

AMENDMENT TO RULES COMMITTEE PRINT 116-

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OFFERED BY MR. LYNCH OF MASSACHUSETTS

Page 952, after line 14, 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 SECUR-
7 RITY.—The Secretary shall ensure that the design
8 and construction of a project carried out with assist-
9 ance under section 601 shall have appropriate pay-
10 ment and performance security, regardless of wheth-
11 er the obligor is a State, local government, agency
12 or instrumentality of a State or local government,
13 public authority, or private party. If such obligor is
14 a State, local government, agency or instrumentality
15 of a State or local government, public authority, or
16 private party and payment and performance security
17 is required to be furnished by applicable statute or
18 regulation, the Secretary may accept such payment
19 and performance security requirements applicable to

1 the obligor if the Secretary has made a written de-
2 termination that the Federal interest, related to
3 Federal funds and other project risk related to de-
4 sign and construction, would be adequately pro-
5 tected. If a determination under this paragraph has
6 not been made or there are no payment and per-
7 formance security requirements applicable to the ob-
8 ligor, including a private party, the security required
9 under the procuring State's Little Miller Act (or an
10 equivalent State law or local contracting authority
11 provision as determined by the Secretary) shall be
12 applicable. The Secretary may require payment and
13 performance security beyond what is required under
14 the procuring State's Little Miller Act if the Sec-
15 retary determines more security is necessary to pro-
16 tect the Federal interest.”.

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

