§ 47112. CARrying out airport development projects

(a) CONSTRUCTION WORK.—The Secretary of Transportation may inspect and approve construction work for an airport development project carried out under a grant agreement under this subchapter. The construction work shall require the sponsor to make necessary cost and progress reports on the project. The regulations may amend or modify a contract related to the work and in the invitation for those bids.

(b) PREVAILING WAGES.—A contract for more than $2,000 involving labor for an airport development project carried out under a grant agreement under this subchapter must require contractors to pay labor minimum wage rates as determined by the Secretary of Labor under sections 3141–3144, 3146, and 3147 of title 40. The minimum rates must be included in the bids for the work and in the invitation for those bids.

(c) VETERANS’ PREFERENCE.—(1) In this subsection—

(A) “disabled veteran” has the same meaning given that term in section 2108 of title 5.

(B) “Vietnam-era veteran” means an individual who served on active duty (as defined in section 101 of title 38) in the armed forces for more than 180 consecutive days, any part of which occurred after August 4, 1964, and before May 8, 1975, and who was separated from the armed forces under honorable conditions.

(2) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must require that preference in the employment of labor (except in executive, administrative, and supervisory positions) be given to Vietnam-era veterans and disabled veterans when they are available and qualified for the employment.


§ 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) 1).

(b) GENERAL REQUIREMENT.—Except to the extent the Secretary decides otherwise, at least 10 percent of amounts available in a fiscal year under section 4813 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.

1 So in original. Probably should be “632(o).”
(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.


HISTORICAL AND REVISION NOTES

Pub. L. 103–272

<table>
<thead>
<tr>
<th>Revised Section</th>
<th>Source (U.S. Code)</th>
<th>Source (Statutes at Large)</th>
</tr>
</thead>
<tbody>
<tr>
<td>47113(b) .......</td>
<td>49 App. 2204(d)(1).</td>
<td></td>
</tr>
<tr>
<td>47113(c) .......</td>
<td>49 App. 2204(d)(4).</td>
<td></td>
</tr>
<tr>
<td>47113(d) .......</td>
<td>49 App. 2204(d)(3).</td>
<td></td>
</tr>
</tbody>
</table>

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


§ 47114. Apportionments

(a) DEFINITION.—In this section, “amount subject to apportionment” means the amount newly made available under section 48103 of this title for a fiscal year.

(b) APPORTIONMENT DATE.—On the first day of each fiscal year, the Secretary of Transpor-