

117TH CONGRESS
2D SESSION

S. 3929

To provide for disadvantaged business enterprise supportive services programs at modal administrations of the Department of Transportation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 24, 2022

Mr. PADILLA (for himself, Mr. MENENDEZ, and Mr. WARNOCK) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide for disadvantaged business enterprise supportive services programs at modal administrations of the Department of Transportation, 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 “Disadvantaged Busi-
5 ness Enterprise Supportive Services Expansion Act”.

1 **SEC. 2. INCREASE CAP FOR FEDERAL HIGHWAY ADMINIS-**
 2 **TRATION DISADVANTAGED BUSINESS ENTER-**
 3 **PRISE SUPPORTIVE SERVICES PROGRAM.**

4 (a) IN GENERAL.—Section 140(c) of title 23, United
 5 States Code, is amended, in the second sentence, by strik-
 6 ing “\$10,000,000” and inserting “\$25,000,000”.

7 (b) CONFORMING AMENDMENT.—Section 104(a)(1)
 8 of title 23, United States Code, is amended by striking
 9 subparagraphs (A) through (E) and inserting the fol-
 10 lowing:

11 “(A) \$505,964,697 for fiscal year 2022;

12 “(B) \$515,783,991 for fiscal year 2023;

13 “(C) \$525,799,671 for fiscal year 2024;

14 “(D) \$536,015,664 for fiscal year 2025;

15 and

16 “(E) \$546,435,977 for fiscal year 2026.”.

17 **SEC. 3. FEDERAL TRANSIT ADMINISTRATION DISADVAN-**
 18 **TAGED BUSINESS ENTERPRISE SUPPORTIVE**
 19 **SERVICES PROGRAM.**

20 (a) IN GENERAL.—Section 5332 of title 49, United
 21 States Code, is amended by adding at the end the fol-
 22 lowing:

23 “(g) DISADVANTAGED BUSINESS ENTERPRISE SUP-
 24 PORTIVE SERVICES PROGRAM.—

25 “(1) IN GENERAL.—The Secretary, in coopera-
 26 tion with other Federal agencies, State agencies, au-

1 thorities, associations, institutions, Tribal govern-
2 ments, for profit or nonprofit corporations, and any
3 other organizations or persons, may develop, con-
4 duct, and administer training programs and assist-
5 ance programs in connection with any program
6 under this chapter so that small business concerns
7 owned and controlled by socially and economically
8 disadvantaged individuals may achieve proficiency to
9 compete, on an equal basis, for contracts and sub-
10 contracts.

11 “(2) FUNDING.—Of the amounts made avail-
12 able to carry out section 5314, the Secretary shall
13 use not more than \$5,000,000 for each fiscal year
14 to carry out this subsection.

15 “(3) NONAPPLICABILITY OF CERTAIN PROVI-
16 SIONS.—Notwithstanding section 3106 of title 41,
17 section 6101 of that title shall not be applicable to
18 contracts and agreements entered into pursuant to
19 paragraph (1).”.

20 (b) FUNDING.—Section 5338(a) of title 49, United
21 States Code, is amended—

22 (1) in paragraph (1), by striking subparagraphs
23 (B) through (E) and inserting the following:

24 “(B) \$13,639,000,000 for fiscal year 2023;

25 “(C) \$13,995,000,000 for fiscal year 2024;

1 “(D) \$14,284,000,000 for fiscal year
2 2025; and

3 “(E) \$14,647,000,000 for fiscal year
4 2026.”; and

5 (2) in paragraph (2)(H), by striking
6 “\$12,088,846 for fiscal year 2023, \$12,404,500 for
7 fiscal year 2024, \$12,660,748 for fiscal year 2025,
8 and \$12,982,608 for fiscal year 2026” and inserting
9 “\$17,088,846 for fiscal year 2023, \$17,404,500 for
10 fiscal year 2024, \$17,660,748 for fiscal year 2025,
11 and \$17,982,608 for fiscal year 2026”.

12 **SEC. 4. FEDERAL AVIATION ADMINISTRATION SOCIALLY**
13 **AND ECONOMICALLY DISADVANTAGED BUSI-**
14 **NESS PARTICIPATION SUPPORTIVE SERVICES**
15 **PROGRAM.**

16 (a) IN GENERAL.—Section 47113 of title 49, United
17 States Code, is amended by adding at the end the fol-
18 lowing:

19 “(f) SOCIALLY AND ECONOMICALLY DISADVANTAGED
20 BUSINESS PARTICIPATION SUPPORTIVE SERVICES PRO-
21 GRAM.—

22 “(1) IN GENERAL.—The Secretary, in coopera-
23 tion with the Assistant Administrator of the Office
24 of Civil Rights of the Federal Aviation Administra-
25 tion, may make agreements to provide assistance to

1 an eligible entity described in paragraph (2) to de-
2 velop, conduct, and administer training programs
3 and assistance programs in connection with any
4 project carried out under a grant agreement under
5 this subchapter in order that small business con-
6 cerns owned and controlled by socially and economi-
7 cally disadvantaged individuals may achieve pro-
8 ficiency to compete, on an equal basis, for contracts
9 and subcontracts related to such projects, and for
10 Small Business Innovation Research contracts.

11 “(2) ELIGIBLE ENTITIES DESCRIBED.—An eli-
12 gible entity described in this paragraph is any of the
13 following:

14 “(A) A State or territory.

15 “(B) A political subdivision of a State or
16 local government.

17 “(C) A Tribal government.

18 “(D) A special purpose district or public
19 authority with an aviation function.

20 “(E) A port authority.

21 “(F) A metropolitan planning organization.

22 “(G) A group of entities described in any
23 of subparagraphs (A) through (F).

1 “(H) Any other profit or non-profit organi-
2 zation or group of organizations deemed appro-
3 priate by the Secretary.

4 “(3) FUNDING.—From amounts available in the
5 Airport and Airways Trust Fund established under
6 section 9502 of the Internal Revenue Code of 1986,
7 the Secretary, in cooperation with the Assistant Ad-
8 ministrators of the Office of Civil Rights of the Fed-
9 eral Aviation Administration, may use such sums as
10 necessary, not to exceed \$5,000,000 per fiscal year,
11 for the administration of this subsection.”.

12 (b) EXPENDITURE AUTHORITY FROM AIRPORT AND
13 AIRWAY TRUST FUND.—Section 9502(d)(1)(A) of the In-
14 ternal Revenue Code of 1986 is amended by inserting “or
15 section 47113(f) of title 49, United States Code” before
16 the semicolon at the end.

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