

116TH CONGRESS
2D SESSION

H. R. 6359

To amend title 23, United States Code, to include a payment and performance security requirement for certain infrastructure financing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2020

Mr. LYNCH (for himself, Mr. BALDERSON, Mr. PAPPAS, and Mr. WEBSTER of Florida) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to include a payment and performance security requirement for certain infrastructure financing, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Promoting Infrastruc-
5 ture by Protecting Our Subcontractors and Taxpayers
6 Act”.

1 **SEC. 2. FEDERAL REQUIREMENTS FOR TIFIA ELIGIBILITY**
2 **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-
20 ligor if the Secretary has made a written determina-
21 tion that the Federal interest is adequately pro-
22 tected. If a determination under this paragraph has
23 not been made or there are no payment and per-
24 formance security requirements applicable to the ob-
25 ligor, the security under section 3131(b) of title 40
26 shall be required.”.

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

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