

106TH CONGRESS
1ST SESSION

H. R. 1219

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 1999

Received

AN ACT

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

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:

(a) PROPOSED REGULATIONS.—Proposed revisions to the Government-wide Federal Acquisition Regulation to implement the amendments made by this Act shall be published not later than 120 days after the date of the enactment of this Act and provide not less than 60 days for public comment.

Passed the House of Representatives August 2,
1999.

By MARTHA C. MORRISON,
Deputy Clerk.