

(b) **BRIEFING.**—The Administrator shall provide a briefing to the appropriate committees of Congress annually on the effectiveness of the review and prioritization.

(c) **TECHNICAL AMENDMENT.**—Section 154 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47112 note) and the item relating to that section in the table of contents under section 1(b) of that Act (126 Stat. 13) are repealed.

49 USC 47113
note.

SEC. 157. MINORITY AND DISADVANTAGED BUSINESS PARTICIPATION.

(a) **FINDINGS.**—Congress finds the following:

(1) While significant progress has occurred due to the establishment of the airport disadvantaged business enterprise program (sections 47107(e) and 47113 of title 49, United States Code), discrimination and related barriers continue to pose significant obstacles for minority- and women-owned businesses seeking to do business in airport-related markets across the Nation. These continuing barriers merit the continuation of the airport disadvantaged business enterprise program.

(2) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits. This testimony and documentation shows that race- and gender-neutral efforts alone are insufficient to address the problem.

(3) This testimony and documentation demonstrates that discrimination across the Nation poses a barrier to full and fair participation in airport-related businesses of women business owners and minority business owners in the racial groups detailed in parts 23 and 26 of title 49, Code of Federal Regulations, and has impacted firm development and many aspects of airport-related business in the public and private markets.

(4) This testimony and documentation provides a strong basis that there is a compelling need for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program to address race and gender discrimination in airport-related business.

(b) **PROMPT PAYMENTS.**—

(1) **REPORTING OF COMPLAINTS.**—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall ensure that each airport that participates in the Program tracks, and reports to the Administrator, the number of covered complaints made in relation to activities at that airport.

(2) **IMPROVING COMPLIANCE.**—

(A) **IN GENERAL.**—The Administrator shall take actions to assess and improve compliance with prompt payment requirements under part 26 of title 49, Code of Federal Regulations.

(B) **CONTENTS OF ASSESSMENT.**—In carrying out subparagraph (A), the Administrator shall assess—

(i) whether requirements relating to the inclusion of prompt payment language in contracts are being satisfied;

(ii) whether and how airports are enforcing prompt payment requirements;

(iii) the processes by which covered complaints are received and resolved by airports;

(iv) whether improvements need to be made to—
(I) better track covered complaints received by airports; and

(II) assist the resolution of covered complaints in a timely manner;

(v) whether changes to prime contractor specifications need to be made to ensure prompt payments to subcontractors; and,

(vi) whether changes to prime contractor specifications need to be made to ensure prompt payment of retainage to subcontractors.

(C) REPORTING.—The Administrator shall make available to the public on an appropriate website operated by the Administrator a report describing the results of the assessment completed under this paragraph, including a plan to respond to such results.

(3) DEFINITIONS.—In this subsection, the following definitions apply:

(A) COVERED COMPLAINT.—The term “covered complaint” means a complaint relating to an alleged failure to satisfy a prompt payment requirement under part 26 of title 49, Code of Federal Regulations.

(B) PROGRAM.—The term “Program” means the airport disadvantaged business enterprise program referenced in subsection (a)(1) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47113 note).

SEC. 158. SUPPLEMENTAL DISCRETIONARY FUNDS.

Section 47115 of title 49, United States Code, is further amended by adding at the end the following:

“(j) SUPPLEMENTAL DISCRETIONARY FUNDS.—

“(1) IN GENERAL.—The Secretary shall establish a program to provide grants, subject to the conditions of this subsection, for any purpose for which amounts are made available under section 48103 that the Secretary considers most appropriate to carry out this subchapter.

“(2) TREATMENT OF GRANTS.—

“(A) IN GENERAL.—A grant made under this subsection shall be treated as having been made pursuant to the Secretary’s authority under section 47104(a) and from the Secretary’s discretionary fund under subsection (a) of this section.

“(B) EXCEPTION.—Except as otherwise provided in this subsection, grants made under this subsection shall not be subject to subsection (c), section 47117(e), or any other apportionment formula, special apportionment category, or minimum percentage set forth in this chapter.

“(3) ELIGIBILITY AND PRIORITIZATION.—

“(A) ELIGIBILITY.—The Secretary may provide grants under this subsection for an airport or terminal development project at any airport that is eligible to receive a grant from the discretionary fund under subsection (a) of this section.