subsection (a) is a transportation project—

1 (1) with an estimated total cost of more than
2 \$750,000,000;

3 (2) carried out—

4 (A) by a State, territory, Indian Tribe,
5 unit of local government, transit agency, port
6 authority, metropolitan planning organization,
7 airport authority, or other political subdivision
8 of a State or local government; and

9 (B) in a State in which there is in effect
10 a State law authorizing the use and implemen-
11 tation of public-private partnerships for trans-
12 portation projects; and

13 (3) that is carried out with—

14 (A) assistance under the TIFIA program
15 under chapter 6 of title 23, United States Code;
16 or

17 (B) assistance under the Railroad Reha-
18 bilitation and Improvement Financing Program
19 of the Federal Railroad Administration estab-
20 lished under title V of the Railroad Revitaliza-
21 tion and Regulatory Reform Act of 1976 (45
22 U.S.C. 821 et seq.).

23 (c) REPORTING REQUIREMENTS.—

1 (1) PROJECT REPORTS.—For each project de-
2 scribed in subsection (b), the entity carrying out the
3 project shall—

4 (A) include the results of the analysis
5 under subsection (a) on the website of the
6 project; and

7 (B) submit the results of the analysis to
8 the Build America Bureau and the Secretary of
9 Transportation.

10 (2) REPORT TO CONGRESS.—The Secretary of
11 Transportation, in coordination with the Build
12 America Bureau, shall—

13 (A) compile the analyses submitted under
14 paragraph (1)(B); and

15 (B) submit to Congress a report that—

16 (i) includes the analyses submitted
17 under paragraph (1)(B);

18 (ii) describes—

19 (I) the use of private financing
20 for projects described in subsection
21 (b); and

22 (II) the benefits of conducting a
23 value for money analysis; and

1 (iii) identifies best practices for pri-
2 vate financing of projects described in sub-
3 section (b).

4 (d) GUIDANCE.—The Secretary of Transportation, in
5 coordination with the Build America Bureau, shall issue
6 guidance on performance benchmarks, risk premiums, and
7 expected rates of return on private financing for projects
8 described in subsection (b).

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