

116TH CONGRESS  
1ST SESSION

# H. R. 4593

To amend the FAA Modernization and Reform Act of 2012 and title 49, United States Code, with respect to disadvantaged business enterprises, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2019

Ms. MOORE introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend the FAA Modernization and Reform Act of 2012 and title 49, United States Code, with respect to disadvantaged business enterprises, 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. INSPECTOR GENERAL REPORT ON PARTICIPA-**  
4 **TION IN FAA PROGRAMS BY DISADVANTAGED**  
5 **SMALL BUSINESS CONCERNS.**

6 Section 140 of the FAA Modernization and Reform  
7 Act of 2012 is amended—

8 (1) in subsection (c)—

1 (A) in paragraph (1) by striking “each of  
2 fiscal years 2013 through 2018” and inserting  
3 “fiscal year 2020 and periodically thereafter”;  
4 and

5 (B) in paragraph (3)(A) by striking “a  
6 list” and inserting “with respect to the large-  
7 and medium-hub airports in the United States  
8 that participate in the airport disadvantaged  
9 business enterprise program referenced in sub-  
10 section (a), a list”; and

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

12 “(d) ASSESSMENT OF EFFORTS.—The Inspector  
13 General shall assess the efforts of the Federal Aviation  
14 Administration with respect to implementing rec-  
15 ommendations suggested in reports submitted under sub-  
16 section (c) and shall include in each semiannual report of  
17 the Inspector General that is submitted to Congress a de-  
18 scription of the results of such assessment.”.

19 **SEC. 2. MINORITY AND DISADVANTAGED BUSINESS PAR-**  
20 **TICIPATION.**

21 Section 47113 of title 49, United States Code, is  
22 amended—

23 (1) in subsection (c)—

24 (A) by striking “The Secretary shall” and  
25 inserting the following:

1 “(1) IN GENERAL.—The Secretary shall”; and

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

3 “(2) CONSISTENCY OF INFORMATION.—The  
4 Secretary shall develop and maintain a training pro-  
5 gram—

6 “(A) for employees of the Federal Aviation  
7 Administration who provide guidance and train-  
8 ing to entities that certify whether a small busi-  
9 ness concern qualifies under this section (and  
10 for employees of the other modal administra-  
11 tions of the Department of Transportation who  
12 provide similar services); and

13 “(B) that ensures Federal officials provide  
14 consistent communications with respect to cer-  
15 tification requirements.

16 “(3) LISTS OF CERTIFYING AUTHORITIES.—The  
17 Secretary shall ensure that each State maintains an  
18 accurate list of the certifying authorities in such  
19 State for purposes of this section and that the list  
20 is—

21 “(A) updated at least twice each year; and

22 “(B) made available to the public.”;

23 (2) in subsection (e) by adding at the end the  
24 following:

1           “(4) REPORTING.—The Secretary shall deter-  
2           mine, for each fiscal year, the number of individuals  
3           who received training under this subsection and shall  
4           make such number available to the public on an ap-  
5           propriate website operated by the Secretary. If the  
6           Secretary determines, with respect to a fiscal year,  
7           that fewer individuals received training under this  
8           subsection than in the previous fiscal year, the Sec-  
9           retary shall submit to Congress, and make available  
10          to the public on an appropriate website operated by  
11          the Secretary, a report describing the reasons for  
12          the decrease.

13           “(5) ASSESSMENT.—Not later than 2 years  
14          after the date of enactment of this paragraph, and  
15          every 2 years thereafter, the Secretary shall assess  
16          the training program, including by soliciting feed-  
17          back from stakeholders, and update the training pro-  
18          gram as appropriate.”; and

19           (3) by adding at the end the following:

20           “(f) TREND ASSESSMENT.—

21           “(1) IN GENERAL.—Not later than 2 years  
22          after the date of enactment of this subsection, and  
23          at least every 2 years thereafter, the Secretary shall  
24          study, using information reported by airports, trends

1 in the participation of small business concerns re-  
2 ferred to in subsection (b).

3 “(2) CONTENTS.—The study under paragraph  
4 (1) shall include—

5 “(A) an analysis of whether the participa-  
6 tion of small business concerns referred to in  
7 subsection (b) at reporting airports increased or  
8 decreased during the period studied, including  
9 for such concerns that were first time partici-  
10 pants;

11 “(B) an analysis of the factors relating to  
12 any significant increases or decreases in partici-  
13 pation compared to prior years; and

14 “(C) development of a plan to respond to  
15 the results of the study, including development  
16 of recommendations for sharing best practices  
17 for maintaining or boosting participation.

18 “(3) REPORTING.—For each study completed  
19 under paragraph (1), the Secretary shall submit to  
20 Congress, and make available to the program con-  
21 tact at each airport that participates in the airport  
22 disadvantaged business enterprise program, a report  
23 describing the results of the study.”.

1 **SEC. 3. PASSENGER FACILITY CHARGES.**

2 Section 40117(c) of title 49, United States Code, is  
3 amended by adding at the end the following:

4 “(5) With respect to an application under this sub-  
5 section that relates to an airport that participates in the  
6 airport disadvantaged business enterprise program ref-  
7 erenced in section 140(a) of the FAA Modernization and  
8 Reform Act of 2012 (49 U.S.C. 47113 note), the applica-  
9 tion shall include a detailed description of good faith ef-  
10 forts at the airport to contract with disadvantaged busi-  
11 ness enterprises in relation to any project that is a subject  
12 of the application and to ensure that all small businesses,  
13 including those owned by veterans, fairly compete for work  
14 funded with passenger facility charges.”.

15 **SEC. 4. ANNUAL TRACKING OF CERTAIN NEW FIRMS AT**  
16 **AIRPORTS WITH A DISADVANTAGED BUSI-**  
17 **NESS ENTERPRISE PROGRAM.**

18 (a) TRACKING REQUIRED.—Beginning in fiscal year  
19 2020, and each fiscal year thereafter, the Administrator  
20 of the Federal Aviation Administration shall require each  
21 covered airport to report to the Administrator on the num-  
22 ber of new disadvantaged business enterprises that were  
23 awarded a contract or concession during the previous fis-  
24 cal year at the airport.

1 (b) TRAINING.—The Administrator shall provide  
2 training to airports, on an ongoing basis, with respect to  
3 compliance with subsection (a).

4 (c) REPORTING.—During the first fiscal year begin-  
5 ning after the date of enactment of this Act and every  
6 fiscal year thereafter, the Administrator shall update  
7 dbE-Connect (or any successor online reporting system)  
8 to include information on the number of new disadvan-  
9 taged business enterprises that were awarded a contract  
10 or concession during the previous fiscal year at a covered  
11 airport.

12 (d) COVERED AIRPORT DEFINED.—In this section,  
13 the term “covered airport” means a large- or medium-hub  
14 airport that participates in the airport disadvantaged busi-  
15 ness enterprise program referenced in section 140(a) of  
16 the FAA Modernization and Reform Act of 2012 (49  
17 U.S.C. 47113 note).

18 **SEC. 5. AUDITS.**

19 The Inspector General of the Department of Trans-  
20 portation shall conduct periodic audits regarding the accu-  
21 racy of the data on disadvantaged business enterprises  
22 contained in the Federal Aviation Administration’s report-  
23 ing database related to such enterprises or any similar or

- 1 successor online reporting database developed by the Ad-
- 2 ministration.

