

**AMENDMENT**  
**OFFERED BY MR. BOST OF ILLINOIS**

At the appropriate place, insert the following:

1 **SEC. \_\_\_\_.** **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.  
5 3907(a)(1)(C)) is 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 has pay-  
18 ment and performance security in ac-  
19 cordance with this clause.

1 “(II) USE OF STATE OR LOCAL  
2 REQUIREMENTS.—The Secretary or  
3 the Administrator, as applicable, shall  
4 consider subclause (I) to be satisfied  
5 with respect to the construction of a  
6 project if—

7 “(aa) applicable State or  
8 local law requires payment and  
9 performance security with respect  
10 to the construction; and

11 “(bb) the amount of that  
12 payment and performance secu-  
13 rity is not less than 50 percent of  
14 the total construction contract  
15 amount.

16 “(III) USE OF BONDS.—With re-  
17 spect to the construction of a project  
18 to which no State or local payment  
19 and performance security require-  
20 ments apply or for which the amount  
21 of payment and performance security  
22 under applicable State or local pay-  
23 ment and performance requirements  
24 does not meet the requirement de-  
25 scribed in subclause (II)(bb), the Sec-

1           retary or the Administrator, as appli-  
2           cable, shall require, for purposes of  
3           satisfying subclause (I), that the re-  
4           quirements described in paragraphs  
5           (1) and (2) of section 3131(b) of title  
6           40, United States Code, be met.”.

