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 section 601 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, public authority, or private party 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 obligor if the Secretary has made a written de-
termination that the Federal interest, related to
Federal funds and other project risk related to de-
sign and construction, would be adequately pro-
tected. If a determination under this paragraph has
not been made or there are no payment and per-
formance security requirements applicable to the ob-
ligor, including a private party, 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. The Secretary may require payment and
performance security beyond what is required under
the procuring State’s Little Miller Act if the Sec-
etary determines more security is necessary to pro-
tect the Federal interest.”.

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