AMENDMENT TO RULES COMMITTEE PRINT 116–54
OFFERED BY MR. LYNCH OF MASSACHUSETTS

Page 952, after line 14, insert the following:

SEC. 7002. FEDERAL REQUIREMENTS FOR TIFIA ELIGIBILITY AND PROJECT SELECTION.

(a) In General.—Section 602(c) of title 23, United States Code, is amended by adding at the end the following:

“(3) Payment and performance security.—The Secretary shall ensure that the design and construction of a project carried out with assistance under this section shall have appropriate payment and performance security, regardless of whether the obligor is a State, local government, agency or instrumentality of a State or local government, public authority, or private party. If such obligor is a State, local government, agency or instrumentality of a State or local government, or public authority, and payment and performance security is required to be furnished by applicable statute or regulation, the Secretary may accept such payment and performance security requirements applicable to the ob-
ligor if the Secretary has made a written determination that the Federal interest is adequately protected. If a determination under this paragraph has not been made or there are no payment and performance security requirements applicable to the obligor, the security required under the procuring State’s Little Miller Act (or an equivalent State law or local contracting authority provision as determined by the Secretary) shall be applicable.”.

(b) APPLICABILITY.—The amendments made by this section shall apply with respect to any contract entered into on or after the date of enactment of this section.