Public Law 106–49
106th Congress

An Act

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

Aug. 17, 1999
[H.R. 1219]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Construction Industry Payment Protection Act of 1999.
40 USC 270a note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Construction Industry Payment Protection Act of 1999".

SEC. 2. AMENDMENTS TO THE MILLER ACT.

(a) ENHANCEMENT OF PAYMENT BOND PROTECTION.—Subsection (a)(2) of the first section of the Miller Act (40 U.S.C. 270a(a)(2)) is amended by striking the second, third, and fourth sentences and inserting in lieu thereof the following: "The amount of the payment bond shall be equal to the total amount payable by the terms of the contract unless the contracting officer awarding the contract makes a written determination supported by specific findings that a payment bond in that amount is impractical, in which case the amount of the payment bond shall be set by the contracting officer. In no case shall the amount of the payment bond be less than the amount of the performance bond.".

(b) MODERNIZATION OF DELIVERY OF NOTICE.—Section 2(a) of the Miller Act (40 U.S.C. 270b(a)) is amended in the last sentence by striking "mailing the same by registered mail, postage prepaid, in an envelope addressed" and inserting "any means which provides written, third-party verification of delivery.".

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

"(c) Any waiver of the right to sue on the payment bond required by this Act shall be void unless it is in writing, signed by the person whose right is waived, and executed after such person has first furnished labor or material for use in the performance of the contract.".

SEC. 3. IMPLEMENTATION THROUGH THE GOVERNMENT-WIDE PROCUREMENT REGULATIONS.

Deadlines.

(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.

40 USC 270a note.

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(b) FINAL REGULATIONS.—Final regulations shall be published not less than 180 days after the date of the enactment of this Act and shall be effective on the date that is 30 days after the date of publication.

Approved August 17, 1999.

LEGISLATIVE HISTORY—H.R. 1219:

HOUSE REPORTS: No. 106–277, Pt. 1 (Comm. on Government Reform).
CONGRESSIONAL RECORD, Vol. 145 (1999):
Aug. 2, considered and passed House.
Aug. 5, considered and passed Senate.