(1) adopt and use a seal for the Agency, which shall be judicially noticed;

(2) hold hearings, sit and act, and take testimony as the Under Secretary may determine to be necessary or appropriate to carry out this division;

(3) acquire, in any lawful manner, any property that the Under Secretary determines to be necessary or appropriate to carry out this division;

(4) with the consent of another Federal agency, enter into an agreement with that Federal agency to utilize, with or without reimbursement, any service, equipment, personnel, or facility of that Federal agency; and

(5) coordinate with the heads of the Offices of Small and Disadvantaged Business Utilization of Federal agencies.

(b) USE OF PROPERTY.—

(1) IN GENERAL.—Subject to paragraph (2), in carrying out this division, the Under Secretary may, without cost (except for costs of care and handling), allow any public sector entity, or any recipient nonprofit organization, for the purpose of the development of minority business enterprises, to use any real or tangible personal property acquired by the Agency in carrying out this division.

(2) TERMS, CONDITIONS, RESERVATIONS, AND RESTRICTIONS.—The Under Secretary may impose reasonable terms, conditions, reservations, and restrictions upon the use of any property under paragraph (1).

SEC. _____702. FEDERAL ASSISTANCE.

(a) IN GENERAL.—

(1) PROVISION OF FEDERAL ASSISTANCE.—To carry out sections _____101, _____102, and _____103(a), the Under Secretary may provide Federal assistance to public sector entities and private sector entities in the form of grants or cooperative agreements.

(2) NOTICE.—Not later than 120 days after the date on which amounts are appropriated to carry out this section, the Under Secretary shall, in accordance with subsection (b), broadly publish a statement regarding Federal assistance that will, or may, be provided under paragraph (1) during the fiscal year for which those amounts are appropriated, including—

(A) the actual, or anticipated, amount of Federal assistance that will, or may, be made available;

(B) the types of Federal assistance that will, or may, be made available;

(C) the manner in which Federal assistance will be allocated among public sector entities and private sector entities, as applicable; and

(D) the methodology used by the Under Secretary to make allocations under subparagraph (C).

(3) CONSULTATION.—The Under Secretary shall consult with public sector entities and private sector entities, as applicable, in deciding the amounts and types of Federal assistance to make available under paragraph (1).

(b) PUBLICITY.—In carrying out this section, the Under Secretary shall broadly publicize all opportunities for Federal assistance available under this section, including through the means required under section _____116.

SEC. _____703. RECORDKEEPING.

(a) IN GENERAL.—Each recipient of assistance under this division shall keep such records as the Under Secretary shall prescribe, including records that fully disclose, with respect to the assistance received by the recipient under this division—

(1) the amount and nature of that assistance;

(2) the disposition by the recipient of the proceeds of that assistance;

(3) the total cost of the undertaking for which the assistance is given or used;

(4) the amount and nature of the portion of the cost of the undertaking described in paragraph (3) that is supplied by a source other than the Agency; and

(5) any other record that will facilitate an effective audit with respect to the assistance.

(b) ACCESS BY GOVERNMENT OFFICIALS.—The Under Secretary, the Inspector General of the Department of Commerce, and the Comptroller General of the United States, or any duly authorized representative of any such individual, shall have access, for the purpose of audit, investigation, and examination, to any book, document, paper, record, or other material of the Agency or an MBDA Business Center.

SEC. _____704. REVIEW AND REPORT BY COMPTROLLER GENERAL.

Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a thorough review of the programs carried out under this division; and

(2) submit to Congress a detailed report of the findings of the Comptroller General of the United States under the review carried out under paragraph (1), which shall include—

(A) an evaluation of the effectiveness of the programs in achieving the purposes of this division;

(B) a description of any failure by any recipient of assistance under this division to comply with the requirements under this division; and

(C) recommendations for any legislative or administrative action that should be taken to improve the achievement of the purposes of this division.

SEC. _____705. BIANNUAL REPORTS; RECOMMENDATIONS.

(a) BIANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and 90 days after the last day of each odd-numbered year thereafter, the Under Secretary shall submit to Congress, and publish on the website of the Agency, a report of each activity of the Agency carried out under this division during the period covered by the report.

(b) RECOMMENDATIONS.—The Under Secretary shall periodically submit to Congress and the President recommendations for legislation or other actions that the Under Secretary determines to be necessary or appropriate to promote the purposes of this division.

SEC. _____706. SEPARABILITY.

If a provision of this division, or the application of a provision of this division to any person or circumstance, is held by a court of competent jurisdiction to be invalid, that judgment—

(1) shall not affect, impair, or invalidate—

(A) any other provision of this division; or

(B) the application of this division to any other person or circumstance; and

(2) shall be confined in its operation to—

(A) the provision of this division with respect to which the judgment is rendered; or

(B) the application of the provision of this division to each person or circumstance directly involved in the controversy in which the judgment is rendered.

SEC. _____707. EXECUTIVE ORDER 11625.

The powers and duties of the Agency shall be determined—

(1) in accordance with this division and the requirements of this division; and

(2) without regard to Executive Order 11625 (36 Fed. Reg. 19967; relating to prescribing additional arrangements for developing and coordinating a national program for minority business enterprise).

SEC. _____708. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Under Secretary $100,000,000 for each of fiscal years 2021 through 2025 to carry out this division, of which—

(1) a majority shall be used in each such fiscal year to carry out the MBDA Business Center Program under subtitle B of title I, including the component of that program relating to specialty centers; and

(2) $10,000,000 shall be used in each such fiscal year to carry out title III.

SA 2164. Mrs. FISCHER (for herself and Ms. CORTEZ MASTO) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division F, insert the following:

SEC. 60_____. BROADBAND DEPLOYMENT LOCATIONS MAP.

(a) DEFINITIONS.—In this section:

(1) BROADBAND INFRASTRUCTURE.—The term ''broadband infrastructure'' means any cables, fiber optics, wiring, or other permanent (integral to the structure) infrastructure, including wireless infrastructure, that—

(A) is capable of providing access to internet connections in individual locations; and

(B) is an advanced telecommunications capability, as defined in section 706(d) of the Telecommunications Act of 1996 (47 U.S.C. 1302(d)).

(2) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(3) DEPLOYMENT LOCATIONS MAP.—The term ''Deployment Locations Map'' means the mapping tool required to be established under subsection (b).

(b) ESTABLISHMENT OF DEPLOYMENT LOCATIONS MAP.—Not later than 18 months after the date of enactment of this Act, the Commission shall, in consultation with all relevant Federal agencies, establish an online mapping tool to provide a locations overview of the overall geographic footprint of each broadband infrastructure deployment project funded by the Federal Government.

(c) REQUIREMENTS.—The Deployment Locations Map shall be—

(1) the centralized, authoritative source of information on funding made available by the Federal Government for broadband infrastructure deployment in the United States; and

(2) made publicly available on the website of the Commission.

(d) FUNCTIONS.—In establishing the Deployment Locations Map, the Commission shall ensure that the Deployment Locations Map—

(1) compiles data related to Federal funding for broadband infrastructure deployment provided by the Commission, the National Telecommunications and Information Administration, the Department of Agriculture, the Department of Health and Human Services, the Department of the Treasury, the Department of Housing and Urban Development, the Institute of Museum and Library Sciences, and any other Federal agency that provides such data relating to broadband infrastructure deployment funding to the Commission, including funding under—

(A) this Act;
(B) the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136);
(C) the Consolidated Appropriations Act, 2021 (Public Law 116–260);
(D) American Rescue Plan Act of 2021 (Public Law 117–2); or
(E) any Federal amounts appropriated or any Federal program authorized after the date of enactment of this Act to fund broadband infrastructure deployment;
(2) contains data, with respect to each broadband infrastructure deployment program, relating to—
(A) the Federal agency of jurisdiction;
(B) the program title; and
(C) the network type, including wired, terrestrial fixed, wireless, mobile, and satellite broadband infrastructure deployment;
(3) allows users to manipulate the Deployment Locations Map to identify, search, and filter broadband infrastructure deployment projects by—
(A) company name;
(B) duration timeline, including the dates of a project's beginning and ending, or anticipated beginning or ending date;
(C) total number of locations to which a project makes service available; and
(D) relevant download and upload speeds; and
(4) incorporates broadband service availability data as depicted in the Broadband Map created under section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. 642(c)(1)).
(e) PERIODIC UPDATES.—
(1) IN GENERAL.—The Commission shall, in consultation with relevant Federal agencies, ensure the Deployment Locations Map is maintained and up to date on a periodic basis, but not less frequently than once every 180 days.
(2) OTHER FEDERAL AGENCIES.—Each Federal agency providing funding for broadband infrastructure deployment shall report relevant data to the Commission on a periodic basis.
(f) NO EFFECT ON PROGRAMMATIC MISSIONS.—Nothing in this section shall be construed to affect the programmatic missions of Federal agencies providing funding for broadband infrastructure development.
(g) NONDUPLICATION.—The requirements in this section shall be consistent with and avoid duplication with the provisions of section 903 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260).
(h) FUNDING.—Of the amounts appropriated to carry out this division under this Act, $10,000,000 shall be made available to carry out this section.

SA 2165. Mr. WARNOCK submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division C, insert the following:

SEC. 30_____. HELPING OBTAIN PROSPERITY FOR EVERYONE PROGRAM.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5307 the following:

"§ 5308. Helping Obtain Prosperity for Everyone program

''(a) DEFINITIONS.—In this section:

''(1) AREA OF PERSISTENT POVERTY.—The term 'area of persistent poverty' means—

''(A) a county that has consistently had greater than or equal to 20 percent of the population living in poverty during the most recent 30-year period for which data is available, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates, as estimated by the Bureau of the Census;

''(B) a census tract with a poverty rate of at least 20 percent as measured by the most recent 5-year data series available from the American Community Survey of the Bureau of the Census for all States and Puerto Rico; or

''(C) any other territory or possession of the United States of which at least 20 percent of the population has consistently lived in poverty over the most recent 30-year period for which data is available, as measured by the 1990, 2000, and 2010 decennial censuses or equivalent data of the Bureau of the Census.

''(2) COVERED PROJECT.—The term 'covered project' means any project eligible under this chapter carried out by an eligible entity that would serve an area of persistent poverty.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means an eligible recipient or subrecipient under section 5307, 5310, or 5311 that seeks to carry out a covered project.

''(4) PROGRAM.—The term 'program' means the Helping Obtain Prosperity for Everyone program established under subsection (b).

''(b) ESTABLISHMENT.—The Secretary shall carry out a program, to be known as the 'Helping Obtain Prosperity for Everyone' program, to award grants to eligible entities—

''(1) to carry out planning or engineering work for covered projects, which may include studies or analyses to assess the transit needs of an area of persistent poverty; and

''(2) to develop technical or financing plans for covered projects.

''(c) APPLICATION.—An eligible entity seeking a grant under the program, or a State department of transportation acting on behalf of an eligible entity seeking a grant under the program, shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(d) FEDERAL SHARE.—The Federal share of the cost of an activity described in subsection (b) shall be not less than 90 percent.

''(e) OUTREACH.—Not later than 1 year after the date on which the Secretary establishes the program, the Secretary shall conduct outreach, including through personal contact, webinars, online materials, and other appropriate methods determined by the Secretary, to eligible entities with respect to grant opportunities under the program.

''(f) PARTNERSHIPS.—

''(1) IN GENERAL.—The recipient of a grant under the program may enter into a partnership with a nonprofit organization or other entity to assist the recipient in carrying out the activities described in subsection (b).

''(2) ENCOURAGEMENT.—The Secretary shall encourage recipients of grants under the program to enter into partnerships with nonprofit organizations that could assist the recipient in ensuring that a covered project results in lower emissions or no emissions.

''(g) RURAL AREAS.—Of the amounts made available to carry out the program each fiscal year, the Secretary shall ensure that not less than 20 percent is used to carry out covered projects in rural areas.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal year 2022 through 2026.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5307 the following:

''5308. Helping Obtain Prosperity for Everyone program.''.

SA 2166. Mr. WARNOCK submitted an amendment intended to be proposed by him to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 30005, add at the end the following:

(c) COMMUTER OR DESTINATION-BASED BUS RAPID TRANSIT PROJECTS.—Section 5309 of title 49, United States Code, is amended—

(1) in subsection (a) (as amended by subsection (a))—

(A) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7);

(B) by inserting after paragraph (1) the following:

''(2) COMMUTER OR DESTINATION-BASED BUS RAPID TRANSIT PROJECT.—The term 'commuter or destination-based bus rapid transit project' means a small start project utilizing buses—

''(A) in which the project represents a substantial investment in a defined corridor, as demonstrated by features that emulate the services provided by commuter rail or other rail fixed guideway public transportation systems, including—

''(i) defined stations;

''(ii) traffic signal or access to managed lanes for public transportation vehicles;

''(iii) short headway services for a substantial part of weekdays; and

''(iv) any other features the Secretary may determine support a long-term corridor investment; and

''(B) in which—

''(i) the majority of the project does not operate in a separated right-of-way dedicated for public transportation use during peak periods; and

''(ii) a substantial portion of the project operates in a highway right-of-way.'';

(2) in subsection (h), by adding at the end the following:

''(8) COMMUTER OR DESTINATION-BASED BUS RAPID TRANSIT PROJECT RATINGS.—In issuing policy guidance under subsection (g)(5), the Secretary may establish alternative evaluation criteria for commuter or destination-based bus rapid transit projects for—

''(A) economic development effects associated with those projects; or

''(B) policies and land use patterns that support public transportation.''; and

(3) in subsection (m), by adding at the end the following:

''(3) COST OF CARRYING OUT PLANNING AND ACTIVITIES REQUIRED UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—

''(A) IN GENERAL.—Subject to subparagraph (B), the cost of carrying out the planning and activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including planning and activities carried out prior to a project entering into the project development phase, shall be counted toward the net capital project cost for purposes of paragraph (1).

''(B) GUIDANCE.—The Secretary shall provide guidance to applicants on the costs of planning and activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that are eligible to be counted under subparagraph (A).''.