

**AMENDMENT**

**OFFERED BY MR. LYNCH OF MASSACHUSETTS**

At the end of title VII of division B of the bill, add the following:

1 **SEC. \_\_\_\_ . 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 this section 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, or public authority,  
16 and payment and performance security is required  
17 to be furnished by applicable statute or regulation,  
18 the Secretary may accept such payment and per-  
19 formance security requirements applicable to the ob-

1       ligor if the Secretary has made a written determina-  
2       tion that the Federal interest is adequately pro-  
3       tected. If a determination under this paragraph has  
4       not been made or there are no payment and per-  
5       formance security requirements applicable to the ob-  
6       ligor, the security under section 3131(b) of title 40  
7       shall be required.”.

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

