

AMENDMENT TO RULES COMMITTEE
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OFFERED BY MR. LYNCH OF MASSACHUSETTS

Page 1222, after line 8, insert the following:

1 **SEC. 7002. FEDERAL REQUIREMENTS FOR TIFIA ELIGI-**
2 **BILITY AND PROJECT SELECTION.**

3 (a) IN GENERAL.—Section 602(c) of title 23, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “(3) PAYMENT AND PERFORMANCE SECU-
7 RITY.—

8 “(A) IN GENERAL.—The Secretary shall
9 ensure that the design and construction of a
10 project carried out with assistance under the
11 TIFIA program shall have appropriate payment
12 and performance security, regardless of whether
13 the obligor is a State, local government, agency
14 or instrumentality of a State or local govern-
15 ment, public authority, or private party.

16 “(B) WRITTEN DETERMINATION.—If pay-
17 ment and performance security is required to be
18 furnished by applicable State or local statute or
19 regulation, the Secretary may accept such pay-

1 ment and performance security requirements
2 applicable to the obligor if the Federal interest
3 with respect to Federal funds and other project
4 risk related to design and construction is ade-
5 quately protected.

6 “(C) NO DETERMINATION OR APPLICABLE
7 REQUIREMENTS.—If there are no payment and
8 performance security requirements applicable to
9 the obligor, the security under section 3131(b)
10 of title 40 or an equivalent State or local re-
11 quirement, as determined by the Secretary,
12 shall be required.”.

13 (b) APPLICABILITY.—The amendments made by this
14 section shall apply with respect to any agreement for cred-
15 it assistance entered into on or after the date of enactment
16 of this Act.

