

119TH CONGRESS  
1ST SESSION

# H. R. 1285

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2025

Mr. BOST (for himself and Mr. PAPPAS) 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

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## 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. SHORT TITLE.**

4 This Act may be cited as the “Water Infrastructure  
5 Subcontractor and Taxpayer Protection Act of 2025”.

1 **SEC. 2. FEDERAL REQUIREMENTS FOR WIFIA ELIGIBILITY**  
2 **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.

20 “(II) USE OF STATE OR LOCAL  
21 REQUIREMENTS.—The Secretary or  
22 the Administrator, as applicable, shall  
23 consider subclause (I) to be satisfied  
24 with respect to the construction of a  
25 project if—

1                   “(aa) applicable State or  
2                   local law requires payment and  
3                   performance security with respect  
4                   to the construction; and

5                   “(bb) the amount of that  
6                   payment and performance secu-  
7                   rity is not less than 50 percent of  
8                   the total construction contract  
9                   amount.

10                  “(III) USE OF BONDS.—With re-  
11                  spect to the construction of a project  
12                  to which no State or local payment  
13                  and performance security require-  
14                  ments apply or for which the amount  
15                  of payment and performance security  
16                  under applicable State or local pay-  
17                  ment and performance requirements  
18                  does not meet the requirement de-  
19                  scribed in subclause (II)(bb), the Sec-  
20                  retary or the Administrator, as appli-  
21                  cable, shall require, for purposes of  
22                  satisfying subclause (I), that the re-  
23                  quirements described in paragraphs

1 (1) and (2) of section 3131(b) of title  
2 40, United States Code, be met.”.

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