

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. _____
OFFERED BY MR. BOST OF ILLINOIS**

At the appropriate place in title I, insert the following:

**1 SEC. 1____. FEDERAL REQUIREMENTS FOR WIFIA ELIGI-
2 BILITY AND PROJECT SELECTION.**

3 Section 5028(a)(1)(C) of the Water Infrastructure
4 Finance and Innovation Act of 2014 (33 U.S.C. 3907) is
5 amended—

6 (1) by striking “The Secretary” and inserting
7 the following:

8 “(i) FINANCING SECURITY FEA-
9 TURES.—The Secretary”; and

10 (2) by adding at the end the following:

11 “(ii) CONSTRUCTION PAYMENT AND
12 PERFORMANCE SECURITY.—

13 “(I) IN GENERAL.—The Sec-
14 retary or the Administrator, as appli-
15 cable, shall ensure that the construc-
16 tion of a project carried out with as-
17 sistance under this subtitle shall have
18 payment and performance security.

1 “(II) USE OF STATE OR LOCAL
2 REQUIREMENTS.—With respect to the
3 construction of a project for which
4 payment and performance security is
5 required to be furnished by applicable
6 State or local law, the Secretary or
7 the Administrator, as applicable, shall
8 accept such payment and performance
9 security requirements for purposes of
10 subclause (I), except that the amount
11 of any payment and performance se-
12 curity accepted shall not be less than
13 50 percent of the total construction
14 contract amount.

15 “(III) USE OF OTHER REQUIRE-
16 MENTS.—With respect to the con-
17 struction of a project for which no
18 State or local payment and perform-
19 ance security requirements are appli-
20 cable, the payment and performance
21 security described in paragraphs (1)
22 and (2) of section 3131(b) of title 40,
23 United States Code, shall be required
24 for purposes of subclause (I).”.

