§ 47113. Minority and disadvantaged business participation

(a) Definitions.— In this section—

(1) “small business concern”—

(A) has the same meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632); but

(B) does not include a concern, or group of concerns controlled by the same socially and economically disadvantaged individual, that has average annual gross receipts over the prior 3 fiscal years of more than $16,015,000, as adjusted by the Secretary of Transportation for inflation;

(2) “socially and economically disadvantaged individual” has the same meaning given that term in section 8(d) of the Act (15 U.S.C. 637(d)) and relevant subcontracting regulations prescribed under section 8(d), except that women are presumed to be socially and economically disadvantaged; and

(3) the term “qualified HUBZone small business concern” has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o)).

(b) General Requirement.— Except to the extent the Secretary decides otherwise, at least 10 percent of amounts available in a fiscal year under section 48103 of this title shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals or qualified HUBZone small business concerns.

(c) Uniform Criteria.— The Secretary shall establish minimum uniform criteria for State governments and airport sponsors to use in certifying whether a small business concern qualifies under this section. The criteria shall include on-site visits, personal interviews, licenses, analyses of stock ownership and bonding capacity, listings of equipment and work completed, resumes of principal owners, financial capacity, and type of work preferred.

(d) Surveys and Lists.— Each State or airport sponsor annually shall survey and compile a list of small business concerns referred to in subsection (b) of this section and the location of each concern in the State.
In subsection (a)(1)(B), the words “or individuals” are omitted because of 1:1.

In subsection (a)(2), the reference is to section 8(c) of the Act because 15:637(d) was redesignated as 15:637(c) by section 3 of the Women’s Business Development Act of 1991 (Public Law 102–191, 105 Stat. 1591).

In subsection (b), the words “beginning after September 30, 1987” are omitted as obsolete.

**Pub. L. 103–429**

This amends 49:47113(a)(2) to correct erroneous cross-references.

**Amendments**


Subsec. (b). Pub. L. 105–135, § 604(h)(2)(B), inserted “or qualified HUBZone small business concerns” before period at end.

1994—Subsec. (a)(2). Pub. L. 103–429 substituted “8(d)” for “8(c)” in two places and “637(d))” for “637(c))”.

**Effective Date of 1997 Amendment**


**Effective Date of 1994 Amendment**