**INFRASTRUCTURE INVESTMENT OPPORTUNITIES**

**For Disadvantaged Business Enterprises**

**Declaration of Congressional Intent**

(a) IN GENERAL.—Section 304 of Title 23, United States Code, is amended to read as follows:

“**DISADVANTAGED BUSINESS ENTERPRISES**.—

“(a) It is declared to be in the national interest to encourage and develop the actual and potential capacity of small businesses and disadvantaged business enterprises and to utilize these important segments of our economy to the fullest practicable extent in construction of Federal-aid highways, including the Interstate System. In order to carry out that intent and encourage full and free competition, the Secretary should assist, insofar as feasible, small business enterprises and disadvantaged business enterprises in obtaining contracts in connection with the prosecution of the highway program.”

**10% of Contracting Funds for Disadvantaged Businesses Enterprises**

*To be added to legislation authorizing infrastructure expenditures:*

“(a) To the extent practicable, the head of each agency shall provide that the obligation of not less than 10 percent of the total combined amounts obligated for contracts and subcontracts by each agency under this Act and amendments made by this Act pursuant to competitive procedures shall be expended with disadvantaged business enterprises.

“(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) The term “disadvantaged business enterprise” shall mean:

“(a) a socially and economically disadvantaged small business concern; or

“(b) a HUBZone small business concern.

“(2) The term “socially and economically disadvantaged small business concern” has the same meaning as under section 637(a)(4)(A) of Title 15. However, for purposes of contracts and subcontracts requiring engineering services the applicable size standard shall be that established for military and aerospace equipment and military weapons.

“(3) The term “HUBZone small business concern” has the same meaning as under section 632(p)(3) of Title 15. However, for purposes of contracts and subcontracts requiring engineering services the applicable size standard shall be that established for military and aerospace equipment and military weapons.”

**Preferences in Contracting for Disadvantaged Business Enterprises**

“(1) The Contracting Officer shall insert the following clause, Disadvantaged Business Enterprise Preference, in solicitations issued and contracts awarded by the U.S. Department of Transportation.

“Disadvantaged Business Enterprise Preference.—

“(a) The Contractor agrees to give preferences to Disadvantaged Business Enterprises who can perform the work required and to the extent feasible consistent with the efficient performance of this contract. The Contractor shall maintain such records as are necessary to indicate compliance with this paragraph.

“(b) In connection with the Disadvantaged Business Enterprises contracting preference requirements of this clause, the Contractor shall also provide opportunities for training incident to such contracts. Such training shall include on-the-job, classroom, or apprenticeship training which is designed to increase the vocational effectiveness of an Disadvantaged Business Enterprise employees.

“(c) If the Contractor is unable to fill its training and employment needs after giving full consideration to Disadvantaged Business Enterprises as required by this clause, those needs may be satisfied by selection of persons other than Disadvantaged Business Enterprises in accordance with the clause of this contract entitled “Equal Opportunity.”

“(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) The term “disadvantaged business enterprise” shall mean:

“(a) a socially and economically disadvantaged small business concern; or

“(b) a HUBZone small business concern.

“(2) The term “socially and economically disadvantaged small business concern” has the same meaning as under section 637(a)(4)(A) of Title 15. However, for purposes of contracts and subcontracts requiring engineering services the applicable size standard shall be that established for military and aerospace equipment and military weapons.

“(3) The term “HUBZone small business concern” has the same meaning as under section 632(p)(3) of Title 15. However, for purposes of contracts and subcontracts requiring engineering services the applicable size standard shall be that established for military and aerospace equipment and military weapons.”