

106TH CONGRESS
1ST SESSION

H. R. 1219

AN ACT

To amend the Miller Act, relating to payment protections for persons providing labor and materials for Federal construction projects.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Construction Industry
3 Payment Protection Act of 1999”.

4 **SEC. 2. AMENDMENTS TO THE MILLER ACT.**

5 (a) **ENHANCEMENT OF PAYMENT BOND PROTEC-**
6 **TION.**—Subsection (a)(2) of the first section of the Miller
7 Act (40 U.S.C. 270a(a)(2)) is amended by striking the
8 second, third, and fourth sentences and inserting in lieu
9 thereof the following: “The amount of the payment bond
10 shall be equal to the total amount payable by the terms
11 of the contract unless the contracting officer awarding the
12 contract makes a written determination supported by spe-
13 cific findings that a payment bond in that amount is im-
14 practical, in which case the amount of the payment bond
15 shall be set by the contracting officer. In no case shall
16 the amount of the payment bond be less than the amount
17 of the performance bond.”.

18 (b) **MODERNIZATION OF DELIVERY OF NOTICE.**—
19 Section 2(a) of the Miller Act (40 U.S.C. 270b(a)) is
20 amended in the last sentence by striking “mailing the
21 same by registered mail, postage prepaid, in an envelope
22 addressed” and inserting “any means which provides writ-
23 ten, third-party verification of delivery.”.

24 (c) **NONWAIVER OF RIGHTS.**—The second section of
25 the Miller Act (40 U.S.C. 270b) is amended by adding
26 at the end the following new subsection:

1 “(c) Any waiver of the right to sue on the payment
2 bond required by this Act shall be void unless it is in writ-
3 ing, signed by the person whose right is waived, and exe-
4 cuted after such person has first furnished labor or mate-
5 rial for use in the performance of the contract.”.

6 **SEC. 3. IMPLEMENTATION THROUGH THE GOVERNMENT-**
7 **WIDE PROCUREMENT REGULATIONS.**

8 (a) PROPOSED REGULATIONS.—Proposed revisions
9 to the Government-wide Federal Acquisition Regulation to
10 implement the amendments made by this Act shall be pub-
11 lished not later than 120 days after the date of the enact-
12 ment of this Act and provide not less than 60 days for
13 public comment.

14 (b) FINAL REGULATIONS.—Final regulations shall be
15 published not less than 180 days after the date of the en-
16 actment of this Act and shall be effective on the date that
17 is 30 days after the date of publication.

 Passed the House of Representatives August 2,
1999.

Attest:

Clerk.