

117TH CONGRESS
2D SESSION

H. R. 9665

To amend the Water Infrastructure Finance and Innovation Act of 2014 to establish payment and performance security requirements for projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 21, 2022

Mr. LYNCH (for himself and Mr. BALDERSON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Water Infrastructure Finance and Innovation Act of 2014 to establish payment and performance security requirements for projects, and for other purposes.

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

3 **SECTION 1. FEDERAL REQUIREMENTS FOR WIFIA ELIGI-**
4 **BILITY AND PROJECT SELECTION.**

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

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

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

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

6 “(ii) CONSTRUCTION PAYMENT AND
7 PERFORMANCE SECURITY.—

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

14 “(II) USE OF STATE OR LOCAL
15 REQUIREMENTS.—With respect to the
16 construction of a project for which
17 payment and performance security is
18 required to be furnished by applicable
19 State or local law, the Secretary or
20 the Administrator, as applicable, shall
21 accept such payment and performance
22 security requirements for purposes of
23 subclause (I), except that the amount
24 of any payment and performance se-
25 curity accepted shall not be less than

1 50 percent of the total construction
2 contract amount.

3 “(III) USE OF OTHER REQUIRE-
4 MENTS.—With respect to the con-
5 struction of a project for which no
6 State or local payment and perform-
7 ance security requirements are appli-
8 cable, the payment and performance
9 security described in paragraphs (1)
10 and (2) of section 3131(b) of title 40,
11 United States Code, shall be required
12 for purposes of subclause (I).”.

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