

**SEC. \_\_\_\_\_. PARTICIPATION OF DISADVANTAGED BUSINESS ENTERPRISES IN CONTRACTS, SUBCONTRACTS, AND BUSINESS OPPORTUNITIES FUNDED USING PASSENGER FACILITY CHARGE REVENUES.**

Section 40117 is amended by adding at the end the following:

“(o) Participation by Disadvantaged Business Enterprises--

(1) **APPLICABILITY OF REQUIREMENTS**--Except to the extent otherwise provided by the Secretary, requirements relating to disadvantaged business enterprises and airport concessions disadvantaged business enterprise participation goals and good faith efforts to meet them (as set forth in title 49 of the Code of Federal Regulations and any successor regulation) shall apply to any airport capital development project (including airport concessions projects) or contract funded or financed in whole or in part by passenger facility revenue authorized by this section.

(2) **REGULATIONS**--The Secretary shall issue any regulations necessary to implement this subsection, including--

(A) Disadvantaged business enterprise and airport concessions disadvantaged business enterprise goal setting requirements with respect to any airport capital improvement project, contract, or subcontract funded or financed in whole or in part passenger facility charge revenue; and

(B) An assurance that airports collecting passenger facility revenues shall take all necessary and reasonable steps to ensure nondiscrimination on the basis of race, color, national origin or gender in the award, performance and administration of passenger facility revenue financed projects, contracts or subcontracts.

(3) **EFFECTIVE DATE**--Paragraph 1 of this section shall take effect upon enactment hereof. The Secretary shall issue final regulations implementing this subsection and as provided herein within sixty (60) days of enactment hereof.

(4) **DEFINITIONS**--In this subsection, the following definitions shall apply:

**AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE and DISADVANTAGED BUSINESS ENTERPRISE.** The terms “airport concessions disadvantaged business enterprise” and “disadvantaged business enterprise” have the meaning given those terms in title 49 Code of Federal Regulations Part 23 and Part 26 (or any successor regulation).